



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN 11, TEXAS

GERALD C. MANN

Honorable R. B. Ritchey, Jr.
County Attorney
Jasper County
Jasper, Texas

Dear Sir:

Opinion No. 0-3195
Re: Placing names upon official
ballot in trustee elections
in independent school dis-
tricts having more than 500
scholastics.

We are in receipt of your recent request for an opinion in which you submit the following questions:

"Does the law require that official ballots with the names of candidates printed thereon be used in the election of school trustees in an independent school district having over five hundred (500) scholastics?"

"If official ballots must be used in this case, how and when may candidates get their names on the official ballot and who determines this matter?"

Your request is accompanied by a concise brief and discussion for which we wish to express our appreciation.

Article 2746a, Vernon's Texas Civil Statutes, prescribes the time, manner and form for printing official ballots in school trustee elections in common school districts and in independent school districts having fewer than five hundred scholastics but we find no comparable statute for other independent school districts generally, except Article 2776, R.C.S. 1925.

Article 2776, R.C.S. 1925 reads as follows:

"All elections shall be ordered by the board of trustees of each independent school district; and such order shall be made at least ten days before the date of election; and a notice of the order shall be posted at three different places in the district. The board of school trustees, at the time of ordering such election, shall appoint three persons to hold the election, and shall designate the places where the polls shall be open. Each person appointed to hold such election shall receive one dollar therefor,

to be paid out of the general fund of the county as other claims are paid. All such elections shall be held, and returns thereof made to the board of school trustees in accordance with the general election laws. The board of school trustees shall canvass such returns, declare the result of such election, and issue certificates of election to the persons shown by such returns to be elected."

Article 2978 R.C.S. 1925, of the general election laws, provides that: "In all elections by the people, the vote shall be by official ballot * * * No ballot shall be used in voting at any general, primary or special election held to elect public officers, select candidates for office or determine questions submitted to a vote of the people, except the official ballot, unless otherwise authorized by law." The statute further provides that the names of candidates shall be printed on the ballot.

In Opinion No. 0-2029, a copy of which is enclosed herewith, we ruled that the board of trustees of an independent school district containing more than 500 scholastics could fix the time and manner for placing names upon the official ballot in trustee elections.

It is our opinion in the election of school trustees in independent school districts having over 500 scholastics, official ballots with the names of the candidates printed thereon should be used. Candidates may have their names printed upon the official ballot under the procedure fixed by order of the board of trustees as ruled in Opinion No. 0-2029.

Yours very truly

APPROVED MAR 10, 1941

ATTORNEY GENERAL OF TEXAS

/s/ Gerald C. Mann

By /s/ Cecil C. Cammack
Cecil C. Cammack
Assistant

ATTORNEY GENERAL OF TEXAS

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APPROVED
OPINION
COMMITTEE
BY /s/ BWB
CHAIRMAN