

Opinion No. 44-4442

January 24, 1944

BY: EDWARD P. CHASE, Attorney General

TO: Mr. John C. Peck, County Clerk, Roswell, New Mexico

In your letter dated January 20, 1944, you request an opinion relative to Section 56-812 of the 1941 Compilation, as amended by Chapter 86, Laws of 1943.

Although this office does not ordinarily render official opinions to anyone except state and district officials, I shall advise you on this matter due to the importance of the same throughout the state.

The section above mentioned provides for the appointment of three election judges for each precinct, in connection with primary elections. You are wondering whether judges and other election officials should be appointed for each election district where there are more than one election district in a precinct. Section 56-813 of the 1941 Compilation provides that the primary election shall be held in the same manner as provided for general elections and shall, in all respects, conform to the laws governing general elections not in conflict with the primary law. Under the general election law, with particular reference to election judges (Section 56-315, 1941 Compilation), it is provided that three judges of election shall be appointed for each precinct and election district.

In view of the fact that the general law is sufficient to supply an omission in the primary law I am of the opinion that the primary law should be considered as requiring the appointment of judges and other election officials for each precinct and election district.

By C. C. McCULLOH,

First Asst. Atty. General