



OFFICE OF THE ATTORNEY GENERAL OF TEXAS

AUSTIN

April 15, 1939

GERALD C. MANN
ATTORNEY GENERAL

Honorable H. A. Hodges
County Auditor
Georgetown, Texas

Williamson sure Co.

Dear Sir:

Opinion No. 0-623

Re: Funds from which expenses of an election for consolidation of common school districts should be paid.

We are in receipt of your letter of April 10, 1939, wherein you request our opinion as to whether the expenses of elections for the consolidation of common school districts should be paid out of the general fund of the county or out of the available maintenance funds of the districts in which the elections are held.

In our opinion No. 0-100, addressed to you on January 27, 1939, under Article 2746, Revised Civil Statutes, we expressed the view that election officers holding an election for school trustees in common school districts should be paid their compensation of One Dollar each from the general fund. In that opinion we also held that all other expenses incurred in connection with such an election should be paid out of the available maintenance fund belonging to such districts for the fiscal year during which such election is held, or out of funds accruing to such district for the next ensuing fiscal year.

Article 2746, relates only to elections held for the purpose of selecting trustees. We find no provisions requiring that the person holding elections of the kind that you mention shall be paid out of the general fund of the county. On the other hand, Article 2746b, Revised Civil Statutes, enacted in 1935, is very broad in its terms and provides that "all expenses incurred in connection with or incidental to any school district election" shall be paid out of the available maintenance fund belonging to the district holding the election.

Our answer to your question, therefore, is that all of the expenses which may be incurred in connection with the election which you mention should be paid out of the available maintenance fund of the respective districts holding the elections.

Yours very truly

ATTORNEY GENERAL OF TEXAS

By *Glenn R. Lewis*

Glenn R. Lewis
Assistant

GRL:IM

APPROVED:

Glenn R. Lewis