

**Opinion No. 15-1497**

April 12, 1915

**BY:** H. S. CLANCY, Assistant Attorney General

**TO:** W. E. Lindsey, Esq., Attorney at Law, Portales, New Mex.

**Vacancy in a town board of education created by resignation.**

**OPINION**

{\*80} I am in receipt of your letter of the 10th inst. in which you ask for the opinion of this office as to the identity of the appointing power to fill vacancies in case of resignation from a town board of education elected under the provisions of Chap. 67 of the Laws of 1913.

Section 5 of that act provides that such a board shall have all the powers and privileges provided by law for boards of education in incorporated cities. By referring to Sec. 1568, C.L. 1897, you will see that the board of education of an incorporated city is empowered to fill any vacancy which may occur in their body. It would thus appear that a town board elected under the provisions of the laws of 1913 has full power to fill any vacancy in its body occasioned by resignation.