

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 1213
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State Affairs
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Committee Report (Substituted)

DIGEST AND PURPOSE

Current law requires the names of uncontested candidates to appear on general election ballots. C.S.S.B. 1213 allows political subdivisions to declare uncontested candidates “elected” without appearing on the ballot under certain circumstances. By eliminating uncontested candidates, the assumption is that the length and cost of the ballot would be reduced.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter C, Chapter 2, Election Code, by adding Section 2.056, as follows:

Sec. 2.056. ELECTION OF UNOPPOSED CANDIDATE FOR LOCAL OFFICE;
OMISSION FROM BALLOT. (a) Defines “certifying authority.”

(b) Provides that this section applies to a general or special election for an office of a political subdivision.

(c) Authorizes a certifying authority to, in its discretion, declare a candidate elected to an office if the candidate is the only person who has qualified to appear on the ballot for that office, and write-in votes may be counted in the election for that office only for names appearing on a list of write-in candidates, and no candidate’s name is to be placed on the list of write-in candidates for that office.

(d) Requires a certifying authority, if it declares a candidate elected under Subsection (c), to declare elected every candidate in that election that qualifies to be declared elected under Subsection (c).

(e) Provides that if a certifying authority declares a candidate elected under Subsection (c), the office is not listed on the ballot, and an election is not held for that office.

(f) Requires a copy of the declaration to be posted during the early voting period and on election day at each polling place where a voter would have been eligible to vote for a candidate for an office omitted from the ballot under this section.

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

(h) Provides that if each office to be voted on in an election is omitted from the ballot under this section and no proposition is to appear on the ballot, the election is not held.

SECTION 2. Repealers:

Section 2.051 (Applicability of Subchapter), Election Code.

Section 2.052 (Certification of Unopposed Status), Election Code.

Section 2.053 (Action on Certification), Election Code.

SECTION 3. Effective date: the date on which the constitutional amendment authorizing the legislature to permit a person to assume an office of a political subdivision without an election if the person is the only candidate takes effect. If that amendment is not approved by the voters, this Act has no effect.