

Example of Commissioners Court Order Accepting Bond

ORDER APPROVING BOND

THE STATE OF TEXAS
COUNTY OF _____

The foregoing bond of _____, in and for the County of _____ and State of Texas, this day approved in open Commissioners Court. Dated this the _____ day of _____ 20__.

(Signature)

(Printed Name)

Attest:

_____ County Judge

(Signature)

(Printed Name)

_____ County Clerk

CERTIFICATE

THE STATE OF TEXAS
COUNTY OF _____

I, _____ Clerk of the Court in and for said County and State of Texas, do hereby certify that the foregoing bond of _____ dated the _____ day of _____, 20__ was filed for record in my office on the _____ day of _____, 20__.

WITNESS my hand and the seal of said Court at my office in _____, Texas, the day and year last above written.

(Signature)

(Printed Name)

_____ County Clerk

2023

**OATH & BOND REQUIREMENTS FOR
COUNTY OFFICIALS**

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County Elections Administrator

Oath Requirement: Before entering upon the duties of office, a county elections administrator is required to take the official oath.²³⁶

Statement of Officer: Must be filed in the official records of the office before the oath can be taken.²³⁷

Bond Requirements: Each appointed county elections administrator must execute a bond not to exceed \$20,000, payable to the county judge, approved by the commissioners court, and conditioned that the individual will faithfully perform the duties of office.²³⁸

Deputy County Elections Administrators

Oath Requirement: Before entering upon the duties of office, a deputy elections administrator is required to take the official oath.²³⁹

Statement of Officer: Must be filed in the official records of the office before the oath can be taken.²⁴⁰

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 amount of the administrator's bond.²⁴¹

Election Judges, Alternate Election Judges, and Early Voting Clerks

Oath Requirements: A court would likely conclude that election judges, alternate election judges, and early voting clerks must take the constitutional oath of office before entering upon the duties of office.²⁴² In addition to the constitutional oath of office and the statement of appointed officer, election judges, alternate election judges, and early voting clerks must repeat aloud the statutory election officer oath prior to opening the polls.²⁴³

²³⁶ Tex. Constitution, Art. XVI, §1(a)

²³⁷ Tex. Constitution, Art. XVI, §1(c)

²³⁸ Tex. Elec. Code, §31.040.

²³⁹ Tex. Constitution, Art. XVI, §1(a)

²⁴⁰ Tex. Constitution, Art. XVI, §1(c)

²⁴¹ Tex. Elec. Code, §31.040(b).

²⁴² Tex. Att'y Gen. Op. No. KP-0140 (2017); Tex. Constitution, Art. XVI, §1(a)

²⁴³ Tex. Election Code, §§62.003(a); 81.002

Statement of Officer: Must be filed in the official records of the office before the oath can be taken.²⁴⁴

Bond Requirements: No bond requirement.

Note: A constitutional oath or statement or an oath set out in the Election Code that is required to be taken by an election officer before entering the duties of office may be administered by the following: 1) the secretary of state, a member of the secretary of state's staff, or a state inspector appointed by the secretary; 2) a county or municipal court or the clerk's deputies; 3) a county tax assessor-collector or the county tax assessor-collector's deputies; 4) a city secretary; 5) a member of a county election commission or county election board; 6) a county elections administrator or employee of a county elections administrator; 7) the secretary of the governing body of a political subdivision other than a county or city or the authority performing the duties of a secretary under this code; 8) a presiding election judge or alternate presiding judge who has already entered service; 9) an early voting clerk or a deputy early voting clerk who has already entered service; 10) a member of an early voting ballot board or signature verification committee who has already entered service; or 11) a presiding judge, manager, or tabulation supervisor of a central counting station who has already entered service.²⁴⁵

²⁴⁴ Tex. Constitution, Art. XVI, §1(c)

²⁴⁵ Tex. Election Code, §1.016(a)

Self-Insurance Instead of Bond

Notwithstanding any other law requiring a county officer or employee to execute a bond as a condition of office or employment, a county officer or employee is not required to execute the bond and may perform the duties of office or employment if: (1) the commissioners court by order authorizes the county to self-insure against losses that would have been covered by the bond; and (2) the county judge approves the order under subdivision (1), if the county judge was required to approve the bond under other law. An order adopted by the commissioners court under this provision shall be kept and recorded by the county clerk.⁵⁰

