

Opinion No. 41-3747

March 25, 1941

BY: EDWARD P. CHASE, Attorney General

TO: Mr. E. F. Redding, Acting Extension Soil Conservationist State College, New Mexico

{*49} This will acknowledge receipt of your letter dated March 22, 1941, in which you request an opinion from this office as to who may vote in Soil Conservation District elections.

Sub-section C, Section 5, Chapter 219, Laws of 1937, provides that:

"All owners of lands lying within the boundaries of the territory, as determined by the State soil conservation committee, shall be eligible to vote in such referendum. Only such land owners shall be eligible to vote."

In view of this provision, I am of the opinion that any land owner, whether his tract is large or small, if the proposed soil conservation district includes all or any part of that tract, has a right to vote in the referendum election as to whether or not he desires to participate in the district program. The fact that the tract will be used entirely for non-agricultural purposes would not affect the land owners right to participate.

Trusting that the foregoing sufficiently answers your question, I am

By Geo. H. Hunker, Jr.

Asst. Atty. General