



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

Hon. Walker Carson
County Attorney
Hudspeth County
Sierra Blanca, Texas

Dear Sir:

Opinion No. 0-2025

Re: Is a man who was elected County Chairman of the Democratic Executive Committee disqualified from acting in such capacity by virtue of being a trustee of a common school district of the county?

We have carefully considered your letter of recent date, requesting the opinion of this department touching the above stated question.

Article 2940, Vernon's Annotated Civil Statutes, (as amended Acts 1939, 46th Leg., p. 295), as pertinent to your inquiry, reads:

* * * *; nor shall any one act as chairman or as member of any District, County or City Executive Committee of a political party who has not paid his Poll Tax, or who is a candidate for office, or who holds any office of profit or trust under either the United States or this State, or in any city or town in this State; * * * " (Emphasis ours).

This statute is clear in its prohibitions and it remains only to ascertain whether the office of trustee of a common school district is included therein.

In construing Article 2922, Title 49, Revised Statutes (now Article 2940, supra), in the following particulars:

"No one who holds an office of profit or trust under the United States or this State,

or in any city or town in this State, * * * shall act as judge, clerk or supervisor of any election; * * * "

the Court in the case of CHESTNUT v. WELLS, 278 S.W. 465, recognized the office of trustee of a common school district to be "an office of trust" under such statute, the opinion reading at p. 466:

"At the time he so acted, he was holding an office of trust under the laws of the state of Texas, to-wit, being a trustee for said school district No. 36 * * * "

In our opinion, there can be no doubt concerning the correctness of the proposition that the office of trustee of a common school district is an office of trust within the purview of Article 2940, supra; therefore, one holding such office is disqualified from acting as County Chairman of the Democratic Executive Committee.

Accordingly, you are respectfully advised that it is the opinion of this department that your question should be answered in the affirmative; namely, that a man, although elected county chairman of the Democratic Executive Committee of Hudspeth County, Texas, is disqualified from acting in such capacity by virtue of his being the holder of the office of trustee of a common school district.

Trusting that we have adequately answered your inquiry, we remain

Yours very truly

ATTORNEY GENERAL OF TEXAS

By *Zollie C. Steakley*
Zollie C. Steakley
Assistant

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APPROVED MAR 12, 1940

Grubb Mann
ATTORNEY GENERAL OF TEXAS

