

Opinion No. 52-5478

January 23, 1952

BY: JOE L. MARTINEZ, Attorney General

TO: Mrs. Beatrice B. Roach Secretary of State Santa Fe, New Mexico

{*194} This is in reply to your letter of October 25, 1951, in which you ask for clarification of an apparent inconsistency between § 56-902 and § 56-802(a) of the New Mexico Statutes Annotated, concerning our election laws.

§ 56-902 deals with the mode of obtaining a place on general election ballots for political parties of their candidates for state and federal offices. § 56-802(a) has to do with the naming of candidates for a place on primary election ballots. There is no basic conflict between these sections. § 56-902 is still in effect and necessary for it prescribes the manner whereby minority parties not subject to our primary laws may obtain a place on the ballot for their candidates. § 56-802(a) has no application to the minor political parties not covered by our primary law. § 56-804 N.M.S.A., sets forth the applicability of our primary election statutes. It provides that 'this act shall apply to all political parties for any of whose candidates there was cast at the last general election held preceding the time of the holding of such primary election, as many as 15 per centum of the total number of votes cast for the candidates for governor by all parties at such preceding general election.' As a practical matter this limits the application of the primary laws to the Democratic and Republican parties only. All other parties may obtain a place on the ballot by following the convention method outlined by § 56-902.

I trust that this will answer your inquiry fully.