

Opinion No. 54-5938

April 8, 1954

BY: RICHARD H. ROBINSON, Attorney General

TO: Honorable Donald T. Law State Representative Las Cruces, New Mexico

{*388} Receipt is acknowledged of your letter dated April 1, 1954, in which you request an opinion from this office concerning the County Assessor who has served one term as such, and will complete his second term as Assessor December 31, 1954, and has filed as a candidate for the office of State Representative. You specifically want to know as to the legality of the filing of this man for the office of State Representative.

The County Assessor is a County office and in Section 2, Article 10 of the Constitution, under the heading "Terms of County Officers" reads 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."

A State Representative is a state officer and in 42 Am. Jur. at pages 895 and 896, Section 20, heading "State Offices" is found the following:

"The following offices, among others, have been adjudged to be state offices: A representative in the State Legislature; . . ."

In the case of **Ward vs. Romero**, 17 N.M. 88, the Supreme Court held that an officer appointed or elected for a particular locality, whose duties are of a public or general nature in the discharge of which the whole state is interested is a state officer. A State representative not only represents his legislative district, but represents and votes on all questions of a statewide nature, therefore a state representative is a state officer.

Therefore, it is the opinion of this office that in view of the above authorities, a county assessor who is now completing his second term as such a county officer can legally file and hold the office of state representative, since a state representative is a state officer.

By: Hilario Rubio

Assist. Attorney General