

Opinion No. [30-55]

October 27, 1930

TO: Office of the Attorney General of New Mexico

ELECTIONS -- Absent voters to be sent all questions to be submitted.

§ 41-334, Code 1929.

OPINION

I have your request for an opinion as to whether or not constitutional amendments and "other questions", -- with special reference to the tobacco tax referendum, -- should be sent out to absent voters by the various county clerks along with the official ballot.

In reply thereto I beg to call your attention to the provisions of § 41-334 of the Code of 1929, wherein it is specifically provided that upon the receipt of an application for absent voter's ballot the county clerk shall immediately file the same and mail or deliver one official ballot, as requested in said application, and, that "if there be other questions submitted at such election, one ballot for each of the same * * *."

It is, therefore, clear from the foregoing that it is mandatory upon the clerks to include constitutional amendment ballots and tobacco tax referendum ballots when they send out regular official ballots to absentee voters.