



**THE ATTORNEY GENERAL  
OF TEXAS**

Gerald C. Mann

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ATTORNEY GENERAL

AUSTIN 11, TEXAS

Hon. Artie Stephens  
County Attorney  
Hopkins County  
Sulphur Springs, Texas

Opinion No. O-2420  
Re: Voting for precinct officers  
in July, following the changing of  
commissioners precincts in Febru-  
ary.

Dear Sir:

Your recent letter, requesting a legal opinion of this Department, states that the commissioners court of your county on the 5th day of February, 1940, changed the commissioners precincts of the county with the result that some citizens are now within a different commissioners precinct, and will have resided therein less than six months prior to the July primaries. You ask may these citizens vote for precinct officers in such commissioners precinct.

We assume that these individuals are otherwise qualified voters and further, that no change was made in the election precincts which could be done only in conformity with Article 2933, Revised Civil Statutes.

It has been consistently held by this Department that the Constitution and statutes of Texas do not require that a voter shall have resided six months within a precinct of a county, to be eligible to vote, but that the six months requirement is complied with if the voter has resided such time within the county. Letter opinions of the Attorney General, Vol. 382, p. 617 and p. 623; Vol. 362, p. 613.

In conference Opinion No. 2116, by Assistant Attorney General John Maxwell, approved by Attorney General C. M. Cureton, July 16, 1919, (Opinions of Attorney General, Vol. 53, page 271) it was declared: "If a voter has in fact moved into a new precinct within the same county in good faith to reside in such precinct and to acquire a residence therein, such voter is entitled to vote at any general election held subsequent to his acquiring his new residence as aforesaid."

These opinions are entirely sound in their holdings that a voter, who has resided within the county for six months, may vote in the precinct within the county to which he removes, notwithstanding such removal may be at a time less than six

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months prior to the election. In such case there is no doubt that such voter could vote for precinct officers of the precinct to which he has removed. Indeed, Article 2967, Revised Civil Statutes of Texas, makes specific provision for the situation where a citizen, who has received his poll tax receipt or certificate of exemption, removes to another precinct in the same county.

The question submitted by you, however, relates to the fact situation where the voter himself does not remove to another precinct, but where he is, so to speak "removed" to the different precinct by the action of the commissioners' court in altering the precincts in the county. There is no statutory regulation of this situation analogous to Article 2967, supra, relating to the removal of the citizen himself to another precinct.

We are constrained to the opinion, however, that the citizen so removed by the action of the commissioners' court is not precluded from voting, in a primary election to be held less than six months thereafter, on the precinct officers of the new precinct in which he finds himself after the action of the commissioners' court. As before pointed out, neither the Constitution nor the Statutes of Texas require, as a prerequisite for voting for precinct officers, that the citizen shall have resided within the precinct for at least six months prior thereto. In the absence of such requirement, it is our opinion that a citizen, otherwise qualified, may vote for the precinct officers of the precinct in which he resides.

Accordingly, you are respectfully advised that it is the opinion of this Department that the citizens residing within the commissioners precincts, as changed by the commissioners court of your county on the 5th day of February, 1940, if otherwise qualified, may vote for the precinct officers thereof in the July primaries of 1940.

APPROVED JUL 12, 1940  
/s/ Grover Sellers  
FIRST ASSISTANT  
ATTORNEY GENERAL

APPROVED: OPINION COMMITTEE  
BY: BWB, CHAIRMAN

ACS;BBB:wb

Yours very truly

ATTORNEY GENERAL OF TEXAS

By /s/ Zollie C. Steakley  
Zollie C. Steakley, Assistant