

## Opinion No. 15-1596

July 23, 1915

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

**TO:** Mr. J. W. Ballow, Portales, New Mexico.

**Any citizen who is a qualified voter can hold a county office subject to the limitations of two consecutive terms.**

### OPINION

{\*171} I have today received your letter of the 21st instant asking my opinion as to the meaning of Section 1278 of the new codification of New Mexico statutes. You say the point upon which you desire my opinion is, would a county clerk now in office be disqualified to hold the office of county treasurer upon the expiration of his present term of office as county clerk.

The section referred to says "No sheriff, constable, clerk or deputy thereof, shall be eligible to the office of county treasurer." My understanding of this language is that no sheriff, constable, clerk or deputy thereof can be a candidate for and elected to the office of county treasurer while he is holding his office of sheriff, constable, clerk or deputy. I believe it must be intended to prevent the officers named from being a candidate for the office of county treasurer so that he could make use of his present official position to increase his chances of election to another office.

I incline to the opinion, however, that this restriction has been abrogated by Section 2 of Art. VII of the Constitution which declares that every male citizen who is a qualified elector in the state is qualified to hold any public office except as otherwise provided in the Constitution. As to county officers the only provision in the Constitution is to be found in Section 2 of Art. X, which declares that county officers shall be elected for two years, and after having served two consecutive terms shall be ineligible to hold any county office for two years thereafter. Taking these two constitutional provisions together, I believe that the law now is that any citizen who is a qualified voter, can hold any county office, subject to the limitations to two consecutive terms.