

Opinion No. 40-3429

February 15, 1940

BY: FILO M. SEDILLO, Attorney General

TO: Miss Celia Martinez, County School Superintendent, Mora, New Mexico.

{*138} In your letter of February 14th you ask the following question:

"When the Board of Education (County) selects Judges of Election and Alternates for an election to elect School Directors should they select Judges and alternates belonging to one political party only, or should they give one judge and an alternate to the party in the minority?"

Section 813, Chapter 148 of the Session Laws of 1923, as amended by Chapter 120 of the Session Laws of 1935, and as amended by Chapter 85 of the Session Laws of 1937, provides that the County Board of Education shall appoint and certify to said rural school directors the names of the three persons who shall serve as election judges at such election and for each of such election judges the County Board of Education shall certify to such directors the name of an alternate who shall serve in the event an election judge shall fail to serve at such election.

Further, it provides that no person who is a member of the board of school directors of such school district or a candidate for such office shall be appointed or hold office as an election judge at any such election.

The above being the only qualifications which we find with regards to election judges for rural school elections, I believe that the County Board of Education can appoint and certify any six persons to serve as election judges and alternates regardless of their political affiliations.