



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN 11, TEXAS

GERALD C. MANN
~~XXXXXXXXXXXX~~
ATTORNEY GENERAL

Honorable Ernest Guinn
County Attorney
El Paso County
El Paso, Texas

Dear Sir:

Opinion No. 0-4690
Re: Special elections - State rep-
resentatives

Your telegraphic request for opinion has been received and carefully considered by this department. We quote from your request as follows:

"Governor Stevenson has called a special election to fill a vacancy in the office of State Representative 90th District consisting of Hudspeth Culberson and El Paso Counties. Would you please advise by return air mail if possible the manner in which candidates for this vacancy may have their names placed upon the ballot and the last day on which they may file for this office."

We have been unable to find any statutes specifically governing special elections to fill vacancies for offices such as this one, except Articles 2946, 2941, 2948, 2949, 2950, and 2953a, Vernon's Annotated Texas Civil Statutes, providing for the proclamation by the Governor and order and notice of the election by the County Judge.

It appears that the filling of a vacancy in this office, cannot, for obvious reasons be governed by general laws pertaining to primary elections. It appears further that the laws governing general elections would not apply to the election at hand, but that so far as is possible, the procedure outlined in these laws governing general elections should be applied to special elections.

It is our opinion that it would be proper for the candidates to file their applications with the County Judge and/or County Clerk of each county composing the district at any time before the ballots have been printed. We do not say that this is the only procedure which might be followed as the statutes are silent on the matter but we think such procedure would be a proper

one and we understand it is one that has been followed in the past in some counties.

Very truly yours

ATTORNEY GENERAL OF TEXAS

By s/Wm. J. Fanning
Wm. J. Fanning
Assistant

WJF:ff:wc

APPROVED JUL 7, 1942
s/Gerald C. Mann
ATTORNEY GENERAL OF TEXAS

Approved Opinion Committee By s/BWB Chairman