

## **BILL ANALYSIS**

H.B. 184  
By: Johnson  
Elections  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Under current law, when a vacancy occurs in the legislature and the special election contest to fill that vacancy is uncontested, the secretary of state has the discretion of deciding when to declare the unopposed candidate elected and when to certify the election. This discretion can allow a legislative seat to remain vacant longer than is necessary and deprive citizens of representation. Even when the legislature is not in session, a legislator plays a critical role in helping citizens in their interaction with state government. A legislator-elect in an uncontested election to fill a vacancy should be able to take the legislative seat in a timely manner to begin serving the member's constituents.

H.B. 184 addresses this issue by requiring the secretary of state to declare and certify an unopposed candidate elected to the legislature on the second day after the filing deadline or on the second day after the candidate becomes the only remaining eligible candidate for that office.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

H.B. 184 amends the Election Code to require, rather than authorize, the secretary of state to declare an unopposed candidate elected to fill a vacancy in the legislature if each candidate for an office that is to appear on the ballot is unopposed and no proposition is to appear on the ballot. The bill requires such a declaration to be made on the second day after the last date an application for a place on the special election ballot may be filed or the date of a withdrawal, death, or final judgment of ineligibility of a candidate that causes the remaining candidate to be unopposed. The bill specifies that the certificate of election the secretary of state must issue to the unopposed candidate is issued at the same time the declaration is made. The bill makes a conforming change.

### **EFFECTIVE DATE**

September 1, 2011.