



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

HERALD C. MANN
ATTORNEY GENERAL

Honorable I. I. Geren
County Attorney
Limestone County
Groesbeck, Texas

Dear Sir:

Opinion No. 0-2440
Re: Charge required by
County Executive Com-
mittee of candidates
for office of State
Representative from
61st Representative
District, Limestone
County, Texas.

This is in reply to your letter of May 30, 1940, requesting the opinion of this department as to the proper charge to be assessed candidates for the office of State Representative from the 61st Representative District, consisting of Limestone County, Texas, by the County Executive Committee. In this connection you called our attention to Articles 3116 and 3116c, Vernon's Annotated Civil Statutes, and suggested that Article 3116c might be construed as applicable to your county.

In Opinion No. 0-2447 this department held that Article 3116c, Vernon's Annotated Civil Statutes, House Bill 1020, Acts 1939, 46th Legislature, was null and void, being repugnant to Section 56 of Article III of the Constitution, of Texas. We are enclosing a copy of this opinion.

Article 3116, Vernon's Annotated Civil Statutes, reads as follows:

"No person's name shall be placed on the ballot of a district, county or precinct office who has not paid to the county executive committee, the amount of the estimated expense of holding such primary apportioned to him by the county executive committee as hereinbefore provided. Provided, however, that no candidate,

Honorable L. L. Geren, page 2

for nomination for chief justice or associate justice of a court of civil appeals or for representative in Congress or for district judge or district attorney or any other district office in representative or judicial districts composed of four or more counties shall be required to pay more than one (\$1.00) dollar to any county executive committee or other person for any particular county as his portion of such expense for holding such primary and shall not be required to pay any other sum or sums to any other person or committee to have their name placed on the ticket as such candidate. No candidates for nomination for State Senator or Representative in the Legislature shall be required to pay more than one (\$1.00) dollar to any county executive committee or any other person or any particular committee as his portion of such expense for holding such primary. Candidates for United States Senator or for Congressman-at-large and all those who are candidates for State offices to be voted upon by the qualified voters of the whole State shall pay to the chairman of the State Executive Committee one hundred (\$100.00) dollars, and shall not be required to pay any other sum or sums to any other person or committee to have their names placed on the ticket as such candidate." (Undersecoring ours)

It is therefore the opinion of this department and you are respectfully advised that candidates for the office of Representative from the 61st Representative District should be assessed not more than \$1.00 by the County Executive Committee as their portion of the expense of holding a primary election.

Very truly yours

ATTORNEY GENERAL OF TEXAS

APPROVED JUN 19, 1940

Gereen, Mear
ATTORNEY GENERAL OF TEXAS

By *Walter R. Koch*
Walter R. Koch
Assistant

By *James D. Smullen*
James D. Smullen



JDS:EP
Encl.