

**Opinion No. [30-72]**

February 24, 1930

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

**TO:** Mr. Robert Brady, Carrizozo, New Mexico.

SCHOOLS -- Union High School District -- how formed, 120-1002, 1003, Code 1929.

**OPINION**

I have yours of the 22nd inst. in which you say you are trying to get a Union High School at Hondo. You speak of the unanimity of sentiment among the electorate but say that in district No. 32 the directors fail to approve and you ask whether you can force them to sign by law after the people have signed a petition.

The statute governing the forming of a union high school district is chapter 148, Laws of 1923, especially sections 1002 and 1003, now compiled as sections 120-1002 and 120-1003 in the Compilation of 1929.

By an examination of section 120-1003 you will note that before the board of county commissioners may call an election on the question of forming a district for union high school purposes, two petitions must be presented, one the petition of the governing authorities of each school district which it is proposed to unite in forming a union high school which it is proposed to unite in forming a union high school district and another petition of the electors in each district to the number of 15% of the total votes cast therein for governor at the last preceding general election.

There is no way to compel the board of directors to sign such a petition nor is there any way to compel electors in a district to sign a petition. Unless you can persuade the necessary boards as well as the electors to sign, the board of county commissioners may not call an election at all.