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May 25, 1983

Mr. David A. Provost
Attorney, Jefferson County Drainage
District No. 7
P. O. Box 3837
Port Arthur, Texas 77640-3837

Election Law Opinion JWF-8
Re: Filling a vacancy on the
board of directors of a
drainage district that
elects its officers.

Dear Mr. Provost:

In your letter of May 2, 1983, you asked how to fill a
vacancy on the board of directors of a drainage district
that elects its officers.

This official election law opinion is rendered by me as
chief election officer of the state in accordance with
V.A.T.S. Election Code, art. 1.03, subd. 1.

The special laws governing the Jefferson County Drainage
District No. 7 provide that "[e]xcept as provided by this
Act, the General Laws of the State of Texas relating to the
Commissioners of drainage districts shall apply to the
Commissioners of the District." Acts 57th Legislature, 3d
Called Session, Ch. 34, p. 102 (1962). That act provided
that five drainage district commissioners would be ap-
pointed, as provided under the general laws, by the Jef-
ferson County Commissioners Court. See V.A.T.S. Water Code,
 §§56.061 & 56.063. Section 56.063 of the Water Code also
provides that upon resignation of a director (commissioner),
the commissioners court appoints a successor.

Mr. David A. Provost


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Jefferson County Drainage District No. 7 was permitted to petition for election of the drainage district commissioners by Acts 65th Legislature, Regular Session, Ch. 614, p. 1520 (1977). Since that time, Jefferson County Drainage District No. 7 has adopted a proposition providing for election of commissioners. However, no provision of the general laws governing drainage districts nor any provision of the special laws governing the Jefferson County Drainage District No. 7 provides for a special election to fill a vacancy on the board of directors (commissioners). Therefore, in my opinion, a vacancy on the board of directors (commissioners) of a drainage district is to be filled by appointment by a majority vote of the county commissioners court, as provided by §56.063 of the Water Code.

SUMMARY

A vacancy on the board of directors of a drainage district which elects its officers is to be filled by appointment by a majority vote of the county commissioners court.

Sincerely,



John W. Fainter, Jr.
Secretary of State

Ward A. White
Counsel to the Secretary of State

Prepared by Sharon Talley
Assistant General Counsel
Elections Division

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