

**OUTLINE OF OFFICIAL OATH
AND
BOND REQUIREMENTS**

**Prepared by the LEGAL DEPARTMENT
of the
TEXAS ASSOCIATION OF COUNTIES
1210 San Antonio
Austin, Texas 78701**

HONORABLE MARC HAMLIN, ASSOCIATION PRESIDENT, 2006

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Terry Wyatt, Comptroller

Legal Research Toll Free "Hot Line" (888)275-8224

Direct Fax: (512)478-3573

or visit our web site at www.county.org

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OUTLINE OF OFFICIAL OATH AND BOND REQUIREMENTS

I. SCOPE OF OUTLINE

This Outline sets forth the Oath and Bond requirements for the majority of County and Precinct Officers and Officials. Each reference contains the Constitutional and Statutory requirements that relate to the various officers. This Outline is not intended as a comprehensive listing of all officers or their qualifications for offices. The exclusion of requirements for a particular officer, therefore, does not mean that requirements do not exist. Any questions regarding the requirements for a particular officer should be addressed to your local County Clerk or County or District Attorney.

Also included are the requirements for some county boards and agencies as well as some local and regional political subdivisions. Once again, the Outline is not intended to be comprehensive. There may be other boards, agencies, and political subdivisions which have not been included.

If you detect errors, if any of the information stated in this Outline is incorrect, inaccurate, or otherwise erroneous, or if you think that a particular entity or office should be included, please contact the Legal Department of the Texas Association of Counties. Likewise, we would be interested in any cases or other authorities relating to any matter within this Outline.

II. OFFICIAL OATH AND STATEMENT OF OFFICER

A. Historical Background

The Oath of Office first appeared in the Constitution of 1845¹. The clause requiring a denial of bribery first appeared in the present constitution² and was the direct outcome of the official corruption which had reached alarming proportions during the reconstruction period.³ In 1956, Article XVI, § 1, was amended to add an oath to be taken by the Secretary of State and all other appointive officers of the State.

The 1989 amendment to Article XVI, § 1, separated the oath into an oath and a Statement of Officer, also known as the “bribery statement.” Although characterized in the Constitution as a “statement,” it is likewise an oath in the sense that it is sworn. The prior Oath had contained the Bribery Statement within the Oath itself. The present language of

¹ TEX. CONST. of 1845, art. VII, § 1,

² TEX. CONST. art. XVI, § 1

³ TEX. CONST. art. XVI, § 1, *Interpretive Commentary* (Vernon 1993).

both the Oath and the Bribery Statement are virtually identical to the language in the previous oath. The 1989 amendment also required that the Bribery Statement be filed with the Secretary of State prior to the taking of the Official Oath.

The provision was amended in 2001 to require only the Secretary of State, members of the legislature, and state officers to file the statement with the Secretary of State. All other officers are required to retain the signed statement with the official records of the office.

B. Official Oath And Bribery Statement Required

Before taking the Oath of Office, all elected and appointed state officials are required to sign the Statement of Officer (Bribery Statement).⁴ All local officers must retain the signed statement with the official records of the office. A copy of the Statement and the Oath are included in the Appendix. They may be duplicated for your convenience.

Before entering upon the duties of office, all elected and appointed officials are required to take the Official Oath.⁵ The oath requirement is repeated in many of the statutes relating to various officers. Some officers are required to take additional oaths related to their particular offices. These statutory oaths are often construed as required oaths in addition to the Official Oath. Chapter 602 of the Government Code governs how oaths are given and who may administer them⁶.

Where an officer is required to take the Oath, the officer's official actions may be held to be void if he fails to do so.⁷ Additionally, a person who has not qualified for office is not entitled to receive payment as the officer or exercise the powers or jurisdiction of the office.⁸ Without having qualified for office, a person has no right to the position.⁹ However, where an officer has taken an oath and given a bond, which has been accepted without objection and not questioned at any time during the term, the officer may nonetheless be held to be a *de jure*¹⁰ officer even if the qualification was not in strict compliance with the law.¹¹

C. Persons Who May Administer Oaths

An oath in this state may be administered and a certificate of the fact given by: 1) a judge or clerk of a municipal court, in a matter pertaining to a duty of the court; 2) a judge, retired

⁴ TEX. CONST., art. XVI, § 1(b).

⁵ TEX. CONST., art. XVI, § 1(a). *See generally*, 60 Tex. Jur. 3d, *Public Officers and Employees*, §§ 44, 46 (1988).

⁶ TEX. GOV. CODE, § 602.002 (persons who may administer oaths).

⁷ TEX. GOV. CODE, § 601.008(b) and (c) (official acts void).

⁸ TEX. GOV. CODE, § 601.008(a).

⁹ *Flatan v. State*, 56 Tex. 93 (1882).

¹⁰ Descriptive of a condition in which there has been total compliance with all requirements of law. BLACK'S LAW DICTIONARY (5th Ed. 1979).

¹¹ *See generally*, 60 Tex. Jur. 3d, *Public Officers and Employees*, §§ 44, 46 (1988).

judge, senior judge, clerk, or commissioner of a court of record; 3) a justice of the peace or a clerk of a justice court; 4) a notary public; 5) a member of a board or commission created by a law of this state, in a matter pertaining to a duty of the board or commission; 6) a person employed by the Texas Ethics Commission who has a duty related to a report required by Title 15, Election Code, in a matter pertaining to that duty; 7) a county tax assessor-collector or an employee of the county tax-assessor if the oath relates to a document that is required or authorized to be filed in the office of the county tax assessor-collector; 8) the secretary of state; 9) an employee of a personal bond office if the oath is required or authorized by Article 17.04 or by Article 26.04(n) or (o), Code of Criminal Procedure; 10) the lieutenant governor; 11) the speaker of the house of representatives; 12) the governor; 13) a legislator or retired legislator; 14) the attorney general; 15) the secretary or clerk of a municipality in a matter pertaining to the official business of the municipality; 16) a peace officer described by Article 2.12, Code of Criminal Procedure, if: (A) the oath is administered when the officer is engaged in the performance of the officer's duties; and (B) the administration of the oath relates to the officer's duties.¹²

D. Who Must Take The Oath And Statement

1. Generally

The major question that has arisen under Article XVI, § 1, is what officers are required to take the Oath.¹³ Simply put, the Oath is required of everyone who takes office under the authority of the state or its subdivisions.¹⁴ The lack of a requirement for the Official Oath in the law creating the office is not a factor.¹⁵ That is because Article XVI, § 1, would be meaningless if the prescribing of an oath were indispensable to the creation of an office, for by merely failing to prescribe that an oath should be taken, the Legislature would be able to defeat the constitutional requirement.¹⁶

2. Elected Officers

With regard to elected officers, the provision is clear -- if elected, the Oath and Statement are required. Therefore, the applicability of Article XVI, § 1, to elected officers should rarely, if ever, be a question.

3. Appointed Officers

Article XVI, § 1(a) and (b) also require that all *appointed* officers take the Oath and Statement.¹⁷ While these requirements appear simple, the question of who is an

¹²TEX. GOV'T. CODE, §602.002.

¹³ 2 Braden, *The Constitution of the State of Texas: An Annotated and Comparative Analysis* (1977).

¹⁴ *Id.* See also, Op. Tex. Atty. Gen. O-322 (1939).

¹⁵ Op. Tex. Atty. Gen. 0-5085 (1943)(Official Oath required of the Executive Director of Department of Public Welfare).

¹⁶ Op. Tex. Atty. Gen. 0-5085 (1943).

¹⁷ TEX. CONST. art. XVI, § 1(a) and (b) (H.J.R. 75, 77th Leg., Reg. Sess. 2001); Op. Tex. Atty. Gen. O-322 (1939)(emphasis ours); Op. Tex. Atty. Gen. H-1027 (1977).

“appointed officer” for purposes of the Oath and Statement is often difficult to determine. In making this determination, the first question that must be asked is whether the person holding a particular appointed position is a public “officer” or simply an employee. If an “officer,” then compliance with Article XVI, § 1, is required.

A public office is the right, authority, and duty created and conferred by law, by which for a given period, either fixed by law or enduring at the pleasure of the creating power, an individual is invested with some portion of the sovereign functions of government, to be exercised by him for the benefit of the public.¹⁸ The determining factor which distinguishes a public officer from an employee is whether any sovereign function of the government is conferred upon the individual to be exercised by him or her for the benefit of the public largely independent of others' control.¹⁹

Elements which distinguish a public office from a mere public employment are:

- a. The office is created by the Constitution or by the Legislature, or created by a municipality or other body through authority conferred by the Legislature.²⁰ Offices are created by law, express or implied, and none can exist except by its sanction.²¹ By contrast, an employment may be and frequently is, created by contract.²²
- b. The office must possess a delegation of a portion of the sovereign power of government, to be exercised for the benefit of the public.²³
- c. The powers conferred and the duties to be discharged must be defined, directly or impliedly, by the Legislature or through Legislative authority.²⁴
- d. The duties must be performed independently and without control of a superior power, other than the law, unless they be those of an inferior or subordinate office,

¹⁸ *Aldine Indep. School Dist. v. Standley*, 280 S.W.2d 578, 583 (Tex. 1955); *Hendricks v. State ex rel. Eckford*, 20 Civ. App. 178, 49 S.W.705, 705 (1899).

¹⁹ *Aldine Indep. School Dist. v. Standley*, 280 S.W.2d 578, 583 (Tex. 1955); Op. Tex. Atty. Gen. MW-177 (1980)(Oath required of Directors of a Higher Education Authority because directors exercise governmental function in authorizing the issuance of revenue bonds); Op. Tex. Atty. Gen. 0-5085 (1943) (Oath required of Executive Director of State Department of Public Welfare); 60 TEX. JUR. 3D, *Public Officers and Employees*, § 3 (1988); 2 Braden, *The Constitution of the State of Texas: An Annotated and Comparative Analysis* (1977) (Oath required of everyone who takes office under the authority of the state or its political subdivisions).

²⁰ *Aldine Indep. School Dist. v. Standley*, 280 S.W.2d 578, 581 (Tex. 1955) (Oath not required of tax assessor-collector of school board in part because applicable statute authorized, but did not require, the school board to appoint its own tax assessor-collector); Op. Tex. Atty. Gen. 0-5085 (1943). See also, Op. Tex. Atty. Gen. MW-39 (1979); 60 TEX. JUR. 3D, *Public Officers and Employees*, § 20 (1988)(Office cannot exist without authority of law).

²¹ *Id.*

²² 60 TEX. JUR. 3D, *Public Officers and Employees*, § 1 (1988).

²³ Op. Tex. Atty. Gen. 0-5085 (1943); *Aldine Indep. School Dist. v. Standley*, 280 S.W.2d 578, 583 (Tex. 1955).

²⁴ Op. Tex. Atty. Gen. 0-5085 (1943).

created or authorized by the Legislature, and by it placed under the general control of a superior officer or body.²⁵

- e. The office must have some permanency and continuity, and not be only temporary or occasional.²⁶

Additional evidence of the existence of an office, rather than of a mere employment:

- a. The creating law refers to the position as an officer.²⁷
- b. The creating law requires the person to be appointed with the advice and consent of the Senate.²⁸
- c. The creating law prescribes the qualifications for holding the position.²⁹
- d. Service for a definite term.³⁰
- e. The requirement of a bond.³¹

4. Assistants and Deputies

The question of the applicability of Article XVI, § 1, becomes even more difficult when attempting to determine whether a particular assistant or deputy of an official is required to take the Oath and Statement. It is important to recognize that “assistant” includes those who aid, whether sworn or not sworn, whereas a “deputy” implies only the sworn class.³²

Ordinarily, the appointment of a deputy is required to be in writing and he or she is required to take the Oath.³³ As a rule, a deputy may do anything that can be done by his

²⁵ Op. Tex. Atty. Gen. 0-5085 (1943) *Aldine Indep. School Dist. v. Standley*, 280 S.W.2d 578, 583 (Tex. 1955).

²⁶ Op. Tex. Atty. Gen. 0-5085 (1943); Op. Tex. Atty. Gen. 0-731 (1939)(Oath not required for County Attorney *Pro Tem*).

²⁷ TEX. GOV. CODE, § 651.001 (In any state statute, “officer” means an officer of this state unless otherwise expressly provided); Op. Tex. Atty. Gen. 0-5085 (1943).

²⁸ Op. Tex. Atty. Gen. 0-5085 (1943).

²⁹ Op. Tex. Atty. Gen. 0-5085 (1943); *See also*, Op. Tex. Atty. Gen. MW-39 (1979).

³⁰ 60 TEX. JUR. 3D, *Public Officers and Employees*, § 1 (1988). *See generally*, Op. Tex. Atty. Gen. MW-39 (1979); Op. Tex. Atty. Gen. 0-5085 (1943)(it is not necessary to the existence of an office that there be a fixed and definite term; an office may exist, though the person holding the office holds only at the pleasure of the appointing power). *Compare* TEX. CONST., art. XVI, § 17 (Each officer, whether elected or appointed under the laws of this State, and each Commissioner, or member of any board or commission created by the laws of this State, shall hold office for the term provided by law and until his successor is elected or appointed and qualifies. This provision, however, is not applicable unless the individual is an “officer”).

³¹ *See generally*, Op. Tex. Atty. Gen. MW-39 (1979); Op. Tex. Atty. Gen. 0-5085 (1943)(The requirement of a bond is not determinative. Many officers of this State are not required to give bond).

³² 60 TEX. JUR. 3D, *Public Officers and Employees*, § 258 (1988).

³³ 60 TEX. JUR. 3D, *Public Officers and Employees*, § 259 (1988).

or her principal, whereas an assistant's duties are ordinarily to be performed in connection with and under the direction of the principal.³⁴ If the principal is denominated an officer, the deputy is also an officer.³⁵ Deputy sheriffs, deputy constables, deputy county clerks, and departmental chief clerks have all been held to be "officers."³⁶ Therefore, although the term "assistant" would include deputies, only those "assistants" that can be classified as "deputies" are required to be sworn.

5. Conclusion

Where there is doubt about the applicability of Article XVI, § 1, to a particular appointed position, compliance should be considered. There is no harm in complying with Article XVI, § 1, but there might be adverse consequences if there is no compliance and the Attorney General or a court of this State later determines that Article XVI, § 1, applies to the position. The general rule is that if an officer is one who is required to take the oath, his official actions are void if he fails to do so.³⁷

In this Outline, where there was a significant question as to the applicability of Article XVI, § 1, applicability was assumed and the Oath and Statement were stated as a requirement for that position. Each person holding any such office should check with competent legal counsel to determine the requirement, if any, for that particular office.

E. When An Officer May Take the Oath

County officers-elect frequently ask whether they may take the oath of office before January 1 of the year in which the term begins. According to the Texas Secretary of State, a person elected to a full term may not file the oath before January 1 following the general election at which the person was elected.

A person elected to an unexpired term takes the oath as soon as possible after election to the unexpired term.

A person appointed to fill a vacancy in an office may take the oath and take other actions necessary to qualify for the office as soon as is possible after the appointment.

³⁴ 60 TEX. JUR. 3D, *Public Officers and Employees*, § 262 (1988).

³⁵ *Id.*, § 258.

³⁶ *Id.* Compare TEX. GOV. CODE, § 601.002 (first assistant or chief deputy of a public office in which a physical vacancy occurs shall conduct the affairs of the office until a successor qualifies for the office, unless the vacancy is on a board or commission).

³⁷ *Brown v. State*, 156 Tex. Crim. App. 32, 238 S.W.2d 787 (1951).

III. OFFICIAL BONDS

Officers required by law to give an official bond shall file the bond with the officer's oath of office.³⁸ Generally, the required bonds must be given before an officer begins performance of any duties of office. An officer who is required by law to give an official bond and who fails to execute the bond within the time prescribed by law may be removed from office.³⁹

A. General Requirements for County Officers

January 1 is the beginning of the regular term for County and Precinct Officers elected in the previous general election in November.⁴⁰ Those elected officers are to qualify and assume the duties of the office on, or as soon as possible after, January 1.⁴¹ In order to qualify for office, each elected and appointed officer must:

- Prior to taking the Official Oath, each officer must sign and file, in the official records of the office, the Statement of Officer, also known as the "Bribery Statement."⁴²
- Take the Official Oath of Office.⁴³
- If required, make and file a bond.⁴⁴
- Perform such other prerequisites as are required for the particular office.

B. General Bond Filing Requirements For County Officers

If the official bond of a county officer is required by law to be approved by the Commissioners Court, then the bond, except as required by other law, must be made payable to the County Judge and kept and recorded by the County Clerk.⁴⁵ Except as provided by other law, the officer approving the bond of an officer required by law to give an official bond payable to the Governor or the State, shall deposit the bond with the Comptroller.⁴⁶ An officer required by law to give an official bond shall file the bond with the officer's oath of office.⁴⁷

³⁸ TEX. GOV. CODE § 604.001.

³⁹ TEX. LOC. GOV. CODE § 87.014.

⁴⁰ TEX. GOV. CODE § 601.003(a).

⁴¹ TEX. GOV. CODE § 601.003(b).

