



**THE ATTORNEY GENERAL
OF TEXAS**

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AUSTIN, TEXAS 78711

May 12, 1970

Hon. Martin Dies, Jr.
Secretary of State
Capitol Building
Austin, Texas 78711

Opinion No. M-629

Re: Authority to pay compensation to precinct committeemen of the political party and compensation for their attendance at meetings of the county executive committee.

Dear Sir:

Your request for an opinion in the above subject matter asks the following question:

"I respectfully request your opinion on whether the precinct committeemen (precinct chairmen) of a political party which holds primary elections may lawfully be paid from the primary fund (assessments and filing fees of candidates) any compensation or reimbursement for expenses for their attendance at meetings of the county executive committee at which business relating to the conduct of the primary elections is transacted."

An officer may not claim or receive any money without a law authorizing him to do so and clearly fixing the amount to which he is entitled. State v. Moore, 57 Tex. 307 (1882); McLennan County v. Boggess, 104 Tex. 311, 137 S.W. 346 (1911); Binford v. Robinson, 112 Tex. 84, 244 S.W. 807 (1922); 47 Tex.Jur.2d, Public Officers, §162, p. 206.

In Attorney General's Opinion O-7282 (1946), it was held that members of the county executive committee were not allowed any fees for attending a meeting of said committee.

In Kaufman v. Parker, 99 S.W.2d 1074 (Tex.Civ.App. 1936), the court held that the assessments and filing fees paid by candidates under the authority of Article 3108, Vernon's Civil Statutes, (now Article 13.08 of the Election Code) constitutes trust funds and are to be disbursed only as provided by statute, stating:

"The money when collected and placed in the hands of the appellants (the committee) became a trust fund, and could only be disbursed and paid out as provided by statute; certainly it could not be spent by the chairman of the executive committee, these appellants (the committee), for salaries and services performed by the chairman, nor could it be spent for unnecessary expenses, but must be spent for purposes intended by the statute, and under the provisions of the statute authorizing such expenditures." (Emphasis added.)

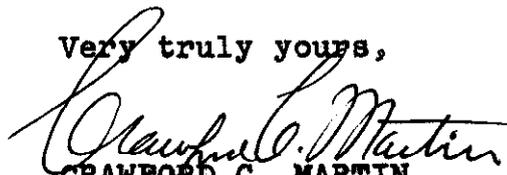
See also Small v. Parker, 119 S.W.2d 609 (Tex.Civ.App. 1938, error dismiss.) and Stevenson v. Sherman, 231 S.W.2d 506 (Tex.Civ. App. 1950, error ref.).

We have found no provision in the Texas Election Code for paying precinct chairmen any compensation or reimbursement of expenses for attending meetings of the county executive committee. In view of the foregoing authorities, you are advised that in the absence of statutory provisions authorizing such payment and prescribing the amount to be paid, precinct committeemen of county executive committees may not be paid any compensation and may not receive any reimbursement of expenses for attending meetings of the county executive committee.

S U M M A R Y

Precinct committeemen of county executive committees are entitled to neither compensation nor reimbursement of expenses for attending meetings of the county executive committee.

Very truly yours,


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Attorney General of Texas

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APPROVED:
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