

Opinion No. 44-4534

June 27, 1944

BY: EDWARD P. CHASE, Attorney General

TO: Mr. Claron E. Waggoner, District Attorney, Socorro, New Mexico

In your letter dated June 21, 1944, you inquire whether the County Clerk pays the cost of publication of the Primary Election Proclamation.

Section 56-808 of the 1943 Pocket Supplement to the N.M. Statutes Annotated, 1941 Compilation, provides that the Proclamation shall be published for five consecutive days in at least four daily newspapers. This publication is presumed to be made by the Secretary of State, and is to be paid by that office. The section then further provides that upon receipt of the Proclamation each County Clerk shall cause the same to be published in a newspaper of said county once a week for two consecutive weeks.

Section 56-810 of the 1941 Compilation provides that the Secretary of State shall distribute all moneys received from filing fees to the various counties, and such funds shall be used for the Primary Election Fund. The publication required to be made by County Clerks should be paid for out of the County Fund provided for in this section, and the Secretary of State would only be required to pay for the publication made by that office.

By C. C. McCULLOH,

First Asst. Atty. General