

1-1 By: Uresti (Senate Sponsor - Van de Putte) H.B. No. 1344
1-2 (In the Senate - Received from the House May 5, 2003;
1-3 May 7, 2003, read first time and referred to Committee on
1-4 Administration; May 13, 2003, reported favorably by the following
1-5 vote: Yeas 7, Nays 0; May 13, 2003, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the election of an unopposed candidate for an office of
1-9 a political subdivision and to omission of that candidate from the
1-10 ballot.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Subchapter C, Chapter 2, Election Code, is
1-13 amended by adding Section 2.056 to read as follows:

1-14 Sec. 2.056. ELECTION OF UNOPPOSED CANDIDATE FOR LOCAL
1-15 OFFICE; OMISSION FROM BALLOT. (a) In this section, "certifying
1-16 authority" means the governing body of the political subdivision
1-17 for which a candidate seeks office.

1-18 (b) This section applies to a general or special election
1-19 for an office of a political subdivision.

1-20 (c) A certifying authority may, in its discretion, declare a
1-21 candidate elected to an office if:

1-22 (1) the candidate is the only person who has qualified
1-23 to appear on the ballot for that office; and

1-24 (2) write-in votes may be counted in the election for
1-25 that office only for names appearing on a list of write-in
1-26 candidates, and no candidate's name is to be placed on the list of
1-27 write-in candidates for that office.

1-28 (d) If a certifying authority declares a candidate elected
1-29 under Subsection (c), the certifying authority shall declare
1-30 elected every candidate in that election that qualifies to be
1-31 declared elected under Subsection (c).

1-32 (e) If a certifying authority declares a candidate elected
1-33 under Subsection (c):

1-34 (1) the office is not listed on the ballot; and

1-35 (2) an election is not held for that office.

1-36 (f) A copy of the declaration shall be posted during the
1-37 early voting period and on election day at each polling place where
1-38 a voter would have been eligible to vote for a candidate for an
1-39 office omitted from the ballot under this section.

1-40 (g) The certifying authority shall issue a certificate of
1-41 election to each candidate declared elected under this section in
1-42 the same manner as provided for a candidate elected at the election.

1-43 (h) If each office to be voted on in an election is omitted
1-44 from the ballot under this section and no proposition is to appear
1-45 on the ballot, the election is not held.

1-46 SECTION 2. Sections 2.051-2.053, Election Code, are
1-47 repealed.

1-48 SECTION 3. This Act takes effect on the date on which the
1-49 constitutional amendment proposed by the 78th Legislature, Regular
1-50 Session, 2003, authorizing the legislature to permit a person to
1-51 assume an office of a political subdivision without an election if
1-52 the person is the only candidate to qualify in an election for that
1-53 office, takes effect. If that amendment is not approved by the
1-54 voters, this Act has no effect.

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