



THE ATTORNEY GENERAL
OF TEXAS

GERALD C. MANN

~~CONFIDENTIAL~~

ATTORNEY GENERAL

AUSTIN 11, TEXAS

Honorable Frank X. Vance
County Attorney
Medina County
Hondo, Texas

Opinion Number 0-1731
Re: Whether or not there is legal
authority requiring only a
majority vote cast in favor
of bond issue to carry elec-
tion for issuance of bonds.

Dear Sir:

Your letter of November twenty-second, requesting an opinion of this department on the above question, has been received. We quote from your letter as follows:

"Within a few days there will be a Commissioners' Precinct bond election to decide whether that precinct can issue bonds (tax bonds) for the purpose of improving lateral roads, to build a new bridge and buy the necessary right-of-way to straighten out Highway No. 90 through the Town of Castroville. It is doubtful if there will be two-thirds of the votes cast in favor of the bonds but everyone feels confident that a majority of the votes cast will be in favor of the bonds.

"Would you advise if there is legal authority requiring only a majority of votes cast in favor of such a bond issue of this nature to carry the election in favor of issuing the bonds? It seems that under Article 752a through 752h, a two-thirds majority is necessary."

The statutory authority for the issuance of road bonds is found under Title 22, Chapter 3, of the Revised Civil Statutes of Texas.

Article 752h, reads as follows:

"If at such election two-thirds of the property tax-paying voters, voting at such election, cast their ballots in favor of the issuance of bonds, the Commissioners' Court shall, as soon thereafter as practicable, issue said bonds on the faith and credit of said county, or political subdivision or road district, as the case may be."

Trusting that the above satisfactorily answers your inquiry, we are

Very truly yours

COB-s/amm

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APPROVED Dec. 7, 1939
s/ GERALD C. MANN
ATTORNEY GENERAL OF TEXAS

By (Signed) CLAUD O. BOOTHMAN, Assistant