



OFFICE OF THE SECRETARY OF STATE

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STATE CAPITOL
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May 19, 1982

Mr. Eugene J. Seaman
Chairman-elect
Nueces County Republican Party
525 South Shoreline
Corpus Christi, Texas 78401

Mr. Don Wilson
Chairman-elect
Williamson County Democratic Party
Route 1, Box 32
Georgetown, Texas 78626

Election Law Opinion DAD-25
Re: Whether a county chairman who
is elected in the first
primary takes office immedi-
ately or after the date of the
runoff primary

Gentlemen:

Reference is made to your letters to me of May 4, in which you inquire as to the date on which you assume your new duties as county chairmen.

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).

Tex. Elec. Code Ann. art. 13.18, subd. 1 (Vernon Supp. 1982) provides that:

"There shall be for each political party required by law to hold primary elections for nomination of its candidates, a county executive committee in each county, to be composed of a county chairman and one member from each election precinct in such county. . . . The county chairman . . . shall be elected by a majority vote at the primary elections every two years. . . . If in any race no candidate receives a majority of the votes at the general first

primary, a runoff election for the office shall be held at the second primary election. The county chairman shall assume the duties of [his office] on [the] Saturday following the runoff primary immediately after the [county executive] committee has declared the results of the runoff primary election. . . ."
(Emphasis added.)

Basically, you ask if you take office after (1) the canvass of the votes for county chairman after the first primary, as provided in Tex. Elec. Code Ann. art. 13.24 (Vernon Supp. 1982), (2) at or after your parties' county conventions, as required by Tex. Elec. Code Ann. art. 13.34(a) (Vernon Supp. 1982), or (3) on the Saturday after the canvass of the runoff election.

- In connection with your inquiries, it is appropriate to note that Article 13.18, Subdivision 1, quoted supra, nowhere states that a county chairman who wins his position in the first, rather than the runoff, primary takes office on any date other than the Saturday following the runoff primary.


Tex. Att'y Gen. Op. No. W-1272 (1962) specifically addressed the question posed by your inquiries and, in our opinion, correctly held that Article 13.18, Subdivision 1, clearly states the date on which you take office.

You are, therefore, advised that a county chairman who has been elected to his position in the first primary does not take office until the Saturday following the date of the runoff primary.

SUMMARY

A county chairman, elected in the first primary election, without the necessity for a runoff in his race, does not assume the duties of his office for the term to which he was elected until the Saturday following the date of the runoff primary, as provided in Article 13.18, Subdivision 1, Texas Election Code.

Sincerely,


David A. Dean
Secretary of State

Willis Whitley
Counsel to the Secretary of State

Mr. Eugene J. Seaman
Page 3

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