⁴² TEX. CONST., art. XVI, § 1(b).

⁴³ TEX. CONST., art. XVI, § 1.

⁴⁴ TEX. GOV. CODE § 604.001.

⁴⁵ TEX. LOC. GOV. CODE, § 88.001.

⁴⁶ TEX. GOV. CODE, § 604.003.

⁴⁷ TEX. GOV. CODE, § 604.001.

IV. OATH AND BOND REQUIREMENTS FOR SPECIFIC COUNTY OFFICERS

A. COUNTY OFFICERS

1. County Judge

Oath Requirement: Before undertaking the duties of County Judge, a person must take the Official Oath. TEX. CONST., art. XVI, § 1(a); TEX. LOC. GOV. CODE § 81.002.

Statement of Officer: Must be filed in the official records of the office before the Oath can be taken. TEX. CONST., art. XVI, § 1(c).

Additional Oath: County Judges and Commissioners must swear in writing that they will not be interested, directly or indirectly, in a contract with or claim against the county (with certain exceptions). TEX. LOC. GOV. CODE § 81.002(a).

Bond Requirement: Before undertaking the duties of the County Judge, a person must execute a bond payable to the Treasurer of the county in an amount set by the Commissioners Court of not less than \$1,000.00 nor more than \$10,000.00. The bond must be conditioned that the Judge will pay all money that comes into his hands as County Judge to the person or officer entitled to it, pay to the county all money illegally paid to the Judge out of county funds, and that he will not vote or consent to pay out of county funds for other than lawful purposes. TEX. GOV. CODE § 26.001. The bond shall be kept and recorded by the County Clerk. TEX. LOC. GOV. CODE, § 88.001.

2. Statutory County Judge

Oath Requirement: Before undertaking the duties of County Judge, a person must take the Official Oath. TEX. CONST., art. XVI, § 1(a); TEX. LOC. GOV. CODE § 81.002.

Statement of Officer: Must be filed in the official records of the office before the Oath can be taken. TEX. CONST., art. XVI, § 1(c).

Bond Requirement: Before undertaking the duties of the County Judge, a person must execute a bond payable to the Treasurer of the county in an amount set by the Commissioners Court of not less than \$1,000.00 nor more than \$10,000.00. The bond must be conditioned that the Judge will pay all money that comes into his hands as County Judge to the person or officer entitled to it, pay to the county all money illegally paid to the Judge out of county funds, and that he will not vote or consent to pay out of county funds for other than lawful purposes. TEX. GOV. CODE 25.0006. The bond shall be kept and recorded by the County Clerk. TEX. LOC. GOV. CODE, § 88.001.

3. County Commissioner

Oath Requirement: Before undertaking the duties of a County Commissioner, a person must take the Official Oath. TEX. CONST., art. XVI, § 1(a); TEX. LOC. GOV. CODE § 81.002(b).

Statement of Officer: Must be filed in the official records before the Oath can be taken. TEX. CONST., art. XVI, § 1(c).

Additional Oath: County Judges and Commissioners must swear in writing that they will not be interested, directly or indirectly, in a contract with or claim against the county (with certain exceptions). TEX. LOC. GOV. CODE § 81.002(b).

Bond Requirement: Before undertaking the duties of a County Commissioner, a person must execute a bond, payable to the County Treasurer in the amount of \$3000.00. The bond must be approved by the County Judge and must be conditioned on the faithful performance of the Commissioner's official duties and that the Commissioner will reimburse the county for all county funds illegally paid to the Commissioner and will not vote or consent to make a payment of county funds except for lawful purpose. TEX. LOC. GOV. CODE § 81.002. The bond shall be kept and recorded by the County Clerk. TEX. LOC. GOV. CODE § 88.001.

4. Ex Officio Road Commissioner

Oath Requirement: In counties where the Commissioners Court has adopted the Ex Officio Road Commissioner System, no additional oath should be required of the County Commissioners serving as Ex Officio Road Commissioners. TEX. TRANS. CODE, § 252.004, Subchapter A. A county commissioner is the ex officio road commissioner of the county commissioner's precinct.

Statement of Officer: No additional statement required. Statement for office of County Commissioner should be sufficient.

Bond Requirement: In all counties where the Commissioners Court has adopted the Ex Officio Road Commissioner System, each Commissioner shall first execute a bond of \$3,000 payable to and approved by the County Judge for the use and benefit of the road and bridge fund, conditioned that he will perform the duties required of him by law or by the Commissioners Court and that he will account for all money or other property belonging to the county that comes into his possession. TEX. TRANS. CODE § 252.004, Subchapter A. The bond shall be kept and recorded by the County Clerk. TEX. LOC. GOV. CODE, § 88.001.

5. County Road Commissioner (Road Commissioner System)

Oath Requirement: There is no statutory oath requirement. Since the position appears to exercise some discretionary governmental functions, the Oath may be required. TEX. CONST., art. XVI, § 1(a); TEX. TRANS. CODE § 252.105 and § 252.106.

Statement of Officer: If the Oath is required, the Statement of Officer is also required and must be filed in the official records of the office before the Oath can be taken. TEX. CONST., art. XVI, § 1(c).

Bond Requirement: In counties where the Commissioners Court has adopted the Road Commissioner System, each Road Commissioner appointed by the court must execute a bond, payable to the County Judge and his successors in office, in the sum of \$1000, with one or more good and sufficient sureties, to be approved by the County Judge and conditioned on the faithful performance of his duties. TEX. TRANS. CODE § 252.104.

Note: This system is not authorized for Angelina, Aransas, Blanco, Bowie, Calhoun, Camp, Cass, Cherokee, Comal, Delta, DeWitt, Fayette, Franklin, Galveston, Gillespie, Grayson, Gregg, Harris, Harrison, Henderson, Hill, Hopkins, Houston, Jack, Jackson, Jasper, Lamar, Lavaca, Limestone, McLennan, Milam, Montgomery, Morris, Nacogdoches, Newton, Parker, Rains, Red River, Refugio, Sabine, San Augustine, Shelby, Smith, Tarrant, Titus, Travis, Trinity, Tyler, Upshur, Van Zandt, Victoria, Washington, or Wood counties. TEX. TRANS. CODE § 252.101. Collin County and Dallas County may adopt this system instead of the special law for that county. TEX. TRANS. CODE § 252.101.

6. County Road Superintendent (Road Superintendent System)

Oath Requirement: In counties where the Commissioners Court has adopted the Road Superintendent System, each Road Superintendent appointed by the court is required to take the Official Oath before entering upon the duties of office. TEX. CONST., art. XVI, § 1(a); TEX. TRANS. CODE § 252.204.

Statement of Officer: Must be filed in the official records of the office before the Oath can be taken. TEX. CONST., art. XVI, § 1(c).

Bond Requirement: In counties where the Commissioners Court has adopted the Road Superintendent System, each Road Superintendent appointed by the court shall, not later than the 20th day after the day of his appointment, give bond payable to and approved by the County Judge in an amount fixed by the Commissioners Court and must be conditioned that the Road Superintendent will faithfully perform the duties required of him by law or the Commissioners Court and disburse money under his control as the law provides or the commissioners court directs. TEX. TRANS. CODE § 252.204. The bond must be made payable to the County Judge and kept and recorded by the County Clerk. TEX. TRANS. CODE § 252.204(a)(2); TEX. LOC. GOV. CODE, § 88.001.

Note: This system is not authorized for Angelina, Aransas, Blanco, Bowie, Calhoun, Camp, Cass, Cherokee, Comal, Delta, DeWitt, Fayette, Franklin, Galveston, Gillespie, Grayson, Gregg, Harris, Harrison, Henderson, Hill, Hopkins, Houston, Jack, Jackson, Jasper, Lamar, Lavaca, Limestone, McLennan, Milam, Montgomery, Morris, Nacogdoches, Newton, Parker, Rains, Red River, Refugio, Sabine, San Augustine, Shelby, Smith, Tarrant, Titus, Travis, Trinity, Tyler, Upshur, Van Zandt, Victoria, Washington, or Wood counties. TEX. TRANS. CODE § 252.201. Collin County and Dallas County may adopt this system instead of the special law for that county. TEX. TRANS. CODE § 252.201.

7. County Engineer (Road Department System)

Oath Requirement: In counties where the voters have adopted the Road Department System, the County Engineer must take the Official Oath before entering upon the duties of office. TEX. CONST., art. XVI, § 1(a); TEX. TRANS. CODE § 252.305(a).

Statement of Officer: Must be filed in the official records of the office before the Oath can be taken. TEX. CONST., art. XVI, § 1(c).

Bond Requirement: In counties where the voters have adopted the Road Department System, the County Engineer shall give bond, as required by the Commissioners Court in an amount and with a surety approved by the Commissioners Court. TEX. TRANS. CODE § 252.305(b). The bond must be made payable to the County Judge and kept and recorded by the County Clerk. TEX. LOC. GOV. CODE, § 88.001. The county shall pay the premiums on the bond. TEX. TRANS. CODE § 252.305(b).

8. County Road Administrator (Road Department System)

Oath Requirement: In counties where the voters have adopted the Road Department System and the Commissioners Court, unable to employ an engineer, have appointed a Road Administrator, the Road Administrator must take the Official Oath before entering upon the duties of office. TEX. CONST., art. XVI, § 1(a); TEX. TRANS. CODE § 252.305(a); TEX. TRANS. CODE § 252.304(c)(*all references to Road Engineer include and apply to Road Administrator*).

Statement of Officer: Must be filed in the official records of the office before the Oath can be taken. TEX. CONST., art. XVI, § 1(c).

Bond Requirements: In counties where the voters have adopted the Road Department System and the Commissioners Court, unable to employ an engineer, have appointed a Road Administrator, the Road Administrator shall give bond, as required by the Commissioners Court in an amount and with surety approved by the Commissioners Court. TEX. TRANS. CODE 252.305(b); TEX. TRANS. CODE § 252.304(c) (*all references to Road Engineer include and apply to Road Administrator*). The bond must be made

payable to the County Judge and kept and recorded by the County Clerk. TEX. LOC. GOV. CODE, § 88.001. The county shall pay the premiums on the bond. TEX. TRANS. CODE § 252.305(b).

9. Administrative Employees (Road Department System)

Bond Requirements: In counties where the voters have adopted the Road Department system, the administrative personnel of the County Road Department must give bond, as required by the Commissioners Court, in an amount and with surety approved by the Commissioners Court. TEX. TRANS. CODE § 252.305(b). The bond must be made payable to the County Judge and kept and recorded by the County Clerk. TEX. LOC. GOV. CODE, § 88.001. The county shall pay the premiums on the bond. TEX. TRANS. CODE § 252.305(b).

10. County Clerk

Oath Requirement: The County Clerk must take and subscribe the Official Oath. The oath shall be recorded in the County Clerk's office and deposited in the office of the Clerk of the district court. TEX. CONST., art. XVI, § 1(a); TEX. LOC. GOV. CODE § 82.001(d).

Statement of Officer: Must be filed in the official records of the office before the Oath can be taken. TEX. CONST., art. XVI, § 1(c).

Bond Requirements: Before beginning to perform the duties of office, the County Clerk must execute a bond either with four or more good and sufficient sureties or with a surety company authorized to do business in the state as a surety. In lieu of the bond, the county may self-insure against losses that would have been covered by the bond. The bond must be approved by the Commissioners Court, made payable to the county, conditioned that the Clerk will faithfully perform the duties of office, and in an amount equal to at least 20 percent of the maximum amount of fees collected in any year during the term of office preceding the term for which the bond is to be given, but not less than \$5,000.00 nor more than \$500,000.00. If a bond is required, the taking of the Official Oath must be endorsed on the bond. The bond oath shall be recorded in the county clerk's office and deposited in the office of the clerk of the district court. TEX. LOC. GOV. CODE § 82.001.

Insurance Requirements: The County Clerk is additionally required to obtain an insurance policy or similar coverage from a governmental pool operating under Chapter 119 covering the clerk and each deputy clerk against liability incurred through errors and omissions in the performance of their official duties. TEX. LOC. GOV. CODE § 82.003(a) he policy or other coverage must be in an amount equal to the maximum amount of fees collected in any year during the term of office preceding the term for which the policy is to be obtained. TEX. LOC. GOV. CODE § 82.003(b). However, the policy or other coverage document must be in an amount of at least \$10,000 but is not required to exceed \$500,000. If the policy or other coverage document provides coverage for other county officials, the policy or other coverage document must be in an amount of at least

\$1,000,000. TEX. LOC. GOV. CODE § 82.003(b). The Commissioners Court may establish a contingency fund to provide the coverage required if it is determined by the County Clerk that insurance coverage is unavailable at a reasonable cost. TEX. LOC. GOV. CODE § 82.003(c). An additional filing fee, not to exceed \$ 5, may be established to pay into the fund. TEX. LOC. GOV. CODE § 82.003(c). When the fund reaches an amount equal to the coverage required, the clerk shall stop collecting the fee. TEX. LOC. GOV. CODE § 82.003(c).

11. Deputy County Clerk

Oath Requirement: Before entering upon the duties of office, a deputy clerk must take the Official Oath. TEX. CONST., art. XVI, § 1(a); TEX. LOC. GOV. CODE § 82.005(b). An appointment of a Deputy County Clerk must be in writing, signed by the County Clerk, and bear the seal of the County Court. The appointment shall be recorded in the County Clerk's office and shall be deposited in the office of the District Clerk. TEX. LOC. GOV. CODE § 82.005(a).

Statement of Officer: Must be filed in the official records of the office before the Oath can be taken. TEX. CONST., art. XVI, § 1(c).

Bond Requirements: If the County Clerk has only a single deputy, the County Clerk shall execute a surety bond to cover the deputy. If there is more than one deputy, the County Clerk shall execute a schedule surety bond or a blanket surety bond to cover all the deputy clerks and all other employees of the office. In lieu of the bonds, the county may self-insure against the losses that would have been covered by the bond. The bond covering a deputy clerk or an employee must be conditioned in the same manner and must be for the same amount as the bond for the County Clerk. The bond must be made payable to the county for the use and benefit of the County Clerk. TEX. LOC. GOV. CODE § 82.002.

12. County Treasurer

Oath Requirement: Before entering upon the duties of office, the County Treasurer is required to take the Official Oath. TEX. LOC. GOV. CODE § 83.002(b), TEX. CONST., art. XVI, § 1(a).

Statement of Officer: Must be filed in the official records of the office before the Oath can be taken. TEX. CONST., art. XVI, § 1(c).

Bond Requirements: Before beginning to perform the duties of office, the County Treasurer must execute a bond that must be approved by the Commissioners Court and made payable to the County Judge in an amount not to exceed ½ of 1% of the largest amount budgeted for general county maintenance and operations for any fiscal year of the county beginning during the term of office preceding the term for which the bond is to be given except that the amount may not be less than \$5,000 or more than \$500,000; and conditioned that the Treasurer will faithfully execute the duties of office. TEX. LOC. GOV.

CODE § 83.002(a). County Judge may declare the office vacant if the bond is not given or the oath not taken on or before assuming the office. The bond and oath shall be recorded in the county clerk's office. TEX. LOC. GOV. CODE § 83.002(b).

Additional Bond Requirements -- Counties with Levee Improvement Districts: The County Treasurer of the county whose Commissioners Court has jurisdiction of a Levee Improvement District, shall serve as the Treasurer of the District. TEX. WATER CODE § 49.055. As the Treasurer of the Levee Improvement District, the County Treasurer shall execute a good and sufficient bond payable to the District, approved by the Board of the District, conditioned on the faithful performance of his duties as Treasurer of the District, and in an amount equal to one and one-fourth of the taxes that are estimated will be collected in any one year, or any further amount the Board may require. TEX. WATER CODE § 49.056(a) and (b). The bond may be made by any guaranty or surety company approved by the Board and the premiums may be paid out of the District's maintenance fund. TEX. WATER CODE § 49.056(c).

Additional Bond Requirements -- Counties with Article III, § 52, Navigation Districts: The County Treasurer of the county whose Commissioners Court has jurisdiction of an Article III, § 52, Navigation District, shall be the Treasurer of the District. TEX. WATER CODE § 61.078. Before receiving the proceeds of any District bonds and before receiving any District funds from any source, the District Treasurer shall execute a good and sufficient bond payable to the Navigation and Canal Commission of the District for the benefit of the District. TEX. WATER CODE § 61.079(a). The bond shall be in an amount fixed and approved by the Navigation and Canal Commission of the District. TEX. WATER CODE § 61.079(a). The bond shall be conditioned on the District Treasurer's faithfully executing the duties of his office, paying over all money that comes into his hands as the Treasurer, and rendering a just account to the Commissioners Court or the Navigation and Canal Commission of the District when required to do so. TEX. WATER CODE § 61.079(b).

