



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GROVER SELLERS
ATTORNEY GENERAL

Hon. Pat Beene
County Attorney
Andrews County
Andrews, Texas

Dear Sir:

Opinion No. 0-7272

Re: Whether candidate may have his name placed on primary ballot when he will not have been an actual bona fide resident of county for six months next preceding general election.

We are in receipt of your letter of recent date requesting the opinion of this department on the above stated matter. We quote from your letter as follows:

"I have been asked by the County Chairman to secure from you an opinion relative to the placing of a persons name on the ballot if that person does not at the present time live in Andrews County, Texas.

"The facts are: That a man who at present lives in El Paso and who has never lived in Andrews County, Texas has requested that his name be placed on the Ballot for County Attorney. He gives in his application his present address, which is listed as El Paso, Texas.

"In as much as I am interested in the matter herein discussed I will not present an opinion, but will rely upon you to furnish the opinion for Mr. Montgomery.

"We would both appreciate your early attention to this matter in as much as the time in which to place applications with the Chairman is about up."

Article 2927, Vernon's Annotated Civil Statutes, provides:

"No person shall be eligible to any State, county, precinct or municipal office in this State unless he shall be eligible to hold office under the Constitution of this State, and unless he shall have resided in this State for the period of twelve months and six months in the county,

precinct, or municipality, in which he offers himself as a candidate, next preceding any general or special election, and shall have been an actual bona fide citizen of said county, precinct, or municipality for more than six months. No person ineligible to hold office shall ever have his name placed upon the ballot at any general or special election, or at any primary election where candidates are selected under primary election laws of this State; and no such ineligible candidate shall ever be voted upon, nor have votes counted for him, at any such general, special, or primary election."

Under the foregoing provisions, in order for a person, offering himself as a candidate, to be eligible to hold the office of county attorney, he must have been an actual bona fide resident of the county for more than six months next preceding the general election. In view of this, a person offering himself as a candidate for county attorney who was not an actual bona fide resident of Andrews County on May 5, 1946, would not be eligible to hold such office.

Article 2927 further provides that no person who is ineligible to hold office shall have his name placed on the ballot in the primary election. You are therefore advised that if the candidate in question were not an actual bona fide resident of Andrews County by May 5, 1946, his name cannot be placed on the ballot for the 1946 primary elections in Andrews County.

We trust that the above and foregoing will satisfactorily answer your inquiry.

Yours very truly

ATTORNEY GENERAL OF TEXAS

By *J. A. Ellis*
J. A. Ellis
Assistant

JAE:Gja

RECEIVED JULY 30, 1946

(A.G. 100)

Pat Beene

