

SUBJECT: Prohibiting elections administrator employees from seeking or holding office

COMMITTEE: Elections — favorable, without amendment

VOTE: 6 ayes — Danburg, Averitt, Denny, Hodge, Madden, Uher
0 nays
3 absent — J. Jones, Gallego, Greenberg

SENATE VOTE: On final passage, Local and Uncontested Calendar, March 2 — voice vote

WITNESSES: (*On House companion bill, HB 808:*)
For — Craig Pardue, Dallas County; J. R. Perez, Texas Association of Election Administrators; Bill Borden

Against — Bill Bilyen

On — Mary Ann Collins

BACKGROUND: Under Election Code, sec. 31.035, a county elections administrator may not be a candidate for political office or for an office of a political party, hold a public office, or hold an office of or a position in a political party. When an administrator becomes a candidate or accepts such an office or position, the administrator must vacate the elections position.

A county elections administrator commits an offense if he or she makes a political contribution or expenditure, as defined by the law regulating political funds and campaigns, or publicly supports or opposes a candidate for public office or a measure to be voted on in an election. Such an offense is a Class A misdemeanor, punishable by up to one year in jail and/or a maximum fine of \$4,000. On final conviction, the administrator's employment is terminated and the person is ineligible for future appointment as county elections administrator.

DIGEST: SB 203 would specify that Election Code, sec. 31.035 applies to a person employed on a full-time basis by an election administrator's office in a county with a population of 1 million or more that has an election administrator.

This bill would take effect September 1, 1999.

**SUPPORTERS
SAY:**

SB 203 would just extend to full-time employees in an election administrator's office the existing prohibition barring an election administrator from running for or holding public office. This would help prevent any appearance of impropriety in the way elections are run in Dallas, Tarrant, and Bexar counties. The bill would not apply to Harris County because that county does not have an election administrator's office.

SB 203 would prevent situations in which the administration of elections appeared to be biased. Without the bill, for example, an election administrator's employee with a civil service position could take a leave of absence, run for office, lose, and return to the same position at the administrator's office. That employee might wind up helping election judges with races that might include the employee's opponent.

To have someone running for or holding office while working in an office that is charged with ensuring that elections are conducted fairly raises too many questions. Even if that person's intentions were pure, the public perception likely would be critical. Election administrators' offices were created to enable a group of unbiased people, removed from politics, to oversee elections. It is only common sense to extend this prohibition to all those employed at that office.

The bill would not interfere with anyone's right to run for public office. In the large counties to which this bill would apply, anyone in an election administrator's office could transfer to another position if they wished to run for office.

**OPPONENTS
SAY:**

In counties without an election administrator, the county clerks, who is a partisan elected officials, oversees elections. This procedure has caused few problems regarding any perception of unfairness or bias. SB 203 would continue and expand an unequal situation if county clerks still were allowed to run elections while neither elections administrators nor their employees could run for or hold office.