



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GROVER SELLERS
ATTORNEY GENERAL

Honorable Henry C. Kyle
County Attorney
Hays County
San Marcos, Texas

Dear Sir:

Opinion No. 0-7172

Re: Does the Board of Trustees of the San Marcos Independent School District have authority to designate that trustees run for certain places on the School Board?

We have for attention your request for an opinion on the above subject. Your letter reads in part as follows:

"The Board of Trustees of the San Marcos Independent School District has passed a resolution to the effect that the candidates for that Board of Trustees must run for places 1, 2, 3, 4 etc., that all persons announcing for the Board of Trustees shall designate the number of that place for which they are running, and that the person receiving the highest number of votes for each respective place will be declared elected for that particular place.

"The San Marcos Independent School District is a rural high school district, established in accordance with Chapter 19A, Revised Civil Statutes of 1925, created by annexing one or more common school districts to an independent school district.

". . .

"May the Board of Trustees of the San Marcos Independent School District, a rural high school district, designate that Trustees run for certain designated places and declare that the persons receiving the highest number of votes for the

respective places be entitled to serve as Trustees rather than the three (3) or four (4) candidates receiving the largest number of votes, irrespective of such places, be entitled to serve as Trustees?"

Article 2922 (e), Vernon's Annotated Civil Statutes provides for method of control of Rural High School District. Pertinent provisions of the article are as follows:

"The control and management of the schools of a rural high school district, established under the provisions of this Act, shall be vested in a board of seven trustees, elected by the qualified voters of the said district at large, who shall be elected and serve in accordance with the provisions of General Law relative to common school districts, except as may be otherwise provided herein; . . . Four of said trustees shall be elected each odd number of years and three on each even number of years on the first Saturday in April. The trustees of the first board shall draw for terms."

Article 2922 (b), Vernon's Annotated Statutes sets up a classification for rural high school districts. We quote the article below:

"Rural high school districts as provided for in the preceding article shall be classed as common school districts, and all other districts, whether common or independent, composing such rural high school district shall be referred to in this Act as elementary school districts; provided that all independent school districts enlarged by the annexation thereto of one or more common school districts as provided for in Article 2922a shall retain its status and name as an independent school district, and shall continue to operate as an independent school district under the provisions of the existing laws and the laws hereafter enacted governing other independent school districts, except as otherwise provided for herein."
(Underscoring ours).

We believe the general law governing the election of trustees for independent school districts is found in Article

2777, Vernon's Annotated Statutes, and that the provisions of this article should be applied to the method of election of trustees in Rural High School Districts despite the provisions of Articles 2922(e) and 2745. Article 2745 contemplates the election of three trustees for a common school district. In the case at hand we have the election of a board of seven trustees in question. Article 2922(b) states that the district when enlarged by the annexation thereto of one or more common school districts shall retain its status as an independent school district and "continue to operate as an independent school district under the provisions of existing laws and the laws hereafter enacted governing other independent school districts, except as otherwise provided for herein."

Article 2777 provides:

"The seven candidates receiving the largest number of votes at the first election, and the three or four candidates receiving the largest number of votes at all subsequent elections, shall be entitled to serve as trustees hereunder. Those elected at the first election shall determine by lot the term for which they are to serve. The four members drawing numbers one, two, three and four shall serve for one year, and the three members drawing the numbers five, six and seven shall serve two years, or until the second of April thereafter, and until their successors are elected and qualified; and regularly thereafter on the first Saturday in April of each year, four trustees and three trustees, alternately, shall be elected for a term of two years, to succeed the trustees whose term shall at that time expire. The members of the board remaining after a vacancy shall fill the same for the unexpired term." (Underscoring ours).

We have found no statute that would authorize the Board of Trustees of a rural high school to designate the places for which an individual candidate must run, and in the absence of such, it is our opinion that the three or four candidates

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receiving the largest number of votes should be declared
elected in accordance with the provisions of Article 2777.

Trusting the above satisfactorily answers your
question, we are

Yours very truly

ATTORNEY GENERAL OF TEXAS

By

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Assistant

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APPROVED APR 12, 1946

Wm. J. Fanning
(Acting)
ATTORNEY GENERAL OF TEXAS

