

By: Truitt

H.B. No. 1476

A BILL TO BE ENTITLED

AN ACT

relating to the election of certain unopposed candidates.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 2.051(a), Election Code, is amended to read as follows:

(a) Except as provided by Sections [~~Section~~] 2.055 and 2.056, this subchapter applies only to an election for officers of a political subdivision other than a county in which write-in votes may be counted only for names appearing on a list of write-in candidates and in which:

(1) each candidate whose name is to appear on the ballot is unopposed, except as provided by Subsection (b); and

(2) no proposition is to appear on the ballot.

SECTION 2. Subchapter C, Chapter 2, Election Code, is amended by adding Section 2.056 to read as follows:

Sec. 2.056. UNOPPOSED CANDIDATE FOR STATE OR COUNTY OFFICE.

(a) In this section:

(1) "Certifying authority" means:

(A) the secretary of state, for a state or district office; or

(B) the county clerk, for a county or precinct office.

(2) "Precinct office" means an office described by Section 52.092(f).

1 (b) This section applies only to a general election for an
2 office of the state or county government, including a precinct
3 office.

4 (c) A certifying authority may declare a candidate elected
5 to an office if:

6 (1) the candidate is the only person who has qualified
7 to appear on the ballot for that office; and

8 (2) write-in votes may be counted in the election for
9 that office only for names appearing on a list of write-in
10 candidates, and no candidate's name is to be placed on the list of
11 write-in candidates for that office.

12 (d) If a declaration is made under Subsection (c):

13 (1) an election is not held for that office; and

14 (2) the name of the candidate is listed on the ballot
15 as elected to the office.

16 (e) The certifying authority shall issue a certificate of
17 election to a candidate declared elected under Subsection (c) in
18 the same manner as provided for a candidate elected at an election.

19 SECTION 3. This Act takes effect on the date on which the
20 constitutional amendment proposed by the 78th Legislature, Regular
21 Session, 2003, authorizing the legislature to permit a person to
22 take office without an election if the person is the only candidate
23 to qualify in an election for that office takes effect. If that
24 amendment is not approved by the voters, this Act has no effect.