



OFFICE OF THE ATTORNEY GENERAL OF TEXAS

AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

May 16, 1939

Honorable E. S. Foreman
County Auditor
Jefferson County
Beaumont, Texas

Overruled by 5-4446

Dear Sir:

Opinion No. 0-759

Re: Compensation to election
officials in school trustee
elections.

We are in receipt of your letter of May 3, 1939, in which you request the opinion of this Department upon the following questions:

1. Is it necessary for the returns of an election for school trustees in independent school districts of less than five hundred scholastics to be canvassed both by the trustees of such district and the commissioners' court in view of Articles 2745 and 2746a, Revised Civil Statutes?
2. Should election judges and clerks in county trustee elections be paid \$5.00 per day and 30¢ per hour over time as provided by Article 2945 or should they be paid \$1.00 per day as provided in laws relating to school trustee elections?
3. If Article 2945 is not applicable in a joint election to elect district trustees and county school trustees, is it permissible for the election judge in the larger common school district to employ enough clerks to properly conduct the election?

Your first question was answered by this Department in Opinion No. 0-655, dated April 24, 1939, written by Glenn R. Lewis to the Honorable K. D. Hall, a copy of which is enclosed herewith. In that opinion it was held that in trustee elections held in an independent school district of less than five hundred scholastics, the body which should canvass the returns, declare the result, and issue the commissions to the trustees elected, is the commissioners' court of the county in which the election is held.

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Article 2678, Revised Civil Statutes, provides for the election of five county school trustees elected from the county, "one of whom shall be elected from the county at large by the qualified voters of the common and consolidated independent school districts of the county, and one from each commissioner's precinct who shall hold office for a term of two years." This Article further provides:

"The time for such election shall be the first Saturday in April of each year; the order for the election of county school trustees to be made by the county judge at least thirty (30) days prior to the date of said election, and such orders shall designate one voting place for each common school district. The election officer appointed to hold the election for trustees in each common school district shall hold the election at the same place therein for the county school trustees."

Article 2746, Revised Civil Statutes, as amended, which applies to common school district trustee elections, provides, in part, as follows:

"Said trustees may appoint three persons for each voting box of the district who shall be qualified voters of the district and who shall hold such elections and make returns thereof to said trustees within five days after such election, and said persons shall receive as compensation for their services the sum of \$1.00 each to be paid out of the general fund of the county in which said election was held."

Article 2776, Revised Civil Statutes, provides that election officials for school trustee elections in independent school districts shall receive one dollar for their services.

Article 2943, Title 50, Election, Revised Civil Statutes, to which you refer, provides that "judges and clerks of general and special elections shall be paid \$5.00 a day each, and 30¢ per hour for any time in excess of a day's work as herein defined."

It has been held that school trustee elections are general elections but the provisions of the Terrell Election Laws apply only where there is no specific provisions in the laws relating to schools covering the same subject matter. *Scherz v. Telfer*, (T. C. A. Austin 1934) 74 S. W. (2d) 327.

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In answer to your second question, you are advised that election officials in school trustee elections, notwithstanding they also hold the election for county trustees, should be paid \$1.00 each for their services.

With reference to your third question, we refer you to that part of Article 2746 which applies to common school district trustee elections and, therefore, advise you that the trustees may appoint three persons for each voting box of the district who shall be paid \$1.00 each for their services.

We enclose herewith copies of opinions Nos. O-100 and O-479, which deal with related questions and may assist you in approving expenses in school trustee elections.

Yours very truly

ATTORNEY GENERAL OF TEXAS

BY

Cecil C. Cannaack
Cecil C. Cannaack
Assistant

COC:N

APPROVED

Gerardo Mann
ATTORNEY GENERAL OF TEXAS

