

Opinion No. [30-24]

March 20, 1930

BY: J. A. MILLER, Assistant Attorney General

TO: Mr. Russell Cooper, Deming, New Mexico.

ELECTIONS -- No absent voters privilege in municipal election.

§ 41-333, Code 1929.

OPINION

In answer to yours of the 17th inst. in which you say you are a candidate on the People's ticket for the coming city election and ask whether or not the provisions of the election code as to absent voters can be made applicable, you are advised as follows:

We find no provision in the statute for an official ballot in municipal elections in consequence of which the provisions as to absent voters and absentee ballots cannot be made applicable.

If you will examine sections 41-333 and the following, of the 1929 Codification, you will note that registered electors expecting to be absent on the day of election may apply to the County Clerk for an official ballot and that the ballot thus furnished him is the ballot he may use in voting as an absent voter. As there is no provision for an official ballot to be filed with the county clerk, such clerk could not, of course, furnish the applicant with a ballot, This probably is a place in which the election laws might be improved.