

**Opinion No. 36-1358**

May 1, 1936

**BY:** FRANK H. PATTON, Attorney General

**TO:** Hon. David W. Carmody, Assistant District Attorney, Santa Fe, New Mexico.

{\*117} Your letter, dated April 29, 1936, requesting our opinion relative to Section 2, Chapter 147, Laws of 1935, is hereby acknowledged.

It is our opinion that it is mandatory upon the Board of County Commissioners to divide into voting districts precincts wherein more than 400 votes were cast at a single polling place at the last general election.

It is further our opinion that if more than 400 votes were cast in each of two election districts in the same precinct then a third election district shall be created in said precinct. However, if more than 400 votes were cast in each of two adjoining precincts, we find no provision in the law to create a third polling place composed partially of each of the two precincts, but in such instances two separate polling places should be created in each of said precincts.

By EDWARD P. CHASE,

Asst. Atty. General