OATH & BOND REQUIREMENTS FOR SPECIFIC COUNTY OFFICERS

County Judge

Oath Requirement: Before undertaking the duties of County Judge, a person must take the official oath.⁵¹

Statement of Officer: Must be filed in the official records of the office before the oath can be taken.⁵²

Additional Oath: County Judge 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).⁵³

Bond Requirements: 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 nor more than \$10,000. The bond must be conditioned that the judge will faithfully perform all duties of office.⁵⁴ The bond is to be approved by the Commissioners Court.⁵⁵ The bond shall be kept and recorded by the county clerk.⁵⁶

Additional Requirements for Probate Jurisdiction: A county judge who presides over guardianship proceedings as defined by Section 1002.015, Estates Code or over probate

⁵⁰ Tex. Local Gov't Code, §88.008

⁵¹ Tex. Constitution, Art. XVI, §1; Tex. Local Gov't Code, §81.002

⁵² Tex. Constitution, Art. XVI, §1(c)

⁵³ Tex. Local Gov't Code, §81.002(a)

⁵⁴ Tex. Gov't Code, §26.001(a)(2)(A) and (3)(A)

⁵⁵ Tex. Gov't Code, §26.001(b)

⁵⁶ Tex. Local Gov't Code, §88.001

proceedings, as defined by Section 22.029, Estates Code, must instead execute a bond of not less than \$100,000 in a county with a population of 125,000 or less or \$250,000 in a county with a population of more than 125,000, conditioned on the faithful performance of all duties of office and as required by the Estates Code.⁵⁷

In lieu of this bond, the county may elect to obtain insurance against losses caused by the gross negligence of a county judge in performing the duties of office. The bond is to be approved by the Commissioners Court.⁵⁸ The commissioners court shall pay the premium for the insurance out of the general funds of the county.⁵⁹

County Court at Law Judge

Oath Requirement: Although there is no specific statutory requirement, it is an elected office, therefore, before undertaking the duties of County Court at Law Judge, a person must take the official oath.⁶⁰

Statement of Officer: Must be filed in the official records of the office before the oath can be taken.⁶¹

Bond Requirements: The judge of a statutory county court must execute a bond as prescribed by law for county judges.⁶² The bond must be payable to the treasurer of the county in an amount set by the commissioners court of not less than \$1,000 nor more than \$10,000 conditioned on the faithful performance of all duties of office.

Additional Requirements for Probate Jurisdiction: A judge in a statutory county court that presides over guardianship proceedings as defined by Section 1002.015, Estates Code, or probate proceedings as defined by Section 22.029, Estates Code, must instead execute a bond in the amount of \$100,000 for a court in a county with a population of 125,000 or less or \$250,000 in a court with a population of more than 125,000. The bond must be conditioned that the judge will perform the duties of office and the duties required by the Estates Code.⁶³

⁵⁷ Tex. Gov't Code, §26.001(a)(2)(B) and (a)(3)

⁵⁸ Tex. Gov't Code, §26.001(c)

⁵⁹ Tex. Gov't Code, §26.001(c)

⁶⁰ Tex. Constitution, Art. XVI, §1; Tex. Local Gov't Code, §81.002

⁶¹ Tex. Constitution, Art. XVI, §1(c)

⁶² Tex. Gov't Code, §25.0006(a)

⁶³ Tex. Gov't Code, §25.0006(a-1)(3)

approved by the Commissioners Court.⁶⁵ The commissioners court shall pay the premium for the insurance out of the general funds of the county.⁶⁶

Exceptions to Probate Bond: The increased probate bond does not apply to a judge in a statutory county court who: does not preside over guardianship proceedings; executes a bond, obtains insurance, or self-insures pursuant to Government Code §25.00231; or presides over a county criminal court.⁶⁷

Coverage for Visiting and Associate Judges: The bond or insurance shall provide the same coverage to a visiting judge assigned to the court or associate judge appointed to serve the court as the bond or insurance policy provides to the judge elected or appointed to the court.⁶⁸

