

Opinion No. 19-2176

January 29, 1919

BY: HARRY S. BOWMAN, Assistant Attorney General

TO: Mr. M. D. Romero, Reserve, New Mexico.

Officers of Justice of Peace and School Director May Not Be Held By Same Person.

OPINION

We have your letter of the 21st instant, making inquiry concerning the right of one person to hold the office of justice of the peace and of school director at the same time, and in reply would say that we are of the opinion that the duties of the two offices might be incompatible and, therefore, that they cannot be held by one person.

Section 4852, Code 1915, provides for the election of school directors, and therein it is provided that a school director who shall fail to call an election as provided in the statute shall be complained against by the county superintendent of schools, either before the district judge or before a justice of the peace. Should one person hold the two offices, it might result in the absurd situation of the justice of the peace trying himself as school director for the violation of the election law.

For the foregoing reasons, we are of the opinion that the two offices are incompatible, and not subject to be held by one person.