

Opinion No. 40-3434

February 21, 1940

BY: FILO M. SEDILLO, Attorney General

TO: Mr. R. M. Cookson, Superintendent of Schools, Roswell, New Mexico.

{*139} In your letter of February 19th you ask the following questions.

1. In school bond elections who is eligible to vote?
2. Can a person who owns property in {*140} said district and pays taxes therein, yet does not live in the district, vote?
3. Can a man and a woman both vote on the same property tax receipt?
4. What are the qualifications for voting on the consolidation of school districts?
5. In the employment of an architect, is it necessary to advertise for bids for such service?

Constitutional Amendment No. 2, which amended Section 11 of Article IX of the Constitution of the State of New Mexico, as amended in 1933, provides that in a school bond election qualified electors of the district shall be owners of real estate within such school district. A person thus has to be a resident of the district and a property owner.

The qualifications required for voting on the consolidation of school districts provided for in Section 3, Chapter 98 of the Session Laws of 1935, are the same required in school bond elections. Residents of the district who are property owners being qualified to vote.

The selection of an architect is made on the basis of the reputation, ability, etc., of the architect, and this is a personal matter in which certain qualifications are required by the board. Thus I do not believe that it is necessary to advertise for bids for such service.