Additional Bond Requirements -- Counties with Article XVI, § 59, Navigation Districts: The County Treasurer of the county of jurisdiction of an Article III, § 59, Navigation District, shall be the Treasurer of the District. TEX. WATER CODE § 62.073. The County Treasurer shall execute a good and sufficient bond, approved by and payable to the Commissioners, conditioned for the faithful performance by the Treasurer of his duties for the district, and in an amount equal to twice the amount of funds he will hold at any time as Treasurer of the District. TEX. WATER CODE § 62.074(a). When any bonds are voted by the District, the County Treasurer, before receiving the proceeds from the sale of the bonds, shall execute an additional good and sufficient bond, payable to the Commissioner, in an amount which is twice the amount of bonds issued. This additional bond shall be conditioned and approved in the same manner as the first but shall not be required after the Treasurer has disbursed the proceeds of the bond issue. TEX. WATER CODE § 62.074(a).

Additional Bond Requirements -- Counties with Wind Erosion Districts: The County Treasurer in a county with a Wind Erosion District shall execute and deliver to the County Judge a bond, in the penal sum of not less than \$5,000 nor more than \$ 10,000, conditioned on the faithful discharge of the Treasurer's duty to dispose of the funds and obligations of the District as required by Chapter 202 of the Texas Agriculture Code, and signed by a solvent surety company authorized to do business in this State. TEX. AGRIC. CODE § 202.021(d). The District shall pay the premium on the bond. TEX. AGRIC. CODE § 202.021(e).

13. County Tax Assessor-Collector

Oath Requirement: Before beginning to perform the duties of office, a County Tax Assessor-Collector is required to take the Official Oath. TEX. CONST., art. XVI, § 1(a); TEX. TAX. CODE § 6.28(a). The Assessor-Collector's Official Oath shall be recorded in the office of the County Clerk. TEX. TAX CODE § 6.28(e).

Statement of Officer: Must be filed in the official records of the office before the Oath can be taken. TEX. CONST., art. XVI, § 1(c).

Bond Requirements: A person elected or appointed as County Assessor-Collector must, before beginning to perform the duties of office, give bonds to the state and to the county, conditioned on the faithful performance of the person's duties as Assessor-Collector. TEX. TAX CODE § 6.28(a).

The bond for state taxes must be payable to the Governor and his successors in office in an amount equal to five percent of the net state collections from motor vehicle sales and use taxes and motor vehicle registration fees in the county during the year ending August 31 preceding the date bond is given, except that the amount of bond may not be less than \$2,500 or more than \$ 100,000. TEX. TAX CODE § 6.28(b). To be effective, the bond must be approved by the Commissioners Court and the State Comptroller of Public Accounts. TEX. TAX CODE § 6.28(b).

The bond for county taxes must be payable to the Commissioners Court in an amount equal to 10 percent of the total amount of county taxes imposed in the preceding tax year, except that the amount of the bond may not be more than \$100,000. TEX. TAX CODE § 6.28(c). To be effective, the bond must be approved by the Commissioners Court. TEX. TAX CODE § 6.28(c). If the official bond of a county officer is required by law to be approved by the Commissioners Court, then the bond, except as required by other law, must be made payable to the County Judge and kept and recorded by the County Clerk. TEX. LOC. GOV. CODE, § 88.001.

Additionally, the Assessor-Collector's bonds for State and County taxes shall be recorded in the office of the County Clerk, and the County Judge shall submit the bond for State taxes to the State Comptroller of Public Accounts. TEX. TAX CODE § 6.28(e); *see also* TEX. GOV. CODE, § 604.003.

Chief Deputy: Where an assessor-collector of taxes dies or the office becomes vacant for any other reason, the duties immediately devolve upon the chief deputy. Tex. Atty. Gen. Op. M-1211 (1972). Such duties may not be performed, however, until the bond required of the chief deputy assuming the duties of assessor-collector of taxes shall have been given and approved. *Id.* The office must remain closed until such bond is given and approved. *Id.*

A county assessor-collector, with the approval of the commissioners court of the county, may deputize an individual or business entity to: issue motor vehicle registration receipts as a limited-service deputy; or issue motor vehicle registration receipts and prepare or accept applications for title transfers as a full-service deputy. Such an individual or business entity is eligible to be deputized as a limited-service deputy if the person is trained by county assessor-collector; and posts a bond payable to the county assessor-collector in an amount to be determined by the assessor-collector; and conditioned on the person's proper accounting and remittance of all fees the person collects. An individual or business entity is eligible to be deputized as a full-service deputy if the person: meets the requirement above; and has experience in title transfers. TEX. TRANS. CODE, § 502.112.

Other Assistants: The Tax Assessor-Collector may require bonds of assistants. Tex. Atty. Gen. Op. O-5110 (1943).

14. County Auditor

Oath Requirement: Before entering upon the duties of office, the County Auditor is required to take the Official Oath. TEX. CONST., art. XVI, § 1(a); TEX. LOC. GOV. CODE § 84.007.

Statement of Officer: Must be filed in the official records of the office before the Oath can be taken. TEX. CONST., art. XVI, § 1(c).

Bond Requirements: Before taking office and within 20 days after the date of appointment, the County Auditor must execute a good and sufficient surety bond or a bond secured by two or more good and sufficient personal sureties in the amount of \$5,000.00 or more, approved by and payable to the District Judges, conditioned upon the faithful performance of the duties of County Auditor. TEX. LOC. GOV. CODE § 84.007. The officer approving the bond of an officer required by law to give an official bond payable to the Governor or the State shall deposit the bond with the Comptroller. TEX. GOV. CODE, § 604.003.

Additional Oath: The County Auditor must take a written oath that lists the positions of public or private trust previously held and the length of service in each of those positions and that states that he has the qualifications required by Chapter 84 of the Texas Local Government Code and that he will not be personally interested in a contract with the county. TEX. LOC. GOV. CODE § 84.007.

15. Assistant County Auditor

Oath Requirement: Before entering upon the duties of office, an Assistant County Auditor is required to take the Official Oath for faithful performance of duty. TEX. CONST., art. XVI, § 1(a); TEX. LOC. GOV. CODE § 84.021.

Statement of Officer: Must be filed in the official records of the office before the Oath can be taken. TEX. CONST., art. XVI, § 1 (c).

Bond Requirements: The County Auditor may require an assistant to give a bond and may determine the terms of the bond. The bond must run in favor of the county and the County Auditor as their interests indicate. The county shall pay for the bond. TEX. LOC. GOV. CODE § 84.021. An officer required by law to give an official bond shall file the bond with the officer's oath of office. TEX. GOV. CODE, § 604.001.

Note: The Attorney General has held that all employees of the Auditor's office are Assistant Auditors. Op. Tex. Att'y Gen. O-832 (1939).

16. County Sheriff

Oath Requirement: Before entering upon the duties of office, the County Sheriff must take and subscribe the Official Oath. TEX. CONST., art. XVI, § 1(a); TEX. LOC. GOV. CODE § 85.001(c).

Statement of Officer: Must be filed in the official records of the office before the Oath can be taken. TEX. CONST., art. XVI, § 1(c).

Bond Requirements: Before beginning to perform the duties of office, a person elected as County Sheriff must execute a bond with two or more good and sufficient sureties or a solvent surety company authorized to do business in this state. The bond must be approved by the Commissioners Court, made payable to the Governor, and in an amount established by the Commissioners Court, not less than \$ 5,000 or more than \$ 30,000. Further, the bond must be conditioned that the Sheriff will faithfully perform the duties of office established by law, account for and pay to the person authorized by law to receive them the fines, forfeitures, and penalties the Sheriff collects for the use of the state or a county, execute and return when due the process and precepts lawfully directed to the Sheriff, and pay to the person to whom they are due or to the person's attorney the funds collected by virtue of the process or precept, and pay to the county any funds illegally paid, voluntarily or otherwise, to the Sheriff from county funds. The Official Oath must be taken and subscribed and, together with the certificate of the officer administering the oath, must be endorsed on the bond. TEX. LOC. GOV. CODE § 85.001.

The officer approving the bond of an officer required by law to give an official bond payable to the Governor or the State shall deposit the bond with the Comptroller. TEX.

GOV. CODE, § 604.003. An officer required by law to give an official bond shall file the bond with the officer's oath of office. TEX. GOV. CODE, § 604.001.

17. Deputy Sheriff

Oath Requirement: Before entering upon the duties of office, a Deputy Sheriff is required to take the Official Oath. TEX. CONST., art. XVI, § 1(a); TEX. LOC. GOV. CODE § 85.003. *See generally*, Op. Tex. Atty. Gen. H-1027 (1977). The appointment of a Deputy Sheriff must be in writing and the Oath of the Deputy Sheriff, together with the certificate of the officer administering the Oath, must be endorsed on the appointment. TEX. LOC. GOV. CODE § 85.003. The Oath and Appointment shall be deposited and recorded in the County Clerk's office. A list of the appointments shall be posted in a conspicuous place in that office. TEX. LOC. GOV. CODE § 85.003.

Statement of Officer: Must be filed in the official records of the office before the Oath can be taken. TEX. CONST., art. XVI, § 1(c).

Bond Requirement: A Sheriff is responsible for the acts of a Deputy Sheriff and may require that a Deputy execute a bond or other security. TEX. LOC. GOV. CODE § 85.003.

18. Reserve Deputy Sheriff

Oath Requirement: Before entering upon the duties of office, a Reserve Deputy Sheriff is required to take the Official Oath. TEX. CONST., art. XVI, § 1(a); TEX. LOC. GOV. CODE § 85.004; *See generally*, Op. Tex. Atty. Gen. H-1027 (1977). The Oath must, at the time of appointment, be filed with the County Clerk. TEX. LOC. GOV. CODE § 85.004.

Statement of Officer: Must be filed in the official records of the office before the Oath can be taken. TEX. CONST., art. XVI, § 1(c).

Bond Requirement: A Reserve Deputy Sheriff must, at the time of appointment, execute and file a bond in the amount of \$ 2000 payable to the Sheriff. The bond shall be filed with the County Clerk. TEX. LOC. GOV. CODE § 85.004. An officer required by law to give an official bond shall file the bond with the official's oath of office. TEX. GOV. CODE, § 604.001.

19. Constable

Oath Requirement: Before entering upon the duties of office, a person who is elected Constable must, take and sign the constitutional oath of office. TEX. CONST., art. XVI, § 1(a); TEX. LOC. GOV. CODE § 86.002(b)

Statement of Officer: Must be filed in the official records of the office before the Oath can be taken. TEX. CONST., art. XVI, § 1(c)

Bond Requirement: Before entering on the duties of office, a person who is elected to the office of Constable must execute a bond with two or more good and sufficient sureties or a solvent surety company authorized to do business in this state. The bond must be payable to the Governor and the Governor's successors in office and conditioned that the Constable will faithfully perform the duties imposed by law. The bond must be approved and set by the Commissioners Court in an amount of not less than \$ 500 or more than \$ 1,500. The Oath of Office must be endorsed on the bond along with the certificate of the officer who administers the oath. The bond must be deposited and recorded in the office of the Clerk of the County Court. TEX. LOC. GOV. CODE § 86.002.

20. Deputy Constable

Oath Requirement: Before entering upon the duties of office, a Deputy Constable must take the Official Oath. TEX. CONST., art. XVI, § 1(a); Tex. Loc. Gov. Code § 86.011(b); *See generally*, Op. Tex. Atty. Gen. H-1027 (1977).

Statement of Officer: Must be filed in the official records of the office before the Oath can be taken. TEX. CONST., art. XVI, § 1(c).

Bond Requirement: A Deputy Constable must qualify in the manner provided for a Deputy Sheriff. TEX. LOC. GOV. CODE § 86.011(b). The Constable may require a deputy to post a bond or security. TEX. LOC. GOV. CODE § 86.011(c).

21. Reserve Deputy Constable

Oath Requirement: Before entering upon the duties of office, a Reserve Deputy Constable is required to take the Official Oath. TEX. CONST., art. XVI, § 1(a); TEX. LOC. GOV. CODE § 86.021(c); The Oath must, at the time of appointment, be filed with the County Clerk. TEX. LOC. GOV. CODE § 86.021(c).

Statement of Officer: Must be filed in the official records of the office before the Oath can be taken. TEX. CONST., art. XVI, § 1(c).

Bond Requirement: A Reserve Deputy Constable must, at the time of appointment, execute and file a bond in the amount of \$ 2000 payable to the Constable. The bond shall be filed with the County Clerk. TEX. LOC. GOV. CODE § 85.004. An officer required by law to give an official bond shall file the bond with the official's oath of office. TEX. GOV. CODE, § 604.001.

22. County Court at Law Judge

Oath Requirement: Although there is no specific statutory requirement, it is an elected office, therefore, before entering upon the duties of office, a County Court at Law Judge is required to take the Official Oath. TEX. CONST., art. XVI, § 1(a).

Statement of Officer: Must be filed in the official records of the office before the Oath can be taken. TEX. CONST., art. XVI, § 1(c).

Bond Requirements: The Judge of a Statutory County Court must execute a bond as prescribed by law for County Judges. TEX. GOV. CODE § 25.0006(a). Before undertaking the duties of the County Judge, a person must execute a bond payable to the Treasurer of the county in an amount set by the Commissioners Court of not less than \$ 1,000.00 nor more than \$ 10,000.00. The bond must be conditioned that the Judge will pay all money that comes into his hands as County Judge to the person or officer entitled to it, pay to the county all money illegally paid to the Judge out of county funds, and that he will not vote or consent to pay out county funds for other than lawful purposes. TEX. GOV. CODE § 26.001. If the official bond of a county officer is required by law to be approved by the Commissioners Court, then the bond, except as required by other law, must be made payable to the County Judge and kept and recorded by the County Clerk. TEX. LOC. GOV. CODE, § 88.001.

23. Justice of the Peace

Oath Requirement: Although there is no specific statutory requirement, it is an elected office, therefore, before entering upon the duties of office, a Justice of the Peace is required to take the Official Oath. TEX. CONST., art. XVI, § 1(a).

Statement of Officer: Must be filed in the official records of the office before the Oath can be taken. TEX. CONST., art. XVI, § 1(c).

Bond Requirements: Each Justice of the Peace must give a bond payable to the County Judge, in an amount of not more than \$5,000, and conditioned that the Justice will faithfully and impartially discharge the duties required by law and promptly pay to the entitled party all money that comes into the Justice's hands during the term of office. TEX. GOV. CODE § 27.001. If the official bond of a county officer is required by law to be approved by the Commissioners Court, then the bond, except as required by other law, must be made payable to the County Judge and kept and recorded by the County Clerk. TEX. LOC. GOV. CODE, § 88.001.

24. County Attorney

Oath Requirement: Although there is no specific statutory requirement, it is an elected office, therefore, before entering upon the duties of office, a County Attorney is required to take the Official Oath. TEX. CONST., art. XVI, § 1(a).

Statement of Officer: Must be filed in the official records of the office before the Oath can be taken. TEX. CONST., art. XVI, § 1(c).

Bond Requirements: Each County Attorney shall execute a bond payable to the governor in the amount of \$ 2,500, with at least two good and sufficient sureties to be approved by the Commissioners Court of the county. TEX. GOV. CODE § 45.001(a). The bond must be conditioned on the county attorney faithfully paying over in the manner prescribed by law all money that he collects or receives for any county or the state. TEX. GOV. CODE § 45.001(b). If the official bond of a county officer is required by law to be approved by the Commissioners Court, then the bond, except as required by other law, must be made payable to the County Judge and kept and recorded by the County Clerk. TEX. LOC. GOV. CODE, § 88.001.

25. Assistant County Attorney

Oath Requirement: Before entering upon the duties of office, an Assistant County Attorney is required to take the Official Oath. TEX. CONST., art. XVI, § 1(a); TEX. GOV. CODE § 45.002(b). The Oath must be endorsed on the written appointment and shall be recorded and deposited in the County Clerk's office. TEX. GOV. CODE § 45.002(b).

Statement of Officer: Must be filed in the official records of the office before the Oath can be taken. TEX. CONST., art. XVI, § 1(c).

Bond Requirements: A prosecuting attorney may require his assistant prosecuting attorneys, investigators, and secretaries to execute a bond. TEX. GOV. CODE, § 41.104. The amount of the bond is set at the discretion of the prosecuting attorney.

26. County Surveyor

Oath Requirement: Before entering upon the duties of office, a County Surveyor is required to take the Official Oath. TEX. CONST., art. XVI, § 1(a).

Statement of Officer: Must be filed in the official records of the office before the Oath can be taken. TEX. CONST., art. XVI, § 1(c).

Bond Requirements: The County Surveyor shall execute a bond conditioned on the faithful performance of the duties of office. The amount of the bond shall be fixed by the Commissioners Court and shall not be less than \$ 500 nor more than \$ 10,000. TEX. NAT. RES. CODE § 23.013. If the official bond of a county officer is required by law to be approved by the Commissioners Court, then the bond, except as required by other law, must be made payable to the County Judge and kept and recorded by the County Clerk. TEX. LOC. GOV. CODE, § 88.001.

27. Deputy County Surveyor

Oath Requirement: Before entering upon the duties of office, a Deputy County Surveyor is required to take the Official Oath. TEX. CONST, art. XVI, § 1(a); TEX. NAT. RES. CODE § 23.014.

Statement of Officer: Must be filed in the official records of the office before the Oath can be taken. TEX. CONST., art. XVI, § 1(c).

