

## Opinion No. 21-2861

March 23, 1921

**BY:** HARRY S. BOWMAN, Attorney General

**TO:** Honorable M. C. Mechem, Governor, Santa Fe, New Mexico.

### **Right of County Officer to Appointment After Serving Term as County Commissioner and as Sheriff.**

#### **OPINION**

{\*31} I have your oral request transmitted through Honorable Malaquias Baca, member of the House of Representatives from the county of Union, for an opinion covering the right of a person who has served a full term as a member of the Board of County Commissioners of Mora County and a subsequent full term as Sheriff of the said county, to be appointed to a county office in the newly created County of Harding.

In my opinion, the question is solved by the provisions of Section 2 of Article X of the Constitution. This provision reads as follows:

"All county officers shall be elected for a term of two years, and after having served two consecutive terms, shall be ineligible to hold any county office for two years thereafter."

In my opinion, after having served two consecutive terms in either the same or two different offices, a person is not eligible to hold any county office for a period of two years, whether such office be appointive or elective.

In my view of the matter, the fact that the officer would be appointed to serve in the new county would have no effect. The provisions of the section are so plain and the wording so clear and unmistakable that it would seem as if there could be no doubt regarding such a question.

A hasty search has failed to reveal any other constitution containing a provision making ineligible to hold office, one who has previously held the same or any other office.

Therefore, we are unable to obtain any help from judicial interpretations of similar constitutional provisions.