



THE ATTORNEY GENERAL
OF TEXAS

GERALD C. MANN

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ATTORNEY GENERAL

AUSTIN 11, TEXAS

March 27, 1939

Mr. E. R. Lindley
Chief Clerk
House of Representatives
Austin, Texas

Dear Mr. Lindley:

Opinion No. 0-547
Re: Qualification of voters for
election to amend Constitu-
tion.

Receipt is acknowledged of your letter of this date enclosing a copy of House Simple Resolution No. 185, which resolution requests an opinion of this Department upon the question whether only tax payers who have rendered property for taxation, and are otherwise qualified, can vote in the proposed election on the Constitutional amendment provided for in joint resolution No. 16 if it is submitted to the people. The resolution requesting the opinion states that under Article 6, Section 5a of the Constitution there is a very serious question as to who would be entitled to vote, if said Constitutional amendment is submitted to the people, in view of the fact that the proposed amendment provides for certain taxes.

Article 17 of the Constitution provides that amendments to the Constitution may be proposed to be voted upon by the qualified electors for members of the Legislature.

Article 6, Section 2 of the Constitution provides who are qualified electors with certain requirements and also certain restrictions set out in section 1, none of which requires the elector to own taxable property.

Article 6, Section 3a of the Constitution mentioned in the resolution clearly is not applicable to a state wide election, which is necessary to amend the Constitution, but applies only to elections held by counties or subdivisions named in said section. The only part of said section which might be construed as including an election by the state as a whole is that part of the section reading "any number of counties." We do not believe, however, that this provision of the Constitution was intended to include the state as a whole. In the first place, the Constitution recognizes that there are certain provisions of the Constitution and laws which authorize several counties to issue bonds, such as Article 3, Section 52, which authorizes "any number of adjoining counties" to issue bonds for certain purposes. In the next place, we believe that if it had been the intention of this provision

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of the Constitution to make the phrase "any number of counties" mean the State as a whole, it would have been easier for the provision to have used the word "State".

You are, therefore, advised that it is the opinion of this Department that all voters who are qualified under the provisions of Article 6, Sections 1 and 2 of the Constitution, are qualified to vote on the proposed amendment to the Constitution.

Yours very truly

ATTORNEY GENERAL OF TEXAS

By

/s/ H. Grady Chandler

H. Grady Chandler
Assistant

HGC:BT:egw

APPROVED

/s/ W.F. MOORE

FIRST ASSISTANT ATTORNEY GENERAL