



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

6-5-91
GERALD C. MANN
ATTORNEY GENERAL

Honorable John M. Turner
County Attorney
Bee County
Beeville, Texas

Dear Sir:

Opinion No. O-4591
Re: When a county attorney
enlists in the U.S.
Naval Reserve may he
place his name on the
ballot for re-election
and related matters?

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

"Your letter of May 7th, 1942 along with enclosed opinions satisfies me in all problems set forth in my letter of May 6th 1942, except one and that is as follows:

"whether or not an officer may place his name on the official ballot for re-election to the office of County Attorney, he having enlisted and is serving in the U. S. Naval Reserve out of the county, out of the state, and possibly out of the United States and territorial limits thereof, prior to the time of the Primary and General elections.

"And if such person were elected in the Primary and General elections would such person be qualified to take the oath of office?

Honorable John M. Turner, Page 2

"I would ask you further whether or not Article 3902 regarding Deputys and Assistants applies to counties of 16,481 population."

We respectfully call your attention to the following portion of Section 40 of Article 16 of our State Constitution:

"Provided, that nothing in this Constitution shall be construed to prohibit. . . an officer in the Officers Reserve Corps of the United States, or an enlisted man in the organized Reserves of the United States from holding in conjunction with such office any other office or position of honor, trust or profit, under this State or the United States."

It is our opinion that being a U. S. Naval Reserve officer will not prevent a county attorney from placing his name on the ballot for re-election nor will it prevent him from taking the oath of office if he is re-elected. (See opinions Nos. 0-3448, 0-4408, and 0-4465 of this department, copies of which are enclosed herewith for your information.)

It is our further opinion that Article 3902, Vernon's Annotated Texas Civil Statutes, governs the appointment of deputies and assistants of county officers in your county. (See opinion No. 0-3448.)

Very truly yours

ATTORNEY GENERAL OF TEXAS

Wm. J. Fanning

By

Wm. J. Fanning
Assistant

WJF:ff
Encls.

APPROVED MAY 23 1942
Gus M. Moran

ATTORNEY GENERAL OF TEXAS

