



OFFICE OF THE ATTORNEY GENERAL OF TEXAS

AUSTIN

GERALD C. MANN  
ATTORNEY GENERAL

Honorable H. Pat Edwards  
Civil District Attorney  
Dallas County  
Dallas, Texas

Dear Sir:

Opinion No. O-4642

Re: Since the daylight saving time  
(war time) is in effect, when  
should the polls be opened and  
closed under Article 2930?

From your letter of recent date we quote the following as having been submitted to you:

"Article 2930 of The Revised Civil Statutes requires that in general, special and primary election, the polls shall be opened from 7:00 A.M. to 7:00 P.M. as applied to counties having a population of 150,000 or more.

"Since our clocks are now set forward one hour as applied to Central Standard Time, in view of the importance of the question as related to the forthcoming primaries, may I submit these questions for a ruling thereon, viz:

"1. Would it be legal to open the polls in Dallas County at 8:00 A.M. present clock time (7 A.M. C.S.T.), and close them at 8:00 P.M. present clock time (7 P.M. C.S.T.)?"

"2. Would it be legal to open the polls at 7:00 A.M. present clock time (6 A.M. C.S.T.), and close the polls at 7:00 P.M. present clock time (6 P.M. C.S.T.)?"

You say you have considered the questions, and in the light of our opinion No. O-4390, citing the case of McFarlane v. Whitney, 134 S. W. (2d) 1047 (Tex. Comm. App.), adopted by the Supreme Court January 3, 1940, that you answered the first question in the negative, the second in the affirmative. You wish to know whether we concur in your answers.

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Article 2980, Vernon's Annotated Civil Statutes, reads as follows:

"A general election shall be held on the first Tuesday after the first Monday in November, A. D. 1926, and every two years thereafter, at such places as may be prescribed by Law, after notice as prescribed by Law. Special elections shall be held at such times and places as may be fixed by Law providing therefor. In all elections, general, special, or primary, the polls shall be open from seven o'clock a.m. to seven o'clock p.m. in all counties having a population of 150,000 or more according to the last Federal census and in all other counties the polls shall be opened at 8 a.m. and shall remain open until 7 p.m. The election shall be held for one day only."

On January 20, 1942, the President of the United States approved the following, passed as Public Law 403 by the 77th Congress (S. 2160):

"Beginning at 2 o'clock antemeridian of the twentieth day after the date of enactment of this Act, the standard time of each zone established pursuant to the act entitled 'An Act to save daylight and to provide standard time for the United States,' approved March 19, 1918, as amended, shall be advanced one hour."

"This Act shall cease to be in effect six months after the termination of the present war or at such earlier date as the Congress shall by concurrent resolution designate, and at 2 o'clock antemeridian of the last Sunday in the calendar month following the calendar month during which this Act ceases to be in effect the standard time of each zone shall be returned to the mean astronomical time of the degree of longitude governing the standard time for such zone as provided in such Act of March 19, 1918, as amended." (United States Code Congressional Service, 1941, No. 1, p. 7)

We are of the opinion that the same reasoning employed in discussing the Act of Congress of March 19, 1918,

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in *McFarlane v. Whitney*, supra, would apply with equal force to the amendatory act we have quoted. We think the courts would take judicial knowledge that the standard of time established by the latter act "has been adopted and has come into general use"; that "such fixed single standard" is "not only beneficial but necessary in the operation of railroad trains and other means of transportation and in conducting business, governmental and private, and social affairs;" and that the same standard would be applied to our election laws.

We agree with your answers to the questions as stated.

Yours very truly

ATTORNEY GENERAL OF TEXAS

*Benjamin Woodall*  
By Benjamin Woodall  
Assistant

BW:CO

APPROVED JUN 13, 1942

*Gerritt - Mann*

ATTORNEY GENERAL OF TEXAS

