

**Opinion No. 50-5286**

March 1, 1950

**BY:** JOE L. MARTINEZ, Attorney General

**TO:** Mr. Simon Trujillo, Chairman Board of County Commissioners Sandoval County Bernalillo, New Mexico

{\*136} I am in receipt of a request for an opinion on the following set of facts.

"The County Treasurer was appointed to his office several months after the 1947-49 term began. He was re-elected for the term January 1, 1949 to December 31, 1950."

The question involved is whether the said County Treasurer is eligible to run for the office of County Treasurer for the January 1, 1951 to December 31, 1952 term?

Article 10, Section 2 of the Constitution provides as follows:

"All county officers shall be elected for a term of two years, and after having served two consecutive terms, shall be ineligible to hold any county office for two years thereafter."

The wording of the above constitutional provision states a term as two years. Since the County Treasurer served less than two years in his appointive term, it is my opinion that it is not within the purview of the constitutional limitation.

It is my further opinion that the County Treasurer would be eligible to run for re-election for one more term before he would be ineligible to run for office under said constitutional provision.