

By: Truitt (Senate Sponsor - Nelson) H.B. No. 1476  
(In the Senate - Received from the House May 5, 2003;  
May 7, 2003, read first time and referred to Committee on State  
Affairs; May 19, 2003, reported favorably by the following vote:  
Yeas 7, Nays 0; May 19, 2003, sent to printer.)

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 OFFICE OF STATE OR COUNTY GOVERNMENT. (a) In this section:

(1) "Certifying authority" means:

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

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

(2) "Office of the state or county government" means an office described by Section 52.092(a)(2) or (3).

(b) This section applies only to the general election for state and county officers.

(c) A certifying authority may declare a candidate elected to an office of the state or county government if:

(1) the candidate is the only person whose name is to appear on the ballot for that office; and

(2) no candidate's name is to be placed on a list of write-in candidates for that office under Subchapter B, Chapter 146.

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

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

(2) the name of the candidate is listed on the ballot as elected to the office as provided by this section.

(e) The offices and names of any candidates declared elected under this section shall be listed separately after the contested races in the election under the heading "Unopposed Candidates Declared Elected." The candidates shall be grouped according to their respective political party affiliations or status as independents in the same relative order prescribed for the ballot generally. No votes are cast in connection with the candidates.

(f) The secretary of state by rule may 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) The certifying authority shall 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. Section 124.003, Election Code, is amended by adding Subsection (e) to read as follows:

(e) Section 2.056 supersedes this section to the extent of any conflict.

SECTION 4. This Act takes effect on the date on which the constitutional amendment proposed by the 78th Legislature, Regular Session, 2003, authorizing the legislature to permit a person to

2-1 take office without an election if the person is the only candidate  
2-2 to qualify in an election for that office takes effect. If that  
2-3 amendment is not approved by the voters, this Act has no effect.

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