THE ATTORNEY GENERAL
OF TEXAS

GERALD C. MANN
~~WILL WILSON~~
ATTORNEY GENERAL

AUSTIN 11, TEXAS

Honorable Vera V. Fogg
County Attorney
Hardeman County
Quanah, Texas

Dear Miss Fogg:

Opinion No. O-4716
Re: County Superintendent is not required to pay poll tax in order to legally serve as such officer.

Your request for opinion upon the following stated question:

> ". . . .
>
> "Can a person be elected to the office of County School Superintendent, and legally serve, when he has not paid his poll tax, and thus is not a qualified voter of the county in which he is elected?
>
> ". . . ."

has been received and carefully considered by this department.

Article 2688, Vernon's Annotated Texas Civil Statutes, sets forth the qualifications of the County School Superintendent; this Article does not require that he pay a poll tax or be a qualified voter. Article 2927, Vernon's Annotated Texas Civil Statutes, sets out the ineligibility of certain persons to serve as public officials and prescribes residential requirements of such officials; this Article does not make persons who have not paid their poll taxes or who are not qualified voters ineligible to hold public office.

The nature and purpose of a poll tax is that of a necessary prerequisite to the right of certain designated classes to vote. Unless otherwise provided, the office of a poll tax is not that of a necessary prerequisite to holding office.

Accordingly, it is our opinion, and you are so advised, that a person need not to have paid a poll tax in order to be elected and to qualify for the office of County Superintendent.

Very truly yours,

ATTORNEY GENERAL OF TEXAS

s/ Wm. J. Fanning

By
Wm. J. Fanning
Assistant

WJF: mbr/ ldw

APPROVED July 24, 1942
s/ GERALD C. MANN
ATTORNEY GENERAL OF TEXAS

APPROVED OPINION CIMMITTEE
BY B. W. B.
CHAIRMAN