SUBJECT: Canceling election for any office if candidate is unopposed

COMMITTEE: Elections — favorable, without amendment

VOTE: 5 ayes — Howard, Deshotel, Bohac, Coleman, Harper-Brown

                       0 nays

                       2 absent — Denny, Uresti

WITNESSES: For — *(Registered but did not testify:)* Pat Carlson and Stephanie Klick,
                       Tarrant County Republican Party

                       Against — None

                       On — *(Registered but did not testify:)* Elizabeth Hanshaw Winn, Secretary of
                       State; Jesse Lewis, Republican Party of Texas

BACKGROUND: When candidates are unopposed for election, Election Code, ch. 2 allows
                       political subdivisions, other than counties, that require write-in candidates to
                       declare formal candidacy to cancel an election and declare the unopposed
                       candidate the winner if there are no declared write-in candidates, no opposed
                       candidates, and no propositions on the ballot. This provision also extends to
                       special elections to fill vacancies in the Legislature, as authorized by an
                       amendment to Texas Constitution, Art. 3, sec. 13 (HJR 47 by Madden)
                       approved by the voters in 2001. These provisions do not apply to elections
                       for statewide, district, or county offices.

DIGEST: HJR 62 would amend the Constitution by adding Art. 16, sec. 13 to allow the
                       Legislature to authorize a person to take office without an election if the
                       person is the only candidate to qualify in an election to be held for that office.

                       The proposed amendment would be presented to voters at an election on
                       Tuesday, November 4, 2003. The ballot proposal would read: "The
                       constitutional amendment authorizing the legislature to permit a person to
                       take office without an election if the person is the only candidate to qualify in
                       an election for that office."

SUPPORTERS
SAY:

HJR 62 and its enabling legislation, CSHB 1476 by Truitt, if approved by voters and the Legislature, would promote efficiency in election administration and help reduce the cost of elections. It also would give election officials greater flexibility in ballot preparation and save ballot printing costs. It would apply a procedure that has worked well at the local level to statewide, district, and county offices.

The proposed change would not interfere with anyone's voting rights. If a candidate is unopposed, the race essentially is decided. Under current law, if there is an unopposed candidate on the ballot, the election becomes a costly formality.

Since the Texas Constitution establishes which offices require an election, any proposal to cancel an election for statewide, district, or county offices requires a constitutional amendment as well as an amendment to the Election Code.

OPPONENTS
SAY:

Canceling an election would deprive voters of their right to vote for candidates of their choice. It also would deprive candidates of the opportunity to gain visibility by campaigning and would deprive the voters of knowing who their elected leaders are. Even if voter turnout is low and there is only one candidate on the ballot for an office, those who take the time to vote are exercising their right to endorse the candidate they wish to represent them and validate their election to public office.

NOTES:

CSHB 1476 by Truitt, the enabling legislation for HJR 62, is on today's General State Calendar. The bill would allow an unopposed candidate for a statewide or district office or a candidate for a county or a precinct office to be declared elected without an election if there were no declared write-in candidates and the candidate was unopposed. The candidate's name as elected to the office would have to be printed on the ballot, but no votes would be cast for that candidate.

A related bill, HB 1344 by Uresti, also on today's General State Calendar, would allow an unopposed candidate for an office of a political subdivision to be declared elected without an election if the candidate was the only one who qualified for the office and there were no declared write-in candidates. The unopposed candidate's name would not be listed on the ballot. The bill is the enabling legislation for HJR 59 by Uresti, also on today's Constitutional Amendments Calendar.