

**Opinion No. 42-4160**

September 25, 1942

**BY:** EDWARD P. CHASE, Attorney General

**TO:** Mr. George S. Valliant Valliant Printing Company 613-615 West Gold Avenue  
Albuquerque, New Mexico

{\*255} Although we are not authorized to render official opinions to others than public departments and officials, we believe that the question which you have submitted relating to whether or not ballots should be printed for justice of the peace and constable elections in the different precincts where there is no candidate for either justice of the peace or constable on any ticket is of sufficient importance that we are making an exception to this rule and submit an official opinion on this question, a copy of which has been forwarded to the District Attorney's office. We suggest that in the future you make such requests through the District Attorney's office.

Section 1, Chapter 71, New Mexico Session Laws of 1937, provides in part as follows:

"That at each general election there shall be elected in each precinct one justice of the peace and one constable in the manner now provided by law for the election of state and county officers, \* \* \*."

Section 2, Chapter 71, Laws of 1937, further provides:

"Ballots containing the names of candidates for justices of the peace and constables, and placed on such ballots in separate columns according to political parties, shall be provided and furnished as are other ballots for other county officers and shall be distributed to the various and proper precincts in the same manner and at the same times as distribution is made of other ballots used in such general elections."

In view of the fact that it is possible to write in names of candidates at the general election, and in view of the specific provision above quoted wherein it is stated that such officers shall be elected in each precinct, and also the provision stating that ballots shall be provided and furnished, it is my opinion that when no candidates have been chosen that the ballots should be printed, leaving a place to write in names of candidates the voters may choose.

By HARRY L. BIGBEE,

Asst. Atty. General