

**Opinion No. [29-92]**

March 27, 1929

**BY:** J. A. MILLER, Assistant Attorney General

**TO:** Mr. R. J. Mullins, Superintendent of Schools, Tucumcari, New Mexico.

SCHOOLS -- Vote necessary in each district to be consolidated.

**OPINION**

Your letter of even date requesting an interpretation of certain sections of the School Code as applicable to the uniting of districts to form a union high school district, is before me.

First you ask whether the limitations as to area prescribed in Sec. 806 as applicable to consolidating rural districts, and Sec. 906 as applied to municipal schools, have application as well to the union high school district provided for in Sec. 1002. As to this, you are advised that it is the opinion of this office that the statute places no limit upon the area which may be included within a union high school district.

Your second question, as to whether or not the consolidation can be effected in the event of one district failing to vote in favor thereof, we believe to be specifically answered in the language of Sec. 1003 quoted by you; that is:

"Such consolidation shall not be effective unless the majority of the legal voters voting on the question shall vote in favor thereof in each of the several districts affected."

This proviso seems to be directly to the point and unambiguous. We are of the opinion that a majority of the legal voters voting on the question in each of the petitioning districts included within the proposed union high school district must vote in favor thereof or the proposition is lost.