



**THE ATTORNEY GENERAL
OF TEXAS**

**CRAWFORD C. MARTIN
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AUSTIN, TEXAS 78711

December 4, 1970

Dr. J. W. Edgar
Commissioner of Education
201 East 11th Street
Austin, Texas 78701

Opinion No. M- 740

Re: Changing date of election
for district trustees of
an independent school
district in Bexar County.

Dear Dr. Edgar:

In your recent letter, on behalf of the Board of Trustees of the North East Independent School District in Bexar County, you request the opinion of this office as to the authority of that board to change the 1971 day of its school trustee election from the first Saturday in April to the last Saturday in March, 1971.

Since Bexar County has a population of 500,000 or more, the Board of Trustees of each Independent School District in Bexar County clearly has the authority under Section (a), Article 23.08, Texas Education Code, to make the suggested change by official resolution of the Board. Section (a) reads as follows:

"(a) Elections for trustees of independent school districts shall be held on the first Saturday in April, except that in counties having a population of 500,000 or more the trustees may by official resolution select any other Saturday."

You have also submitted for our consideration the following question:

"Assuming the boards of trustees of every school district and the county school board of Bexar County by official resolution(s) respectively select, for the year 1971 only, the last Saturday in March (March 27, 1971) to hold the

trustee elections, do the quoted laws contemplate or permit the selection of any Saturday prior to the first Saturday in April, and/or for one year only."

We are of the opinion that where the districts all agreed on the same Saturday they could select the last Saturday in March (March 27, 1971) or any other Saturday in 1971 prior to the first Saturday in April.

With respect to whether the effect of such actions would be to change the election date for one year only, we are of the opinion that the resolutions could lawfully be made effective for either the single year 1971 or for that and subsequent years, according to the manner in which the resolutions are drawn. In your assumed situation the result apparently desired would require that all resolutions be alike in this respect. The resolution that you have submitted for the North East Independent School District would be effective for only the year 1971.

In this respect it should be pointed out that actions of a board would not bind future boards, those boards being free to again change the election date within the limits of the governing statutes.

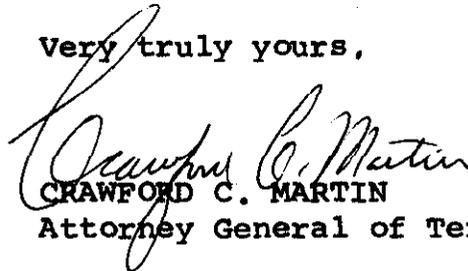
Your letter also submitted other questions. However, subsequent to our receipt of the letter you agreed that we should not answer the other questions because they only present related hypothetical situations which do not exist at this time.

S U M M A R Y

Under the provisions of Section (a), Article 23.08, Texas Education Code, the Board of Trustees of each independent school district in Bexar County has the authority to change the 1971 day of its school trustees election from the first Saturday in April to the last Saturday in March, 1971.

By suitable drafting the resolutions of the Boards could lawfully be made effective for either the single year 1971 or for that and subsequent years, but future Boards would be free to again change the date within the statutory limits.

Very truly yours,


CRAWFORD C. MARTIN
Attorney General of Texas

Prepared by James S. Swearingen
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APPROVED:
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