

Opinion No. 54-6008

September 2, 1954

BY: RICHARD H. ROBINSON, Attorney General

TO: Mr. Donald B. Moses Assistant District Attorney Second Floor Court House
Albuquerque, New Mexico

{*472} In your letter dated August 18, 1954 you inquire as to the order in which candidates for the State Legislature should be placed upon the ballot to be used in the General Election, since the statute does not seem to be specific on this question and there seems to be a difference of opinion among the candidates concerning the order in which the names should be placed upon the ballot.

Section 56-815, 1941 Compilation, p.s., provides that upon completion of the county canvass, the county canvassing board shall certify to the county clerk the name of each person nominated by each political party as its candidate for each precinct or county office to be filled at the ensuing General Election. The same section requires the State Canvassing Board in like manner to certify to {*473} the county clerk of each county situate within a voting district comprising more than one county the name of each person who shall have been nominated in said primary by each of the political parties as a candidate for each of the offices to be filled at the ensuing General Election. Following the foregoing provisions, this language appears:

"And the county clerk, upon the official ballots to be cast at the ensuing general election, shall place the names, so certified to him as aforesaid, as candidates for the respective offices and of the respective parties as shown in said certificates."

Although this language is not entirely clear, it is our opinion that it is sufficient and was intended to direct the county clerk to place the names of candidates upon the ballots for the General Election in the same order as they were certified to the county clerk by the respective canvassing boards.

By: C. C. McCulloh

Assist. Attorney General