

1-1 By: Johnson (Senate Sponsor - West) H.B. No. 184
1-2 (In the Senate - Received from the House April 18, 2011;
1-3 April 20, 2011, read first time and referred to Committee on State
1-4 Affairs; May 9, 2011, reported favorably by the following vote:
1-5 Yeas 9, Nays 0; May 9, 2011, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the cancellation of a special election to fill a vacancy
1-9 in the legislature.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 2.055, Election Code, is amended to read
1-12 as follows:

1-13 Sec. 2.055. SPECIAL ELECTION TO FILL VACANCY IN
1-14 LEGISLATURE. (a) The secretary of state shall [~~may~~] declare an
1-15 unopposed candidate elected to fill a vacancy in the legislature
1-16 if:

1-17 (1) each candidate for an office that is to appear on
1-18 the ballot is unopposed; and

1-19 (2) no proposition is to appear on the ballot.

1-20 (b) The declaration under Subsection (a) shall be made on
1-21 the second day after:

1-22 (1) the last date an application for a place on the
1-23 special election ballot may be filed; or

1-24 (2) the date of a withdrawal, death, or final judgment
1-25 of ineligibility of a candidate that causes the remaining candidate
1-26 to be unopposed.

1-27 (c) After [~~if~~] a declaration is made under Subsection (a),
1-28 the election is not held. A copy of the declaration shall be posted
1-29 on election day at each polling place that would have been used in
1-30 the election.

1-31 (d) At the same time a declaration is made under Subsection
1-32 (a), the [~~(c) The~~] secretary of state shall issue a certificate of
1-33 election to each candidate in the same manner as provided for a
1-34 candidate elected at the election.

1-35 SECTION 2. This Act takes effect September 1, 2011.

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