



THE ATTORNEY GENERAL  
OF TEXAS

CRAWFORD C. MARTIN  
ATTORNEY GENERAL

AUSTIN, TEXAS 78711

June 4, 1970

Honorable Oscar B. McInnis  
Criminal District Attorney  
Hidalgo County Courthouse  
Edinburg, Texas 78539

Opinion No. M-646

Re: Nominations by a new  
political party of  
candidates for county  
and precinct offices  
only.

Dear Mr. McInnis:

Your request for an opinion on the above subject matter asks whether an application by the Raza Unida Party (a new political party in Hidalgo County) requesting that names be placed on the November, 1970, general election ballot could be legally refiled under the facts submitted. Your request states the following facts:

"An application by the Raza Unida Party was submitted to Judge Richardson on January 29, 1970, requesting that the nominees of that party be placed on the November election ballot. This application contained the requested number of signatures under Article 13.54 of the Texas Election Code. It appeared later that this application was prematurely signed and filed since it was filed before the current voting year. Thereafter on May 1, 1970, the Raza Unida Party, with consent of the County Judge, withdrew the application and immediately attempted to refile the same. It was left with the County Judge who has neither accepted nor rejected the refiling. This application, of course, was not signed during the current voting year.

" . . . "

In Attorney General's Opinion M-621 (1970), this office held:

"Applications to have the nominations of a new political party, without a State organization,

placed on the official ballot at the general election may be filed with the county judge prior to the county primary convention of such new political party, provided it is filed during the voting year the nominations are made. If such application is signed and sworn to, the provisions of Article 13.54 of the Texas Election Code are complied with. A person who signs and files the written application provided in Article 13.54 of the Texas Election Code during the current voting year (March 1, 1970 through February 28, 1971) may not participate in the primary election or party convention of another political party during that voting year. A person who participates in the Democratic or Republican primary election is not eligible to sign and file an application for a new political party's nominees to be placed on the general election ballot in November during the current voting year (March 1, 1970 through February 28, 1971)."

It was further concluded in Attorney General's Opinion M-621 that the filing of the application with the county judge constitutes an integral step in the new party's nomination of candidates and that the signing of such application constitutes participation in the party's primary convention. Also, this office therein held that the application must be filed during the voting year the nominations are made. It is, therefore, our opinion that in order for the names of the nominees of a new political party without a State organization to be printed on the official ballot for the general election to be held in November, 1970, the application must be signed and filed during the current voting year (March 1, 1970 through February 28, 1971). Your request states that the application was not signed during the current voting year.

Consequently, you are advised that the application outlined in your request does not satisfy the requirements of Article 13.54 of the Texas Election Code for the reason that the same was not signed during the current voting year.

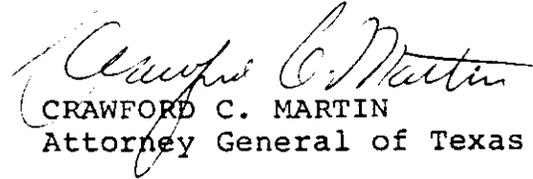
#### S U M M A R Y

Under the facts submitted, an application for a new political party's nominees to be placed

Hon. Oscar B. McInnis, page 3 (M-646)

on the general election ballot in November, 1970, does not comply with the provisions of Article 13.54, Texas Election Code, since such application was not signed during the current voting year (March 1, 1970 through February 28, 1971).

Very truly yours,

  
CRAWFORD C. MARTIN  
Attorney General of Texas

Prepared by John Reeves  
Assistant Attorney General

APPROVED:  
OPINION COMMITTEE

Kerns Taylor, Chairman  
W. E. Allen, Co-Chairman  
Jack Sparks  
Bob Lattimore  
Rex White  
Howard Fender

MEADE F. GRIFFIN  
Staff Legal Assistant

ALFRED WALKER  
Executive Assistant

NOLA WHITE  
First Assistant