

Opinion No. 14-1247

June 19, 1914

BY: H. S. CLANCY, Assistant Attorney General

TO: Mr. Rupert F. Asplund, Chief Clerk, Department of Education, Santa Fe, New Mexico.

VACANCY.

A person appointed to fill vacancy caused by resignation of county officer, is eligible as a candidate for a county office at the close of the period for which he was appointed.

OPINION

{*111} I am in receipt of your letter of the 17th instant asking for the opinion of this office as to whether a person, who has been appointed to fill a vacancy caused by the resignation of a county superintendent of schools, is eligible as a candidate for a county office at the close of the period for which he is appointed.

Sec. 2 of Art. X of the Constitution provides that all county officers shall be elected for a term of four years, and with the exception of the county clerk and probate judge, shall not, after having served one full term, be eligible to hold any county office for four years thereafter. It is quite evident that a person who may be appointed to succeed a county superintendent who has resigned, will not have served one full term in the office, and I can see no reason why he would not be eligible to hold any county office after the term for which his predecessor was elected.