

By: Burkett

H.B. No. 1678

A BILL TO BE ENTITLED

AN ACT

relating to the appointment of a county election administrator.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 31.031(d), Election Code, is amended to read as follows:

(d) Not later than the third day after the date the order is adopted, the county clerk shall deliver a certified copy of the order to:

(1) the secretary of state; and

(2) the comptroller of public accounts~~;~~ ~~and~~

~~[(3) each member of the county election commission].~~

SECTION 2. The heading to Section 31.032, Election Code, is amended to read as follows:

Sec. 31.032. APPOINTMENT OF ADMINISTRATOR~~;~~ ~~COUNTY ELECTION COMMISSION~~].

SECTION 3. Sections 31.032(a), (b), and (c), Election Code, are amended to read as follows:

(a) The position of county elections administrator is filled by appointment of the commissioners court ~~[county election commission, which consists of:~~

~~[(1) the county judge, as chair,~~

~~[(2) the county clerk, as vice chair,~~

~~[(3) the county tax assessor-collector, as secretary,~~

~~and~~

1 ~~[(4) the county chair of each political party that~~
2 ~~made nominations by primary election for the last general election~~
3 ~~for state and county officers preceding the date of the meeting at~~
4 ~~which the appointment is made].~~

5 (b) The affirmative vote of a majority of the commissioners
6 court ~~[commission's membership]~~ is necessary for the appointment of
7 an administrator.

8 (c) Each appointment must be evidenced by a written
9 resolution or order signed by the number of commissioners court
10 ~~[commission]~~ members necessary to make the appointment. Not later
11 than the third day after the date an administrator is appointed, the
12 county judge ~~[officer who presided at the meeting]~~ shall file a
13 signed copy of the resolution or order with the county clerk. Not
14 later than the third day after the date the copy is filed, the
15 county clerk shall deliver a certified copy of the resolution or
16 order to the secretary of state.

17 SECTION 4. Section 31.036, Election Code, is amended to
18 read as follows:

19 Sec. 31.036. RESIGNATION. The commissioners court ~~[county~~
20 ~~election commission]~~ is the proper authority to receive and act on a
21 resignation from the position of county elections administrator.

22 SECTION 5. Section 31.037, Election Code, is amended to
23 read as follows:

24 Sec. 31.037. TERMINATION OF EMPLOYMENT. The employment of
25 the county elections administrator may be terminated at any time
26 for good and sufficient cause on the four-fifths vote of ~~[the county~~
27 ~~election commission and approval of that action by a majority vote~~

1 ~~of~~] the commissioners court.

2 SECTION 6. Section 31.038(a), Election Code, is amended to
3 read as follows:

4 (a) A vacancy in the position of county elections
5 administrator is filled by appointment of the commissioners court
6 [~~county election commission~~].

7 SECTION 7. Section 31.152(h), Election Code, is amended to
8 read as follows:

9 (h) Not later than the third day after the date the order is
10 adopted, the chair of the joint elections commission shall deliver
11 a certified copy of the order to:

- 12 (1) the secretary of state;
13 (2) the comptroller; and
14 (3) [~~each member of the county election commission, if~~
15 ~~any, and~~

16 [~~(4)~~] a representative from each participating
17 entity.

18 SECTION 8. Section 31.033, Election Code, is repealed.

19 SECTION 9. This Act takes effect immediately if it receives
20 a vote of two-thirds of all the members elected to each house, as
21 provided by Section 39, Article III, Texas Constitution. If this
22 Act does not receive the vote necessary for immediate effect, this
23 Act takes effect September 1, 2011.