Senate Research Center   S.B. 1089
                                                                                                                    By: Parker
                                                                                                                  State Affairs
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                                                                                                                    Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The democratic process is a fundamental aspect of modern societies, and elections are a crucial mechanism for ensuring the legitimacy of the people's representatives. In most cases, elections are characterized by multiple candidates running for a position, providing voters with a range of options to choose from. However, in some instances, there may be only one candidate running for a particular position, making the election uncontested.

In such cases, some argue that there is no need for the uncontested candidate to be listed on the ballot since their victory is already assured. However, excluding the uncontested candidate from the ballot can be seen as a violation of the democratic principles of transparency, fairness, and inclusivity. Allowing an uncontested candidate to remain on the ballot not only upholds these principles, but also ensures that voters have the opportunity to exercise their right to vote and have their say in the electoral process. Additionally, having an uncontested candidate on the ballot sends a message to the public that the electoral process is open and transparent, which can foster trust and confidence in the system. Therefore, despite the lack of competition, uncontested candidates should still be listed on the ballot to maintain the integrity and credibility of the electoral process.

S.B. 1089 repeals the ability to declare unopposed candidates for office as elected in Texas. The bill also clarifies the order in which offices are listed on the ballot.

S.B. 1089 amends current law relating to repealing the ability to declare certain unopposed candidates for office as elected.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the secretary of state is rescinded in SECTION 3 (Section 2.056, Election Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 2.051(a), Election Code, as follows:

> (a) Provides that Subchapter C (Election of Unopposed Candidate) applies, except as provided by Section 2.055 (Special Election to Fill Vacancy in Legislature), rather than by Sections 2.055 and 2.056 (Unopposed Candidate for Office of State or County Government), only to an election for officers of a political subdivision other than a county in which write-in votes are authorized to be counted only for names appearing on a list of write-in candidates and in which each candidate for an office that is to appear on the ballot is unopposed, except as provided by Subsection (b) (relating to the application of Subchapter C to certain unopposed single-member district elections).

SECTION 2. Amends Section 52.092(a), Election Code, as follows:

> (a) Requires that the offices on a ballot, except as provided by Section 2.053(c) (relating to the listing of unopposed candidates declared elected on certain election ballots), rather than Section 2.053(c) or 2.056(c) (relating to requiring a certifying authority to declare an unopposed candidate as the winner of a state or county office), for an election at which

offices regularly filled at the general election for state and county officers are to appear on the ballot, be listed in a certain order.

SECTION 3. Repealer: Section 2.056 (Unopposed Candidate for Office of State or County Government), Election Code.

Repealer: Section 124.003(e) (relating to Section 2.056 superseding Section 124.003 (Separate Listing of Unopposed Candidates; Bloc Voting) to the extent of any conflict), Election Code.

SECTION 4. Effective date: September 1, 2023.