



OFFICE OF THE ATTORNEY GENERAL OF TEXAS

AUSTIN

GERALD C. MANN
ATTORNEY GENERALHonorable A. M. Fribble
County Attorney
Hills County
Goldthwaite, Texas*Superseded by
Art. 3.03, Texas
Election Code
(Adopted in 1951).*

Dear Sir:

Opinion No. 0-4687

But Is a person who is related by blood or marriage in any degree to a candidate for public office disqualified to serve as a judge, clerk or supervisor of the election?

Your letter of June 27, 1942, requesting the opinion of this department on the above stated question reads as follows:

"I have been asked to obtain your opinion on the following matter:

"Is a person who is related by blood or marriage to a candidate for public office disqualified to serve as judge, clerk or supervisor of the election?"

"I enclose my brief on the question, and it will be greatly appreciated if your opinion can be received before July 25, 1942."

Article 2939, Vernon's Annotated Civil Statutes, prescribes the qualifications of supervisors, judges and clerks of any general or primary election and reads as follows:

"All supervisors, judges and clerks of any general or primary election shall be qualified voters of the election precinct in which they are named to serve."

Article 2940, Vernon's Annotated Civil Statutes, sets out the disqualifications of supervisors, judges and

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clerks of any general or primary election and provides:

"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, or within thirty (30) days after resigning or being dismissed from any such office, except a notary public, or who is a candidate for office, or who has not paid his Poll Tax, shall act as judge, clerk or supervisor of any election; 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; or who may be enjoying gratuitous passage on street cars or on other public service corporations, by reason of his appointment as a special policeman; or any one who has any connection, whatever, with the city, whereby the city is justified in issuing to any such person free transportation on the street cars, or franks entitling him to the free use of public service corporations, or any person who is regularly employed in any capacity by the city for whose services a salary or wages is paid, except a notary public."

There is nothing in Article 2940, supra, that prohibits a person who is related by blood or marriage, in any degree, to a candidate for public office from acting as a judge, clerk or supervisor of any general or primary election. If the person who is related by blood or marriage to a candidate for public office, in any degree, has qualified under Article 2939, supra, and possesses none of the disqualifications set forth in Article 2940, supra, such person is legally entitled to act as a judge, clerk or supervisor of any general or primary election. Therefore, we respectfully answer the above stated question in the negative.

Yours very truly

ATTORNEY GENERAL OF TEXAS

APPROVED JUL 7, 1942

Gerald Mann
ATTORNEY GENERAL OF TEXAS

By

Ardell Williams

Ardell Williams
Assistant

AW:GO

APPROVED
OPINION
COMMITTEE

BY *[Signature]*
CHAIRMAN