Statutory County Probate Judge

Oath Requirement: Although there is no specific statutory requirement, it is an elected office, therefore, before entering upon the duties of office, a statutory county probate judge is required to take the official oath.⁶⁹

Statement of Officer: Must be filed in the official records of the office before the oath can be taken.⁷⁰

*Bond Requirement:*⁷¹ Before beginning the duties of office, a judge of a statutory probate court must execute a bond that is: (1) payable to the county treasurer or other person performing the duties of county treasurer; (2) in the amount of \$500,000; (3) conditioned on the faithful performance of the duties of the office; and (4) approved by the commissioners court.⁷² In lieu of the bond required by subsection (b), a county may elect to obtain insurance or self-insure in the amount required by subsection (b) against losses caused by the statutory probate court judge's gross negligence in performing the duties of office.⁷³ The commissioners court of a county shall pay the premium for the bond or the insurance required by this section out of the general fund of the county.⁷⁴

⁶⁵ Tex. Gov't Code, §26.0006(a-3)

⁶⁶ Tex. Gov't Code, §25.0006(a-3)

⁶⁷ Tex. Gov't Code, §25.0006(a-4)

⁶⁸ Tex. Gov't Code, §25.0006(a-5)

⁶⁹ Tex. Constitution, Art. XVI, §1(a)

⁷⁰ Tex. Constitution, Art. XVI, §1(c)

⁷¹ Tex. Gov't Code, §25.00231

⁷² Tex. Gov't Code, §25.00231(b)

⁷³ Tex. Gov't Code, §25.00231(c)

⁷⁴ Tex. Gov't Code, §25.00231(d)



Additional Requirements for Probate Jurisdiction: A judge in a statutory county court that presides over guardianship proceedings as defined by Section 1002.015, Estates Code, or probate proceedings as defined by Section 22.029, Estates Code, must instead execute a bond of not less than \$500,000.⁷⁵ The bond must be conditioned that the judge will perform the duties of office and the duties required by the Estates Code.⁷⁶

In lieu of this bond, the county may elect to obtain insurance against losses caused by the gross negligence of a county judge in performing the duties of office. The bond is to be approved by the Commissioners Court.⁷⁷ The commissioners court shall pay the premium for the insurance out of the general funds of the county.⁷⁸

Exceptions to Probate Bond: The increased probate bond does not apply to a judge in a statutory county court who: does not preside over guardianship proceedings; executes a bond, obtains insurance, or self-insures pursuant to Government Code §25.00231; or presides over a county criminal court.⁷⁹

Coverage for Visiting and Associate Judges: The bond or insurance shall provide the same coverage to a visiting judge assigned to the court or associate judge appointed to serve the court as the bond or insurance policy provides to the judge elected or appointed to the court.⁸⁰

Public Probate Administrator

Oath Requirement: There is no statutory oath requirement. Since the position appears to exercise some discretionary governmental functions, the oath may be required.⁸¹

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.⁸²

Bond Requirement: The public probate administrator must execute an official bond of at least \$100,000 conditioned as required by law and payable to the statutory probate court

⁷⁵ Tex. Gov't Code, §25.0006(a-1)(B), amended by SB 2292, 88th (R) Leg., Effective September 1, 2023

⁷⁶ Tex. Gov't Code, §25.0006(a-1)(3)

⁷⁷ Tex. Gov't Code, §25.0006(a-3)

⁷⁸ Tex. Gov't Code, §25.0006(a-3)

⁷⁹ Tex. Gov't Code, §25.0006(a-4)

⁸⁰ Tex. Gov't Code, §25.00231(f)

⁸¹ Tex. Constitution, Art. XVI, §1(a); Tex. Gov't Code, §25.00251

⁸² Tex. Constitution, Art. XVI, §1(c)

judge who appointed the public probate administrator.⁸³ In addition to the official bond of office, the statutory probate judge who appointed the public probate administrator may require the administrator to post an additional surety bond for individual estates.⁸⁴ The additional bond shall bear the written approval of the judge requesting the additional bond.⁸⁵ The county may choose to self-insure the public probate administrator for the minimum required bond amount.⁸⁶

