

**Opinion No. [30-71]**

April 23, 1930

**BY:** J. A. MILLER, Assistant Attorney General

**TO:** Miss Marie Balling, County Superintendent of Schools, Albuquerque, New Mexico.

SCHOOLS -- Bond election -- variance between petition and published notice.

**OPINION**

Confirming our message of a few weeks ago sent to you through Mr. Gould and from information given by you to Mr. Otero this morning, we understand that in recent elections for the issuing of school bonds in school districts Nos. 6, 13, 28, Bernalillo County, New Mexico, in each instance the petition for an election contained the words "for the purpose of erecting and improving the school building," and in each instance the published notice contained the words, "for the purpose of improving the school building within and for such school district" and we are also advised that the actual use intended of the funds is the enlarging and improving of existing buildings.

You are advised that it is the opinion of this office that if the procedure in other respects has been regular the variance in wording between the petitions and published notices in these cases is not such as to vitiate the proceedings, nor to prevent the approval of the transcripts. So far as this variance goes we are of the opinion that bonds issued under the procedure would be the valid binding obligations of the respective districts.