

AN ACT

relating to the election of an unopposed candidate for an office of a political subdivision and to omission of that candidate from the ballot.

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

SECTION 1. Subchapter C, Chapter 2, Election Code, is amended by adding Section 2.056 to read as follows:

Sec. 2.056. ELECTION OF UNOPPOSED CANDIDATE FOR LOCAL OFFICE; OMISSION FROM BALLOT. (a) In this section, "certifying authority" means the governing body of the political subdivision for which a candidate seeks office.

(b) This section applies to a general or special election for an office of a political subdivision.

(c) A certifying authority may, in its discretion, declare a candidate elected to an office if:

(1) the candidate is the only person who has qualified to appear on the ballot for that office; and

(2) write-in votes may be counted in the election for that office only for names appearing on a list of write-in candidates, and no candidate's name is to be placed on the list of write-in candidates for that office.

(d) If a certifying authority declares a candidate elected under Subsection (c), the certifying authority shall declare elected every candidate in that election that qualifies to be

1 declared elected under Subsection (c).

2 (e) If a certifying authority declares a candidate elected
3 under Subsection (c):

4 (1) the office is not listed on the ballot; and

5 (2) an election is not held for that office.

6 (f) A copy of the declaration shall be posted during the
7 early voting period and on election day at each polling place where
8 a voter would have been eligible to vote for a candidate for an
9 office omitted from the ballot under this section.

10 (g) The certifying authority shall issue a certificate of
11 election to each candidate declared elected under this section in
12 the same manner as provided for a candidate elected at the election.

13 (h) If each office to be voted on in an election is omitted
14 from the ballot under this section and no proposition is to appear
15 on the ballot, the election is not held.

16 SECTION 2. Sections 2.051-2.053, Election Code, are
17 repealed.

18 SECTION 3. This Act takes effect on the date on which the
19 constitutional amendment proposed by the 78th Legislature, Regular
20 Session, 2003, authorizing the legislature to permit a person to
21 assume an office of a political subdivision without an election if
22 the person is the only candidate to qualify in an election for that
23 office, takes effect. If that amendment is not approved by the
24 voters, this Act has no effect.

H.B. No. 1344

President of the Senate

Speaker of the House

I certify that H.B. No. 1344 was passed by the House on May 2, 2003, by a non-record vote.

Chief Clerk of the House

I certify that H.B. No. 1344 was passed by the Senate on May 20, 2003, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor