

**Opinion No. 44-4609**

November 3, 1944

**BY:** C. C. McCULLOH, Attorney General

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

I have your letter of November 2, 1944, wherein you ask whether there is any provision under our statutes which would prohibit a candidate for State, District or County office from being named a party watcher and to act as such on election day during the counting of the ballots.

Section 56-342 of the N.M. 1941 Compilation provides for the appointment of watchers by the County Chairman of each political party represented on the official ballot.

Section 56-316 provides the qualifications for election and counting officers. This section, however, only provides insofar as challengers and watchers are concerned, that they shall be legal residents of the precinct wherein the election at which they serve is held. The other qualifications and restrictions concerning election officials contained in this section are not applicable to watchers, and therefore this section, nor any other provision of our statute, so far as I can ascertain, prohibits a candidate for any office from being named a party watcher, and to act as such on election day during the counting of the ballots.

By HARRY L. BIGBEE,

Asst. Atty. General