

By: Guillen

H.B. No. 589

A BILL TO BE ENTITLED

AN ACT

relating to the authority of a county elections administrator to engage in certain political activity.

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

SECTION 1. Section 31.035, Election Code, is amended by amending Subsections (a) and (b) and adding Subsection (a-1) to read as follows:

(a) A county elections administrator may not:

(1) be a candidate for:

(A) a public office that:

(i) is a statewide office;

(ii) serves the same county or any part of

that county served by the administrator;

(iii) is filled by an election in which partisan candidates may appear on the ballot for the office; or

(iv) is filled by an election in which the administrator is in any manner involved in the capacity of an elections administrator; or

(B) an office of a political party; or

(2) [ ] hold a public office described by Subdivision

(1)(A) [ ] or hold an office of or position in a political party.

(a-1) At the time an administrator becomes a candidate or accepts an office or position in violation of Subsection (a) [this subsection], the administrator vacates the position of

1 administrator.

2 (b) A county elections administrator commits an offense if  
3 the administrator makes a political contribution or political  
4 expenditure, as defined by the law regulating political funds and  
5 campaigns, or publicly supports or opposes a candidate for public  
6 office or a measure to be voted on at an election. An offense under  
7 this subsection is a Class A misdemeanor. On a final conviction,  
8 the administrator's employment is terminated, and the person  
9 convicted is ineligible for future appointment as county elections  
10 administrator. It is an exception to the application of this  
11 subsection that the contribution, expenditure, or support is not  
12 provided to or in support of or opposition to:

13 (1) a candidate or measure appearing on the ballot in  
14 an election held in the county or any part of the county served by  
15 the administrator or any other election in which the administrator  
16 is involved in the capacity of an elections administrator;

17 (2) an officeholder who holds a statewide office or  
18 serves the same county or any part of the county served by the  
19 administrator; or

20 (3) a political committee, for purposes of:

21 (A) supporting or opposing a candidate or measure  
22 appearing on the ballot in an election held in the county or any  
23 part of the county served by the administrator or any other election  
24 in which the administrator is involved in the capacity of an  
25 elections administrator; or

26 (B) assisting an officeholder who holds a  
27 statewide office or serves the same county or any part of the county

1 served by the administrator.

2         SECTION 2. The change in law made by this Act to Section  
3 31.035(b), Election Code, applies only to an offense committed on  
4 or after the effective date of this Act. An offense committed  
5 before the effective date of this Act is covered by the law in  
6 effect when the offense was committed, and the former law is  
7 continued in effect for that purpose. For purposes of this section,  
8 an offense was committed before the effective date of this Act if  
9 any element of the offense occurred before that date.

10         SECTION 3. This Act takes effect September 1, 2011.