



OFFICE OF THE ATTORNEY GENERAL OF TEXAS  
AUSTIN

GERALD C. MANN  
ATTORNEY GENERAL

*Superseded by  
Amendment to  
Art. 1.05 Elections*

Hon. G. H. Slaughter  
County Attorney  
Martin County  
Stanton, Texas

Dear Sir:

Opinion No. O-1964  
Re: The six months residence  
requirement of candidates  
for public office, under  
Article 2927, Revised Civil  
Statutes of Texas.

We are in receipt of your recent letter requesting the opinion of this department touching the eligibility of a person to run for public office who will have resided in the county, precinct or municipality in which he offers himself as a candidate, six months next preceding the November general election, but less than six months next preceding the party primary election.

Article 2927, Revised Civil Statutes of Texas, provides:

"No person shall be eligible to any State, county, precinct or municipal office in this State unless he shall be eligible to hold office under the Constitution of this State, and unless he shall have resided in this State for the period of twelve months and six months in the county, precinct, or municipality, in which he offers himself as a candidate, next preceding any general or special election, and shall have been an actual bona fide citizen of said county, precinct, or municipality for more than six months. No person ineligible to hold office shall ever have his name placed upon the ballot at any general or special election, or at any primary election where

candidates are selected under primary election laws of this State; and no such ineligible candidate shall ever be voted upon, nor have votes counted for him, at any such general, special, or primary election."

It is observed that the term "general or special election", only, appears in the first sentence of the statute; whereas, thereafter in the statute touching a different but related matter appear the terms "any general or special election, or at any primary election". (emphasis ours) Clearly, therefore, the employment of the term "general or special election", pertaining to the six months residence and citizenship requirements was not intended to include primary elections.

The general election is held in November; special elections are held at such times and places as fixed by law. Article 2930, Revised Civil Statutes, as amended.

A "primary election" is one held by the members of an organized political party for the purpose of nominating the candidates for such party to be voted for at a general or special election. Article 3100, Revised Civil Statutes.

It has been repeatedly held by this department that, under Article 2927, supra, apart from other necessary qualifications, an individual is eligible to hold a public office if he has resided in, and been a bona fide citizen of, the county, precinct or municipality six months prior to the general election or special elections fixed by law.

The Supreme Court of Texas in the case of Koy vs. Schneider, 110 Tex. 369, 218 SW 279, 221 SW 880, held that the term "election" as used in the Constitution does not comprehend primary elections.

Accordingly, you are advised that it is the opinion of this department that Article 2927, supra, in

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its six months residence and citizenship requirements, refers to the general election or special elections fixed by law, and does not refer to party primary elections.

Yours very truly

ATTORNEY GENERAL OF TEXAS

By *Zollie C. Steakley*  
Zollie C. Steakley  
Assistant

APPROVED FEB 21, 1940

ZCS:AW

*[Signature]*  
DEPUTY ASSISTANT  
ATTORNEY GENERAL

APPROVED  
OPINION  
COMMITTEE  
BY *B.W.*  
CHAIRMAN