Bond Requirements: The Deputy County Surveyor shall give bond to the County Surveyor in the sum of not less than \$ 500 nor more than \$ 10,000 conditioned on the faithful performance of the duties of office. TEX. NAT. RES. CODE § 23.014(b).

28. Chain Carriers and Markers

Oath Requirement: Before entering upon the duties of office, Chain Carriers and Markers are required to take the Official Oath. TEX. CONST., art. XVI, § 1(a); TEX. NAT. RES. CODE § 23.015.

Statement of Officer: Must be filed in the official records of the office before the Oath can be taken. TEX. CONST., art. XVI, § 1 (c).

Additional Oath: The County Surveyor shall administer an oath to each Chain Carrier and Marker employed by him to faithfully perform his duties in accordance with the instructions given him. TEX. NAT. RES. CODE § 23.015.

Bond Requirements: No bond requirement.

29. County Fire Marshal

Oath Requirement: Before entering upon the duties of office, a County Fire Marshal is required to take the Official Oath. TEX. CONST., art. XVI, § 1(a); TEX. LOC. GOV. CODE § 352.012(a).

Statement of Officer: Must be filed in the official records of the office before the Oath can be taken. TEX. CONST., art. XVI, § 1(c).

Bond Requirements: Before entering upon the duties of office, a County Fire Marshal shall post a bond as required by the Commissioners Court conditioned that the Marshal will faithfully and strictly perform the duties of the office. TEX. LOC. GOV. CODE § 352.012(a). A County Fire Marshal may not be directly or indirectly interested in the sale of fire-fighting equipment and may not be engaged in any type of fire insurance business. TEX. LOC. GOV. CODE § 352.012. If the official bond of a county officer is required by law to be approved by the Commissioners Court, then the bond, except as required by other law, must be made payable to the County Judge and kept and recorded by the County Clerk. TEX. LOC. GOV. CODE, § 88.001.

30. County Health Authority

Oath Requirement: Before entering upon the duties of office, a County Health Authority is required to take the Official Oath. TEX. HEALTH & SAFETY CODE §§ 121.022(b)(1), 121.029(b)(3), 121.033 (*physician director of County Health Department*), 121.045 (*physician director of Public Health District*); TEX. CONST., art. XVI, § 1(a). A copy of the Oath shall be filed with the Texas Board of Health. TEX. HEALTH & SAFETY CODE §§ 121.003(c) and 11.001(1).

Statement of Officer: Must be filed in the official records of the office before the Oath can be taken. TEX. CONST., art. XVI, § 1 (c).

Bond Requirements: No bond requirement.

31. County Public Weigher

Oath Requirement: Before entering upon the duties of office, a County Public Weigher is required to take the Official Oath. TEX. CONST., art. XVI, § 1(a); See also, TEX. AGRIC. CODE § 13.256.

Statement of Officer: Must be filed in the official records of the office before the Oath can be taken. TEX. CONST., art. XVI, § 1(c).

Bond Requirements: Each County Weigher shall execute for the full term of office, a bond that is in the amount of \$ 2,500 approved by the Texas Department of Agriculture and made payable to the County Judge. The bond must be conditioned on the accurate weight or measure of a commodity being reflected on the certificate issued by the public weigher or deputy, on the protection of a commodity that the deputy is requested to weigh or measure, and on compliance with all laws and rules governing Public Weighers. TEX. AGRIC. CODE § 13.256. The bond shall be filed with the County Clerk's office. TEX. AGRIC. CODE § 13.256.

32. Deputy County Public Weigher

Oath Requirement: Before entering upon the duties of office, a Deputy County Public Weigher is required to take the Official Oath. TEX. CONST., art. XVI, § 1(a); See also, TEX. AGRIC. CODE § 13.256.

Statement of Officer: Must be filed in the official records of the office before the Oath can be taken. TEX. CONST., art. XVI, § 1 (c).

Bond Requirements: Each Deputy County Weigher shall execute for the full term of office, a bond that is in the amount of \$2,500 approved by the Texas Department of

Agriculture and made payable to the County Judge. The bond must be conditioned on the accurate weight or measure of a commodity being reflected on the certificate issued by the deputy, on the protection of a commodity that the deputy is requested to weigh or measure, and on compliance with all laws and rules governing Public Weighers. TEX. AGRIC. CODE § 13.256. The bond shall be filed with the County Clerk's office. TEX. AGRIC. CODE § 13.256

33. County Medical Examiner

Oath Requirement: Before entering upon the duties of office, a Medical Examiner is required to take the Official Oath. TEX. CONST., art. XVI, § 1(a); See also, TEX. CODE CRIM. PROC. art. 49.25, § 2.

Statement of Officer: Must be filed in the official records of the office before the Oath can be taken. TEX. CONST., art. XVI, § 1(c).

Bond Requirements: No bond requirements.

34. County Purchasing Agent

Oath Requirement: Although no specific statutory requirement for the Oath, it is an appointed office and the Oath is required. TEX. CONST., art. XVI, § 1(a). A county with a population in excess 100,000 may choose to employ a county purchasing agent instead of appointing one. Tex. LOC. GOV. CODE, § 262.0115.

Statement of Officer: Must be filed in the official records of the office before the Oath can be taken. TEX. CONST., art. XVI, § 1(c).

Bond Requirements: Each appointed county purchasing agent must execute a bond in the amount of \$5,000, payable to the county, conditioned that the individual will faithfully perform the duties of office. TEX. LOC. GOV. CODE, § 262.011(c).

B. REQUIREMENTS FOR DISTRICT AND OTHER LOCAL STATE OFFICERS

1. District Clerk

Oath Requirement: Before entering upon the duties of office, a District Clerk must take and sign the oath prescribed for officers of this state. TEX. CONST., art. XVI, § 1(a); TEX. GOV. CODE § 51.302(a). The oath must be filed and recorded in the office of the County Clerk. TEX. GOV. CODE § 51.302(a).

Statement of Officer: Must be filed in the official records of the office before the Oath can be taken. TEX. CONST., art. XVI, § 1(c).

Bond Requirements: Before beginning the duties of office, each District Clerk must give a bond with two or more sufficient sureties or with a surety company authorized to do business in this state as a surety. TEX. GOV. CODE § 51.302(a). In lieu of the bond, a county may self-insure against losses that would have been covered by the bond. TEX. GOV. CODE § 51.302(g). The bond must be payable to the Governor, be conditioned on the faithful performance of the duties of office, be approved by the Commissioners Court, and be in an amount equal to not less than 20 percent of the maximum amount of fees collected in any year during the term of office immediately preceding the term of office for which the bond is given, except that the bond may not be in an amount less than \$5,000 nor more than \$100,000. TEX. GOV. CODE § 51.302(a). The oath of office must be endorsed on the bond, if a bond is required, and must be filed and recorded in the office of the county clerk. TEX. GOV. CODE § 51.302(b).

Insurance Requirements: Each district clerk shall obtain an insurance policy or similar coverage from a governmental pool operating under Chapter 119, Local Government Code, or from a self-insurance fund or risk retention group created by one or more governmental units under Article 715c, Vernon's Texas Civil Statutes, to cover the District Clerk and any deputy clerk against liabilities incurred through errors or omissions in the performance of official duties. The amount of the policy or other coverage document must equal the maximum amount of fees collected in any year during the term of office immediately preceding the term for which the insurance is obtained, except that the amount of the policy or other coverage document must be at least \$20,000 but not more than \$700,000. If the policy or other coverage document provides coverage for other county officials, the amount of the policy must be at least \$1 million. TEX. GOV. CODE § 51.302(c). If the District Clerk determines that insurance coverage is unavailable at reasonable cost, the Commissioners Court must establish a contingency fund to provide the coverage and may set an additional filing fee not to exceed \$5 to be paid into the contingency fund. TEX. GOV. CODE § 51.302(d)

Additional Insurance Requirements: Each district clerk shall obtain an insurance policy or similar coverage to cover losses due to burglary, theft, robbery, counterfeit currency, or destruction. The amount of the policy must be at least \$20,000 but not more than \$700,000. TEX. GOV. CODE § 51.302(d).

2. Deputy District Clerk

Oath Requirement: Before entering upon the duties of office, a Deputy District Clerk is required to take the Official Oath. TEX. CONST., art. XVI, § 1(a); TEX. GOV. CODE § 51.309(a). The appointment of a Deputy District Clerk must be in writing and recorded in the office of the County Clerk. TEX. GOV. CODE § 51.309(a).

Statement of Officer: Must be filed in the official records of the office before the Oath can be taken. TEX. CONST., art. XVI, § 1(c).

Bond Requirements: The District Clerk shall obtain a surety bond to cover a Deputy Clerk or a schedule surety bond or a blanket surety bond to cover more than one deputy and all employees of the office. A Deputy Clerk and an employee must be covered on the same conditions and the same amount as the District Clerk. The bond shall be made payable to the Governor for the use and benefit of the District Clerk. TEX. GOV. CODE § 51.309(b). In lieu of the bond, a county may self-insure against losses that would have been covered by the bond. TEX. GOV. CODE § 51.309(c).

3. District Judge

Oath Requirement: Although there is no specific statutory requirement, it is an elected office, therefore, before entering upon the duties of office, a District Judge is required to take the Official Oath. TEX. CONST., art. XVI, § 1(a)

Statement of Officer: Must be filed in the official records of the office before the Oath can be taken. TEX. CONST., art. XVI, § 1 (c).

Bond Requirements: No bond requirement.

4. Official Court Reporter

Oath Requirement: Before entering upon the duties of office, an Official Court Reporter is required to take the Official Oath. TEX. CONST., art. XVI, § 1(a); TEX. GOV. CODE § 52.045(a).

Statement of Officer: Must be filed in the official records of the office before the Oath can be taken. TEX. CONST., art. XVI, § 1 (c).

Bond Requirements: No bond requirement.

Additional Oath: In addition to the Official Oath, each Official Court Reporter must sign an oath administered by the District Clerk stating that in each reported case the court reporter will keep a correct, impartial record of the evidence offered in the case, the objections and exceptions made by the parties to the case, and the rulings and remarks made by the court in determining the admissibility of testimony presented in the case. TEX. GOV. CODE § 52.045(b).

5. Deputy Court Reporter

Oath Requirement: Before entering upon the duties of office, a Deputy Court Reporter is required to take the Official Oath. TEX. CONST., art. XVI, § 1(a); TEX. GOV. CODE § 52.045(b).

Statement of Officer: Must be filed in the official records of the office before the Oath can be taken. TEX. CONST., art. XVI, § 1(c).

Bond Requirements: No bond requirement.

Additional Oath: In addition to the Official Oath, each Official Court Reporter must sign an oath administered by the District Clerk stating that in each reported case the court reporter will keep a correct, impartial record of the evidence offered in the case, the objections and exceptions made by the parties to the case, and the rulings and remarks made by the court in determining the admissibility of testimony presented in the case. TEX. GOV. CODE § 52.045(b).

6. District Attorney

Oath Requirement: Although there is no specific statutory requirement, it is an elected office, therefore, before entering upon the duties of office, a District Attorney is required to take the Official Oath. TEX. CONST., art. XVI, § 1(a).

Statement of Officer: Must be filed in the official records of the office before the Oath can be taken. TEX. CONST., art. XVI, § 1(c).

Bond Requirements: Before assuming the duties of the office, a District Attorney must give a bond that is payable to the Governor, in the sum of \$ 5000.00, has two or more good and sufficient sureties, is approved by the District Judge, and is conditioned that the District Attorney will, in the manner prescribed by law, faithfully pay over all money that he collects or that comes into his hands for the state or a county. TEX. GOV. CODE § 43.002(a). Each District Attorney's bond shall be deposited in the office of the Comptroller of Public Accounts. TEX. GOV. CODE § 43.002(b); TEX. GOV. CODE § 604.003.

7. Criminal District Attorney

Oath Requirement: Although there is no specific statutory requirement, it is an elected office, therefore, before entering upon the duties of office, a Criminal District Attorney is required to take the Official Oath. TEX. CONST., art. XVI, § 1(a).

Statement of Officer: Must be filed in the official records of the office before the Oath can be taken. TEX. CONST., art. XVI, § 1(c).

Bond Requirements: A Criminal District Attorney must give the bond required of a District Attorney. TEX. GOV. CODE § 44.002. Before assuming the duties of the office, a District Attorney must give a bond that is payable to the Governor, in the sum of \$ 5000.00, has two or more good and sufficient sureties, is approved by the District Judge, and is conditioned that the District Attorney will, in the manner prescribed by law, faithfully pay over all money that he collects or that comes into his hands for the state or a county. TEX. GOV. CODE § 43.002(a). Each District Attorney's bond shall be deposited in

the office of the Comptroller of Public Accounts. TEX. GOV. CODE § 43.002(b); TEX. GOV. CODE § 604.003.

8. Assistant District or Criminal District Attorney

Oath Requirement: Before entering upon the duties of office, an Assistant District or Criminal District Attorney is required to take the Official Oath. TEX. CONST., art. XVI, § 1(a); TEX. GOV. CODE § 41.103(a).

Statement of Officer: Must be filed in the official records of the office before the Oath can be taken. TEX. CONST., art. XVI, § 1(c).

Bond Requirement: A prosecuting attorney may require his assistant prosecuting attorneys to have a bond in the amount that the prosecuting attorney sets. TEX. GOV. CODE, § 41.104.

9. State Public Weigher

Oath Requirement: Before entering upon the duties of office, a State Public Weigher is required to take the Official Oath. TEX. CONST., art. XVI, § 1(a); TEX. AGRIC. CODE § 13.256.

Statement of Officer: Must be filed in the official records of the office before the Oath can be taken. TEX. CONST., art. XVI, § 1(c).

Bond Requirements: Each State Public Weigher shall execute for the full term of office, a bond that is in the amount of \$10,000 approved by the Texas Department of Agriculture and made payable to the State of Texas. The bond must be conditioned on the accurate weight or measure of a commodity being reflected on the certificate issued by the deputy, on the protection of a commodity that the deputy is requested to weigh or measure, and on compliance with all laws and rules governing Public Weighers. TEX. AGRIC. CODE § 13.256(b). The bond shall be filed with the Department of Agriculture. TEX. AGRIC. CODE § 13.256(b).

10. District Medical Examiner

Oath Requirement: Before entering upon the duties of office, a Medical Examiner is required to take the Official Oath. TEX. CONST., art. XVI, § 1(a).

Statement of Officer: Must be filed in the official records of the office before the Oath can be taken. TEX. CONST., art. XVI, § 1(c).

Bond Requirements: No bond requirements.

11. Tax Assessor-Collectors of other local Political Subdivisions

Oath Requirement: Before entering upon the duties of office Tax Assessor-Collectors of other political subdivisions should take the Official Oath. TEX. CONST., art. XVI, § 1(a).

Statement of Officer: Unless duties are ministerial and under direct control of the entity, should subscribe to the Bribery Statement. If subscribed to, must be filed in the official records of the office before the Oath can be taken. TEX. CONST., art. XVI, § 1(c).

Bond Requirements: A taxing unit, other than a county, that has its own collector shall require him to give bond conditioned on the faithful performance of his duties. TEX. TAX CODE § 6.29(a). To be effective, the bond must be made payable to and must be approved by the governing body of the unit in an amount determined by the governing body. TEX. TAX CODE § 6.29(a). The governing body may prescribe additional requirements for the bond. TEX. TAX CODE § 6.29(a). An officer required by law to give an official bond shall file the bond with the officer's oath of office. TEX. GOV. CODE § 604.001.

A taxing unit whose taxes are collected by the collector for another taxing unit, by an officer or employee of another taxing unit or of an appraisal district, or by any other person other than the unit's own collector may require that collector, officer, employee, or other person to give bond conditioned on the faithful performance of his duties. TEX. TAX CODE § 6.29(b). To be effective, the bond must be made payable to and must be approved by and paid for by the governing body of the unit requiring bond in an amount determined by the governing body. TEX. TAX CODE § 6.29(b). The governing body may prescribe additional requirements for the bond. TEX. TAX CODE § 6.29(b).

C. REQUIREMENTS FOR MEMBERS OF COUNTY BOARDS AND COMMISSIONS

1. Commissioner of a County Historical Commission

Oath Requirement: Before entering upon the duties of office, a Commissioner of a County Historical Commission is required to take the Official Oath. TEX. CONST., art. XVI, § 1(a); TEX. LOC. GOV. CODE § 318.003 and 318.004.

Statement of Officer: Must be filed in the official records of the office before the Oath can be taken. TEX. CONST., art. XVI, § 1(c).

Bond Requirements: No bond required. TEX. LOC. GOV. CODE, Chapter 318.

2. Director of a Jail District

Oath Requirement: Before entering upon the duties of office, a Director of a Jail District is required to take the Official Oath. TEX. CONST., art. XVI, § 1(a); TEX. LOC. GOV. CODE § 351.131(a).

Statement of Officer: Must be filed in the official records of the office before the Oath can be taken. TEX. CONST., art. XVI, § 1(c).

Bond Requirements: No bond required. TEX. LOC. GOV. CODE, Chapter 351.

