

Opinion No. 52-5507

March 10, 1952

BY: JOE L. MARTINEZ, Attorney General

TO: Honorable John B. Wright District Attorney Raton, New Mexico

{*219} This will confirm your telephone conversation of this morning with my assistant Mr. Rubio concerning your wire of March 8th, in which you requested an opinion as to the number of signatures necessary on nominating petitions for State Senator from Union County.

Chapter 180 of the New Mexico Session Laws of 1951, entitled "An Act Relating to Primary Elections" in Sec. 1 specifically excepts State legislative and judicial officers from the pre-primary election law. The pertinent part of Section 56-809 of the 1941 Compilation, Pocket Supplement, under the heading "Nominating Petition" reads as follows:

"If for precinct offices, such nominating petition shall be signed by at least five (5) qualified electors of the precinct in which such declarant is a candidate. If for county offices, the same shall be signed by at least twenty-five (25) qualified electors of the county wherein such declarant is seeking nomination. If for judicial district or legislative offices in districts comprising a less area than the state at large, such petition shall be signed by at least fifty (50) qualified electors of the district, whether said district is comprised of one county or more than one county."

This statute is mandatory and since this office has previously held that a State Senator is a State Officer and that now each county is entitled to its State Senator except Los Alamos County, it is my opinion that the State Senator from Union County has to {*220} have not less than fifty names of qualified electors of Union County on his nominating petitions for State Senator.

I trust that this fully answers your inquiry.