



OFFICE OF THE ATTORNEY GENERAL OF TEXAS

AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

May 25, 1939

Honorable T. P. Walker, Auditor
Department of Education
Austin, Texas

Dear Sir:

Opinion No. O-600
Re: Frequency with which the
elections may be held for
consolidation of school
districts.

We are in receipt of your letter of May 20, 1939,
wherein you request our opinion in response to the follow-
ing question:

"Wherein an election has been held and
it failed to consolidate a common school dis-
trict in one county with an independent school
district in another county, have the officials
the legal right to order another election with-
in thirty days thereafter?"

Article 2806, Revised Civil Statutes, reads, in
part, as follows:

"On the petition of twenty (20) or a
majority of the legally qualified voters of
each of several contiguous common school dis-
tricts, or contiguous independent school dis-
tricts, praying for the consolidation of such
districts for school purposes, the County
Judge shall issue an order for an election
to be held on the same day in each such dis-
trict. The County Judge shall give notice of
the date of such elections by publications of
the order in some newspaper published in the
county for twenty (20) days prior to the date
on which such elections are ordered, or by
posting a notice of such elections in each of

the districts, or by both such publication and posted notices . . .

"Common school districts may in like manner be consolidated with contiguous independent school districts, and the district so created shall be known by the name of the independent school district included therein, and the management of the new district shall be under the existing board of trustees of the independent school district, and all the rights and privileges granted to independent districts by the laws of this State shall be given to the consolidated independent district created under the provisions of this law; . . . provided further that when it is proposed to consolidate contiguous county line districts the petitions and elections orders prescribed in this Act shall be addressed to and issued by the County Judge of the County having jurisdiction over the principal school of each district and the results of the election shall be canvassed by the Commissioners' Court of the said county."

We have no statute requiring that any particular period of time shall intervene between any such elections. Article 2806 provides for the issuance of elections orders upon the presentation of petitions signed by twenty or a majority of the legally qualified voters of each of the interested districts. When such petitions are properly presented, such elections may be called without reference to the length of time that has passed since a previous similar election.

Yours very truly

ATTORNEY GENERAL OF TEXAS

Glenn R. Lewis
By (Signed) Glenn R. Lewis
Glenn R. Lewis
Assistant

GRL:FL
APPROVED:

C. G. Mann
(Signed) C. G. Mann
ATTORNEY GENERAL OF TEXAS

APPROVED
OPINION COMMITTEE
By REK
Chairman