

COUNTY JUDGE

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COUNTY JUDGE

The county judge is both presiding officer of the commissioners court (Tex. Const. Art. V, Sec. 18) and judge of the county court (Tex. Const. Art. V, Sec. 15). As such, the judge is often thought of as the chief executive officer of the county.

The duties of the county judge vary depending on the population of the county. In most rural counties, the judge has broad judicial responsibilities and is often the principal source of information and assistance.

The judge's duties as part of the commissioners court are detailed in the section on the court. It is incumbent upon the judge, as presiding officer of the commissioners court, to carefully abide by statutes requiring that meetings of governmental bodies be open to the public. Additional specific statutory charges are enumerated in the following: elections, finance, bonds and sureties, court operations, mental health, special districts, and general administration.

DUTY/RESPONSIBILITY		AUTHORITY
1. DESCRIPTION OF OFFICE		
		Government Code
	Post bond, payable to treasurer, to be approved by commissioners court;	Sec. 26.001
	Appointment of special judges;	Secs. 26.011 - 26.028
	Appointment of acting county judge by commissioners court if incumbent suspended;	Sec. 26.017
		Texas Constitution
	Vacancies in judicial offices.	Art. V, Sec. 28
2. ELECTIONS		
	The county judge has a variety of responsibilities associated with the holding of elections.	
		Local Government Code
	Issue certificate of election to officers elected in creation and organization of new county;	Sec. 71.023
	Declare office of treasurer vacant if elected person fails to make bond within specified time;	Sec. 83.004
	Call election related to change in county territory;	Sec. 71.011
	Call election in newly created county by judge from which county derived;	Sec. 71.023
	Receive results of election; certify and transmit to speaker of house of representatives;	Sec. 71.012
	Declare results of election to relocate county seat;	Sec. 73.014
		Election Code
	May not certify ineligible persons as elected;	Sec. 67.016
	Serve as member of county election board;	Sec. 51.002
	May order elections;	Sec. 3.004
	May declare election void in case of a tie and order another election;	Sec. 2.002
	Receive returns from election for use in official canvass of results;	Chapter 66
	Canvassing procedures;	Chapter 67
	Certify elections after votes canvassed;	Sec. 67.016
	May verify petition signatures;	Sec. 141.069

DUTY/RESPONSIBILITY		AUTHORITY
2. ELECTIONS, continued		
		Election Code
Provide bilingual election materials in English and Spanish;		Chapter 272
Order county election stating date, offices, etc.;		Sec. 3.004
Require posting of notice of election;		Secs. 4.001–4.007
Have order for election delivered to precinct judges;		Sec. 4.007
Hold special elections for US Congress and for members of legislature;		Chapters 203, 204
Certification of runoff candidates in election;		Sec. 2.027
Supervise the casting of lots for tie vote in runoff;		Sec. 2.028
Ordering elections;		Chapter 3
Giving notice of upcoming election;		Chapter 4
May contract with political subdivisions or parties to hold elections;		Secs. 31.091–31.100
		Water Code
Accept petition for election of directors for levee improvement districts;		Sec. 57.060
Call meeting for election of navigation district commissioners;		Sec. 61.158
		Agriculture Code
Carry out election required for weather modification activities;		Sec. 301.001 et seq.
3. FINANCIAL RESPONSIBILITIES		
The county judge has certain financial responsibilities.		
		Local Government Code
Receive applications for designation as county depository;		Sec. 116.023
Include revenue estimate from taxes in proposed budget;		Sec. 111.004
File copy of proposed budget with clerk;		Sec. 111.006
May require information from any county officer when necessary to budget preparation;		Sec. 111.005
Serve as budget officer assisted by auditor and county clerk;		Sec. 111.002

DUTY/RESPONSIBILITY		AUTHORITY
3. FINANCIAL RESPONSIBILITIES, continued		
		Local Government Code
Make report at each regular meeting of commissioners court of any money collected for county;		Sec. 114.044
Report on money collected must follow statutory format;		Sec. 114.044
Sign or attest order for payment issued against county treasurer or have clerk perform this responsibility;		Sec. 113.042
Sign and approve requisition for purchase of materials before claim can be honored by auditor;		Sec. 113.901
Approve resolution by commissioners court to hire accountant for independent audit;		Sec. 115.031
Keep accounts of all monies accruing to office;		Sec. 114.041
Charge fees as specified in statute;		Sec. 118.101
		Government Code
Sign statement prepared each term reporting all jury fees and fines collected;		Art. 51.402
Sign bonds issued by county before delivery;		Sec. 1301.002
Must keep fee book and observe other regulations;		Chapter 603
		Health and Safety Code
Pay bounties authorized by commissioners for destruction of certain animals in certain counties;		Chapter 825
Set allowable fees for court-appointed attorneys and physicians in mental health proceedings;		Sec. 571.017
		Agriculture Code
Approve payment on expenses of county agricultural experiment farm and station.		Sec. 43.016

DUTY/RESPONSIBILITY		AUTHORITY
4. PERSONAL BOND AND SURETIES		
The county judge has specific responsibilities for setting and receiving bond or sureties for certain county officials and other persons.		
	Local Government Code	
Approve bond from commissioners;	Sec. 81.002	
Accept bond of tax assessor-collector deputies for branch offices;	Sec. 292.028	
Approve oath and bond for county surveyors;	Sec. 72.005	
Accept bond from county treasurer;	Sec. 83.002	
Receive bond for subdivision road construction set by commissioners court;	Sec. 232.004	
	Transportation Code	
Accept bond from road commissioners;	Sec. 252.104	
Accept bond from road superintendent;	Sec. 252.204	
Accept bond from operator of ferry;	Sec. 342.104	
	Water Code	
Accept appeal bond regarding levee improvement districts;	Sec. 57.022	
Accept bond for navigation district commissioners.	Sec 61.076	
5. ADMINISTRATION OF COUNTY COURT		
The county judge has certain administrative responsibilities associated with the operation of the county court.		
	Local Government Code	
Hold commissioners court at county seat;	Sec. 81.005	
Maintain offices at county seat, keep records at county seat;	Sec. 291.002 et seq.	
Presiding officer of commissioners court;	Sec. 81.001	
Practice of law in connection with a substantial interest of a business entity;	Sec. 171.010	
May hold court in auxiliary courthouses;	Sec. 292.002	

