

Opinion No. 39-3029

February 18, 1939

BY: FILO M. SEDILLO, Attorney General

TO: Mr. David W. Carmody, District Attorney, Santa Fe, New Mexico. Attention: Mr. Frank Andrews

{*17} Replying to your letter of February 16 requesting information on the calling of an election for the consolidation of certain school districts and the provisions for the payment of such elections incurred in printing of ballots, publication of notices, etc.

Chapter 120, Section 805 of the 1938 New Mexico Supplement, provides the manner in which rural school districts may be changed or consolidated after a petition is filed with the county board of education.

It further states:

"Within twenty days after the receipt of written approval of the state board of education, the county board of education may, at its discretion, call an election to be held at such place or places in each district of the proposed consolidated district as it may determine, and such election shall be held under the direction of the county board of education."

There is no provision specifically stated in the school laws as to who shall pay the expense of an election, but it has been the ruling of this office that the authority calling the election will be the one charged with the expense of printing the ballots and publication of the notices.

In this case the cost of the election shall be charged to the county board of education as they are the ones who called the election.

Chapter 20-804 of the 1938 New Mexico Supplement also states that said election shall be called, conducted, and canvassed in substantially the same manner as provided in this Act for bond elections.

I call your attention to Chapter 120-707 of the New Mexico Codification of 1929 and succeeding sections which specify how an election shall be conducted.

Trusting that this sufficiently answers your inquiry, I am

By: GEORGE LOUGEE,

Asst. Atty. Gen.