

Opinion No. 22-3236

January 17, 1922

BY: HARRY S. BOWMAN, Attorney General

TO: Mr. Will P. Lapoint, Las Cruces Citizen, Las Cruces, New Mexico.

Publication Proclamation for Election for Road and Bridge Bonds.

OPINION

{*112} In reply to your letter of the 8th instant asking whether the proclamation calling for an election to pass upon the issuance of bonds for the building of bridges and roads in Dona Ana County should be published in Spanish in a Spanish paper, and also asking if the entire verbatim proceedings of the Board of County Commissioners must be published, exactly as recorded by the county clerk, I wish to advise:

In reply to the first inquiry, I call your attention to Section 2685, Code 1915, which provides for the publishing of the notices of such an election once a week for four successive weeks.

There is nothing in any of the publication laws which requires such a publication to be published in Spanish, although there are other classes of publications which are specifically required to be published in that language.

By omitting a specific requirement for the publication of such notices in Spanish, it would appear as if it was the intent of the legislature that such notices need not be so published.

The publication of the proceedings of Boards of County Commissioners is required by Section 1195, Code 1915, in the following language:

"The proceedings of the several boards of county commissioners shall be published within twenty days after each meeting in some newspaper of general circulation, in the county in which such meeting is held, in English, such publication to be made but once."

Section 4648, Code 1915, as amended by Chapter 72, Laws 1919, has a requirement to the same effect, except that the amendment {*113} provides for the publication in the Spanish language under some conditions.

Nowhere does it appear as to just exactly what the publication shall consist of.

It would appear, therefore, as if the Boards of County Commissioners would have a discretion in what should be contained in the publication, being bound always to make

the publication contain sufficient information to show what proceedings were taken by the Board.

Of course, in most cases, the best method would be to publish the proceedings as they were recorded by the clerk.