

**Opinion No. 46-4881**

March 14, 1946

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

**TO:** Mr. C. R. Sebastian State Comptroller Santa Fe, New Mexico

{\*208} We are in receipt of your letter and the enclosed letter from the Acting Clerk of the Village of Folsom, in which he states that due to the fact that there is no opposition to the incumbent officers, they do not plan to hold an election this year. You ask our opinion as to whether a municipality may forego an election.

Your attention is directed to Section 14-1303 of the 1941 Compilation, which requires the trustees or council of every municipal corporation to appoint judges and clerks of municipal elections to direct the place or places for holding such elections, and provides that election for municipal officers shall, in all respects, be held and conducted in the manner prescribed for county elections. This section also requires the Mayor to issue and publish a proclamation of the election.

{\*209} In view of the foregoing, it is my opinion that a municipality may not forego an election, even though there is no opposition to the present office holders.

By ROBERT W. WARD,

Asst. Atty. General