

Opinion No. 36-1261

January 11, 1936

BY: FRANK H. PATTON, Attorney General

TO: Mr. K. C. Lea, County Superintendent, Clovis, New Mexico.

{*92} This will acknowledge receipt of your letter asking our opinion regarding the two following questions:

1. Who is legally qualified to sign the petition asking that an election be called for the purpose of consolidating two or more rural school districts?
2. Can an election for consolidating two or more rural schools to form a Union High School, be called within two years after a consolidation embracing two rural schools which formed one of the larger high schools to be included in the Union High School?

Section 6, Chapter 119, Laws of 1931, which amends Section 120-805 of the 1929 Compilation, specifically provides that the petition, requesting that an election be called for the purpose of consolidating two or more rural school districts, must bear the signatures of at least 50% of the qualified electors of each district.

As to your second question, the aforesaid Chapter 119 provides:

"* * * but an election on the question of consolidation or change, shall not take place **in the same combination of districts** oftener than once in two years, * * *"

Therefore, it is our opinion that the said second question presented to us must be answered in the negative.

By: EDWARD P. CHASE,

Asst. Atty. General