



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

Hon. Ernest Coker
County Attorney
Polk County
Livingston, Texas

Dear Sir:

Opinion No. O-2588
Re: May persons who become 21 years
of age after the July and August
primaries and before the general
election in November be allowed
to vote in either the July or
August primary?

Your letter of July 31, 1940, requests the opin-
ion of this department in answer to the above stated
question.

Article 6, Section 1 of the Constitution of
Texas provides in part as follows:

"The following classes of persons shall not
be allowed to vote in this State, to-wit: first,
persons under twenty-one (21) years of age * * * ."

Article 2954, Revised Civil Statutes of Texas,
contains this same prohibition in identical language, and
Article 2955 provides:

"Every person subject to none of the fore-
going disqualifications, who shall have attained
the age of twenty-one years and who shall be a
citizen of the United States, and who shall have
resided in this State one year next preceding an
election, and the last six months within the dis-
trict or county in which he or she offers to
vote, shall be deemed a qualified elector * * * .
The provisions of this article as to casting bal-
lots shall apply to all elections including gen-
eral, special and primary elections."

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Article 3101, Revised Civil Statutes, providing for nominations by political parties, reads in part as follows:

"On primary election day in 1926, and every two years thereafter, candidates for governor and for all other State offices to be chosen by vote of the entire State, and candidates for congress and all district offices to be chosen by the vote of any district * * * to be nominated by each organized political party * * * shall, together with those candidates for offices to be filled by the voters of a county, or of a portion of a county, be nominated in primary elections by the qualified voters of such party."

Article 3102, Revised Civil Statutes, reads in part:

"The fourth Saturday in July, 1926, and every two years thereafter shall be general primary election day, and primary elections to nominate candidates for a general election shall be held on no other day, except when specially authorized. * * * . If at the general primary election for any political party, no candidate becomes the nominee for any State or district office * * * a second primary election shall be held by such political party * * * on the fourth Saturday in August succeeding such general primary election * * * any political party may hold a second primary election on the fourth Saturday in August to nominate candidates for any county or precinct office, where a majority vote is required to make nominations. * * * ."

A person must, therefore, be a qualified elector before he may vote in the party primaries. If he is not twenty-one years of age, he is disqualified under the Constitution and the statutes of Texas and may not vote therein. Your question is accordingly answered in the negative.

APPROVED AUG 9, 1940

Yours very truly

Ernest Coker
FIRST ASSISTANT
ATTORNEY GENERAL
ZCS:ob

ATTORNEY GENERAL OF TEXAS

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

