

Opinion No. 37-1686

June 25, 1937

BY: FRANK H. PATTON, Attorney General

TO: Hon. H. R. Rodgers, Superintendent of Public Instruction Santa Fe, New Mexico

{*128} This will acknowledge receipt of your letter dated June 25th, wherein you make the following inquiry:

"In the case of consolidation of school districts, please advise me if it is necessary for the election to carry in each individual district affected, or is a {*129} majority of all votes cast all that is necessary to order a consolidation?"

Section 6 of Chapter 119 of the Laws of 1931, as amended by Sec. 3, Ch. 98, L. '35, relating to the consolidation of rural school districts, provides in part as follows:

"If a majority of the **votes cast at such election** shall be in favor of consolidation or change, it shall be made upon order of the county board of education * * *."

Section 1 of Chapter 22 of the Laws of 1933, relating to consolidation of school districts involving municipal school districts, provides in part as follows:

". . . except that if a majority of the **votes cast at such election** shall be in favor of consolidation or change it shall be made upon order of the state board of education."

It is therefore my opinion that in the case of consolidation of school districts a majority of all votes cast at the election for such consolidation sufficiently determines the outcome of the election.

By FRED J. FEDERICI,

Asst. Atty. Gen.