

**Opinion No. 39-3262**

August 29, 1939

**BY:** FILO M. SEDILLO, Attorney General

**TO:** Hon. Perry Sears, State Senator, Capitan, New Mexico.

{\*101} In your letter of August 24 you inquire whether a county board of education may require all teachers, school bus contractors or other employees of the board to resign from any and all political offices.

Insofar as I know, no one can force anyone else to resign from holding a political office except perhaps by impeachment or removal as may be prescribed by the county or state political party rules.

Neither may a school board terminate, void or cancel a valid outstanding contract it may already have entered into with a teacher or school bus contractor merely because the teacher or school bus contractor is or becomes an official in some political organization in the absence of some stipulation to that effect in the contract.

As to future or prospective teaching or school bus contracts, the school board may no doubt by express stipulation in the contract provide that the teacher or bus contractor shall not be associated or associate himself as an officer of any political organization during the life of the contract and that his doing so will be grounds for termination, cancellation or voidance of the contract. For example, it is a matter of common knowledge that in some counties provision is made in female teachers' contracts to the effect that marriage of the teacher during the life of her contract will terminate the contract. Likewise, the board and the teachers may by contract stipulate that if a teacher becomes an officer in some political organization that this will be grounds for the termination or cancellation of the teaching contract at the option of the employing board.

Trusting the foregoing will be of some information to you, I am,

By: FRED J. FEDERICI,

Asst. Atty. Gen.