

**Opinion No. 52-5601**

October 9, 1952

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

**TO:** Honorable Horace DeVargas State Senator Espanola, New Mexico

{\*313} This is in reply to your letter of October 4, 1952, in which you request an opinion as to whether a man that has a contract for the transportation of public school children with the Rio Arriba County Board of Education, and who owns his own equipment, does that fact keep him from holding a precinct or county office of a political party such as precinct committee member or assistant county chairman.

I find nothing in the law that prevents a bus driver like the one you have in mind from holding a precinct or county office in a political party such as precinct committee member or assistant county chairman. These party members are not working for the state, and get no salary as state employees so there is no incompatibility.

Your second question is whether this man would be violating any provisions of the Federal Hatch Act by actively participating in politics or by holding any party political office. The school teachers and school employees are employed by the various school districts and municipalities of the State of New Mexico. They are not federal employees or paid by federal funds. The only thing that I find in the law under Section 56-316 NMSA, 1941 Compilation, is that a bus driver cannot serve as an election or counting official at an election like the one to be held in November.

Trusting that this fully answers your inquiries, I remain