



OFFICE OF THE SECRETARY OF STATE

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June 25, 1982

Mr. Marco A. Gomez
Bexar County Elections Administrator
419 South Main Street, No. 202
San Antonio, Texas 78204

Election Law Opinion DAD-32
Re: Term of initially ap-
pointed Election Adminis-
trator and grounds for
his removal

Dear Mr. Gomez:

In your letter of May 6, 1982, you ask the following questions:

1. If an elections administrator has been appointed in a given county on September 4, 1981, and is subsequently sworn in and bonded before entering into the duties of said office, when would the term in office for that individual be legally completed?
2. What are the grounds provided by general law for removal of county officers, and are there special provisions apart from the general law provisions that would apply to appointed officials?

This official election law opinion is rendered by me as chief election officer of the state in accordance with Tex. Elec. Code Ann. art. 1.03, subd. 1 (Vernon Supp. 1982).

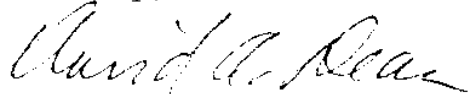
"The initial appointment of the county elections administrator shall be until the beginning of the first regular term thereafter." Id. at art. 5.24a, subd. 5. The regular two-year term of an elections administrator begins March 1

Mr. Marco A. Gomez

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Special provisions of the election code provide for removal of an elections administrator for filing as a candidate for office and for a misdemeanor conviction for active support of, or contribution to a candidate for public office, an officeholder, or a political party.

Sincerely,


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Secretary of State

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of odd-numbered years. Id. Therefore, the term of an elections administrator appointed September 4, 1981, would end March 1, 1983, when the first regular term begins.

The interim appointment of an elections administrator "may not be rescinded without the consent of the appointee." Id. at subd. 2. But, "the administrator may be removed from office in the same manner and on the same grounds as provided by general law for removal of county officers. . . ." Id. at subd. 5.

The general law provisions for removal of county officers are as follows:

County judges, county attorneys, clerks of the district and county courts, justices of the peace, constables, and other county officers may be removed by the Judges of the District Courts for incompetency, official misconduct, habitual drunkenness, or other causes defined by law, upon the cause therefore being set forth in writing and the finding of its truth by a jury." Tex. Const. art. V. § 24.

Also,

"All convictions by a petit jury of any county officers for any felony, or for any misdemeanor involving official misconduct, shall work an immediate removal from office of the officer so convicted." Tex. Rev. Civ. Stat. Ann. art. 5968 (Vernon 1962).

There are several special provisions for removal from office which apply to elections administrators. An elections administrator must be a resident of the county during his tenure in office. Filing as a candidate for office constitutes automatic resignation from office, as does a misdemeanor conviction resulting from his active support of, or contribution to, any candidate for public office, officer-holder, or political party. Tex. Elec. Code Ann. art. 5.24a, subd. 2(c) (Vernon Supp. 1982).

SUMMARY

The term of an elections administrator appointed September 4, 1981, ends March 1, 1983.

Under general law, grounds for removal from office of an elections administrator include incompetency, official misconduct, habitual drunkenness, conviction of a felony or conviction of a misdemeanor involving official misconduct.