

BILL ANALYSIS

H.B. 2154
By: Smithee
Elections
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Under current law, an elected county or precinct officer may decline compensation by filing an affidavit within 5 days of taking office, stating the decision not to be paid for the officer's services. As written, this procedure allows candidates to campaign by claiming that they will not accept compensation if elected, but does not require them to follow through with the campaign promise. House Bill 2154 attempts to prevent this by authorizing a candidate to file an irrevocable affidavit at any time during the election, stating that the candidate intends to decline compensation if elected.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

House Bill 2154 amends the Local Government Code by authorizing a person who is a candidate for a county or precinct office to file an affidavit with the county clerk at any time before the election, stating that the person elects to decline compensation for that office, including salary and benefits, if elected. The bill requires the county clerk to promptly send a copy of the affidavit to the county payroll officer.

The bill provides that the declination takes effect on the date the person takes office and continues through the term. The bill prohibits an officer who declined compensation from revoking the declination during the term of the office.

EFFECTIVE DATE

Upon passage, or if the Act does not receive a vote of two-thirds of the members elected to each house, September 1, 2005.