

Opinion No. 41-3742

March 21, 1941

BY: EDWARD P. CHASE, Attorney General

TO: Mr. Horace DeVargas County School Superintendent Rio Arriba County Schools
Tierra Amarilla, New Mexico

{*47} This will acknowledge receipt of your letter of March 20 wherein you make inquiry as to whether or not two or more rural school districts could consolidate without an election.

Section 3, Chapter 98, Session Laws of 1935, sets up the procedure to be followed by rural school districts that wish to consolidate. The very reason that this law was enacted was to insure the qualified voters of the rural districts to have a voice in the consolidation.

Section 3, Chapter 98, Session Laws of 1935, reads in part as follows to-wit:

"* * * If a majority of the votes cast at such election shall be in favor of the consolidation or change it shall be made upon order of the County Board of Education; * * *."

In view of the foregoing, there is no question, in my opinion, but what it will be necessary for you to hold an election notwithstanding the fact that an overwhelming majority of the qualified electors desire the consolidation of the districts.

I trust that the foregoing sufficiently answers your inquiry, and in closing may I suggest that in the future you have your requests for opinions come through the State Superintendent of Public Instruction.

By Howard F. Houk,

Asst. Atty. General