

Opinion No. 40-3396

January 18, 1940

BY: FILO M. SEDILLO, Attorney General

TO: Miss Bennie Esquibel, County School Superintendent, County Board of Education, Socorro, New Mexico.

{*132} In your letter of January 17th you inquire as to whether or not the County Board of Education should call the election in which board members of independent districts shall be elected.

Section 3 of Chapter 182 of the Session Laws of 1939 amended Section 3 of Chapter 71 of the 1935 Session Laws to read as follows:

"Procedure for Election Board Members Independent Districts. The procedure for the election of such members of the board shall be the same as that prescribed for the election of directors in other rural districts except that such election shall be called, held, conducted, {*133} and canvassed by the County Board of Education."

Due to the fact that many county boards of education are unfamiliar with this statute, I presume that county commissioners under the old law have called these elections.

It is my opinion, however, that since the 1935 law has been amended to the extent that the county board of education calls said elections that said board shall call said election and follow the procedure set up in Chapter 182 of the Session Laws of 1939.