

1-1 By: Van de Putte S.B. No. 1213
1-2 (In the Senate - Filed March 12, 2003; March 19, 2003, read
1-3 first time and referred to Committee on State Affairs;
1-4 April 30, 2003, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 5, Nays 0; April 30, 2003,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1213 By: Ellis

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the election of an unopposed candidate for an office of
1-11 a political subdivision and to omission of that candidate from the
1-12 ballot.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Subchapter C, Chapter 2, Election Code, is
1-15 amended by adding Section 2.056 to read as follows:

1-16 Sec. 2.056. ELECTION OF UNOPPOSED CANDIDATE FOR LOCAL
1-17 OFFICE; OMISSION FROM BALLOT. (a) In this section, "certifying
1-18 authority" means the governing body of the political subdivision
1-19 for which a candidate seeks office.

1-20 (b) This section applies to a general or special election
1-21 for an office of a political subdivision.

1-22 (c) A certifying authority may, in its discretion, declare a
1-23 candidate elected to an office if:

1-24 (1) the candidate is the only person who has qualified
1-25 to appear on the ballot for that office; and

1-26 (2) write-in votes may be counted in the election for
1-27 that office only for names appearing on a list of write-in
1-28 candidates and no candidate's name is to be placed on the list of
1-29 write-in candidates for that office.

1-30 (d) If a certifying authority declares a candidate elected
1-31 under Subsection (c), the certifying authority shall declare
1-32 elected every candidate in that election that qualifies to be
1-33 declared elected under Subsection (c).

1-34 (e) If a certifying authority declares a candidate elected
1-35 under Subsection (c):

1-36 (1) the office is not listed on the ballot; and

1-37 (2) an election is not held for that office.

1-38 (f) A copy of the declaration shall be posted during the
1-39 early voting period and on election day at each polling place where
1-40 a voter would have been eligible to vote for a candidate for an
1-41 office omitted from the ballot under this section.

1-42 (g) The certifying authority shall issue a certificate of
1-43 election to each candidate declared elected under this section in
1-44 the same manner as provided for a candidate elected at the election.

1-45 (h) If each office to be voted on in an election is omitted
1-46 from the ballot under this section and no proposition is to appear
1-47 on the ballot, the election is not held.

1-48 SECTION 2. Sections 2.051, 2.052, and 2.053, Election Code,
1-49 are repealed.

1-50 SECTION 3. This Act takes effect on the date on which the
1-51 constitutional amendment proposed by the 78th Legislature, Regular
1-52 Session, 2003, authorizing the legislature to permit a person to
1-53 assume an office of a political subdivision without an election if
1-54 the person is the only candidate to qualify in an election for that
1-55 office, takes effect. If that amendment is not approved by the
1-56 voters, this Act has no effect.

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