

Opinion No. 52-5488

February 8, 1952

BY: JOE L. MARTINEZ, Attorney General

TO: Mr. Sam Maestas, Chairman Mora County Board of County Commissioners Mora, New Mexico

{*204} This is in reply to your inquiry concerning the legality of the appointment of a substitute teacher by the Board of County Commissioners to serve upon the Board of Registration.

Let me point out that Section 56-316 New Mexico Statutes Annotated states, and I quote:

"No member of any board of education, school superintendent, teacher, or other employee of any school district, or sheriff, deputy sheriff, constable, policeman, marshal, deputy marshal, state policeman, . . . shall serve upon any board of registration, or as election judge, or clerk, or counting judge or clerk, or as a challenger in any election."

In the instant case you inquire about a substitute teacher. In my opinion an active substitute teacher would also be barred from serving as an election official since he is a teacher within the contemplation of the law. If the substitute teacher has accepted employment and pay from the county school board within the last year and contemplates accepting employment and pay from the county school {*205} board in the future in my opinion he is a teacher within the prohibitions of the election laws.

I trust that this will answer your inquiry fully.