

Opinion No. 38-1973

June 13, 1938

BY: FRANK H. PATTON, Attorney General,

TO: Mr. E. C. Hollinger Administrative Officer New Mexico State Soil Conservation Committee State College, New Mexico

{*241} In your recent letter you asked. with reference to who may vote under Section 5, Sub-sections A and C, of Chapter 219, Session Laws of 1937, the Soil Conservation Act:

- "1. Could the manager or authorized attorney of a firm sign a petition or vote?
- "2. Could the individual members of a firm that owns land sign a petition or vote?
- "3. Could the manager or an authorized attorney of a corporation vote?
- "4. Could stockholders in a corporation that owns land vote?"

If in questions 1 and 2 you refer to a partnership, copartnership, or other business association not incorporated, then my answer is "No" to the first question and "Yes" to the second question. In other words, in this state land is usually owned by a partnership as such or by the individual members as such, and the partnership ordinarily acts through its members with respect to real estate. Hence one member may sign petitions and vote for the partnership, or, if the land is held in their individual names as partners, then each partner is entitled to sign the petition and to vote.

As to question No. 3: The board of directors is the governing entity of a corporation and they may authorize the manager, their attorney, or any other officer of the corporation to sign petitions and to cast the corporation's vote.

As to question No. 4: Stockholders own an interest in the corporation, but not in the land owned by the corporation, and, therefore, they cannot sign the petition and they cannot vote.

As stated in our Opinion No. 1933 of April 14, 1938, the only qualifications prescribed are that the voters and petitioners be land owners.

By: A. M. FERNANDEZ,

Asst. Atty. Gen.