

**Opinion No. 20-2621**

June 24, 1920

**BY:** O. O. ASKREN, Attorney General

**TO:** Mr. J. B. Badger, Hillsboro, New Mexico.

Limitations as to Holding of Office for Two Terms.

**OPINION**

In reply to your letter of the 19th advise that Section 7 of Article 4 of the Constitution of New Mexico provides that each house shall be the judge of the election qualifications of its own members, therefore I do not desire to hazard an opinion as to what the house would do in the event of the election of the person named in your letter.

Section 2, Article 10 of the Constitution provides:

"All county officers shall be elected for a term of two years, and after having served two consecutive terms, shall be ineligible to hold any county office for two years thereafter."

If a member of the House of Representatives should be construed to mean a county officer, then and in that event, one who has held two consecutive terms by election to the office of sheriff could not legally hold the office as a member of the House of Representatives.

However, it is quite possible that it would be held that a member of the House of Representatives is not a county officer but a state officer. Then and in that event, Section 2, Article 10, of the Constitution would not prevent such person from holding the office of member of the House of Representatives.