BILL ANALYSIS

BACKGROUND AND PURPOSE

Elections are a crucial mechanism for ensuring the legitimacy of the people's representatives. In cases of uncontested races, some argue that there is no need for the uncontested candidate to be listed on the ballot since their victory is already assured. However, 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, excluding the uncontested candidate from the ballot can be seen as a violation of the democratic principles of transparency, fairness, and inclusivity. 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 seeks to address this issue by repealing the ability to declare unopposed candidates for office as elected.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

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

S.B. 1089 repeals the Election Code provisions that require a certifying authority for the general election for state and county officers to declare elected an unopposed candidate for an office of the state or county government if, were the election held, only the votes cast for that candidate in the election for that office may be counted, prescribing procedures for declaring the candidate to office.

S.B. 1089 repeals Sections 2.056 and 124.003(e), Election Code.

EFFECTIVE DATE

September 1, 2023.