



OFFICE OF THE ATTORNEY GENERAL OF TEXAS

AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

Honorable James W. Strawn
County Attorney
Willacy County
Raymondville, Texas

Dear Sir:

Opinion No. 0-4873

Re: Right of a private in
the United States Army
to be a candidate for and
hold, if elected, the
office of County Tax
Assessor Collector.

Your letter of recent date submits the following questions for the opinion of this department:

"1. May a County Assessor Collector of Taxes inducted into the Army of the United States as a private continue to hold his office and draw his pay for the remainder of his term?"

"2. May a person nominated as candidate for County Assessor Collector of Taxes have his name placed on the ballot at the general election though he is serving at that time as a private in the United States Army? If such person is elected, will the fact that he is a private in the United States Army prevent his taking and holding the office and receiving the salary therefore?"

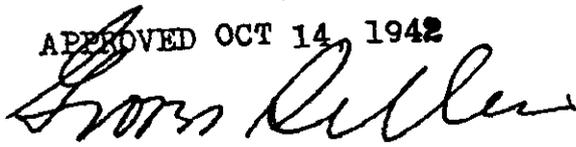
Your first question is answered by our opinion No. 0-3448, copy of which is enclosed.

In regard to your second question, you are advised that no provision of the Texas Constitution or Statutes prevent 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

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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. C-3448, referred to above.

APPROVED OCT 14 1942



FIRST ASSISTANT
ATTORNEY GENERAL

Yours very truly

ATTORNEY GENERAL OF TEXAS

By 
Richard W. Fairchild
Assistant

RF:ld

