

Opinion No. 55-6087

January 26, 1955

BY: RICHARD H. ROBINSON, Attorney General

TO: Arthur T. Noble, Jr. District Attorney Eighth Judicial District, Taos, New Mexico

By telephone this morning, you requested an opinion from this office, the written formal request of which will be submitted forthwith.

In Taos County, the major portion of a certain Indian reservation lies entirely outside a school district involved but a small isolated segment of the Indian reservation lies within the exterior boundaries of the school district. An Indian, who is a resident of the isolated segment of the reservation and is a registered and qualified elector in the precinct within which the isolated segment lies, desires to be a candidate for a member of the school board in the school district in which he lives. You are wondering whether he is eligible to be a candidate and to hold such office.

If the isolated segment of the Indian reservation upon which the Indian resides was not specifically excluded from the area covered by the school district involved, it is our opinion that the Indian, if otherwise qualified and registered, is entitled to vote in the school election in the precinct in which he lives and he is also entitled to be a candidate and to hold the office of member of the school board of the school district in which he resides.

By C. C. McCulloh

Assistant Attorney General