

Opinion No. 18-2117

July 26, 1918

BY: MILTON J. HELMICK, Assistant Attorney General

TO: Mrs. Elsie Spackman, Vice President Board of Education, San Acacia, New Mexico.

Women Not Permitted to Vote for County Superintendent of Schools.

OPINION

I am just in receipt of your letter of the 24th, wherein you ask whether women are entitled to cast their votes in the coming election for candidates running for the office of Superintendent of Schools. You state that this important question is being raised, owing to the fact that women being entitled to vote for school directors, logically would also have the right to vote for school superintendent.

I regret very much to say that in my opinion, there can be no doubt that women are not entitled to vote for county superintendents, or state superintendent of schools, at the coming election. The framers of the Constitution provided that women might vote at school elections, but this meagre suffrage is all that has even been extended to the women of the State. The Constitution of New Mexico, in Section 1, Article VII, reads in part as follows:

"All school elections shall be held at different times from other elections. Women possessing the qualifications prescribed in this section for male electors shall be qualified electors at all such elections."

Thus, this clearly provided that women can only vote at elections which are exclusively and solely school elections, and which are held at different times from the general elections. The election to be held in November, is of course, a general election and not a school election, and hence, no woman will be qualified to vote. You state in your letter, it would be logical to permit women to vote for candidates for school superintendent, but the choosing of these superintendents is done at a general election, and not at a school election, and therefore, under the plain terms of the Constitution, women electors are denied the right to vote for them.