



OFFICE OF THE ATTORNEY GENERAL OF TEXAS

AUSTIN

L. C. MANN
ATTORNEY GENERAL

January 27, 1939

Honorable T. A. Hodges
County Auditor
Georgetown, Texas

Dear Mr. Hodges:

Opinion No. 100
Re: Salary of election officers,
expense of ballots and elec-
tion supplies be paid from
the maintenance school fund.

To acknowledge your communication of January 12, 1939,
wherein you request an interpretation of Articles 2746, 2746a
and 2746b, Revised Civil Statutes, with amendments thereto, which
refer to elections of trustees in common school districts and
the expenses incident thereto, and you have requested an answer
to the following questions:

"1. From what fund are the election officers to
be paid for holding an election for school trustees in
common school districts?"

"2. From what fund are the expenses of ballots,
printing of ballots and election supplies to be paid
for elections held for school trustees in common school
districts?"

For your information by opinion of the Attorney General
of Texas, dated May 25, 1935, addressed to the Honorable T. E.
James, First Assistant State Superintendent, an interpretation
of these articles then in force was had, and this opinion is in
conformity therewith except as said articles have been since that
time amended.

The question involved here requires an analysis of
Articles 2746 and 2746b and their history. Article 2746 as
adopted in 1915 states that the pay of the election officers
shall be \$1.00 per day, and to be paid from the general fund
of the county in which the election was held.

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Article 2746 was amended Acts 1937, 45th Legislature, page 372, Chapter 237, and reenacted so far as applicable to the provisions of the preceding statute.

Article 2746b which was passed and adopted in 1935, states that all expenses incurred in connection with or incidental to any school district election in connection with the public school within such school district shall be payable out of the available maintenance fund belonging to such district during the fiscal year during which such election was held.

It is our opinion that the Legislature intended and we hold it to be the law for the election charges in elections of the kind enumerated above to be paid from the general fund. We also hold in the interpretation of Article 2746b that said article means that the expenses of printing ballots, delivering the same, payment of election supplies are to be paid from the maintenance school fund.

Yours very truly

ATTORNEY GENERAL OF TEXAS

By (S) George S. Perry
Assistant

GSE:W
APPROVED:

(S) GERALD C. MANN
ATTORNEY GENERAL OF TEXAS *mpk*