

By: Denny

H.B. No. 2319

A BILL TO BE ENTITLED

AN ACT

relating to the election of unopposed candidates.

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

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

Sec. 2.051. APPLICABILITY OF SUBCHAPTER. (a) Except as provided by Sections 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 for an office that ~~[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.

(b) In the case of an election in which any members of the political subdivision's governing body are elected from territorial units such as single-member districts, this subchapter applies to the election in a particular territorial unit if each candidate for an office that ~~[whose name]~~ is to appear on the ballot in that territorial unit is unopposed and no at-large proposition or opposed at-large race is to appear on the ballot. This subchapter applies to an unopposed at-large race in such an election regardless of whether an opposed race is to appear on the ballot in a particular territorial unit.

1 SECTION 2. Section 2.052(a), Election Code, is amended to
2 read as follows:

3 (a) The authority responsible for having the official
4 ballot prepared shall certify in writing that a candidate is
5 unopposed for election to an office if, were the election held, only
6 the votes cast for that candidate in the election for that office
7 may be counted[+]

8 [~~(1) only one candidate's name is to be placed on the~~
9 ~~ballot for that office under Section 52.003; and~~

10 [~~(2) no candidate's name is to be placed on a list of~~
11 ~~write-in candidates for that office under applicable law].~~

12 SECTION 3. Section 2.055(a), Election Code, is amended to
13 read as follows:

14 (a) The secretary of state may declare an unopposed
15 candidate elected to fill a vacancy in the legislature if:

16 (1) each candidate for an office that [~~whose name~~] is
17 to appear on the ballot is unopposed; and

18 (2) no proposition is to appear on the ballot [+ ~~and~~

19 [~~(3) no candidate's name is to be placed on a list of~~
20 ~~write-in candidates for that office under Subchapter D, Chapter~~
21 ~~146].~~

22 SECTION 4. Section 2.056(c), Election Code, is amended to
23 read as follows:

24 (c) A certifying authority may declare a candidate elected
25 to an office of the state or county government if, were the election
26 held, only the votes cast for that candidate in the election for
27 that office may be counted[+]

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

3 ~~[(2) no candidate's name is to be placed on a list of~~
4 ~~write-in candidates for that office under Subchapter B, Chapter~~
5 ~~146].~~

6 SECTION 5. This Act applies only to an election ordered on
7 or after the effective date of this Act.

8 SECTION 6. This Act takes effect September 1, 2005.