



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN 11, TEXAS

**WILL WILSON
ATTORNEY GENERAL**

October 16, 1962

Mr. Darrell G. Lochte
County Attorney
Kerrville, Texas

Opinion No. WW-1449

Re: Qualifications of Agreed
Supervisors under Article
3.06, Vernon's Texas Elec-
tion Code.

Dear Mr. Lochte:

You ask whether agreed supervisors selected in accordance with Article 3.06 of Vernon's Texas Election Code must be qualified voters of the election precinct in which they may serve as well as qualified voters of the county.

Our answer is that such agreed supervisors must be qualified voters of the county but they are not required to be qualified voters of the election precinct in which they may serve.

Article 3.06 of the Election Code, in its pertinent portion, reads as follows:

"Any five (5) or one-fifth (1/5) of the candidates, whichever is less, whose names appear on the official ballot of any general, special, or primary election, on the day preceding the election or prior thereto may agree in writing signed by them upon two (2) supervisors who, when selected, shall be sworn as election officers. Said supervisors shall be qualified voters of the county in which they may serve as such supervisors, . . ."

The requirements of this Article 3.06 are clear and would be without question, except for the general requirement of Article 3.03 of this Code. The pertinent portion of this latter Article is:

"All supervisors, judges and clerks of any general or primary election shall be qualified voters of the election precinct in which they are named to serve.
. . ."

The following principle of law is well established and is applicable and determinative in this situation.

" . . . The general rule is that when the law makes a general provision, apparently for all cases, and a special provision for a particular class, the general must yield to the special in so far as the particular class is concerned. Perez v. Perez, 59 Tex. 322. This rule is based upon the principle that all acts and parts thereof must stand, if possible, each occupying its proper place, and that the intention of the Legislature is more clearly reflected by a particular statute than by a general one. Accordingly a specific act is properly regarded as an exception to, or qualification of, a general law on the same subject previously enacted. In such a case both statutes are permitted to stand, the general one being applicable to all cases except the particular one embraced in the specific act. Townsend v. Terrell, 118 Tex. 463, 16 S.W.2d 1063." Sam Bassett Lumber Co. v. City of Houston, 145 Tex. 492, 198 S.W.2d 879 (1947).

See also City of Austin v. Cahill, 99 Tex. 172, 88 S.W. 542 (1905); Gabbert v. City of Brownwood, 176 S.W.2d 344 (Civ.App. 1943, error ref.); 39 Tex.Jur. 212-213, Statutes, Sec. 114.

S U M M A R Y

Agreed supervisors selected under authority of Article 3.06, Vernon's Texas Election Code, are required to be qualified voters of the county in which they may serve but are not required to be qualified voters of the election precinct in which they may serve.

Yours very truly,

WILL WILSON
Attorney General of Texas

By:


W. E. Allen

Assistant Attorney General

WEA:pw:jp

APPROVED:

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