

BILL ANALYSIS

C.S.H.B. 1476

By: Truitt

Elections

Committee Report (Substituted)

BACKGROUND AND PURPOSE

During the past several legislative sessions, the law has been changed to allow certain unopposed candidates, including those in local races and in special elections to fill vacancies in the legislature, to be declared elected. This policy promotes efficiency in election administration, creates simpler ballots, and helps reduce the costs of elections. CSHB1476 authorizes unopposed candidates for state and county offices to be declared elected.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly delegated to the secretary of state in SECTION 2 (Section 2.056, Election Code) of this bill.

ANALYSIS

CSHB 1476 amends the Election Code by authorizing a certifying authority to declare a candidate for an office of the state or county government elected to that office if the candidate is the only person whose name is to appear on the ballot for that office and if no candidate's name is to be placed on the list of write-in candidates for that office.

The bill provides, if an unopposed candidate for state or county office is declared elected, that an election is not held for that office and that the name of the candidate is listed on the ballot as elected to the office. The bill sets forth provisions relating to the placement of the these candidates names on the ballot. The bill 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 provisions relating to unopposed candidates for an office of state or county government.

The bill requires the certifying authority to issue a certificate of election to an unopposed candidate for office of state or county government declared elected in the same manner as provided for a candidate elected at an election.

The bill provides that the provisions relating to unopposed candidates for office of state or county government supersede those relating to separate listing of unopposed candidates and bloc voting, to the extent of any conflict.

The bill provides that the provisions relating to unopposed candidates for an office of state or county government apply to general elections for those offices only.

EFFECTIVE DATE

November 4, 2003, subject to voter approval of 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.

COMPARISON OF ORIGINAL TO SUBSTITUTE

CSHB 1476 modifies the original adding rulemaking authority for the secretary of state.

The substitute modifies the original by adding provisions relating to the placement of the unopposed candidates names on the ballot.

The substitute modifies the original by adding the provision that provisions relating to unopposed candidates for office of state or county government supersede those relating to separate listing of unopposed candidates and bloc voting, to the extent of any conflict.

The substitute modifies the original by removing references to precinct offices.