

Opinion No. 70-51

May 13, 1970

BY: OPINION OF JAMES A. MALONEY, Attorney General

TO: The Honorable Ernestine D. Evans Secretary of State Legislative-Executive Bldg.
Santa Fe, New Mexico 87501

QUESTIONS

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May a special investigator in a District Attorney's office serve as a precinct board member?

CONCLUSION

Yes.

OPINION

{*84} ANALYSIS

There is no per se prohibition against either special investigators or special investigators as employees of the District Attorney's office from serving as precinct board member. Section 3-2-8, N.M.S.A., 1953 Compilation, (1969 P.S.). This section specifically excludes sheriffs, deputy sheriffs, marshals, deputy marshals, state or municipal policemen.

Attention is drawn to the fact that special investigators may carry commissions as deputy sheriffs or policemen, and of course in such cases they would be prohibited from this service.

By: Frank N. Chavez

Assistant Attorney General