



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

Honorable Thomas L. Blanton, Jr.
County Attorney
Shackelford County
Albany, Texas

Dear Sir:

Opinion No. 0-4799

Re: Woman county clerk who marries -
name to be used in official
capacity.

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

"Please advise by telegram whether woman county clerk who marries should use her married name in official capacity, and method of showing change of record. Unable to find any law on subject."

Eligibility to office belongs equally to all persons not excluded by the Constitution or statutes, and not exclusively or specially to persons enjoying the right of suffrage; and disability to hold office is not to be assumed on any citizen except under authority given by law. 34 Texas Jurisprudence, p. 341.

Section 16, Public Officers, 34 Texas Jurisprudence p. 345, reads in part as follows:

"Neither the Constitution nor the statutes appear to contain any general restrictions as to age or sex on the eligibility to hold office. In so far as the decisions have dealt with the matter it is held that a minor may hold the office of notary and that both minors and women may be deputy clerks, and a woman's eligibility is not affected by the fact that she is married." (Citing Dickson v. Strickland, 265 S. W. 1012, on the underscored statement in Texas Jurisprudence.)

