



**THE ATTORNEY GENERAL  
OF TEXAS**

**AUSTIN, TEXAS 78711**

**CRAWFORD C. MARTIN  
ATTORNEY GENERAL**

**June 4, 1970**

**Honorable Kenneth Bain, Jr.  
County Attorney  
Floyd County  
Floydada, Texas**

**Opinion No. M- 645**

**Re: At an election held in the  
Lockney Independent School  
District in Floyd County,  
Texas, for the election of  
the County School Trustee  
at large and for the  
County School Trustee for  
the precinct in which the  
Lockney Independent School  
District is located, who  
pays for the expense of  
purchasing the election  
supplies and the fees of  
the election judge and  
clerks for holding the  
election?**

**Dear Sir:**

**Your letter of recent date requests our opinion  
on the above question.**

**The applicable statutes are to be found in  
the Texas Education Code, enacted by the 61st Legislature,  
Regular Session, 1969, and in the Election Code of the  
State of Texas, enacted by the 52nd Legislature, Regular  
Session, 1951.**

Article 17.03(b) the Education Code reads as follows:

"Election officers appointed to hold the election for district trustees in each school district shall hold the regular election for county school trustees or county board members."

This statute clearly provides that the officials charged with holding the school district election shall also hold the election for county trustees, and we think the statute necessarily implies that the officials are to be compensated solely by the district.

With respect to the expenses incurred for supplies, we refer you to Attorney General's Opinion No. 0-943 (1939). That opinion was based upon an interpretation of articles of the Civil Statutes that have been in substance incorporated into the Texas Education Code, and held that the election supplies used in the election of county school trustees should be paid for out of the available maintenance funds belonging to the school district in which the election is held. We think this holding is still applicable to your inquiry concerning the expense incurred for supplies.

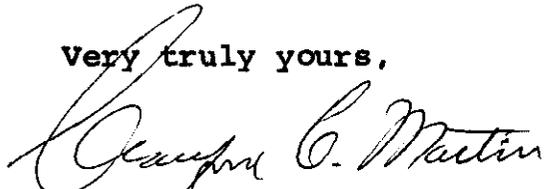
The election under discussion is clearly a school election. There is explicit authority to the effect that the supplies are to be paid for by the school district rather than by the county in Article 7.12 of the Election Code, which reads in part as follows:

"All expenses incurred in furnishing the supplies, ballots, and booths in any general or special election shall be paid for by the county, except costs in municipal and school elections."

S U M M A R Y

Election officers appointed to hold the election for district school trustees in each school district shall hold the regular election for county school trustees or county school board members. Such election officials shall be compensated solely by the school district, and the district shall pay out of its available maintenance fund for the election supplies used in conducting the election for county school trustees or county school board members.

Very truly yours,

  
CRAWFORD C. MARTIN  
Attorney General of Texas

Prepared by James S. Swearingen  
Assistant Attorney General

APPROVED:  
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