



OFFICE OF THE ATTORNEY GENERAL OF TEXAS

AUSTIN

GERALD C. MANN  
ATTORNEY GENERAL

Honorable P. W. Minter  
County Attorney  
Jim Hogg County  
Hebbronville, Texas

Dear Sir:

Opinion No. O-5017

Re: Under the facts submitted is a person who was duly elected county clerk, and has since been inducted into the Military Service as a private, entitled to qualify by filing his required oath and bond?

Your letter of December 17, 1942, requesting the opinion of this department on the above stated question, reads in part as follows:

" . . . The facts are that Mr. Gonzalez was duly elected County Clerk of Jim Hogg County, and has since been inducted into the Military Service under Selective Service System. He applied to Standard Accident Insurance Company for a qualifying bond, and they have turned him down for reasons stated in their letter of November 24th. to their General Agents, Coleman & Company, and such Agents' letter of November 27th. to their Local Agents, Stetson & Saldana, copies of which letters are enclosed herewith.

"I also enclose herewith copy of my opinion to Stetson & Saldana, holding that Mr. Gonzalez, who is a Private in the Military Service, is entitled to qualify by filing his required oath and bond.

"Please review this file, and give me your opinion thereon and quickly as possible, for you can realize the urgency of this matter."

Honorable P. W. Minter, page 2

We thank you for your opinion holding that the person named can legally qualify as county clerk by filing his oath and bond. We have carefully considered your opinion and agree with the conclusions stated therein.

Heretofore this department has rendered several opinions on questions very similar to the one presented in your inquiry. In our Opinion No. O-4873 it was held "that no provision of the Texas Constitution or statutes prevents the private in the United States Army from being a candidate for election to the office of county assessor-collector of taxes. If such person be elected to that office, the fact alone that he is a private in the United States Army will not disqualify him to take and hold the office and receive the compensation attached thereto. See Opinion No. O-3448, referred to above."

We enclose herewith copies of all the opinions mentioned above and also copies of Opinions Nos. O-4599 and O-4465.

In view of the foregoing and as stated above, you are respectfully advised that it is the opinion of this department that a person who was duly elected county clerk and has since been inducted into the Military Service of the United States as a private is entitled to qualify by filing the required oath and bond.

Trusting that the foregoing fully answers your inquiry, we are

Very truly yours

ATTORNEY GENERAL OF TEXAS

By *Ardell Williams*

Ardell Williams  
Assistant

RECEIVED FEB 31, 1942  
*Gov. Sulles*

ATTORNEY GENERAL

AW:db

Enclosures

*Beck*  
CLERK