

Opinion No. 55-6240

July 27, 1955

BY: RICHARD H. ROBINSON, Attorney General

TO: Mr. Nils T. Kjellstrom, Assistant District Attorney, Truth or Consequences, N.M.

We have your letter of July 18 in which you requested an opinion from this office as to the following question:

Can a person who has just completed two terms as a county official be appointed to the office of county treasurer. The answer to this question involves the construction of Article X, Section 2 of the New Mexico Constitution, which 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."

It is the opinion of this office that this language is clear and unambiguous. It applies equally to the appointive as well as the elective method of securing the office. We call your attention to an opinion of this office appearing in the Attorney General's Opinions for the years 1921 and 1922, at page 31, which construed this particular section in a situation similar to yours. For your information, we are enclosing a copy of said opinion and wish to point out that we concur in the statements made in this opinion.

It is the further opinion of this office that where a county official has just completed two terms of service by election, that that county official is ineligible to be appointed to the office of the county treasurer.

Trusting that this will answer your question, I remain

By Paul L. Billhymer

Assistant Attorney General