3. General Manager of a Jail District

Bond Requirements: The General Manager of a Jail District shall execute a bond in an amount determined by the Board, payable to the District, and conditioned on the faithful performance of the General Manager's duties. TEX. LOC. GOV. CODE, § 351.132(b). The District shall pay for the bond. TEX. LOC. GOV. CODE, § 351.132(b).

4. Employees of a Jail District

Bond Requirements: The Board shall require each employee who collects, pays, or handles any funds of the District to furnish a bond. TEX. LOC. GOV. CODE, § 351.132(g). The bond must be payable to the District, in an amount sufficient to protect the District from financial loss resulting from actions of the employee, conditioned on the faithful performance of the employee's duties, and on accounting for all money and property of the District in the employee's hands. TEX. LOC. GOV. CODE, § 351.132(g). The District shall pay for the bond. TEX. LOC. GOV. CODE, § 351.132(g).

5. Director of a Civic Center Authority

Oath Requirement: Before entering upon the duties of office, a Director on the Board of Directors of a Civic Center Authority is required to take the Official Oath. TEX. CONST., art. XVI, § 1(a); TEX. LOC. GOV. CODE § 281.024(b).

Statement of Officer: Must be filed in the official records of the office before the Oath can be taken. TEX. CONST., art. XVI, § 1 (c).

Bond Requirements: As soon as practicable after a Director is appointed, the Director shall execute a bond that is in the amount of \$ 5,000, payable to the Authority, and conditioned that the Director will faithfully perform the Director's duties. TEX. LOC. GOV. CODE, § 281.024(a). The bond of a Director on the first board must be approved by the County Judge. TEX. LOC. GOV. CODE, § 281.024(d). The bond of a subsequent Director must be approved by the Board. TEX. LOC. GOV. CODE, § 281.024(d). The bond and Oath must be filed with the Authority who shall keep them in its records. TEX. LOC. GOV. CODE, § 281.024(e).

Additional Oath: Before entering upon the duties of office, a Director on the Board of Directors of a Civic Center Authority is required to execute an additional written oath that the Director will not have an interest, directly or indirectly, in a contract with, or claim against, the Authority except for a contract or claim expressly authorized by law or a warrant issued to the Director as a fee of office. TEX. LOC. GOV. CODE, § 281.024(b).

6. Treasurer of a Civic Center Authority

Bond Requirements: A Treasurer of a Civic Center Authority shall execute a bond, in an amount set by the Board, conditioned that the Treasurer will faithfully account for all money of which the Treasurer assumes custody in the capacity of Treasurer. TEX. LOC. GOV. CODE, § 281.025(f).

7. General Manager of a Civic Center Authority

Bond Requirements: If the General Manager of a Civic Center Authority is not a Director, the General Manger shall execute a fidelity bond payable to the Authority in the amount of \$ 5,000, conditioned that the person will faithfully perform the duties of General Manager. TEX. LOC. GOV. CODE, § 281.043(b).

8. Employees of a Civic Center Authority

Bond Requirements: The Board of Directors of a Civic Center Authority may require an employee to execute a bond payable to the Authority that is conditioned that the person will faithfully perform the duties of the employee. TEX. LOC. GOV. CODE, § 281.043(d).

9. Park Commissioner of a County Parks Board

Oath Requirement: Before entering upon the duties of office, and within 15 days after the date of appointment, a County Park Commissioner is required to take the Official Oath. TEX. CONST., art. XVI, § 1(a); TEX. LOC. GOV. CODE § 320.023(a). A certificate of appointment executed by the County Judge and attested by the County Clerk shall be filed in the office of the County Clerk. TEX. LOC. GOV. CODE § 320.024.

Statement of Officer: Must be filed in the official records of the office before the Oath can be taken. TEX. CONST., art. XVI, § 1(c).

Bond Requirements: Before entering upon the duties of office, and within 15 days after the date of appointment, a County Park Commissioner must file a good and sufficient bond with the County Clerk. TEX. LOC. GOV. CODE § 320.023(a). The bond must be payable to the County Judge, approved by the Commissioners Court, in an amount prescribed by the Commissioners Court of \$ 5,000 or more, and conditioned that the person will faithfully perform the duties of Park Commissioner, including the proper handling of all money that comes into the hands of the person in the person's capacity as Park Commissioner. TEX. LOC. GOV. CODE § 320.023(b); TEX. LOC. GOV. CODE § 88.001. The Board shall pay the cost of the bond. TEX. LOC. GOV. CODE § 320.023(c).

10. Park Commissioner of a Board of Park Commissioners - Island Parks

Oath Requirement: Before entering upon the duties of office, and within 15 days after the date of appointment, a Park Commissioner is required to take the Official Oath. TEX. CONST., art. XVI, § 1(a); TEX. LOC. GOV. CODE § 321.023(a). A certificate of appointment executed by the County Judge and attested by the County Clerk shall be filed in the office of the County Clerk. TEX. LOC. GOV. CODE § 321.024.

Statement of Officer: Must be filed in the official records of the office before the Oath can be taken. TEX. CONST., art. XVI, § 1(c).

Bond Requirements: Before entering upon the duties of office, and within 15 days after the date of appointment, a Park Commissioner must file a good and sufficient bond with the County Clerk. TEX. LOC. GOV. CODE § 321.023(a); TEX. LOC. GOV. CODE, § 88.001. The bond must be payable to the County Judge, approved by the Commissioners Court, in an amount prescribed by the Commissioners Court of \$ 5,000 or more, and conditioned that the person will faithfully perform the duties of Park Commissioner, including the proper handling of all money that comes into the hands of the person in the person's capacity as Park Commissioner. TEX. LOC. GOV. CODE § 321.023(b); TEX. LOC. GOV. CODE, § 88.001. The Board shall pay the cost of the bond. TEX. LOC. GOV. CODE § 321.023(c).

11. Park Commissioner of a Joint Park Board of Park Commissioners

Oath Requirement: Before entering upon the duties of office, and within 15 days after the date of appointment by the Governor, a Park Commissioner is required to take the Official Oath. TEX. CONST., art. XVI, § 1(a); TEX. LOC. GOV. CODE § 322.023(a).

Statement of Officer: Must be filed in the official records of the office before the Oath can be taken. TEX. CONST., art. XVI, § 1 (c).

Bond Requirements: Before entering upon the duties of office, and within 15 days after the date of appointment by the Governor, a Park Commissioner must file a good and sufficient bond with the County Clerk of the county the Commissioner represents. TEX. LOC. GOV. CODE § 322.023(a). The bond must be payable to the County Judge of the county that the Commissioner represents, approved by the Commissioners Court of that county, in an amount prescribed by that Commissioners Court of \$5,000 or more, and conditioned that the person will faithfully perform the duties of Park Commissioner, including the proper handling of all money that comes into the hands of the person in the person's capacity as Park Commissioner. TEX. LOC. GOV. CODE § 322.023(b). If the official bond of a county officer is required by law to be approved by the Commissioners Court, then the bond, except as required by other law, must be made payable to the County Judge and kept and recorded by the County Clerk. TEX. LOC. GOV. CODE, § 88.001. The Board shall pay the cost of the bond. TEX. LOC. GOV. CODE § 322.023(c).

12. Commissioner of a County Housing Authority

Oath Requirement: Before entering upon the duties of office Commissioner of a County Housing Authority is required to take the Official Oath. TEX. CONST., art. XVI, § 1(a); TEX. LOC. GOV. CODE § 392.032(a) and § 392.034(a) (*appointed by Commissioners Court for a term*); TEX. LOC. GOV. CODE § 392.012(b) (*public body*).

Statement of Officer: Must be filed in the official records of the office before the Oath can be taken. TEX. CONST., art. XVI, § 1 (c); TEX. LOC. GOV. CODE § 392.032(a) and § 392.034(a) (*appointed by Commissioners Court for a term*); TEX. LOC. GOV. CODE § 392.012(b) (*public body*).

Bond Requirements: No bond requirements.

13. Commissioner of a Regional Housing Authority

Oath Requirement: Before entering upon the duties of office Commissioner of a Regional Housing Authority is required to take the Official Oath. TEX. CONST., art. XVI, § 1(a); TEX. LOC. GOV. CODE § 392.033 and § 392.034(b) (*appointed by Commissioners Court for a term*); TEX. LOC. GOV. CODE § 392.013(b) (*public body*).

Statement of Officer: Must be filed in the official records of the office before the Oath can be taken. TEX. CONST., art. XVI, § 1 (c); TEX. LOC. GOV. CODE § 392.033 and § 392.034(b) (*appointed by Commissioners Court for a term*); TEX. LOC. GOV. CODE § 392.013(b) (*public body*).

Bond Requirements: No bond requirements.

D. REQUIREMENTS OF ELECTION OFFICIALS

1. County Elections Administrators

Oath Requirement: Before entering upon the duties of office a County Elections Administrator is required to take the Official Oath. TEX. CONST., art. XVI, § 1(a); TEX. ELEC. CODE § 31.040(b) (*appointed by the County Election Commission*).

Statement of Officer: Must be filed in the official records of the office before the Oath can be taken. TEX. CONST., art. XVI, § 1 (c); TEX. ELEC. CODE § 31.032 (*appointed by the County Election Commission*).

Bond Requirements: Before assuming the duties of a County Election Administrator, the person appointed to the position must give a bond that is in an amount set by the Commissioners Court, not to exceed \$20,000, payable to the County Judge, approved by the Commissioners Court, and conditioned on the faithful performance of the duties of the position. TEX. ELEC. CODE § 31.040(a). If the official bond of a county officer is required by law to be approved by the Commissioners Court, then the bond, except as

required by other law, must be made payable to the County Judge and kept and recorded by the County Clerk. TEX. LOC. GOV. CODE, § 88.001.

2. Deputy County Elections Administrators

Oath Requirement: Before entering upon the duties of office a Deputy County Elections Administrator is required to take the Official Oath. TEX. CONST., art. XVI, § 1(a); TEX. ELEC. CODE § 31.040(b) (*appointed by the County Election Administrator*).

Statement of Officer: Must be filed in the official records of the office before the Oath can be taken. TEX. CONST., art. XVI, § 1 (c); TEX. ELEC. CODE § 31.040(b) (*appointed by the County Election Administrator*).

Bond Requirements: The Commissioners Court or the Administrator may require any or all of the Administrator's deputies, other than unpaid volunteer deputy registrars, to give a bond similar to that required of the Administrator in an amount not exceeding the Administrator's bond. TEX. ELEC. CODE § 31.040(b). If the official bond of a county officer is required by law to be approved by the Commissioners Court, then the bond, except as required by other law, must be made payable to the County Judge and kept and recorded by the County Clerk. TEX. LOC. GOV. CODE, § 88.001.

3. Regular Deputy Voter Registrars

Oath Requirement: Before entering upon the duties of office a Regular Deputy Voter Registrar is required to take the Official Oath. TEX. CONST., art. XVI, § 1(a); TEX. ELEC. CODE § 12.006(a) (*appointed*).

Statement of Officer: Must be filed in the official records of the office before the Oath can be taken. TEX. CONST., art. XVI, § 1 (c); TEX. ELEC. CODE § 12.006(a) (*appointed*).

Bond Requirements: The Commissioners Court or the Administrator may require any or all of the Administrator's deputies, other than unpaid volunteer deputy registrars, to give a bond similar to that required of the Administrator in an amount not exceeding the Administrator's bond. TEX. ELEC. CODE § 31.040(b). If the official bond of a county officer is required by law to be approved by the Commissioners Court, then the bond, except as required by other law, must be made payable to the County Judge and kept and recorded by the County Clerk. TEX. LOC. GOV. CODE, § 88.001.

4. Election Clerks

Oath Requirement: Before entering upon the duties of office an Election Clerk is required to take the Official Oath. TEX. CONST., art. XVI, § 1(a); TEX. ELEC. CODE § 32.031(a) (*appointed*); TEX. ELEC. CODE § 32.074 (*may administer oaths*).

Bond Requirements: No bond requirements.

E. REQUIREMENTS OF OFFICERS OF LOCAL AND DISTRICT PUBLIC HOSPITALS

1. Board of Managers of a County Hospital

Official Oath: Not statutorily required, however, before entering upon the duties of office a Manager of a County Hospital may be required to take the Official Oath. TEX. CONST., art. XVI, § 1(a); TEX. HEALTH & SAFETY CODE, § 263.041(*appointed by Commissioners Court for a term of years*); TEX. HEALTH & SAFETY CODE, § 263.046, et seq.,(*vested with broad discretionary powers*).

Statement of Officer: If Oath required, Statement must be filed in the official records of the office before the Oath can be taken. TEX. CONST., art. XVI, § 1 (c).

Bond Requirement: No bond requirement. TEX. HEALTH & SAFETY CODE , Chapter 263, Subchapter C.

2. Superintendent of a County Hospital

Official Oath: Not statutorily required, however, before entering upon the duties of office a Superintendent of a County Hospital is should take the Official Oath. TEX. CONST., art. XVI, § 1(a); TEX. HEALTH & SAFETY CODE, § 263.074, et seq.,(*vested with broad discretionary powers*). *See also*, OP. TEX. ATTY. GEN. 0-5085 (1943)(*Oath required of executive director of Public Welfare Department*).

Statement of Officer: If Oath required, Statement must be filed in the official records of the office before the Oath can be taken. TEX. CONST., art. XVI, § 1 (c).

Bond Requirement: A Superintendent of a County Hospital shall give a bond in a sum determined by the Board of Managers to secure the faithful performance of the Superintendent's duties. TEX. HEALTH & SAFETY CODE § 263.073.

3. Director of a County Hospital Authority

Oath Requirement: Not statutorily required, however, before entering upon the duties of office, a Director of a County Hospital Authority may be required to take the Official Oath. TEX. CONST., art. XVI, § 1(a); TEX. HEALTH & SAFETY CODE, § 264.012 (*appointed by Commissioners Court for a term of years*); TEX. HEALTH & SAFETY CODE, § 264.021, et seq.,(*vested with broad discretionary powers*); TEX. HEALTH & SAFETY CODE § 264.041 (*authority to issue revenue bonds*); OP. TEX. ATTY. GEN. MW-177 (1980)(*issuance of revenue bonds governmental*).

Statement of Officer: If Oath required, Statement must be filed in the official records of the office before the Oath can be taken. TEX. CONST., art. XVI, § 1(c); TEX. HEALTH & SAFETY CODE § 264.003(C) (*political subdivision*); TEX. HEALTH & SAFETY CODE § 264.012 (*appointed with terms*).

Bond Requirement: No bond requirement.

4. Board of Managers of a Joint Municipal and County Hospital

Oath Requirement: Not statutorily required, however, before entering upon the duties of office, a Manager of a Joint Municipal and County Hospital may be required to take the Official Oath. TEX. CONST., art. XVI, § 1(a); TEX. HEALTH & SAFETY CODE § 265.011 and § 265.013(*appointed for a term of years*); TEX. HEALTH & SAFETY CODE § 265.015 (*authority to make contracts*).

Statement of Officer: If Oath required, Statement must be filed in the official records of the office before the Oath can be taken. TEX. CONST., art. XVI, § 1(c).

Bond Requirement: No bond requirement.

5. Director of a Joint County - Municipal Hospital Board

Oath Requirement: Not statutorily required, however, before entering upon the duties of office, a Director of a Joint County - Municipal Hospital Board may be required to take the Official Oath. TEX. CONST., art. XVI, § 1(a); TEX. HEALTH & SAFETY CODE § 265.032 (*appointed with terms*); TEX. HEALTH & SAFETY CODE § 265.034(c) (*acts independently*).

Statement of Officer: Must be filed in the official records of the office before the Oath can be taken. TEX. CONST., art. XVI, § 1(c).

Bond Requirement: No bond requirement.

6. Board of Hospital Managers of a Hospital District in Counties of At Least 190,000

Oath Requirement: Not statutorily required, however, before entering upon the duties of office, a Manager of a Hospital District in Counties of at least 190,000 may be required to take the Official Oath. TEX. CONST., art. XVI, § 1(a); TEX. HEALTH & SAFETY CODE § 281.021 and § 281.022 (*appointed with terms*).

Statement of Officer: If Oath required, Statement must be filed in the official records of the office before the Oath can be taken. TEX. CONST., art. XVI, § 1(c); TEX. HEALTH & SAFETY CODE § 281.021 and § 281.022 (*appointed with terms*).

Bond Requirement: No bond requirement.

7. Administrator of a Hospital District in Counties of At Least 190,000

Bond Requirement: Before assuming duties, the Administrator shall execute a bond payable to the District in the amount of not less than \$ 10,000, conditioned on the faithful performance of the Administrator's duties and other requirements determined by the Board; TEX. HEALTH & SAFETY CODE § 281.026(d).

8. Assistant Administrator of a Hospital District in Counties of At Least 190,000

Bond Requirement: An Assistant Administrator of a Hospital District in Counties of At Least 190,000 shall execute a bond as required by the Board of Managers. TEX. HEALTH & SAFETY CODE § 281.027(b).

