

PHIL KING
State Representative
District 61

COMMITTEES:

Regulated Industry, Chairman

Civil Practices

Redistricting

COUNTIES:

Parker • Wise



State of Texas
House of Representatives
Austin

RECEIVED

JAN 26 2004

OPINION COMMITTEE

Capitol Office:
P.O. Box 2910
Austin, Texas 78768-2910
512-463-0738
Fax: 512-463-5896

District Office:
2110 Fort Worth Highway
Weatherford, Texas 76086
817-596-4796

Fax: 817-596-4760

E-mail: phil.king@house.state.tx.us

RQ-0170-GA

January 21, 2004

The Honorable Greg Abbott
Attorney General
Office of the Attorney General
300 W. 15th Street
Austin, TX 78701

FILE # ML-43455-04
I.D. # 43455

Dear General Abbott:

During the past legislative session, the Legislature generously created a new district court for Parker County effective January 15, 2004. Several questions have arisen. I respectfully request that you review these questions and provide an opinion at your earliest convenience.

- 1) What is the regular election date for the 415th District Court?
- 2) The effective date for the 415th District Court is January 15, 2004; therefore, what is the initial election date for the judge of that court?
- 3) If that office must stand for election in 2004, what is the procedure under which a person, including an appointee, may apply and/or be placed on the ballot (see the statutes referenced herein as well as *Government Code* Section 24.311 providing that the appointee serves until the next general election)?
- 4) Is such an election as referenced in #3 above, an election for an unexpired term?
- 5) Does Section 202.004 (c) of the *Election Code* provide a method by which a person, including an appointee to the 415th District Court may apply for the unexpired term?
- 6) Under this same statute, must the application for the unexpired term be filed by 15 days after January 15 or, immediately or, at some other time if an appointee does not assume the office until after January 15, 2004?
- 7) Is an Executive Committee also empowered to nominate a person under *Election Code* Section 202.006 (a) (1) for the unexpired term referenced in #4 above?
- 8) For the purposes of the referenced statutes, is an unexpired term considered to be the same thing as a vacancy (see Section 201.027 "New Office" stating that the vacancy occurs on the effective date of the act creating the office)?

Thank you in advance for your assistance with this issue.

Sincerely,


Phil King
State Representative