

RQ-1010-GA

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OPINION COMMITTEE



FILE # ML-46856-11
I.D. # 46856

NAVARRO COUNTY CRIMINAL DISTRICT ATTORNEY

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October 25, 2011

Via CMRRR # 70081830000241543555
Office of the Attorney General
PO Box 12548
Austin, TX 78711-2548

RE: When to hold election request for an opinion.

Dear Attorney General:

I am writing you concerning the above request for an opinion. The Navarro County Commissioner's Court is attempting to establish an emergency services district for Navarro County currently. *Texas Health & Safety Code* § 755.018 (e), states the election shall be held on the first authorized uniform election date.

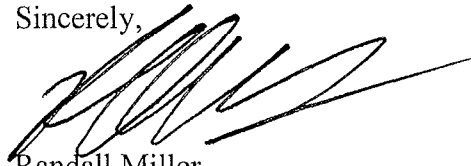
The authorized uniform election dates are in May and November. *See Texas Election Code* § 41.001. *Section 41.001 (b) (6)* states "an election held under a statute that expressly provides that the requirement of Subsection (a) does not apply to the election." Which seems to indicate the election for the emergency services district should be held in May 2012.

However, Senate Bill 100 from the last regular session of the legislature affects the timing of the elections in even numbered years to only non-county elections.

Therefore, *Texas Health & Safety Code* § 755.018 (e) is in conflict with Senate Bill 100 as passed by the legislature. My question is when should Navarro County hold its election to form an emergency services district?

My common sense answer would be to hold the election in November 2012 because it is the default election date.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Miller', with a long horizontal flourish extending to the right.

Randall Miller

Assistant Criminal District Attorney