



OFFICE OF THE ATTORNEY GENERAL OF TEXAS  
AUSTIN

GERALD C. MANN  
ATTORNEY GENERAL

January 26, 1939

Hon. W. Lee O'Daniel  
Governor of Texas  
Austin, Texas

Dear Governor:

Opinion No. 0-216

Re: May a brother of a Senator's  
wife be appointed district  
attorney

Your request for an opinion from this Department as to whether a brother of the wife of a State Senator may be appointed district attorney is received.

Penal Code, Article 432, provides in substance that no officer of this State shall appoint any person to any office where such appointee is related within the second degree by affinity to the officer making the appointment or to a member of the Senate which must confirm the appointment. This statute also provides in substance that no member of the Senate may vote for the confirmation of such appointment if the appointee is related within the prohibited degree to any member of the Senate.

We, therefore, answer that a brother of the wife of a State Senator may not be appointed district attorney.

Yours very truly

ATTORNEY GENERAL OF TEXAS

By *A. D. Collins*

Assistant

ASR:BT

APPROVED:

*Gerald C. Mann*  
ATTORNEY GENERAL OF TEXAS

*myh*