

BILL ANALYSIS

C.S.H.B. 1344
By: Uresti
Elections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Under current law, the names of uncontested candidates are required to appear on general and special election ballots. This can result in unnecessarily lengthy ballots. For example, the November 2002 general election ballot for Bexar County contained 29 uncontested races, which represented 58% of the races on the ballot. Including these uncontested races adds to the length and cost for the ballot, requires additional time for counting the ballots, and complicates the preparation process for conducting the election. CSHB 1344 provides for the omission of unopposed candidates from the ballot.

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

CSHB 1344 amends the Election Code to authorize a certifying authority to declare a candidate elected to an office of a political subdivision if the candidate is the only person who has qualified to appear on the ballot for that office and if no candidate's name is to be placed on the list of write-in candidates for that office (unopposed local candidate).

The bill requires the certifying authority, if the certifying authority declares an unopposed local candidate elected, to declare elected every qualifying unopposed local candidate in that election. The bill requires a copy of the declaration to be posted during the early voting period and on election day at each applicable polling place. The bill requires the certifying authority to issue a certificate of election to each unopposed local candidate declared elected in the same manner as for a candidate elected at the election.

The bill provides, if the certifying authority declares unopposed local candidates elected, that these offices are not listed on the ballot and that an election is not held for these offices. The bill also provides, if each office to be voted on in an election is uncontested and if no proposition is to appear on the ballot, that the election is not held.

The bill provides that these provisions relating to unopposed candidates for local office apply to general or special elections.

The bill repeals certain provisions relating to the election of unopposed candidates.

EFFECTIVE DATE

November 4, 2003, subject to voter approval of the constitutional amendment authorizing the legislature to permit a person to assume an office of a political subdivision without an election if the person is the only candidate to qualify in an election for that office.

COMPARISON OF ORIGINAL TO SUBSTITUTE

CSHB 1344 modifies the original by requiring the certifying authority declare elected every candidate in that election that qualifies, rather than qualities, to be declared elected.

The substitute also modifies the original by providing, for candidates declared elected, that the office is not listed on, rather than in, the ballot.