County Commissioner

Oath Requirement: Before undertaking the duties of a county commissioner, a person must take the official oath.⁸⁷

Statement of Officer: Must be filed in the official records of the office before the oath can be taken.⁸⁸

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).⁸⁹

Note: Chapter 171 of the Local Government Code authorizes a county to enter into contracts or take actions in which a member of the commissioners court has a pecuniary interest. Chapter 171 creates an exception in the oath required by Section 81.002 to the extent that it permits a county judge or commissioner to have a direct or indirect interest in a contract with or claim against the county.⁹⁰

Bond Requirements: Before undertaking the duties of a county commissioner, a person must execute a bond, payable to the county treasurer in the amount of \$3,000. 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

⁸³ Tex. Estates Code, §455.002(a)

⁸⁴ Tex. Estates Code, §455.002(b)

⁸⁵ Tex. Estates Code, §455.002(b)

⁸⁶ Tex. Estates Code, §455.002(c)

⁸⁷ Tex. Constitution, Art. XVI, §1(a); Tex. Local Gov't Code, §81.002(b)

⁸⁸ Tex. Constitution, Art. XVI, §1(c)

⁸⁹ Tex. Local Gov't Code, §81.002(b)

⁹⁰ Tex. Att'y Gen. Op. No. DM-0279 (1993)

vote or consent to make a payment out of county funds except for a lawful purpose.⁹¹ The bond shall be kept and recorded by the county clerk.⁹²

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.⁹³ A county commissioner is the ex officio road commissioner of the county commissioner's precinct.

Statement of Officer: No additional statement required. Statement of office of county commissioner should be sufficient.

Bond Requirements: 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.⁹⁴ The bond shall be kept and recorded by the county clerk.⁹⁵

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.⁹⁶

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.⁹⁷

Bond Requirements: 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, 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.⁹⁸

⁹¹ Tex. Local Gov't Code, §81.002

⁹² Tex. Local Gov't Code, §88.001

⁹³ Tex. Transportation Code, §252.004, Subchapter A

⁹⁴ Tex. Transportation Code, §252.004, Subchapter A

⁹⁵ Tex. Local Gov't Code, §88.001

⁹⁶ Tex. Constitution, Art. XVI, §1(a); Tex. Transportation Code, §§252.105, 252.106

⁹⁷ Tex. Constitution, Art. XVI, §1(c)

⁹⁸ Tex. Transportation Code, §252.104

GOVERNMENT CODE

TITLE 2. JUDICIAL BRANCH

SUBTITLE A. COURTS

CHAPTER 26. CONSTITUTIONAL COUNTY COURTS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. ~~026.0010~~. BOND. (a) Before beginning the duties of the office, the county judge must execute a bond that:

- (1) is payable to the treasurer of the county;
- (2) is in the amount set by the commissioners court of:
 - (A) subject to Paragraph (B), not less than \$1,000 nor more than \$10,000; or
 - (B) for a county judge presiding in the county court over guardianship proceedings, as defined by Section 1002.015, Estates Code, or over probate proceedings, as defined by Section 22.029, Estates Code, not less than:

- (i) \$100,000 for a court in a county with a population of 125,000 or less; or
 - (ii) \$250,000 for a court in a county with a population of more than 125,000; and

- (3) is conditioned that the judge will:
 - (A) faithfully perform all duties of office; and
 - (B) for a county judge presiding in the county court over guardianship or probate proceedings, perform the duties required by the Estates Code.

(b) The bond executed as required by Subsection (a) must be approved by the commissioners court.

(c) In lieu of the bond required by Subsection (a)(2)(B), a county may elect to obtain insurance against losses caused by the gross negligence of a county judge in performing the duties of office. The commissioners court of a county shall pay the premium for the insurance out of the general funds of the county.

Acts 1985, 69th Leg., ch. 480, Sec. 1, eff. Sept. 1, 1985.

Amended by:

Acts 2017, 85th Leg., R.S., Ch. 515 (S.B. 40), Sec. 2, eff. September 1, 2017.