



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

Honorable Joe C. Gladney
Criminal District Attorney
Henderson, Texas

0-3730

Dear Sir:

Opinion No. 0-3730

Re: Whether a person may contemporaneously serve as deputy county clerk and as member of Board of Trustees of an Independent School District having a scholastic enrollment in excess of five hundred.

In your letter of June 17, 1941, you request our opinion in response to the following two questions:

"1. Is a person prohibited from contemporaneously serving as a Deputy County Clerk and as a member of the Board of Trustees of an Independent School District having a scholastic enrollment in excess of five hundred scholastics?

"2. If a person may not contemporaneously hold such offices what is the legal effect of his being appointed and qualifying as a member of the Board of Trustees of an Independent School District subsequent to his appointment and qualification as a Deputy County Clerk?"

The holding of these two offices by the same person is not prohibited by Section 40 of Article 16, State Constitution, since the office of school trustee is not an office of emolument. The holding of such two offices by the same person is not prohibited by any other section of the Consti-

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tution, nor are such two offices incompatible. We answer your first question in the negative, making it unnecessary to notice your second one. We enclose copies of our opinions Nos. O-3308 and O-3522 from which the reasons for our holding in response to your question appear in more detail.

APPROVED JUL 1 1941

Glenn R. Lewis
 FIRST ASSISTANT
 ATTORNEY GENERAL

Yours very truly

ATTORNEY GENERAL OF TEXAS

By *Glenn R. Lewis*
 Glenn R. Lewis
 Assistant

GRL:lh

2 Encls.

