



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN, TEXAS 78711

**CRAWFORD C. MARTIN
ATTORNEY GENERAL**

June 19, 1968

Senator J. H. Blanchard
Chairman, Nominations Committee
The Senate of the State of Texas
Austin, Texas

Opinion No. M-243

Re: Whether under Article 3.04,
Election Code of Texas, a
precinct chairman of Dallas
County is prohibited from
serving at the same time
on the Board of Directors
of the Texas Turnpike Au-
thority.

Dear Senator Blanchard:

A precinct chairman (and therefore a member of the County Executive Committee) in Dallas County, Texas, has been nominated by Governor John Connally to serve on the Texas Turnpike Authority Board of Directors, created by Article 6674v, Section 3, Vernon's Civil Statutes. You have requested our opinion as to whether this nominee may legally serve in both capacities.

Article 3.04 of the Election Code of Texas, in part, provides as follows:

" . . . No one shall serve 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, either under the United States or this State, or any city or town in this State."

Tex.Const., Section 33, Article XVI, as amended in 1967, does not aid us in solving the question under consideration since this constitutional provision applies only to non-elective state and federal officers or employees.

The acceptance and qualification as a member of the Board of Directors of the Texas Turnpike Authority will constitute an automatic resignation or vacation of the office of precinct chairman (and member of the County Executive Committee) of a political party. Pruitt v. Glen Rose School District, 126 Tex. 45, 84 S.W.2d 1004 (1935); State v. Brinkerhoff, 66 Tex. 45, 17 S.W. 109 (1886), 47 Tex.Jur.2d 42, Public Officers, §28.

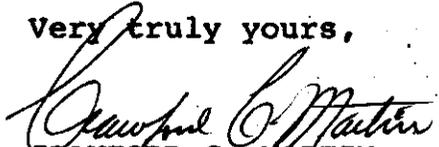
We answer your inquiry in the negative.

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S U M M A R Y

Acceptance and qualification as a member of the Board of Directors of the Texas Turnpike Authority will constitute an automatic resignation or vacation of the office of precinct chairman (and member of the County Executive Committee) of a political party.

Very truly yours,


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APPROVED:
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