

Opinion No. [29-81]

January 31, 1929

BY: M. A. OTERO, JR., Attorney General

TO: Mr. C. Ernest Anderson, Village Clerk, Roy, New Mexico.

SCHOOLS -- Election of Board.

OPINION

I have your favor of the 30th inst. requesting information regarding your local school election, asking who pays for same, etc.

In reply thereto will state that the laws governing municipal and school board elections are not at all clear on this subject as the new election code, passed by the last state legislature, was meant principally to cover state elections. As a matter of fact, I have had inquiries from all over the state relative to this same kind of proposition.

However, from an examination of the said election code, and all that is left of the various other statutes on the question, I find that section 906 of the school code provides that municipal school boards shall have the powers and duties respecting their districts and schools as are now possessed by county boards of education. The county boards do not have the right to call elections for election of directors, as section 813 of the school code gives that power expressly to the board of school district directors, as it fixes the dates, and the directors are to post the notices.

Section 904 of the school code provides that municipal school board elections shall be held, conducted, returned and canvassed as in cases of the election of officers in the respective cities, towns and villages, so it would appear that the notice would have to be issued by the village board.

I can find no express provision for the payment of expenses of such election, but, as this is an expense of the school district, it would seem that the school district itself should have to pay for it.

Trusting that this gives you the information you desire, and with best wishes and kindest personal regards to you and all the fellows up there, believe me,