



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN 11, TEXAS

**WILL WILSON
ATTORNEY GENERAL**

March 8, 1962

Honorable Dan Brazil
County Attorney
Angelina County
P. O. Box No. 7
Lufkin, Texas

Opinion No. WW-1272

Re: Under Article 13.18, Texas
Election Code, whether a
precinct chairman who is
elected in the first primary
takes office immediately or
after the results of the run-
off primary are tabulated.

Dear Mr. Brazil:

You have asked the following question:

"In construing Article 13.18 of the
Election Code, does it mean that if two
people run for Election Precinct Chairman
and one is elected in the first Primary,
does the winner immediately take office
or is he compelled to wait until after
the results of the run-off Primary
Election?"

Article 13.18, Texas Election Code, reads in part as
follows:

"There shall be for each political party
required by this law to hold primary elections
for nomination of its candidates, a county
executive committee, to be composed of a
county chairman, and one (1) member from
each election precinct in such county; the
committeeman from such election precinct
shall be chairman of his election precinct,
and the said county chairman shall be elected
on the general primary election day; the
county chairman by the qualified voters of
the whole county, and the precinct chairman
by the qualified voters of their respective
precincts. Said county and precinct chairman
shall assume the duties of their respective
offices on Saturday following the run-off
primary immediately after the committee has
declared the results of the run-off primary
election. . . ."

Article 13.24, Texas Election Code, reads in part as follows:

" . . . The Chairman of the County Executive Committee shall, upon receiving returns from each election precinct in the county, order the members of the County Executive Committee to convene at the county seat of the county on the following Tuesday succeeding the day of such primary elections and the returns shall be opened by the Executive Committee in executive session and shall be canvassed by them. . . ."

It is true that there is no oath of office or other act necessary to install a precinct chairman in office. Walker v. Hopping, 226 S.W. 146, 148 (Civ.App. 1920). Nevertheless, the statute has clearly stated the date on which the newly elected county and precinct chairmen shall take office.

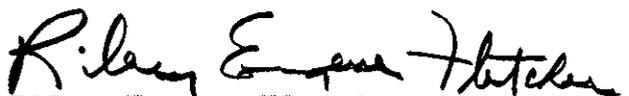
The Second or run-off Primary is held on the first Saturday in June of each election year. Art. 13.03, Texas Election Code. The County Executive Committee convenes and canvasses the vote in such run-off primary on the following Tuesday. Art. 13.24, Texas Election Code. The newly elected county and precinct chairmen assume the duties of their offices on the Saturday following the date of the canvass of the vote for the run-off primary. Art. 13.18, Texas Election Code.

S U M M A R Y

A precinct chairman, elected in the first primary election, without the necessity for a run-off, does not assume the duties of his office for the term to which he was elected until the Saturday following the date of the run-off primary, as provided in Art. 13.18, Texas Election Code.

Yours very truly,

WILL WILSON
Attorney General of Texas

By: 
Riley Eugene Fletcher
Assistant

APPROVED:

OPINION COMMITTEE:
W. V. Geppert, Chairman

Jack Price
W. E. Allen
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REVIEWED FOR THE ATTORNEY GENERAL
By: Houghton Brownlee, Jr.