



OFFICE OF THE ATTORNEY GENERAL OF TEXAS  
AUSTIN

GERALD C. MANN  
ATTORNEY GENERAL

Honorable Parks E. McMichael  
County Attorney  
Cass County  
Linden, Texas

Dear Sir:

Opinion No. O-1215  
Re: Fees for election judges  
in common school district  
bond election.

We are in receipt of your letter of July 31, 1939 requesting our opinion upon the following question:

"What fees would the judges and clerks be entitled to receive for their services for holding an election involving the question of the issuance of bonds in a common school district?"

Article 2784 et seq., Revised Civil Statutes, 1925, provides for the issuance of bonds, levy of taxes and holding elections to authorize same in school districts.

Article 2785, Revised Civil Statutes, 1925, provides in part as follows:

"Before an election is held to determine the proposition of the levy of said tax, or the issuance of such bonds, a petition therefor signed by twenty (20) or more, or a majority of those entitled to vote at said election, shall be presented to the county judge of the county, if a common school district, \* \* \*. \* \* \*; and said election shall be held and conducted as provided by law for general elections, except as provided herein."

Article 2793, Revised Civil Statutes, 1925, provides as follows:

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"The county judge shall appoint a presiding officer for each voting place to hold any such election in common school districts; and shall prepare the ballots for such elections, and the county shall bear the expense of having them printed. All polls for school district elections shall be opened at eight o'clock a. m., and shall be closed at six o'clock p. m. and none of the officers holding such election shall be entitled to compensation therefor. Any person may challenge a voter; but if the challenged party takes an oath that he is a qualified voter of the State and county, and that he is a resident property taxpayer in said district, he shall be entitled to vote."

It was held by this department in an opinion dated July 10, 1931, by Assistant Attorney General Scott Gaines addressed to Honorable L. P. Heard, that Article 2793 is applicable to bond elections in common school districts and none of the persons holding such elections are entitled to compensation therefor. We find no reason why such opinion should not be followed.

It is, therefore, our opinion that judges and clerks in an election involving the question of the issuance of bonds in a common school district are not entitled to receive any fees for their services for holding such election.

Yours very truly

ATTORNEY GENERAL OF TEXAS

By

*Cecil C. Cammack*  
Cecil C. Cammack  
Assistant

CCC:RS



APPROVED AUG 9, 1939

*Gravelle Owen*

ATTORNEY GENERAL OF TEXAS