

Attorney General of New Mexico



HAL STRATTON
Attorney General

P.O. Drawer 1508
Santa Fe, New Mexico 87504
505-827-6000

JAMES O. BROWNING
STEPHEN WESTHEIMER
Deputy Attorneys General

January 19, 1987

OPINION OF
OF
HAL STRATTON
Attorney General

Opinion No. 87-01

By: James O. Browning
Deputy Attorney General

Carolyn A. Wolf
Assistant Attorney General

To: Ms. Paula Tackett
Legislative Council Service
State Capitol
Santa Fe, New Mexico 87503

QUESTION:

May the Lieutenant Governor vote in the case of a tie in the election of president pro tempore?

CONCLUSION:

Yes

ANALYSIS:

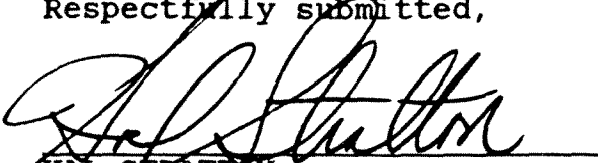
New Mexico Const. Art. V, §8 states:

The lieutenant governor shall be president of the senate, but shall vote only when the senate is equally divided.

Opinion No. 87-01
January 19, 1987
Page -4-

Const. Art. V., §8 is an express exception to the separation of powers doctrine.

Respectfully submitted,



HAL STRATTON
Attorney General