

**Opinion No. 44-4495**

April 11, 1944

**BY:** EDWARD P. CHASE, Attorney General

**TO:** Mr. Felix Ramey, County Clerk, Carrizozo, New Mexico

W. T. Scoggin, Jr., District Attorney, called me and requested that I write an opinion to you relative to creation of new precincts by the county commissioners.

According to my information, the County Commissioners of Lincoln County established a new precinct at Fort Stanton, with the exterior boundaries of the government-owned reservation as the boundaries of the precinct, and that this was done based upon the petition of residents at Fort Stanton, in order to accommodate them.

There seems to be a question whether the creation of the new precinct is legal. Section 15-3515 to 3518 set out the procedure for creating new precincts, and are only limited by the provisions of Section 56-201, which limits changing of precincts within five months of a general election. If the commissioners followed the procedure set forth under the above mentioned sections, I believe the creation of the precinct would be valid. There may be a legal question concerning the right of patients and employees at the government hospital to register and vote, if the government acquired exclusive jurisdiction of the territory at Fort Stanton. However, since that question has not been raised I shall not attempt to express any opinion regarding the same.

By C. C. McCULLOH,

First Asst. Atty. General