

## Opinion No. 15-1550

June 12, 1915

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

**TO:** Mr. F. M. Hayner, Superintendent of Schools, Las Cruces, N. M.

**Women may vote at school bond elections.**

### OPINION

{\*133} I have just received your letter of the 11th inst. asking who are entitled to vote on bond issues in rural schools, and calling attention to the wording of a part of Section 1 of Article VII of the Constitution, which makes women qualified electors "at all such school elections." You ask specifically, whether the word "such" refers to school elections for directors or comprehends bond elections.

I see nothing in the use of the word "such" which would limit the elections to those held for school directors. The context in the {\*134} constitution does not indicate any such limitation. In one sentence it is stated "All school elections shall be held at different times from other elections," and in the next sentence is the provision that women possessing the qualifications prescribed in that section for male electors, shall be qualified at all such school elections. The phrase such school elections, clearly is meant to include "all school elections," and this brings us merely to a consideration of whether a school bond election is a school election. Upon this point, as far back as July 7, 1913, in a letter which I wrote to Mrs. S. C. Nutter of Clovis, I took the position that there could be no reasonable doubt that the comprehensive phrase "school elections" include every election where any question is submitted to a vote which relates to, or affects, the schools, whether it be an election of school officers, an election as to the imposition of special taxes, an election as to the issue of bonds, or an election as to the establishment of a county high school.

I had, prior to that time, on February 13, 1912, in a letter to the city attorney of Roswell, stated, in substance, that while there might be some room to argue that the intention of the constitution was to specify only elections of school directors or school officers, yet I believed that that would be an unwarrantably narrow and unreasonable construction, and that by "school elections," the constitution intended to cover all local elections as to the management, control and administration of public schools and that certainly nothing could be more important to such administration of schools than the issuance of bonds by which funds might be provided for the benefit of the schools.