

AN ACT

relating to repealing the ability to declare certain unopposed candidates for office as elected.

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

SECTION 1. Section 2.051(a), Election Code, is amended to read as follows:

(a) Except as provided by Section [~~Sections~~] 2.055 [~~and 2.056~~], this subchapter applies only to an election for officers of a political subdivision other than a county in which write-in votes may 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). For purposes of this section, a special election of a political subdivision is considered to be a separate election with a separate ballot from:

(1) a general election for officers of the political subdivision held at the same time as the special election; or

(2) another special election of the political subdivision held at the same time as the special election.

SECTION 2. Section 52.092(a), Election Code, is amended to read as follows:

(a) Except as provided by Section 2.053(c) [~~or 2.056(e)~~], for an election at which offices regularly filled at the general election for state and county officers are to appear on the ballot,

1 the offices shall be listed in the following order:

2 (1) offices of the federal government;

3 (2) offices of the state government:

4 (A) statewide offices;

5 (B) district offices;

6 (3) offices of the county government:

7 (A) county offices;

8 (B) precinct offices.

9 SECTION 3. Sections [2.056](#) and [124.003\(e\)](#), Election Code,  
10 are repealed.

11 SECTION 4. This Act takes effect September 1, 2023.

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I hereby certify that S.B. No. 1089 passed the Senate on March 28, 2023, by the following vote: Yeas 29, Nays 1.

\_\_\_\_\_  
Secretary of the Senate

I hereby certify that S.B. No. 1089 passed the House on May 18, 2023, by the following vote: Yeas 117, Nays 27, one present not voting.

\_\_\_\_\_  
Chief Clerk of the House

Approved:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor