

By: Johnson

H.B. No. 184

A BILL TO BE ENTITLED

AN ACT

relating to the cancellation of a special election to fill a vacancy in the legislature.

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

SECTION 1. Section 2.055, Election Code, is amended to read as follows:

Sec. 2.055. SPECIAL ELECTION TO FILL VACANCY IN LEGISLATURE. (a) The secretary of state shall [~~may~~] declare an unopposed candidate elected to fill a vacancy in the legislature if:

(1) each candidate for an office that is to appear on the ballot is unopposed; and

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

(b) The declaration under Subsection (a) shall be made on the second day after:

(1) the last date an application for a place on the special election ballot may be filed; or

(2) the date of a withdrawal, death, or final judgment of ineligibility of a candidate that causes the remaining candidate to be unopposed.

(c) After [~~if~~] a declaration is made under Subsection (a), the election is not held. A copy of the declaration shall be posted on election day at each polling place that would have been used in the election.

1 (d) At the same time a declaration is made under Subsection
2 (a), the [~~(c) The~~] secretary of state shall issue a certificate of
3 election to each candidate in the same manner as provided for a
4 candidate elected at the election.

5 SECTION 2. This Act takes effect September 1, 2011.