

**SUBJECT:** Removing salary caps for county elections administrators

**COMMITTEE:** Elections —favorable, without amendment

**VOTE:** 6 ayes — Denny, Anchia, Anderson, Hughes, J. Jones, T. Smith  
0 nays  
1 absent — Bohac

**WITNESSES:** For — Don Alexander, Texas Association of Election Administrators; Cliff Borofsky, Bexar County; Dana DeBeauvoir, Legislative Committee of the Texas County and District Clerks Association; (*Registered, but did not testify*: Suzy Woodford, Common Cause Texas)  
  
Against — None  
  
On — (*Registered, but did not testify*: Elizabeth Hanshaw Winn, Secretary of State)

**BACKGROUND:** A county clerk in Texas is responsible for maintaining county records, including birth and death certificates, power of attorney filings, and plat records and may also be required to perform duties related to general election administration. A county commissioners court also can create the position of elections administrator to perform election duties.

The county election commission, which includes the county clerk and other county officials, appoints the elections administrator in counties where the position exists. Election Code, sec. 31.043 specifies that a county elections administrator's job tasks include voter registration and election duties that otherwise would be performed by a county clerk.

Election Code, sec. 31.039(b) says the salary of the elections administrator may not exceed the salary paid to the county clerk. Further, the salaries paid to the elections administrator's employees may not exceed the salaries paid to county clerk employees holding comparable positions.

**DIGEST:** HB 2199 would repeal Election Code, sec. 31.039(b) to remove the prohibition against an election administrator's salary exceeding the salary of the county clerk. It also would allow the salaries of the administrator's employees to exceed the salaries of the county clerk's employees.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2005.

**SUPPORTERS SAY:** HB 2199 supports flexibility and local control. Local entities should decide on local issues, including how much to pay an elections administrator. Removing subsection 31.039(b) effectively would remove the artificial cap on salaries for this position, allowing counties to determine appropriate salaries.

The duties of an elections administrator have increased in recent years. Elections administrators also are department heads and may have just as many responsibilities as other county department heads. Their pay should reflect these responsibilities.

About 28 Texas counties have elections administrators. Many of the 226 other counties divide election oversight and voter registration activities between the county clerk and the tax assessor-collector. Because of this, it is possible that an elections administrator may have more election responsibilities than a county clerk.

**OPPONENTS SAY:** The county clerk works year-round on a higher number and broader range of duties than an elections administrator, who oversees only one aspect of county activity. The county clerk's pay, as compared to the elections administrator's pay, should reflect this difference. Bringing the elections administrator's pay in line with or above the county clerk's pay would devalue the county clerk's position. In addition, the county clerk is an elected official, while the elections administrator is not.

The pay structure of these two jobs preserves the hierarchy of the positions. The county clerk is part of the commission that has the authority to appoint the elections administrator, so the statute should reflect that hierarchy.