

**Opinion No. 13-1143**

December 20, 1913

**BY:** FRANK W. CLANCY, Attorney General

**TO:** Honorable T. J. Mabry, Clovis, New Mexico.

**LEGISLATURE.**

Membership on county school board must be considered as a civil office.

**OPINION**

{\*324} I have just returned from El Paso, and find here your letter of the 17th inst., in which you ask if a member of the Legislature is barred from serving on a city school board.

The first clause of Section 28 of Article IV of the Constitution is, "No member of the legislature shall, during the term for which he was elected, be appointed to any civil office in the state." This is all that there is on the subject of your question. If a member of the legislature should actually serve on a city school board, I am of opinion that the validity of his official acts could not be questioned and, in all probability, no one would raise the question of his disqualification to serve in that capacity. Membership on a city school board must be considered as a civil office.