

Opinion No. 72-49

September 13, 1972

BY: OPINION OF DAVID L. NORVELL, Attorney General Oliver E. Payne, Deputy Attorney General

TO: Honorable Bruce King, Governor, Santa Fe, New Mexico

QUESTIONS

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1. Does the Governor fill vacancies in the Office of District Attorney?
2. Which Central Committee of the Democratic political party, state or county, is to file the name of its nominee for the Office of District Attorney in the Second Judicial District?

CONCLUSIONS

1. Yes.
2. County Central Committee.

OPINION

{*79} ANALYSIS

The Governor fills any vacancy in the {*80} Office of District Attorney. Article XX, Section 4, New Mexico Constitution, provides:

"If a vacancy occur in the office of district attorney . . . the governor shall fill such vacancy by appointment, and such appointee shall hold such office until the next general election. His successor shall be chosen at such election and shall hold his office until the expiration of the original term."

Section 3-8-8A., N.M.S.A., 1953 Compilation provides the answer to your second question. That provision reads as follows:

"If after a primary election a vacancy occurs, for any cause, in the list of nominees of a qualified political party for any public office to be filled in the general election, the central committee of the political party, **state or county as the case may be**, may fill the vacancy by filing the name of its nominee for the office with the proper filing officer."
(Emphasis added.)

If the judicial district is a multi-county one, the State Central Committee names the nominee as it recently did in the Fifth Judicial District. If the Judicial District is composed of a single county, as the Second Judicial District now is, there can be no question but that the nominee is to be selected by the County Central Committee. Any other conclusion would render a portion of the above quoted statute meaningless. Statutes are not construed in such a manner. **Cromer v. J. W. Jones Construction Co.**, 79 N.M. 179, 441 P.2d 219.