

Opinion No. 14-1189

March 17, 1914

BY: FRANK W. CLANCY, Attorney General

TO: Mr. Cleofes Romero, Estancia, New Mexico.

SCHOOLS.

Procedure for holding election for establishment of county high schools.

OPINION

{*45} I have received your letter of yesterday asking for opinion and information about elections for the establishment of county high schools. The law on this subject is to be found in Chapter 57 of the {*46} Laws of 1912 and Chapter 20 of the Laws of 1913. The first act in 1912 provided for the establishment of county high schools only in counties having a population of 5000 or more, as shown by the last Federal census, but the act of 1913 amended this so as to leave out the restriction as to population.

Section 7 of the act of 1912 contained a proviso that only one county high school should be established in any county in any one year, but this also was amended so as to leave out that restriction.

Section 2 of the act of 1912 is the one which provides how the question shall be raised and how it shall be decided. It requires a petition to the county commissioners signed by not less than one-fifth of the electors of the county, including women, qualified to vote, asking the board that an election be called to determine the question of establishing a county high school at a place named in the petition. Upon the presentation of such a petition it is the duty of the board of county commissioners to call an election to be held not less than thirty days thereafter. It would not, under these provisions, be possible to hold an election for two places, but there must be an election for each place named in each petition presented.

If the county cannot afford to maintain two county high schools, I suppose the result would be that at the first election as to one place, all those who favored the other place would vote against the establishment of the high school at the first election and when the second election arrived, all of those who favored the place voted upon at the first election would vote against the second one. I do not see any way for you to avoid a fight, unless you agree that there should be two high schools. The statutes provide for a special additional levy to maintain the county high schools not to exceed two mills on the dollar. You can readily make an estimate as to whether two mills on the dollar would be sufficient to maintain two such schools in your county.

Other matters of detail as to the election and as to the maintenance of the county high schools you will find clearly set out in the statutes referred to, copies of which you can, of course, readily find in Estancia in the county offices and in the office of your justice of the peace.