

**Opinion No. [30-20]**

September 30, 1930

**TO:** Office of the Attorney General of New Mexico

ELECTIONS -- Notice required.

**OPINION**

I have been requested to advise you as to whether or not you are required to publish notice of an election to be held on November 4, 1930, or to publish notice of constitutional amendments or other questions to be submitted to the electorate on such date.

I find no provision in the election code for the publishing of notices by the Secretary of State. There is, however, the constitutional requirements relative to amendments, contained in Article, 19 Section 1 of the Constitution of New Mexico. You will note the requirement there that "the Secretary of State shall cause any such amendment of amendments to be published in at least one newspaper in every county of the state where a newspaper is published, once each week for four consecutive weeks in English and Spanish when newspapers in both of said languages are published in such counties the last publication to be not more than two weeks prior to the election. ."

Your duties are fulfilled when you have certified party emblems, names of candidates, etc., and have furnished ballots and supplies as required by the several sections of the statute.

As to the law taxing tobacco to be submitted and a sample ballot for which you have furnished us I find the ballot to be in sufficient form. The special statutory requirements relative to elections on constitutional amendments and other questions are to be found in sections 41-401 and following. You will note in section 41-403 that it is the duty of the Secretary of State to provide printed ballots for the use of the electors in such cases and to transmit the same to the county clerks who are to deliver them to the election officers as election supplies are delivered. You will note also section 21-404 that a proposed constitutional amendment or "other question" to be submitted must be certified by you to the county clerks and that the board of county commissioners in each county **shall include the same in the proclamation to be issued** as provided in the act. The proclamation referred to is the "notice of election" provided for in section 41-301 and you will note with reference to that notice of election which is to be given by the board of county commissioners it appears to be discretionary with the board of county commissioners as to whether it shall be printed in English only or in English and Spanish. Note the last words of the section "where the board of county commissioners deems it expedient such notice shall be printed in English and Spanish."