9. Director of a Hospital District (Population of 75,000 or less)

Oath Requirement: Before entering upon the duties of office, a Director of a Hospital District with a population of 75,000 or less is required to take the Official Oath. TEX. CONST., art. XVI, § 1(a); TEX. HEALTH & SAFETY CODE § 282.021(a)(*elected from the district at large*).

Statement of Officer: Must be filed in the official records of the office before the Oath can be taken. TEX. CONST., art. XVI, § 1(c); *see generally*, TEX. HEALTH & SAFETY CODE § 282.021 and § 282.022.

Additional Oath: Before entering upon the duties of office, a Director of such a District is further required to take and subscribe an oath before the County Judge to faithfully and impartially discharge the duties of a board member and to give an account of the member's activities to the Commissioners Court when requested to do so. TEX. HEALTH & SAFETY CODE § 282.022(a)(1). The County Clerk shall file and maintain this oath as part of the District Records. TEX. HEALTH & SAFETY CODE § 282.022(b).

Bond Requirements: Before entering upon the duties of office, a Director of a Hospital District with a population of 75,000 or less, must execute a good and sufficient bond for \$5,000 payable to the County Judge for the use and benefit of the District, conditioned upon the faithful performance of the person's duties as a board member. TEX. HEALTH & SAFETY CODE § 282.022(a)(2).

10. Director of an Optional County Hospital District

Oath Requirement: Commissioners Court serves as Board of Managers. No additional requirement. TEX. HEALTH & SAFETY CODE § 283.021(a).

Statement of Officer: Commissioners Court serves as Board of Managers. No additional requirement. TEX. HEALTH & SAFETY CODE § 283.021(a).

Bond Requirement: Commissioners Court serves as Board of Managers. No additional bond requirement. TEX. HEALTH & SAFETY CODE § 283.021(a).

11. Administrator of an Optional County Hospital District

Oath Requirement: Not required by statute. Although serves for term of years, it appears that the Administrator has few, if any, discretionary, independent, governmental duties.

Bond Requirement: An Administrator of an Optional County Hospital District shall execute a bond payable to the District in the amount of not less than \$ 10,000, conditioned on the faithful performance of the Administrator's duties and any other requirements determined by the Board. TEX. HEALTH & SAFETY CODE § 283.024(d).

12. Assistant Administrator and Other Employees of an Optional County Hospital District

Bond Requirement: An Assistant Administrator and other employees of an Optional County Hospital District shall execute a bond as required by Board Order. TEX. HEALTH & SAFETY CODE § 283.025(b) .

13. Director of a Hospital District Created by Voter Approval

Oath Requirement: Before entering upon the duties of office, a Director of a Hospital District Created by Voter Approval is required to take the Official Oath. TEX. CONST., art. XVI, § 1(a); TEX. HEALTH & SAFETY CODE § 286.042 (*elected officer*) .

Statement of Officer: Must be filed in the official records of the office before the Oath can be taken. TEX. CONST., art. XVI, § 1(c); TEX. HEALTH & SAFETY CODE § 286.042 (*elected officer*).

Bond Requirement: Before assuming the duties of the office, a Director of a Hospital District Created by Voter Approval must execute a bond for \$ 5,000 payable to the District conditioned on the faithful performance of the person's duties as Director. TEX. HEALTH & SAFETY CODE § 286.046(a). The Board may pay for the Director's bond with District funds. TEX. HEALTH & SAFETY CODE § 286.046(c). The bond shall be kept in the permanent records of the District. TEX. HEALTH & SAFETY CODE § 286.046(b).

14. Administrator of a Hospital District Created by Voter Approval

Bond Requirement: Before assuming the duties of the office, an Administrator of a Hospital District Created by Voter Approval shall execute a bond payable to the District in an amount not less than \$5,000 as determined by the Board, conditioned on the faithful performance of the Administrator's duties. TEX. HEALTH & SAFETY CODE § 286.046(a). The Board may pay for the Director's bond with District funds. TEX. HEALTH & SAFETY CODE § 286.046(c).

F. REQUIREMENTS FOR OFFICERS OF WATER AND NAVIGATION DISTRICTS

1. Director of a Water Control and Improvement District (Chapter 51, Water Code)

Oath Requirement: As soon as practicable after a director has made the sworn statement, and before beginning to perform the duties of office, that director shall take the oath of office prescribed by the constitution for public officers. TEX. CONST., art. XVI, § 1(a); TEX. WATER CODE § 49.055(b). The Oath shall be filed with the district and retained in its records and a duplicate original shall also be filed with the Secretary of State within 10 days after its execution and need not be filed before the new director begins to perform the duties of office. TEX. WATER CODE § 49.055(d).

Statement of Officer: As soon as practicable after a director is elected or appointed, that director shall make the sworn statement prescribed by the constitution for public office. TEX. CONST. art. XVI, § 1; TEX. WATER CODE § 49.055(a). The Statement shall be filed in the official records of the office before the Oath can be taken. TEX. CONST. art. XVI, § 1; TEX. WATER CODE § 49.055(d).

Bond Requirement: Before beginning to perform the duties of office, each director shall execute a bond for \$10,000 payable to the district and conditioned on the faithful performance of that director's duties. All bonds of the directors shall be approved by the board and paid for by the district. TEX. WATER CODE § 49.055(c). All bonds required to be given by a Director or other officer of the District are subject to the approval of the Board. TEX. WATER CODE § 49.055(c). The bond shall be filed with the district and retained in its records. TEX. WATER CODE § 49.055(d); TEX. GOV. CODE § 604.004.

2. General Manager of a Water Control and Improvement District

Oath Requirement: Not required by statute, however, if the Board delegates to the general manager full authority to manage and operate the affairs of the district, this might trigger the Oath requirement. TEX. CONST. art. XVI, § 1(a); TEX. WATER CODE § 49.056 (*authority to delegate full management authority to general manager*).

Statement of Officer: If Oath required, Statement must be filed in the official records of the office before the Oath can be taken. TEX. CONST. art. XVI, § 1.

Bond Requirement: The Board shall require an officer, employee, or consultant, including a bookkeeper, financial advisor, or system operator, who routinely collects, pays, or handles any funds of the district to furnish good and sufficient bond, payable to the district, in an amount determined by the Board to be sufficient to safeguard the district. The board may require a consultant who does not routinely collect, pay, or handle funds of the district to furnish a bond. The bond shall be conditioned on the faithful performance of that person's duties and on accounting for all funds and property of the district, and signed or endorsed by a surety company authorized to do business in the state. TEX. WATER CODE § 49.057(e). The Board may pay the premium on surety bonds

required of officials, employees, or consultants of the district out of any available funds of the district, including proceeds from the sale of bonds. TEX. WATER CODE § 49.057(f).

3. Other Officers and Employees of a Water Control and Improvement District

Bond Requirement: The Board shall require an officer, employee, or consultant who collects, pays, or handles any funds of the district to furnish good and sufficient bond, payable to the district, in an amount determined by the Board to be sufficient to safeguard the district, conditioned on the faithful performance of that person's duties and on accounting for all funds and property of the district, and signed or endorsed by a surety company authorized to do business in the state. TEX. WATER CODE § 49.057(e). The Board may pay the premium on surety bonds required of officials, employees, or consultants of the district out of any available funds of the district, including proceeds from the sale of bonds. TEX. WATER CODE § 49.057(f).

4. Director of an Underground Water Conservation District (Chapter 52, Water Code)

Oath Requirement: As soon as practicable after a director has made the sworn statement, and before beginning to perform the duties of office, that director shall take the oath of office prescribed by the constitution for public officers. TEX. CONST. art. XVI, § 1(a); TEX. WATER CODE § 49.055(b). The Oath shall be filed with the district and retained in its records and a duplicate original shall also be filed with the Secretary of State within 10 days after its execution and need not be filed before the new director begins to perform the duties of office. TEX. WATER CODE § 49.055(d).

Statement of Officer: As soon as practicable after a director is elected or appointed, that director shall make the sworn statement prescribed by the constitution for public office. TEX. CONST., art. XVI, § 1; TEX. WATER CODE § 49.055(a). The Statement shall be filed in the official records of the office before the Oath can be taken. TEX. CONST. art. XVI, § 1; TEX. WATER CODE § 49.055(d).

Bond Requirement: Before beginning to perform the duties of office, each director shall execute a bond for \$10,000 payable to the district and conditioned on the faithful performance of that director's duties. All bonds of the directors shall be approved by the board and paid for by the district. TEX. WATER CODE § 49.055(c). All bonds required to be given by a Director or other officer of the District are subject to the approval of the Board. TEX. WATER CODE § 49.055(c). The bond shall be filed with the district and retained in its records. TEX. WATER CODE § 49.055(d); TEX. GOV. CODE § 604.004.

5. General Manager of an Underground Water Conservation District

Oath Requirement: Not required by statute, however, if the Board delegates to the general manager full authority to manage and operate the affairs of the district, this might trigger the Oath requirement. TEX. CONST., art. XVI, § 1(a); TEX. WATER CODE § 49.056 (*authority to delegate full management authority to general manager*).

Statement of Officer: If Oath required, Statement must be filed in the official records of the office before the Oath can be taken. TEX. CONST. art. XVI, § 1(c).

Bond Requirement: The Board shall require an officer, employee, or consultant, including a bookkeeper, financial advisor, or system operator, who routinely collects, pays, or handles any funds of the district to furnish good and sufficient bond, payable to the district, in an amount determined by the Board to be sufficient to safeguard the district. The board may require a consultant who does not routinely collect, pay, or handle funds of the district to furnish a bond. The bond shall be conditioned on the faithful performance of that person's duties and on accounting for all funds and property of the district, and signed or endorsed by a surety company authorized to do business in the state. TEX. WATER CODE § 49.057(e). The Board may pay the premium on surety bonds required of officials, employees, or consultants of the district out of any available funds of the district, including proceeds from the sale of bonds. TEX. WATER CODE § 49.057(f).

6. Other Officers and Employees of an Underground Water District

Bond Requirement: The Board shall require an officer, employee, or consultant, including a bookkeeper, financial advisor, or system operator, who routinely collects, pays, or handles any funds of the district to furnish good and sufficient bond, payable to the district, in an amount determined by the Board to be sufficient to safeguard the district. The board may require a consultant who does not routinely collect, pay, or handle funds of the district to furnish a bond. The bond shall be conditioned on the faithful performance of that person's duties and on accounting for all funds and property of the district, and signed or endorsed by a surety company authorized to do business in the state. TEX. WATER CODE § 49.057(e). The Board may pay the premium on surety bonds required of officials, employees, or consultants of the district out of any available funds of the district, including proceeds from the sale of bonds. TEX. WATER CODE § 49.057(e).

7. Supervisor of a Fresh Water Supply District (Chapter 53, Water Code)

Oath Requirement: As soon as practicable after a Supervisor has made the sworn statement, and before beginning to perform the duties of office, a Supervisor shall take the oath of office prescribed by the constitution for public officers. TEX. CONST. art. XVI, § 1(a); TEX. WATER CODE § 53.040; TEX. WATER CODE § 49.055(b). The Oath shall be filed with the district and retained in its records and a duplicate original shall also be filed with the Secretary of State within 10 days after its execution and need not be filed before the new Supervisor begins to perform the duties of office. TEX. WATER CODE § 49.055(d).

Statement of Officer: As soon as practicable after a Supervisor is elected or appointed, that Supervisor shall make the sworn statement prescribed by the constitution for public office. TEX. CONST., art. XVI, § 1; TEX. WATER CODE § 53.040; TEX. WATER CODE

§ 49.055(a). The Statement shall be filed in the official records of the office before the Oath can be taken. TEX. CONST., art. XVI, § 1; TEX. WATER CODE § 49.055(d).

Bond Requirement: Before beginning to perform the duties of office, each Supervisor shall execute a bond for \$10,000 payable to the district and conditioned on the faithful performance of that Supervisor's duties. All bonds of the Supervisors shall be approved by the board and paid for by the district. TEX. WATER CODE § 53.040; TEX. WATER CODE § 49.055(c). All bonds required to be given by a Supervisor or other officer of the District are subject to the approval of the Board. TEX. WATER CODE § 49.055(c). The bond shall be filed with the district and retained in its records. TEX. WATER CODE § 49.055(d); TEX. GOV. CODE § 604.004.

8. General Manager of a Fresh Water Supply District

Oath Requirement: Not required by statute, however, if the Board delegates to the general manager full authority to manage and operate the affairs of the district, this might trigger the Oath requirement. TEX. CONST. art. XVI, § 1(a); TEX. WATER CODE § 49.056 (*authority to delegate full management authority to general manager*).

Statement of Officer: If Oath required, Statement must be filed in the official records of the office before the Oath can be taken. TEX. CONST. art. XVI, § 1.

Bond Requirement: The Board shall require an officer, employee, or consultant, including a bookkeeper, financial advisor, or system operator, who routinely collects, pays, or handles any funds of the district to furnish good and sufficient bond, payable to the district, in an amount determined by the Board to be sufficient to safeguard the district. The board may require a consultant who does not routinely collect, pay, or handle funds of the district to furnish a bond. The bond shall be conditioned on the faithful performance of that person's duties and on accounting for all funds and property of the district, and signed or endorsed by a surety company authorized to do business in the state. TEX. WATER CODE § 49.057(e). The Board may pay the premium on surety bonds required of officials, employees, or consultants of the district out of any available funds of the district, including proceeds from the sale of bonds. TEX. WATER CODE § 49.057(e).

9. Tax Assessor-Collector of a Fresh Water Supply District

Oath Requirement: Before entering upon the duties of office, a Tax Assessor-Collector of a Fresh Water Supply District is required to take the Official Oath. TEX. CONST. art. XVI, § 1(a).

Statement of Officer: Must be filed in the official records of the office before the Oath can be taken. TEX. CONST., art. XVI, § 1.

Bond Requirement: The Board shall require an officer, employee, or consultant, including a bookkeeper, financial advisor, or system operator, who routinely collects, pays, or

handles any funds of the district to furnish good and sufficient bond, payable to the district, in an amount determined by the Board to be sufficient to safeguard the district. The board may require a consultant who does not routinely collect, pay, or handle funds of the district to furnish a bond. The bond shall be conditioned on the faithful performance of that person's duties and on accounting for all funds and property of the district, and signed or endorsed by a surety company authorized to do business in the state. TEX. WATER CODE § 49.057(e). The Board may pay the premium on surety bonds required of officials, employees, or consultants of the district out of any available funds of the district, including proceeds from the sale of bonds. TEX. WATER CODE § 49.057(f).

10. Other Officers and Employees of a Fresh Water Supply District

Bond Requirement: The Board shall require an officer, employee, or consultant, including a bookkeeper, financial advisor, or system operator, who routinely collects, pays, or handles any funds of the District to furnish good and sufficient bond, payable to the District, in an amount determined by the Board to be sufficient to safeguard the District. The board may require a consultant who does not routinely collect, pay, or handle funds of the district to furnish a bond. The bond shall be conditioned on the faithful performance of that person's duties and on accounting for all funds and property of the District. TEX. WATER CODE § 49.057(e). The bond shall be signed or endorsed by a surety company authorized to do business in the state. TEX. WATER CODE § 49.057(e). The Board may pay the premium on surety bonds required of officials, employees, or consultants of the district out of any available funds of the district, including proceeds from the sale of bonds. TEX. WATER CODE § 49.057(f).

11. Director of a Municipal Utility District (Chapter 54, Water Code)

Oath Requirement: As soon as practicable after a director has made the sworn statement, and before beginning to perform the duties of office, that director shall take the oath of office prescribed by the constitution for public officers. TEX. CONST., art. XVI, § 1(a); TEX. WATER CODE § 49.055(b). The Oath shall be filed with the district and retained in its records and a duplicate original shall also be filed with the Secretary of State within 10 days after its execution and need not be filed before the new director begins to perform the duties of office. TEX. WATER CODE § 49.055(d).

Statement of Officer: As soon as practicable after a director is elected or appointed, that director shall make the sworn statement prescribed by the constitution for public office. TEX. CONST., art. XVI, § 1; TEX. WATER CODE § 49.055(a). The Statement shall be filed in the official records of the office before the Oath can be taken. TEX. CONST. art. XVI, § 1; TEX. WATER CODE § 49.055(d).

Bond Requirement: Before beginning to perform the duties of office, each director shall execute a bond for \$10,000 payable to the district and conditioned on the faithful performance of that director's duties. All bonds of the directors shall be approved by the board and paid for by the district. TEX. WATER CODE § 49.055(c). All bonds required to

be given by a Director or other officer of the District are subject to the approval of the Board. TEX. WATER CODE § 49.055(c). The bond and Oath shall be filed with the district and retained in its records. TEX. WATER CODE § 49.055(d); TEX. GOV. CODE § 604.004.

12. General Manager of a Municipal Utility District

Oath Requirement: Not required by statute, however, if the Board delegates to the general manager full authority to manage and operate the affairs of the district, this might trigger the Oath requirement. TEX. CONST., art. XVI, § 1(a); TEX. WATER CODE § 49.056(*authority to delegate full management authority to general manager*).

