

**Opinion No. 44-4486**

March 23, 1944

**BY:** EDWARD P. CHASE, Attorney General

**TO:** Mr. Joseph B. Grant, President, Spanish American Normal School, El Rito, New Mexico

In your letter dated March 20, 1944, you refer to a portion of Section 56-316 of the 1941 Compilation, and inquire whether this section would apply to teachers and employees of a state institution.

Section 56-316 provides in part as follows:

"No member of any board of education, school superintendent, teacher, or other employee of any school district \* \* \* shall serve upon any board of registration, or as election judge, or clerk, or accounting judge or clerk, or as challenger in any election."

The words "of any school district" modify each class named preceding this phrase, and only persons employed by a municipal or in a rural school district are affected. For that reason, board members, administrators, teachers and other employees of a state educational institution are not prohibited from serving as election officials.

Trusting that the foregoing sufficiently answers your inquiry, I am.

By C. C. McCULLOH,

First Asst. Atty. General