

Opinion No. 43-4383

September 25, 1943

BY: EDWARD P. CHASE, Attorney General

TO: Mr. Theodore Rozzell, County Assessor, Clovis, New Mexico

We are in receipt of your letter of September 22, 1943, in which you ask whether or not a candidate running for a county office has to own and pay tax on real and personal property in the county where he is a candidate.

Your attention is directed to Article 7, Section 2 of the State Constitution, which provides that a citizen of the United States who is a legal resident of the State and is a qualified elector therein shall be qualified to hold any public office except as otherwise provided in the Constitution.

In *Gibbany v. Ford*, 29 N.M. 621, the Supreme Court held that no additional requirements than those imposed by the Constitution could be imposed on the right of a citizen to hold office. Thus, since the property requirement is not listed as one of the qualifications, any person otherwise qualified may hold a county office.

By ROBERT W. WARD,

Assistant Attorney General