

Opinion No. 20-2499

February 26, 1920

BY: N. D. MEYER, Assistant Attorney General

TO: Mr. Bernard Jacobson, Mayor, Belen, New Mexico.

Election Board of School Directors in Newly Incorporated Village.

OPINION

This office is in receipt of your letter of February 21st. From your letter I take it that Belen has recently been incorporated, and that now it becomes necessary to comply with the law providing for a municipal school board of five members. If I am correct in this assumption, the rural board of school directors was automatically dissolved and immediately a vacancy in the board of education of the town of Belen obtained. In such event, it becomes necessary for a municipal board of education to be constituted, and from our reference to Chapter 43 of the Session Laws of 1912 and Chapter 67 of the Session Laws of 1913, which appear in the Codification of 1915 as Sections 4867 to 4874 inclusive, we come to the conclusion that the board is to be filled by special election, although not specifically provided for, but it can reasonably be inferred to be the method to be followed, from the law referred to.

Section 4871 of the Code provides that two members of the board of education of a town or village should be elected on the first Tuesday of April, 1915, and three members on the first Tuesday of April, 1917, and that thereafter the election should be held each odd year to elect new members to succeed those whose terms expire. Under the provisions of this section, it will be seen that in 1921 there should be an election held to elect three members and in 1923 an election should be held to elect two members, as the terms of those members who would have been elected in 1917 and 1919, if Belen had been incorporated, would expire in 1921 and 1923 respectively.

It is my opinion that at the special election to be held for the purpose of electing your municipal school board, three members should be elected whose terms expire in 1921 and two members whose terms will expire in 1923.

Trusting that your inquiries have been satisfactorily answered in this letter, I beg to remain,