

## **BILL ANALYSIS**

Senate Research Center  
78R10750 E

H.B. 1476  
By: Truitt (Nelson)  
State Affairs  
5/16/2003  
Engrossed

### **DIGEST AND PURPOSE**

Current law allows some unopposed candidates, including those in local races and in special elections to fill vacancies in the legislature, to be declared elected. H.B. 1476 extends the policy to state and county offices.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the secretary of state in SECTION 2 (Section 2.056, Election Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 2.051(a), Election Code, to include an exception as provided by Section 2.056 to the applicability of this subchapter.

SECTION 2. Amends Subchapter C, Chapter 2, Election Code, by adding Section 2.056, as follows:

Sec. 2.056. UNOPPOSED CANDIDATE FOR OFFICE OF STATE OR COUNTY GOVERNMENT. (a) Defines “certifying authority” and “office of the state or county government.”

- (b) Provides that this section applies only to the general election for state and county officers.
- (c) Authorizes a certifying authority to declare a candidate elected to an office of the state or county government if the candidate is the only person whose name is to appear on the ballot for that office, and no candidate’s name is to be placed on a list of write-in candidates for that office under Subchapter B, Chapter 146.
- (d) Provides that if a declaration is made under Subsection (c), the election for that office is not held, and the name of the candidate is listed on the ballot as elected to the office as provided by this section.
- (e) Requires the offices and names of any candidates declared elected under this section to be listed separately after the contested races in the election under the heading “Unopposed Candidates Declared Elected.” Requires the candidates to be grouped according to their respective political party affiliations or status as independents in the same relative order prescribed for the ballot generally. Provides that no votes are cast in connection with the candidates.
- (f) Authorizes the secretary of state by rule to prescribe any additional procedures as necessary to accommodate a particular voting system or ballot style and to facilitate the efficient and cost-effective implementation of this section.

(g) Requires the certifying authority to issue a certificate of election to a candidate declared elected under this section in the same manner as provided for a candidate elected at the election.

SECTION 3. Amends Section 124.003, Election Code, by adding Subsection (e), to provide that Section 2.056 supersedes this section to the extent of any conflict.

SECTION 4. Effective date: the date on which the constitutional amendment proposed by the 78th Legislature, Regular Session, 2003, 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 takes effect. Provides that if that amendment is not approved by the voters, this Act has no effect.