Statement of Officer: If Oath required, Statement must be filed in the official records of the office before the Oath can be taken. TEX. CONST., art. XVI, § 1.

Bond Requirement: The Board shall require an officer, employee, or consultant, including a bookkeeper, financial advisor, or system operator, who routinely collects, pays, or handles any funds of the district to furnish good and sufficient bond, payable to the district, in an amount determined by the Board to be sufficient to safeguard the district. The board may require a consultant who does not routinely collect, pay, or handle funds of the district to furnish a bond. The bond shall be conditioned on the faithful performance of that person's duties and on accounting for all funds and property of the district, and signed or endorsed by a surety company authorized to do business in the state. TEX. WATER CODE § 49.057(e). The Board may pay the premium on surety bonds required of officials, employees, or consultants of the district out of any available funds of the district, including proceeds from the sale of bonds. TEX. WATER CODE § 49.057(f).

13. Other Officers and Employees of a Municipal Utility District

Bond Requirement: The Board shall require an officer, employee, or consultant, including a bookkeeper, financial advisor, or system operator, who routinely collects, pays, or handles any funds of the district to furnish good and sufficient bond, payable to the district, in an amount determined by the Board to be sufficient to safeguard the district. The board may require a consultant who does not routinely collect, pay, or handle funds of the district to furnish a bond. The bond shall be conditioned on the faithful performance of that person's duties and on accounting for all funds and property of the district, and signed or endorsed by a surety company authorized to do business in the state. TEX. WATER CODE § 49.057(e). The Board may pay the premium on surety bonds required of officials, employees, or consultants of the district out of any available funds of the district, including proceeds from the sale of bonds. TEX. WATER CODE § 49.057(f).

14. Director of a Water Improvement District (Chapter 55, Water Code)

Oath Requirement: As soon as practicable after a director has made the sworn statement, and before beginning to perform the duties of office, that director shall take the oath of office prescribed by the constitution for public officers. TEX. CONST. art. XVI, § 1(a);

TEX. WATER CODE § 49.055(b). The Oath shall be filed with the district and retained in its records and a duplicate original shall also be filed with the Secretary of State within 10 days after its execution and need not be filed before the new director begins to perform the duties of office. TEX. WATER CODE § 49.055(d).

Statement of Officer: As soon as practicable after a director is elected or appointed, that director shall make the sworn statement prescribed by the constitution for public office. TEX. CONST., art. XVI, § 1; TEX. WATER CODE § 49.055(a). The Statement shall be filed in the official records of the office before the Oath can be taken. TEX. CONST. art. XVI, § 1; TEX. WATER CODE § 49.055(d).

Bond Requirement: Before beginning to perform the duties of office, each director shall execute a bond for \$10,000 payable to the district and conditioned on the faithful performance of that director's duties. All bonds of the directors shall be approved by the board and paid for by the district. TEX. WATER CODE § 49.055(c). All bonds required to be given by a Director or other officer of the District are subject to the approval of the Board. TEX. WATER CODE § 49.055(c). The bond shall be filed with the district and retained in its records, TEX. WATER CODE § 49.055(d); TEX. GOV. CODE § 604.004.

15. General Manager of a Water Improvement District

Oath Requirement: Not required by statute, however, if the Board delegates to the general manager full authority to manage and operate the affairs of the district, this might trigger the Oath requirement. TEX. CONST., art. XVI, § 1(a); TEX. WATER CODE § 49.056 (*authority to delegate full management authority to general manager*).

Statement of Officer: If Oath required, Statement must be filed in the official records of the office before the Oath can be taken. TEX. CONST., art. XVI, § 1.

Bond Requirement: The Board shall require an officer, employee, or consultant, including a bookkeeper, financial advisor, or system operator, who routinely collects, pays, or handles any funds of the district to furnish good and sufficient bond, payable to the district, in an amount determined by the Board to be sufficient to safeguard the district. The board may require a consultant who does not routinely collect, pay, or handle funds of the district to furnish a bond. The bond shall be conditioned on the faithful performance of that person's duties and on accounting for all funds and property of the district, and signed or endorsed by a surety company authorized to do business in the state. TEX. WATER CODE § 49.057(e). The Board may pay the premium on surety bonds required of officials, employees, or consultants of the district out of any available funds of the district, including proceeds from the sale of bonds. TEX. WATER CODE § 49.057(f).

16. Other Officers and Employees of a Water Improvement District

Bond Requirement: The Board shall require an officer, employee, or consultant, including a bookkeeper, financial advisor, or system operator, who routinely collects, pays, or

handles any funds of the district to furnish good and sufficient bond, payable to the district, in an amount determined by the Board to be sufficient to safeguard the district. The board may require a consultant who does not routinely collect, pay or handle funds of the district to furnish a bond. The bond shall be conditioned on the faithful performance of that person's duties and on accounting for all funds and property of the district, and signed or endorsed by a surety company authorized to do business in the state. TEX. WATER CODE § 49.057(e). The Board may pay the premium on surety bonds required of officials, employees, or consultants of the district out of any available funds of the district, including proceeds from the sale of bonds. TEX. WATER CODE § 49.057(f).

17. Director of a Drainage District (Chapter 56, Water Code)

Oath Requirement: As soon as practicable after a director has made the sworn statement, and before beginning to perform the duties of office, that director shall take the oath of office prescribed by the constitution for public officers. TEX. CONST., art. XVI, § 1(a); TEX. WATER CODE § 49.055(b). The Oath shall be filed with the district and retained in its records and a duplicate original shall also be filed with the Secretary of State within 10 days after its execution and need not be filed before the new director begins to perform the duties of office. TEX. WATER CODE § 49.055(d).

Statement of Officer: As soon as practicable after a director is elected or appointed, that director shall make the sworn statement prescribed by the constitution for public office. TEX. CONST., art. XVI, § 1; TEX. WATER CODE § 49.055(a). The Statement shall be filed in the official records of the office before the Oath can be taken. TEX. CONST., art. XVI, § 1; TEX. WATER CODE § 49.055(d).

Bond Requirement: Before beginning to perform the duties of office, each director shall execute a bond for \$10,000 payable to the district and conditioned on the faithful performance of that director's duties. All bonds of the directors shall be approved by the board and paid for by the district. TEX. WATER CODE § 49.055(c). All bonds required to be given by a Director or other officer of the District are subject to the approval of the Board. TEX. WATER CODE § 49.055(c). The bond shall be filed with the district and retained in its records. TEX. WATER CODE § 49.055(d); TEX. GOV'T CODE § 604.004.

18. General Manager of a Drainage District

Oath Requirement: Not required by statute, however, if the Board delegates to the general manager full authority to manage and operate the affairs of the district, this might trigger the Oath requirement. TEX. CONST., art. XVI, § 1(a); TEX. WATER CODE § 49.056(*authority to delegate full management authority to general manager*).

Statement of Officer: If Oath required, Statement must be filed in the official records of the office before the Oath can be taken. TEX. CONST., art. XVI, § 1.

Bond Requirement: The Board shall require an officer, employee, or consultant, including a bookkeeper, financial advisor, or system operator, who routinely collects, pays, or handles any funds of the district to furnish good and sufficient bond, payable to the district, in an amount determined by the Board to be sufficient to safeguard the district. The board may require a consultant who does not routinely collect, pay, or handle funds of the district to furnish a bond. The bond shall be conditioned on the faithful performance of that person's duties and on accounting for all funds and property of the district, and signed or endorsed by a surety company authorized to do business in the state. TEX. WATER CODE § 49.057(e). The Board may pay the premium on surety bonds required of officials, employees, or consultants of the district out of any available funds of the district, including proceeds from the sale of bonds. TEX. WATER CODE § 49.057(f).

19. Other Officers and Employees of a Drainage District

Bond Requirement: The Board shall require an officer, employee, or consultant, including a bookkeeper, financial advisor, or system operator, who routinely collects, pays, or handles any funds of the district to furnish good and sufficient bond, payable to the district, in an amount determined by the Board to be sufficient to safeguard the district. The board may require a consultant who does not routinely collect, pay, or handle funds of the district to furnish a bond. The bond shall be conditioned on the faithful performance of that person's duties and on accounting for all funds and property of the district, and signed or endorsed by a surety company authorized to do business in the state. TEX. WATER CODE § 49.057(e). The Board may pay the premium on surety bonds required of officials, employees, or consultants of the district out of any available funds of the district, including proceeds from the sale of bonds. TEX. WATER CODE § 49.057(f).

20. Director of a Levee Improvement District (Chapter 57, Water Code)

Oath Requirement: As soon as practicable after a director has made the sworn statement, and before beginning to perform the duties of office, that director shall take the oath of office prescribed by the constitution for public officers. TEX. CONST., art. XVI, § 1(a); TEX. WATER CODE § 49.055(b). The Oath shall be filed with the district and retained in its records and a duplicate original shall also be filed with the Secretary of State within 10 days after its execution and need not be filed before the new director begins to perform the duties of office. TEX. WATER CODE § 49.055(d).

Statement of Officer: As soon as practicable after a director is elected or appointed, that director shall make the sworn statement prescribed by the constitution for public office. TEX. CONST., art. XVI, § 1; TEX. WATER CODE § 49.055(a). The Statement shall be filed in the official records of the office before the Oath can be taken. TEX. CONST. art. XVI, § 1; TEX. WATER CODE § 49.055(d).

Bond Requirement: Before beginning to perform the duties of office, each director shall execute a bond for \$10,000 payable to the district and conditioned on the faithful performance of that director's duties. All bonds of the directors shall be approved by the

board and paid for by the district. TEX. WATER CODE § 49.055(c). All bonds required to be given by a Director or other officer of the District are subject to the approval of the Board. TEX. WATER CODE § 49.055(c). The bond shall be filed with the district and retained in its records. TEX. WATER CODE § 49.055(d); TEX. GOV. CODE § 604.004.

21. General Manager of a Levee Improvement District

Oath Requirement: Not required by statute, however, if the Board delegates to the general manager full authority to manage and operate the affairs of the district, this might trigger the Oath requirement. TEX. CONST., art. XVI, § 1(a); TEX. WATER CODE § 49.056 (*authority to delegate full management authority to general manager*).

Statement of Officer: If Oath required, Statement must be filed in the official records of the office before the Oath can be taken. TEX. CONST., art. XVI, § 1 (c).

Bond Requirement: The Board shall require an officer, employee, or consultant, including a bookkeeper, financial advisor or system operator, who routinely collects, pays, or handles any funds of the district to furnish good and sufficient bond, payable to the district, in an amount determined by the Board to be sufficient to safeguard the district, conditioned on the faithful performance of that person's duties and on accounting for all funds and property of the district. The board may require a consultant who does not routinely collect, pay, or handle funds of the district to furnish a bond. The bond shall be conditioned on the faithful performance of that person's duties and on accounting for all funds and property of the district. Such bond shall be signed or endorsed by a surety company authorized to do business in the state. TEX. WATER CODE § 49.057(e). The Board may pay the premium on surety bonds required of officials, employees, or consultants of the district out of any available funds of the district, including proceeds from the sale of bonds. TEX. WATER CODE § 49.057(f).

22. Other Officers and Employees of a Levee Improvement District

Bond Requirement: The Board shall require an officer, employee, or consultant, including a bookkeeper, financial advisor, or system operator, who routinely collects, pays, or handles any funds of the district to furnish good and sufficient bond, payable to the district, in an amount determined by the Board to be sufficient to safeguard the district. The board may require a consultant who does not routinely collect, pay, or handle funds of the district to furnish a bond. The bond shall be conditioned on the faithful performance of that person's duties and on accounting for all funds and property of the district, and signed or endorsed by a surety company authorized to do business in the state. TEX. WATER CODE § 49.057(e). The Board may pay the premium on surety bonds required of officials, employees, or consultants of the district out of any available funds of the district, including proceeds from the sale of bonds. TEX. WATER CODE § 49.057(f).

23. Director of an Irrigation District (Chapter 58, Water Code)

Oath Requirement: As soon as practicable after a director has made the sworn statement, and before beginning to perform the duties of office, that director shall take the oath of office prescribed by the constitution for public officers. TEX. CONST., art. XVI, § 1(a); TEX. WATER CODE § 49.055(b). The Oath shall be filed with the district and retained in its records and a duplicate original shall also be filed with the Secretary of State within 10 days after its execution and need not be filed before the new director begins to perform the duties of office. TEX. WATER CODE § 49.055(d).

Statement of Officer: As soon as practicable after a director is elected or appointed, that director shall make the sworn statement prescribed by the constitution for public office. TEX. CONST., art. XVI, § 1; TEX. WATER CODE § 49.055(a). The Statement shall be filed in the official records of the office before the Oath can be taken. TEX. CONST. art. XVI, § 1; TEX. WATER CODE § 49.055(d).

Bond Requirement: Before beginning to perform the duties of office, each director shall execute a bond for \$10,000 payable to the district and conditioned on the faithful performance of that director's duties. All bonds of the directors shall be approved by the board and paid for by the district. TEX. WATER CODE § 49.055(c). All bonds required to be given by a Director or other officer of the District are subject to the approval of the Board. TEX. WATER CODE § 49.055(c). The bond shall be filed with the district and retained in its records. TEX. WATER CODE § 49.055(d); TEX. GOV. CODE § 604.004.

24. General Manager of an Irrigation District

Oath Requirement: Not required by statute, however, if the Board delegates to the general manager full authority to manage and operate the affairs of the district, this might trigger the Oath requirement. TEX. CONST., art. XVI, § 1(a); TEX. WATER CODE § 49.056 (*authority to delegate full management authority to general manager*).

Statement of Officer: If Oath required, Statement must be filed in the official records of the office before the Oath can be taken. TEX. CONST., art. XVI, § 1(c).

Bond Requirement: The Board shall require an officer, employee, or consultant, including a bookkeeper, financial advisor, or system operator, who routinely collects, pays, or handles any funds of the district to furnish good and sufficient bond, payable to the district, in an amount determined by the Board to be sufficient to safeguard the district. The Board may require a consultant who does not routinely collect, pay, or handle funds of the district to furnish a bond. The bond shall be conditioned on the faithful performance of that person's duties and on accounting for all funds and property of the district, and signed or endorsed by a surety company authorized to do business in the state. TEX. WATER CODE § 49.057(e). The Board may pay the premium on surety bonds required of officials, employees, or consultants of the district out of any available funds of the district, including proceeds from the sale of bonds. TEX. WATER CODE § 49.057(f).

25. Tax Assessor and Collector of an Irrigation District

Oath Requirement: Before entering upon the duties of office, an elected Tax Assessor of an Irrigation District is required to take the Official Oath. TEX. CONST., art. XVI, § 1(a) or (c); TEX. WATER CODE § 58.084 (*may be appointed or elected*).

Statement of Officer: Must be filed in the official records of the office before the Oath can be taken. TEX. CONST., art. XVI, § 1(c).

Bond Requirement: The Board shall require an officer, employee, or consultant, including a bookkeeper, financial advisor, or system operator, who routinely collects, pays, or handles any funds of the district to furnish good and sufficient bond, payable to the district, in an amount determined by the Board to be sufficient to safeguard the district. The Board may require a consultant who does not routinely collect, pay, or handle funds of the district to furnish a bond. The bond shall be conditioned on the faithful performance of that person's duties and on accounting for all funds and property of the district, and signed or endorsed by a surety company authorized to do business in the state. TEX. WATER CODE § 49.057(e). The Board may pay the premium on surety bonds required of officials, employees, or consultants of the district out of any available funds of the district, including proceeds from the sale of bonds. TEX. WATER CODE § 49.057(f).

26. Other Officers and Employees of a Levee Improvement District

Bond Requirement: The Board shall require an officer, employee, or consultant, including a bookkeeper, financial advisor, or system operator, who routinely collects, pays, or handles any funds of the district to furnish good and sufficient bond, payable to the district, in an amount determined by the Board to be sufficient to safeguard the district. The Board may require a consultant who does not routinely collect, pay, or handle the funds of the district to furnish a bond. The bond shall be conditioned on the faithful performance of that person's duties and on accounting for all funds and property of the district, and signed or endorsed by a surety company authorized to do business in the state. TEX. WATER CODE § 49.057(e). The Board may pay the premium on surety bonds required of officials, employees, or consultants of the district out of any available funds of the district, including proceeds from the sale of bonds. TEX. WATER CODE § 49.057(f).

27. Commissioner of an Article III, § 52, Navigation District (Chapter 61, Water Code)

Oath Requirement: Although there is no statutory requirement for a Commissioner to take the Official Oath, a Commissioner of an Article III, § 52, Navigation District is probably required to take the Official Oath before entering upon the duties of office. TEX. CONST., art. XVI, § 1(a).

Additional Oath: A Commissioner of an Article III, § 52, Navigation District shall subscribe an oath before the County Judge of the county of jurisdiction to discharge faithfully the duties of his office without favor or partiality, and to render a true account of his activities to the Commissioners Court or Board that appointed him. TEX. WATER

CODE § 61.075. The oath shall be filed by the clerk and preserved as a part of the records of the District. TEX. WATER CODE § 61.075.

Statement of Officer: Must be filed in the official records of the office before the Oath can be taken. TEX. CONST., art. XVI, § 1(c).

