



THE ATTORNEY GENERAL
OF TEXAS

AUSTIN 11, TEXAS

WILL WILSON
ATTORNEY GENERAL

June 27, 1958

Mr. Tom Blackwell
County Attorney
Travis County
Austin, Texas

Opinion No. WW-469

Re: Duty of County Judge
who has received le-
gally sufficient pe-
tition for school bond
election in a common
school district, and
prior to his action
thereon and six days
later receives a second
petition for election
in the same district on
a different amount of
bonds.

Dear Mr. Blackwell:

Your request for opinion states:

"FACTS: On May 22, 1958, a peti-
tion signed by the requisite number
of voters in a common school district
was presented to the County Judge re-
questing an election for the issuance
of bonds in the amount of \$30,000.00.
On May 26, 1958, and prior to any ac-
tion being taken by the County Judge
a second petition properly signed was
presented to the County Judge request-
ing an election for the issuance of
bonds in the amount of \$18,000.00 in
the same common school district.

"QUESTION: Under the provisions of
Article 2785 of the Texas Revised Civil
Statutes as amended, what action should
the County Judge take."

Mr. Tom Blackwell, page #2 (WW-469)

We interpret your request to mean (and we proceed on this assumption) that a legally sufficient petition was duly presented to and accepted by the County Judge on May 22, 1958.

We answer your inquiry as follows: Your County Judge should, within a reasonable time, call the election requested in the first petition which was presented to him on May 22, 1958.

His jurisdiction and responsibility to act on this first petition attached at the moment it was presented to and accepted by him. A reasonable time is properly allowed for his investigation and determination as to the complete legal sufficiency of the petition before an election is called.

The right of the people to vote on the propositions contained in the first petition having been first lawfully invoked, may not be interfered with nor defeated by the filing of the second petition. Article 2785; Wichita Common School Dist. No. 11 et al. v. Dickens Independent School Dist. of Dickens County et al., 206 S.W. 2d 885 (Civ.App. 1947, error ref.); Garrett, County Judge, et al. v. Unity Common School Dist. et al., 211 S.W. 2d 238 (Civ.App. 1948, error ref. n.r.e.).

SUMMARY

A County Judge who receives a legally sufficient petition for school bond election in a common school district and who prior to his action thereon and six days later receives a second petition for election in the same district on a different amount of bonds, should within a reasonable

Mr. Tom Blackwell, page #3 (WW-469)

time call the election requested
in the first petition.

Very truly yours,

WILL WILSON
Attorney General of Texas

By



W. E. Allen
Assistant

WEA-s

APPROVED:

OPINION COMMITTEE

Geo. P. Blackburn, Chairman

L. P. Lollar
J. Arthur Sandlin
Leonard Passmore

REVIEWED FOR THE ATTORNEY GENERAL

By: W. V. Geppert