DUTY/RESPONSIBILITY		AUTHORITY
5. ADMINISTRATION OF COUNTY COURT (continued)		
		Occupations Code
Serve as member of county bail bond board in counties over 110,000;		Sec. 1704.053
		Government Code
Constitutional county court, generally;		Chapter 26
Participate in selection of jury lists;		Sec. 62.004 - 62.007
Select jury panel; require additional prospective jurors to be notified;		Sec. 62.015
May appoint counsel for any party making affidavit in inability to employ counsel;		Sec. 26.049
Employ stenographers or clerks where approved by commissioners court;		Sec. 55.001
Not permitted to practice law in court with original or appellate jurisdiction;		Sec. 82.064
Appoint clerk pro tem when county clerk is party to proceeding;		Sec. 51.401
Appoint court reporter.		Sec. 52.041
6. MENTAL HEALTH		
The county judge has certain duties in the area of preservation or promotion of mental health.		
		Health and Safety Code
Determine relative private/public nature of records filed with clerk in allowing or prohibiting inspection of records of mentally ill;		Sec. 571.015
Request county attorney to represent state in commitment hearing;		Sec. 571.016
Set allowable fees for court-appointed attorneys and physicians;		Sec. 571.017
May file application for temporary hospitalization on behalf of person;		Sec. 574.001 et seq.
Require examination by two physicians;		Sec. 574.009

DUTY/RESPONSIBILITY		AUTHORITY
6. MENTAL HEALTH (continued)		
		Health and Safety Code
In indefinite commitment proceeding may: Hold hearing; Set new trial; Stay order for commitment; Direct clerk to issue writ of commitment; Hold hearings for commitment of drug abusers; Return to home county person released from state mental retardation facility; Conduct hearing to determine liability for payment for care of child in state institution.		Sec. 574.031; 574.032 Sec. 574.067 Sec. 574.070 Sec. 574.046 Sec. 462.061 Sec. 571.008 Sec. 552.019
7. SPECIAL DISTRICTS		
The county judge has certain responsibilities associated with creation and operation of special districts.		
		Health and Safety Code
Participate in creation of hospital districts, sign bonds issued, sell bonds;		Chapters 282, 283
		Water Code
Designate cemetery for re-interment necessitated by eminent domain proceedings of waters districts;		Sec. 49.224
Call hearing on creation of single-county water control and improvement district;		Sec. 51.017
Duties regarding levee improvement district; set hearing if commissioners court not in session;		Sec. 57.014
Accept appeal bond;		Sec. 57.022
Creation of district;		Sec. 57.011 et seq.
Accept petition for election of levee directors;		Sec. 57.060
Call meeting for election of navigation district commissioner;		Sec. 61.158
May not have interest in contract with navigation district when serving on board.		Sec. 61.119

DUTY/RESPONSIBILITY		AUTHORITY
8. GENERAL ADMINISTRATIVE DUTIES		
The county judge has various general administrative responsibilities.		
		Local Government Code
Preside over commissioners court;		Sec. 81.001 and Tex. Const. Art. V, Sec. 18
In border counties over 800,000, may delegate duties to a county commissioner;		Sec. 81.029
Fill vacancy in commissioners position;		Sec. 87.042
Upon petition order election to relocate county seat;		Secs. 73.011; 73.013
Order election for location of county seat;		Sec. 73.001
Maintain offices at county seat, keep all records at county seat;		Secs. 291.002; 292.002
Execute conveyance of land to US Government as prescribed by commissioners court;		Sec. 263.201 et seq.
May appoint a county industrial commission;		Sec. 381.001
In conjunction with district judges of the county may appoint a purchasing agent;		Sec. 262.011
		Transportation Code
May issue temporary license to operator of ferry until next meeting of commissioners court;		Sec. 342.106
		Government Code
Give notice of meetings; prohibit illegal closed meetings;		Chapter 551
Serve on county emergency board when created by governor for purposes of drafting state militia;		Sec. 431.072
Declaration of local disasters;		Sec. 418.108
May receive copies of Texas Register containing state rules and regulations;		Sec. 2002.015
		Human Resources Code
Serve on juvenile board when created;		Chapter 152

DUTY/RESPONSIBILITY		AUTHORITY
8. GENERAL ADMINISTRATIVE DUTIES, continued		
		Health and Safety Code
Pay bounties authorized by commissioners for destruction of certain animals in certain counties;		Chapter 825
Permit removal of organs of deceased persons upon qualified request of organ procurement organization;		Sec. 693.002
Mass gathering permits;		Sec. 751.001 et seq.
Appoint local registrar of births, as representative of State Department of Health;		Sec. 191.022
		Alcoholic Beverage Code
Refuse or issue alcoholic beverage permits under certain conditions;		Sec. 61.42(c)
Performance of duties regarding wine and beer retailing permits as well as other alcoholic beverage licenses;		Secs. 25.052; 26.07; 61.312
May delegate responsibilities of hearing alcoholic beverage permit and license applications;		Secs. 25.052; 26.07; 61.312
		Texas Family Code
May conduct marriage ceremonies.		Sec. 2.202