Bond Requirement: Before beginning to perform his duties, a Commissioner of an Article III, § 52, Navigation District shall execute a good bond for \$1,000, payable to the County Judge for the use and benefit of the District and conditioned on the faithful performance of his duties. TEX. WATER CODE § 61.076. A member of the governing body of a political subdivision created under Article III, Section 52, or Article XVI, Section 59, of the Texas Constitution who is required by law to file an official bond shall file a copy of the individual's bond with the Secretary of State not later than the 10th day after the date the bond is required by law to be filed. TEX. GOV. CODE § 604.004.

28. Commissioner of an Article XVI, § 59, Navigation District (Chapter 62, Water Code)

Oath Requirement: Before entering upon the duties of office, a Commissioner of an Article XVI, § 59, Navigation District is required to take the Official Oath. TEX. CONST., art. XVI, § 1(a); TEX. WATER CODE § 62.063 (*elected officers*) or §62.0631 (*appointed officers*).

Additional Oath: Before a Commissioner of an Article XVI, § 59, Navigation District begins to perform his duties, he shall take and subscribe, before the County Judge of the county of jurisdiction, an oath to discharge faithfully the duties of his office without favor or partiality, and to render a true account of his activities to the Commissioners Court of the county of jurisdiction or the Navigation Board whenever required to do so. TEX. WATER CODE § 62.068(a). The oath shall be filed by the Clerk of the Commissioners Court and preserved as a part of the records of the District. TEX. WATER CODE § 62.068(b).

Statement of Officer: Must be filed in the official records of the office before the Oath can be taken. TEX. CONST., art. XVI, § 1(c).

Bond Requirement: Before a Commissioner of an Article XVI, § 59, Navigation District begins to perform his duties, he shall execute a good and sufficient bond for \$ 1,000, payable to the County Judge of the county of jurisdiction for the use and benefit of the District and conditioned on the faithful performance of his duties. TEX. WATER CODE § 62.069. A member of the governing body of a political subdivision created under Article III, Section 52, or Article XVI, Section 59, of the Texas Constitution who is required by law to file an official bond shall file a copy of the individual's bond with the Secretary of State not later than the 10th day after the date the bond is required by law to be filed. TEX. GOV. CODE § 604.004.

29. Commissioner of a Self-Liquidating Navigation District

Oath Requirement: Before entering upon the duties of office, a Commissioner of a Self-Liquidating Navigation District is required to take the Official Oath. TEX. CONST., art. XVI, § 1(a); TEX. WATER CODE § 63.084.

Additional Oath: Before an appointed Commissioner of a Self-Liquidating Navigation District begins to perform his duties, he shall take and subscribe, before the County Judge of the county of jurisdiction, an oath to discharge faithfully the duties of his office without favor or partiality. TEX. WATER CODE § 63.084. Each Commissioner shall subscribe an oath of office containing the applicable conditions provided by law for members of the commissioners court. TEX. WATER CODE § 63.096.

Statement of Officer: Must be filed in the official records of the office before the Oath can be taken. TEX. CONST., art. XVI, § 1(c).

Bond Requirement: Before an appointed Commissioner of a Self-Liquidating Navigation District begins to perform his duties, he shall execute a good and sufficient bond for \$1,000, payable to the County Judge of the county of jurisdiction for the use and benefit of the District and conditioned on the faithful performance of his duties. TEX. WATER CODE § 63.085. Before an elected Commissioner of a Self-Liquidating Navigation District begins to perform his duties, he shall execute a good and sufficient bond for \$1,000, payable to the District conditioned on the faithful performance of his duties. TEX. WATER CODE § 63.097(a). The bond shall be approved by the Commission and by the District Judge of the District Court which has jurisdiction over the territory of the District. TEX. WATER CODE § 63.097(b). A member of the governing body of a political subdivision created under Article III, Section 52, or Article XVI, Section 59, of the Texas Constitution who is required by law to file an official bond shall file a copy of the individual's bond with the Secretary of State not later than the 10th day after the date the bond is required by law to be filed. TEX. GOV. CODE § 604.004.

30. Tax Assessor and Collector of a Self-Liquidating Navigation District

Oath Requirement: No statutory requirement. Applicability would depend on nature of duties. TEX. CONST., art. XVI, § 1(a).

Statement of Officer: If Oath required, the Statement must be filed in the official records of the office before the Oath can be taken. TEX. CONST., art. XVI, § 1(c).

Bond Requirements: The Assessor and Collector shall execute a good and sufficient bond conditioned on the faithful performance of his duties. TEX. TAX CODE § 6.29(a). The governing body shall approve the bond and shall fix the sum. TEX. TAX CODE § 6.29. The governing body may prescribe require additional requirements for the bond or require a new bond at any time. TEX. TAX CODE §6.29.

31. Other Officers and Employees of a Self-Liquidating Navigation District

Bond Requirements: Each officer and employee charged with the handling of funds or property of the District shall furnish a good and sufficient bond for a sum sufficient to safeguard the District as determined by the Commissions. TEX. WATER CODE § 63.108(a). The bond shall be payable to the District and conditioned on the faithful performance of his duties and his accounting of all funds and property of the District coming into his hands. TEX. WATER CODE § 63.108(a). The bonds of other officers of the District shall be approved by the Commission and shall be filed for record in the office of the District in a book kept for that purpose. TEX. WATER CODE § 63.108(b).

A member of the governing body of a political subdivision created under Article III, Section 52, or Article XVI, Section 59, of the Texas Constitution who is required by law to file an official bond shall file a copy of the individual's bond with the Secretary of State not later than the 10th day after the date the bond is required by law to be filed. TEX. GOV. CODE § 604.004.

G. REQUIREMENTS FOR OFFICERS OF OTHER POLITICAL SUBDIVISIONS

1. Commissioner of a Rural Fire Prevention District (Chapter 794, Health & Safety Code)

Oath Requirement: Before entering upon the duties of office, a Commissioner of a Rural Fire Prevention District, whether elected (*within more than one county - Health & Safety Code § 794.034(a)*) or appointed (*wholly within one county - Health & Safety Code § 794.033*), is required to take the Official Oath. TEX. CONST., art. XVI, § 1(a); *Health & Safety Code § 794.033 and § 794.034. See generally, OP. TEX. ATTY. GEN. DM-114 (1992)(county officer for purposes of removal).*

Statement of Officer: Must be filed in the official records of the office before the Oath can be taken. TEX. CONST., art. XVI, § 1(c).

Bond Requirements: Before entering upon the duties of office, a Commissioner of a Rural Fire Prevention District must execute a bond conditioned on the faithful execution of the Commissioner's duties. TEX. HEALTH & SAFETY CODE § 794.036(b). The bond must be filed with the County Clerk of the county in which the District is located. TEX. HEALTH & SAFETY CODE § 794.036(b). If the District includes more than one county, the bond must be filed with the County Clerk of the county with the largest population. TEX. HEALTH & SAFETY CODE § 794.036(b). The County Judge of the county in which the bond is filed determines the amount and sufficiency of the bond before it is filed. TEX. HEALTH & SAFETY CODE § 794.036(c).

A member of the governing body of a political subdivision created under Article III, Section 52, or Article XVI, Section 59, of the Texas Constitution who is required by law to file an official bond shall file a copy of the individual's bond with the Secretary of State not later than the 10th day after the date the bond is required by law to be filed. TEX. GOV'T. CODE § 604.004.

2. Director of Road Utility District (Chapter 441, Transportation Code)

Oath Requirement: Before entering upon the duties of office, a Director of a Road Utility District is required to take the Official Oath. TEX. CONST., art. XVI, § 1(a); TEX. TRANS. CODE § 441.073 (*elected officer*).

Statement of Officer: Must be filed in the official records of the office before the Oath can be taken. TEX. CONST., art. XVI, § 1(c).

Bond Requirement: The Board shall require each officer, employee, or person under contract to the district who collects, pays, or handles district money to furnish a bond payable to the district, for an amount sufficient to protect the district from financial loss resulting from the person's actions, and conditioned on the faithful performance of the person's duties and on accounting for all district money and other property under the person's control. TEX. TRANS. CODE § 441.081. The district shall pay for the bond. TEX. TRANS. CODE § 441.081(c).

3. General Manager of Road Utility District

Oath Requirement: Not required by statute, however, if the Board delegates to the general manager full authority to manage and operate the affairs of the district, this might trigger the Oath requirement. TEX. CONST., art. XVI, § 1(a); TEX. TRANS. CODE § 441.078 (*full authority to manage the affairs of the District*); TEX. TRANS. CODE § 441.079 (*authority to hire and fire*).

Statement of Officer: If Oath required, Statement must be filed in the official records of the office before the Oath can be taken. TEX. CONST., art. XVI, § 1(c).

Bond Requirement: The Board shall require each officer, employee, or person under contract to the district who collects, pays, or handles district money to furnish a bond payable to the district, for an amount sufficient to protect the district from financial loss resulting from the person's actions, and conditioned on the faithful performance of the person's duties and on accounting for all district money and other property under the person's control. TEX. TRANS. CODE § 441.081. The district shall pay for the bond. TEX. TRANS. CODE § 441.081(c).

4. Director of a Soil and Water Conservation District (Chapter 201, Agriculture Code)

Oath Requirement: Before entering upon the duties of office, a Director of a Soil and Water Conservation District is required to take the Official Oath. TEX. CONST., art. XVI, § 1(a); TEX. AGRIC. CODE § 201.073 (*elected officers*).

Statement of Officer: Must be filed in the official records of the office before the Oath can be taken. TEX. CONST., art. XVI, § 1(c).

Bond Requirement: The Directors shall provide that all officers and employees who are entrusted with funds or property of the Conservation District be bonded in accordance with the State Employee Bonding Act (TEX. GOV. CODE, Chapter 653). TEX. AGRIC. CODE § 201.079(d). The State Office of Risk Management shall determine the scope and amount of bond coverage for a state agency. TEX. GOV. CODE § 653.005(b). One original of each bond shall be filed with the Secretary of State, the Comptroller, and the District. TEX. GOV. CODE § 653.008. The premiums on the bonds shall be paid by the state from state or District funds. TEX. GOV. CODE § 653.009.

5. Director of Noxious Weed Control District

Oath Requirement: Before entering upon the duties of office, a Director of a Noxious Weed Control District is required to take the Official Oath. TEX. CONST., art. XVI, § 1(a); TEX. AGRIC. CODE § 78.031, § 78.032, and § 78.033 (*elected Directors with terms*).

Statement of Officer: Must be filed in the official records of the office before the Oath can be taken. TEX. CONST., art. XVI, § 1(c); TEX. AGRIC. CODE § 78.031, §78.032, and § 78.033 (*elected Directors with terms*).

Bond Requirement: No bond requirements.

6. Mosquito Control District

Oath Requirement: Commissioners Court serves as the District. TEX. HEALTH & SAFETY CODE, Chapter 344.

Statement of Officer: Commissioners Court serves as the District. TEX. HEALTH & SAFETY CODE, Chapter 344.

Bond Requirement: No bond requirements.

7. Mosquito Control District -- Advisory Commission

Oath Requirement: Before entering upon the duties of office, a Commissioner of an Advisory Commission for a Mosquito Control District is required to take the Official Oath and any other Oath of Office prescribed by the Commissioners Court. TEX. CONST., art. XVI, § 1(a); TEX. HEALTH & SAFETY CODE, § 344.004(d)

Statement of Officer: Must be filed in the official records of the office before the Oath can be taken. TEX. CONST., art. XVI, § 1(c); TEX. HEALTH & SAFETY CODE, § 344.004(a) (*appointed by Commissioners Court*).

Bond Requirement: No bond requirements.

8. Wind Erosion District

Oath Requirement: Commissioners Court serves as the District. No additional oath required. TEX. AGRIC. CODE, § 202.021(a) .

Statement of Officer: Commissioners Court serves as the District. No additional requirements. TEX. AGRIC. CODE, § 202.021(a).

Bond Requirement: No bond requirements.

9. Director of an Appraisal District

Oath Requirement: Before entering upon the duties of office, a Director of an Appraisal District is required to take the Official Oath. TEX. CONST. art. XVI, § 1(a); TEX. TAX CODE, § 6.03 (*appointed by vote of the governing bodies with terms of office*).

Statement of Officer: Must be filed in the official records of the office before the Oath can be taken. TEX. CONST. art. XVI, § 1(c); TEX. TAX CODE, § 6.03 (*appointed by vote of the governing bodies of the taxing units*).

Bond Requirement: No bond requirement. TEX. TAX CODE, § 6.03 (*appointed with terms of office*).

10. Member of an Appraisal Review

Oath Requirement: Before entering upon the duties of office, a Member of an Appraisal Review Board is required to take the Official Oath. TEX. CONST., art. XVI, § 1(a);

Statement of Officer: Must be filed in the official records of the office before the Oath can be taken. TEX. CONST., art. XVI, § 1(c); TEX. TAX CODE, § 6.41 (*appointed with terms of office*).

Bond Requirement: No bond requirements. TEX. TAX CODE, § 6.41 (*appointed with terms of office*).

V. APPENDIX

A. TEXAS CONSTITUTION, ARTICLE XVI, § 1

(a) All elected and appointed officers, before they enter upon the duties of their offices, shall take the following Oath or Affirmation:

“I, _____, do solemnly swear (or affirm), that I will faithfully execute the duties of the office of _____ of the State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States and of this State, so help me God.”

(b) All elected or appointed officers, before taking the Oath or Affirmation of office prescribed by this section and entering upon the duties of office, shall subscribe to the following statement:

“I, _____, do solemnly swear (or affirm) that I have not directly or indirectly paid, offered, promised to pay, contributed, or promised to contribute any money or thing of value, or promised any public office or employment for the giving or withholding of a vote at the election at which I was elected or as a reward to secure my appointment or confirmation, whichever the case may be, so help me God.”

(c) Members of the Legislature, the Secretary of State and all other elected and appointed state officers shall file the signed statement required by Subsection (b) of this section with the Secretary of State before taking the Oath or Affirmation of office prescribed by Subsection (a) of this section. All other officers shall retain the signed statement required by Subsection (b) of this section with the official records of the office.

The following page contains a sample form of the Official Oath of Office which may be duplicated.

In the name and by the authority of

The State of Texas

OATH OF OFFICE

I, _____, do solemnly swear (or affirm), that I will faithfully execute the duties of the office of _____ of the State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States and of this State, so help me God.

Affiant

SWORN TO and subscribed before me by affiant on this _____ day of _____, _____.

Signature of Person Administering Oath

(Seal)

Printed Name

Title

Form #2204

*See Reverse Side
for Instructions
Revised August 1999*

FILING INSTRUCTIONS

GENERAL INFORMATION:

Effective November 2001, members of the Legislature, the Secretary of State, and all other elected and appointed **state** officers shall file this signed statement with the Secretary of State **before** taking the Oath of Office.

All other officers shall retain the signed statement with the official records of the office.

The original Statement of Officer is considered filed once it has been received by this office (see below for FAX filing instructions). Should you wish to have a record for your files, it is suggested that you include a self-addressed, stamped envelope (SASE) and a copy of your document. We will file-stamp the copy and return it to you. Our addresses are:

Office of the Secretary of State Overnight mail address:
Statutory Documents Section
P. O. Box 12887, Capitol Station 1019 Brazos Street
Austin, Texas 78711 Austin, Texas 78701

FAX FILING:

Facsimile (FAX) filing of Statements of Officer is allowed pursuant to 1 TAC §§ 73.43 and 73.44. FAXed forms **must** contain the same information requested on the Secretary of State promulgated form and *only properly executed legible documents will be accepted*.

The proper telephone number for Statement of Officer FAX filing is **(512) 463-0873**. Please **DO NOT** use any of the other Secretary of State FAX numbers for this filing. This FAX number remains on after business hours and on weekends; *however*, pursuant to 1 TAC § 71.4, documents received after business hours, on weekends or on holidays, will be deemed to be received by this office on the next business day.

We do not FAX confirmation of the filing. Should you wish a file-stamped copy of your FAXed document, send us a self-addressed, stamped envelope (SASE), a copy of your document, and a note indicating the document was FAXed. We will file-stamp the copy with the date the FAX was received and return it to you.

** Please direct any questions regarding the Statement of Officer filing to the Statutory Documents Section at (512) 463-0872.

B. STATEMENT OF OFFICER FORM

This form may be duplicated and retained in the official records of the office holder.

STATEMENT OF ELECTED/APPOINTED OFFICER

(Pursuant to Tex. Const. art. XVI, §1(b), amended 2001)

I, _____, do solemnly swear (or affirm), that I have not directly or indirectly paid, offered, promised to pay, contributed, or promised to contribute any money or thing of value, or promised any public office or employment for the giving or withholding of a vote at the election at which I was elected or as a reward to secure my appointment or confirmation, whichever the case may be, so help me God.

UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING STATEMENT AND THAT THE FACTS STATED THEREIN ARE TRUE.

Signature _____ Date _____ Officer's

Position to Which Elected/Appointed _____ City and/or County

Form No. 2201

