

Opinion No. 38-1984

June 27, 1938

BY: FRANK H. PATTON, Attorney General

TO: Mr. R. B. Clear Justice of the Peace Precinct No. 12, Dona Ana County Hatch, New Mexico

{*244} Section 2 of Chapter 71 of the Laws of 1937 to which you call my attention in your request for an opinion provides that ballots for justices of the peace shall be provided and furnished as are other ballots and shall be distributed in the same manner and at the same time as distribution is made of other ballots for the general election.

The first section provides that a justice of the peace and constable shall be elected at the general election "in the manner now provided by law for the election of state and county officers."

The last provision above referred to may be interpreted to require the filing of nominations with the county clerk by the political parties within {*245} the time and in the manner required for the filing of certificates of nominations for county officers. It is not made clear whether this requirement was contemplated. However, in view of the fact that the second section requires the distribution of the ballots "in the same manner and at the same times as distribution is made of other ballots," the only safe thing to do is to have certificates of nomination by the political party filed with the clerk not less than twenty days previous to the general election as provided by Section 41-302 of the 1929 Compilation.

There is no provision as to the manner in which they may be nominated, and could probably be nominated at the primary when the delegates are selected if that purpose is included in the call, or they may be nominated at a separate primary meeting. As I say, there is no provision governing that matter.

Necessarily the ballots for justice of the peace and constables must be separate from the ballots for state and county elections.

By: A. M. FERNANDEZ,

Asst. Atty. Gen.