



**THE ATTORNEY GENERAL  
OF TEXAS**

**JOHN L. HILL,  
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**AUSTIN, TEXAS 78711**

June 3, 1976

The Honorable Henry Rothell  
Administrator  
Texas Employment Commission  
Austin, Texas 78778

Opinion No. H-832

Re: Limitation on political activities of employees of the Texas Employment Commission.

Dear Mr. Rothell:

You have requested our opinion regarding the statutory limitation on certain political activities of employees of the Texas Employment Commission. Article 5221b-9(d) provides, in pertinent part:

The Commission shall not employ or pay any person who is an officer or committee member of any political party organization.

In light of this provision, you ask whether an employee of the Commission may serve as chairman or other officer of a political precinct or as a delegate to a county, state or national party convention.

In our opinion, it is evident that a Commission employee may not serve as a precinct officer. Article 13.34(c) of the Texas Election Code makes clear that a precinct chairman is an "officer . . . of [a] political party organization."

A convention delegate, however, occupies a somewhat different status from that of an "officer." A "delegate" is defined in common usage as "a person sent and empowered to act for another . . . as a representative to a convention or conference (as of a political party)." Webster's 3d International Dictionary (1961). Article 13.34(c) of the Election Code prescribes the qualifications for serving as a delegate:

The only qualifications for serving as a delegate to a county or senatorial district convention, or to a state convention, are that the person be a qualified voter residing within the territory which he is selected to represent and shall be affiliated with the party as prescribed in section 179a of this Code.

See also art. 13.34(h). Furthermore, no part of the Election Code even implies that a delegate necessarily occupies the status of "officer." As to persons nominated as delegates to a national convention, the Election Code provides that they

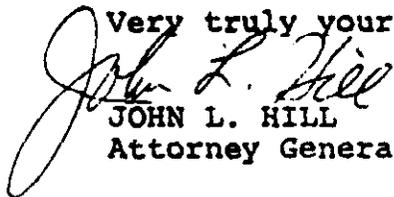
are those persons nominated by the delegate selection committees of the presidential candidates who qualify to participate in the presidential primary in accordance with Subdivision 3 of this section, and are pledged to the presidential candidate on whose behalf they are nominated. Art. 13.58a, subdivision 2(b).

It is therefore our opinion that a delegate to a county, state or national party convention is not, by virtue of his status as a delegate, an "officer or committee member of [a] political party organization." Accordingly, an employee of the Texas Employment Commission is not disqualified from serving as such a delegate.

S U M M A R Y

An employee of the Texas Employment Commission may not serve as chairman or other officer of a political precinct, but may serve as a delegate to a county, state or national party convention.

Very truly yours,



JOHN L. HILL

Attorney General of Texas

APPROVED:



DAVID M. KENDALL, First Assistant



C. ROBERT HEATH, Chairman  
Opinion Committee

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