



OFFICE OF THE ATTORNEY GENERAL OF TEXAS  
AUSTIN

GROVER SELLERS  
ATTORNEY GENERAL

Honorable George L. Murphy  
County Auditor  
Johnson County  
Cleburne, Texas

Dear Mr. Murphy:

Opinion No. O-7231

Re: Whether or not under the provisions of Article 2940 of the Revised Civil Statutes a County Auditor is disqualified for acting in the position of County Democratic Chairman.

Your request for an opinion upon the above subject matter is as follows:

"At the last General Primary Election, I was elected County Chairman of the Democratic Executive Committee of Johnson County, Texas. Since that time I have been appointed County Auditor. The position of Chairman carries no salary, but that of County Auditor does.

"Under the provisions of Article 2940, am I disqualified for acting in the position of County Chairman?"

Article 2940 of the Revised Civil Statutes is as follows:

"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

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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."

We think the language of Article 2940, "nor shall any one act as chairman or as member of any District, County or City Executive Committee of a political party who \* \* \* holds any office of profit or trust under either the United States or this State," compels an answer to your question in the affirmative.

It may be that under judicial decisions your acceptance of the office of County Auditor ipso facto vacated your office of Chairman of the Democratic Executive Committee, but whether so or not, you should make certain the matter by resigning as such Chairman.

Very truly yours

ATTORNEY GENERAL OF TEXAS

By

*Occie Speer*  
Occie Speer  
Assistant

APPROVED MAY 25 1925  
*Charles F. Foley*  
FIRST ASSISTANT  
ATTORNEY GENERAL  
OS-MR

APPROVED  
OPINION  
COMMITTEE  
BY *BLWB*  
CHAIRMAN