

Opinion No. 46-4924

July 10, 1946

BY: C. C. McCULLOH, Attorney General

TO: Leonard R. Appleton Administrative Officer State Soil Conservation Committee
State College, New Mexico

{*248} We are in receipt of your letter of July 2, 1946 in which you ask how a vacancy on a board of supervisors of a soil conservation district may be filled. Section 48-507 of the 1941 Compilation provides in part:

{*249} "A supervisor shall hold office until his successor has been elected or appointed and has qualified. Vacancies shall be filled for the unexpired term. The selection of successors to fill an unexpired term or a full term shall be made in the same manner in which the retiring supervisor shall have been selected."

In view of this section, it is my opinion that if the retiring supervisor was an appointed member, that he should be appointed by the committee.

If, however, as appears to be true in the situation referred to by you, the retiring member was elected, the vacancy must be filled by an election.

By ROBERT W. WARD,

Asst. Atty. General