

Opinion No. 17-2022

July 20, 1917

BY: HARRY L. PATTON, Attorney General

TO: Mr. Robert A. Jones, Silver City, New Mexico.

Offices of Probate Judge and Deputy County Treasurer Are Compatible.

OPINION

I am in receipt of your recent inquiry as to whether or not, under the laws of this State, one may hold the offices of Probate Judge and Deputy County Treasurer, Article VII, Section 2, of the Constitution, which prescribes the qualifications of persons to hold office, does not contain any provision which would prohibit the same person from holding both of these offices. The only statutory provision which I have been able to find which relates to this subject, appears as Subsection 8, Section 3956, Codification of 1915, which, in substance, provides that any county, precinct, district, city, town or village office, shall become vacant by an officer accepting and undertaking to discharge the duties of another incompatible office. The question to be determined is as to whether or not the offices of Probate Judge and Deputy County Treasurer are incompatible. After making some investigation upon this subject, I am of the opinion that there is no incompatibility in the positions, and that the same person may lawfully hold both positions or offices.