



**THE ATTORNEY GENERAL  
OF TEXAS**

GROVER SELLERS  
~~XXXXXXXXXXXXXX~~  
ATTORNEY GENERAL

AUSTIN 11, TEXAS

Honorable W. P. Herms, Jr.  
County Auditor  
Waller County  
Hempstead, Texas

Dear Sir:

Opinion No. 0-6683  
Re: Whether Waller County,  
Texas, may legally pay  
certain bills presented for  
publication and posting of  
notices in a school conso-  
lidation election.

Your request for opinion has been received and carefully considered by this department. We quote from your request as follows:

"Referring to your letter of June 30, 1945, and your opinion to me, which for reply you inclosed your opinion Nos. 0-4919 0-5183.

"Your opinion No. 4919 reads as follows:

"Article 2806, Vernon's Annotated Civil Statutes authorizes the holding of elections for the purpose of consolidating contiguous common school districts, contiguous independent school districts and further provides that common school districts may in like manner be consolidated with contiguous independent school districts.

"Articles 2746, 2746a and 2746b, Vernon's Annotated Civil Statutes regarding school district elections and expenses incurred in connection therewith provide in effect that all expenses incurred in connection with or incidental to any school district election in connection with a public school within such school district shall be paid out of the available maintenance fund belonging to such district or certain expenses enumerated in Article 2746, supra, shall be paid out of the local funds of the school district where the election was held.

"Therefore, all election expenses incurred by school districts must be paid out of the available maintenance fund belonging to the school district or districts or the local funds of the

school district or districts where the election was held as authorized by said statutes.'

"In this connection, it appears that Waller County cannot legally pay for notices in a County newspaper for such consolidated school election, or pay the sheriff for posting such notices.

"The sheriff's bill appears as follows:

"WALLER COUNTY, TEXAS

To

A. S. FLETCHER, SHERIFF.

"Posting Three Election Notices for consolidation of Fields Store & Waller.....\$3.00

"Mileage: 38 miles ..... 2.85

Total.....\$5.85

A. S. Fletcher  
Sheriff Waller County, Texas.

"Please find inclosed a copy of notice in Hempstead paper for such consolidated election, this notice being ordered by the Commissioners' Court, and the bill for same, being in the amount of \$87.05, has been filed with me for approval. May Waller County legally pay either of the above bills?"

In addition to Opinions Nos. 0-4919 and 0-5183, cited by you, copies of which have heretofore been furnished to you, we also respectfully call your attention to Opinion No. 0-623 of this department. Said Opinion No. 0-623, a copy of which is enclosed herewith, in answer to a request 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, specifically held as follows:

"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."

Honorable W. P. Herms, Jr. - Page 3, 0-6683

It is our opinion that Waller County, Texas, is not legally authorized to pay either of the bills submitted.

Very truly yours

ATTORNEY GENERAL OF TEXAS

s/ Wm. J. Fanning

By Wm. J. Fanning  
Assistant

WJF:BT/cg

APPROVED JULY 14, 1945  
s/ Grover Sellers  
ATTORNEY GENERAL OF TEXAS