



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN, TEXAS 78711

CRAWFORD C. MARTIN

ATTORNEY GENERAL

April 14, 1972

Honorable Bob Bullock
Secretary of State
State Capitol Building
Austin, Texas 78711

Opinion No. M-1117

Re: Compensation of members of
the county executive committee
and/or primary committee and
for the performance of duties
in conducting primary elections.

Dear Mr. Bullock:

Your request for an opinion on the above subject matter
reads as follows:

"1. Are the members of the county executive committee and/or primary committee, other than the county chairman, entitled to compensation in the form of a set fee or to reimbursement for expenses incurred in connection with these statutory meetings?

"2. If such committee members are entitled to compensation and/or reimbursement, at what rate should this be computed?

"3. If compensation and/or reimbursement is allowed, must this amount be paid from state funds pursuant to Senate Bill 1?"

Senate Bill 1, Acts 62nd Legislature, Second Called Session 1972, is a comprehensive act relating to the conduct and financing of primary elections for the year 1972. Section 1 states the purpose of the Act as follows:

"Section 1. PURPOSE. The invalidation by federal court decisions of the statutory method of financing primary elections in this State necessitates legislative action to provide a solution to the impasse facing political parties which cast more than 200,000 votes for Governor in the last preceding general election, in that the existing law requires that their nominations for the general election be made in primary elections but they are left without adequate means to finance the primaries.

The purpose of this Act is to provide a temporary solution to the impasse by enacting provisions relating to the conduct and financing of primary elections for the year 1972."

In view of the foregoing provisions, it is our opinion that Senate Bill 1 controls the financing of primary elections for the year 1972 including all costs of the primary elections.

Subdivision (5) of Section 2 provides:

"(5) The total combined compensation paid to the county chairman and the secretary of the county executive committee (where the committee has named a secretary) and to any office personnel employed to assist in the performance of the duties placed upon the chairman, the secretary, and the members of the county executive committee shall not exceed five percent of the amount actually spent in holding the primary elections for the year, exclusive of the compensation paid to these officers and employees."

It is noted that compensation is allowed to be paid the county chairman, the secretary of the county executive committee, and office personnel employed to assist in the performance of the duties placed on the chairman, the secretary, and the members of the executive committee. We do not find any provision in Senate Bill 1 authorizing any other compensation or expenses of the committee. In Attorney General's Opinion M-629, dated May 12, 1970, it was held:

"We have found no provision in the Texas Election Code for paying precinct chairmen any compensation or reimbursement of expenses for attending meetings of the county executive committee. In view of the foregoing authorities, you are advised that in the absence of statutory provisions authorizing such payment and prescribing the amount to be paid, precinct committeemen of county executive committees may not be paid any compensation and may not receive any reimbursement of expenses for attending meetings of the county executive committee."

Since the Legislature enacted Senate Bill 1 without making any provision for the payment of compensation or reimbursement of expenses for attending meetings of the committee,

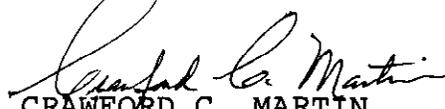
the same construction should be given to Senate Bill 1. You are therefore advised that members of the county executive committee and/or primary committee are entitled to neither compensation nor reimbursement of expenses for attending meetings of the county executive committee and/or primary committee.

In view of our answer to Question No. 1, it is unnecessary to answer Questions Nos. 2 and 3 of your request (which has been confirmed by your office).

S U M M A R Y

Members of the county executive committee and/or primary committee are entitled to neither compensation nor reimbursement of expenses for attending meetings of the county executive committee and/or primary committee.

Very truly yours,


CRAWFORD C. MARTIN
Attorney General of Texas

Prepared by John Reeves
Assistant Attorney General

APPROVED:
OPINION COMMITTEE

Kerns Taylor, Chairman
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Staff Legal Assistant

ALFRED WALKER
Executive Assistant

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First Assistant