

Election Law Opinion JWF-23

Request from the Honorable Chip Staniswalis, Texas State Representative, Amarillo, regarding filling a vacancy in the office of county chairman when there is no county executive secretary.

SUMMARY

If a vacancy occurs in the office of county chairman and there is no county executive committee secretary at the time that the vacancy occurs, the chairman of the state executive committee, upon receiving a written request from any member of the county committee, is the proper authority to call a meeting of the committee to fill the vacancy. If a county executive committee chooses to name a secretary for the committee, the appointment must be made by the county executive committee.

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SECRETARY OF STATE



JOHN W. FAINTER, JR.
SECRETARY OF STATE

January 4, 1984

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Honorable Chip Staniswalis
Texas State Representative
3505 Olsen
Amarillo, Texas 79109

Election Law Opinion JWF-23
Re: Filling a vacancy in the
office of county chairman
when there is no county
executive secretary.

Dear Representative Staniswalis:

This is in response to your December 6, 1983 request for an opinion in which you ask about the procedures for filling a vacancy in the office of county chairman when there is no county executive secretary.

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. 1982-1983).

Specifically, your first question asked who may call an executive committee meeting for the purpose of filling a vacancy in the office of county chairman when there is no county executive secretary.

Tex. Elec. Code Ann. art. 13.18, subd. 3 (Vernon Supp. 1982-1983), in its entirety, provides:

Whenever a vacancy occurs in the office of county chairman, the secretary of the county executive committee may call a meeting of the committee for the purpose of filling the

vacancy at any time after the vacancy occurs, and upon the written request of any member of the committee, the secretary shall call the meeting for a date not more than 20 days after he receives the request, giving notice to each member of the time and place where the meeting will be held and the purpose of the meeting. If the county committee does not have a secretary, or if the secretary fails to call a meeting as herein provided upon being requested to do so, the chairman of the state executive committee shall call the meeting in like manner upon written request of any member of the county committee. The officer who calls the meeting shall designate one member to act as temporary chairman, who shall call the meeting to order and preside until the committee elects its own chairman. (Emphasis added.)

Therefore, if a vacancy occurs in the office of county chairman and if the county executive committee does not have a secretary at the time that the vacancy occurs, the chairman of the state executive committee, upon receiving a written request from any member of the county committee, is the proper authority to call a meeting of the committee for the purpose of filling the vacancy.

Your second question asked whether a resigning county chairman could appoint an executive secretary for the purpose of calling an executive committee meeting to fill the vacancy of county chairman.

There is no Election Code provision requiring that a county executive committee have a secretary. However, if the county executive committee chooses to have a secretary, the appointment of that secretary is governed by Tex. Elec. Code Ann. art. 13.18, subd. 4, which states in relevant part:

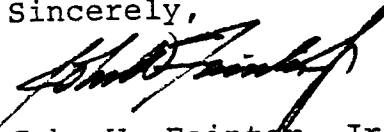
The county executive committee may name a secretary, who may be either a member of the committee or such other person as the committee may select. . . . (Emphasis added.)

Thus, only the county executive committee may appoint a secretary. There is no Election Code provision which authorizes a county chairman acting alone to appoint the secretary of a county executive committee.

SUMMARY

If a vacancy occurs in the office of county chairman and there is no county executive committee secretary at the time that the vacancy occurs, the chairman of the state executive committee, upon receiving a written request from any member of the county committee, is the proper authority to call a meeting of the committee to fill the vacancy. If a county executive committee chooses to name a secretary for the committee, the appointment must be made by the county executive committee.

Sincerely,



John W. Fainter, Jr.
Secretary of State

Ward Allen White III
General Counsel

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Assistant General Counsel
Elections Division

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