

Opinion No. 16-1899 1/2

November 13, 1916

BY: FRANK W. CLANCY, Attorney General

TO: Hon. H. B. Hamilton, Carrizozo, New Mexico.

District attorneys are elected for the term of four years.

OPINION

{*446} Referring to our conversation over the telephone and the opinion which I expressed to you, which you desire to have confirmed by letter, I now write to say that the amendments to the Constitution, which will be found at pages 170 and 175 of the Session Laws of 1913, shortening the terms of office of county and state officers, do not include district attorneys. Section 24 of Article VI of the Constitution fixes the term of office of district attorneys at four years. The amendment which appears at page 170 of the Laws of 1913, refers only to county officers and district attorneys are not county officers. The other amendment at page 175, refers to state officers, but only to those state officers mentioned in the amendment, not including district attorneys. It is true that in the case of *Ward vs. Romero*, 17 N.M., 88, the supreme court held that the office of district attorney is a state office, but it does not follow that the constitutional amendment can be expanded to include district attorneys when it refers only to those officers mentioned in the amendment itself. I see no reason to doubt that district attorneys are elected for four years.