

Opinion No. 52-5502

March 4, 1952

BY: JOE L. MARTINEZ, Attorney General

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

{*216} This letter is supplementary to the opinion rendered in reply to your inquiry of January 30, 1952, in regard to various questions which you had concerning the application of certain provisions of the primary election laws.

In the opinion rendered you on February 5th, 1952, you were advised that in the absence of any patent discrepancies between the name of the candidate as it appears on the nominating petitions and in the way it appears on his declaration of candidacy that the petitions are to be accepted. You were also advised that the name to be placed on the primary ballot is to be the same as it appears on the declaration of candidacy. The basic reason for this holding was that custom and past practice have followed it and in the absence of specific statute to the contrary may properly be deemed to be the law.

You raise a similar question with regard to the name to be placed on the ballot in the case of candidates designated by convention. It is my opinion that the style of the name to be placed on the ballot should be as it appears on the candidate's acceptance of designation as filed with your office.

The filing of acceptance of designation is quite analogous to the filing of declaration of candidacy and the same reasoning would require the name to be placed on the ballot in either instance as filed by the candidate.