

trict polling places be the same as the two county election precinct polling places and must the precincts or subdivisions of the school district conform as near as possible to the county election precincts?"

We appreciate your brief and discussion of the various statutes bearing upon the above questions.

By Articles 2741 and 2676, et sep., Revised Civil Statutes 1925, as amended, the general management, supervision and control of the common school districts of the county is placed under the control of the county board of school trustees. The management and control of the affairs of the individual common school districts is vested in the local school board of each district. Article 2749, Revised Civil Statutes, 1925.

Article 2793, Revised Civil Statutes, 1925, pertaining to bond and tax elections, provides that "the county judge shall appoint a presiding officer for each voting place to hold any such election in common school districts; . . . all polls for school district elections shall be opened at 8:00 o'clock a. m. and shall be closed at 6:00 o'clock p. m. . . ." This statute authorizes the county judge to appoint a presiding officer for each voting or polling place but it does not give authority and does not purport to give authority to the county judge to establish voting subdivisions within a common school district. It apparently contemplates that the regular voting places shall be designated and used in such election.

Prior to its amendment in 1927, Article 2746, Revised Civil Statutes, 1925, provided that the common school district trustees "shall appoint three persons qualified voters of the district who shall hold" the regular trustee election in each common school district and further provides that "said persons shall receive as compensation for their services the sum of \$1.00 each." The local board when ordering such election is also authorized to give notice of the time and place where such election will be held and are required to post the proper notice.

Article 2746 was amended by House Bill No. 782, Chapter 237, Acts 1937, p. 472, so as to provide that "said trustees (common school district) may appoint three persons for each voting box of the district who shall be qualified voters of the district and who shall hold such election and make returns thereof to said trustees within five days after such election and said persons shall receive as compensation

for their services the sum of \$1.00 each." As in the original article, the board of trustees when ordering such election is authorized to give notice of the time and place for such election where such election will be held and post the proper notices. The emergency clause of this Act reads in part as follows:

"Because of the fact that in some school districts in Texas there is more than one voting box and whereas under the old statute great inconvenience was caused to the residents of such districts because of the great distance which must necessarily be traveled and whereas much saving of time and expense can be obtained by allowing the holding of elections more convenient to the voters create an emergency."

While Article 2746, as amended, does not expressly authorize the local board of school trustees to establish voting boxes in the district and make designation of voting precincts therein, it clearly contemplates that in many common school districts within this State more than one voting box has been established and because of the size of some districts, it is to the best interest of the districts and the voters therein that more than one polling place be furnished. It further recognizes that under the original statute the trustees were authorized to appoint only three persons to hold such election and only the number designated by the statute were authorized to receive compensation for their services. Such difficulty was obviated in the amendment by providing that three persons could be appointed for each voting box and each should receive compensation for his services.

Taking into consideration the general powers vested in the local board of school trustees and the recent amendment of Article 2746, we are of the opinion that the local school board of common school districts may establish sufficient voting boxes to adequately serve the district and make appropriate provision for the designation of the voting subdivisions for the polling places.

It is our opinion that your questions should be answered as follows:

1. The commissioners' court of a county is not authorized to divide a common school district into subdivisions or precincts for the purpose of establishing and maintaining separate polling places or election boxes.

2. The board of trustees of a common school dis-

trict may establish more than one polling place in the common school district and divide such district into suitable subdivisions for voting purposes.

3. The county judge, when he calls an election, is not authorized to divide a common district into voting subdivisions but may designate two or more polling places in a common school district when such polling places have been established by the local board of trustees.

4. There is no relation between county election precincts established by the Commissioners' Court by virtue of Articles 2351 and 2933, Revised Civil Statutes, 1925, and common school districts. Voting boxes in common school district elections and appropriate subdivisions therefor may or may not correspond to county precincts and polling places.

Yours very truly

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Approved Opinion Committee By s/BWB Chairman