

*Last copy. Save  
for reproduction*



**THE ATTORNEY GENERAL  
OF TEXAS**

Gerald C. Mann

~~JOHN P. ...~~  
ATTORNEY GENERAL

AUSTIN 11, TEXAS

Honorable Neil J. Gilligan  
County Auditor  
Uvalde County  
Uvalde, Texas

Dear Sir:

Opinion Number O-2923  
Re: Time for holding road  
bond elections.

We have your letter of November 23, which reads as follows:

"Will you kindly inform me whether or not Article 704, as amended, Vernon's Annotated Civil Statutes, providing bond elections shall be held not less than 15 nor more than 30 days from the date or order of election, prevails over Article 2950 wherein it is stated that the County Judge shall cause notice of election to be posted or published for thirty days? I am interested in a county-wide bond election - - road bond."

We first call your attention to the fact that Title 22, Chapter 3, Articles 752a, et seq., constitute the statutory authority for the issuance of road bonds. Article 752f-2 reads as follows:

"The Commissioners' Court shall determine the time and place or places of holding such election, and the date of such election shall not be less than thirty days from the date of making the order of election."

This article refers to the election contemplated by Article 752f, wherein it is provided that if the proposed issue of bonds and levy of taxes is for the entire county, notice of election shall be given by publication in a newspaper published in such county for three successive weeks, if there be one, and further provides that in addition thereto for a period of three weeks prior to said election, notice shall be posted by the county clerk at four public places in the county, one of which shall be at the county courthouse door.

We call your attention to Article 752g, which reads as follows:

"The manner of holding such election and canvassing and making returns thereof shall be governed by the general laws of this State when not in conflict with the provisions of this Act."

We are of the opinion that the issuance of road bonds and the manner of voting same must be in accordance with the above quoted articles, and that Article 704, as amended, and 2950, referred to in your letter, have no application in the issuance of such bonds.

You are, therefore, advised that in any road bond election, notice thereof shall be posted for a period of not less than thirty days from the date of the order of election.

Trusting that the foregoing satisfactorily answers your inquiry, we are

Yours very truly

ATTORNEY GENERAL OF TEXAS

By  
/s/ Clarence E. Crowe  
Clarence E. Crowe  
Assistant

CEC-s:EGW

APPROVED DEC 17, 1940  
/s/ Gerald C. Mann  
ATTORNEY GENERAL OF TEXAS

Approved Opinion Committee  
By BWB Chairman