

SUBJECT: Electing unopposed local candidates without vote; write-in deadlines

COMMITTEE: Elections — favorable, with amendment

VOTE: 7 ayes — Danburg, Madden, Crabb, Denny, Ehrhardt, Hill, Staples
0 nays
2 absent — J. Jones, Muñoz

SENATE VOTE: On final passage, April 6 — 30-0

WITNESSES: For — Dorothy Palumbo, Texas Municipal League
Against — None

BACKGROUND: Election Code Chapter 2 requires that candidates for public office must be elected by a majority vote of the qualified voters.

DIGEST: SB 680, as amended, would amend the Election Code to allow municipalities, school districts and certain water districts (political subdivision other than a county) to declare an unopposed candidate elected without the vote of qualified voters if the following conditions were met:

- each candidate on the ballot was unopposed;
- no proposition was to appear on the ballot;
- only write-in votes for candidates appearing on a certified list are allowed to be counted in an election.

The authority responsible for preparing the official ballot would be required to certify in writing an unopposed candidate, provided only one name was placed on the ballot for that office and no candidate's name was included in the list of write-in candidates. The certification would be delivered to the political subdivision's governing body as soon as possible after the filing deadline.

The political subdivision's governing body would be allowed to declare each unopposed candidate elected. No election would be held and a copy of the order or ordinance declaring the election would have to be posted on election day at each polling place. An election certificate would be issued to each candidate as if an election had occurred.

The Election Code, Education Code and Water Code would be amended to require write-in candidates to file by 5 p.m., 45 days prior to the election (30th day in current law). In the event a candidate died or was declared ineligible after the 48th day (now 33rd day) before the election, a write-in candidate would be required to file by 5 p.m., 42 days before the election (now 27th day).

The bill would take effect September 1, 1995.

**SUPPORTERS
SAY:**

Political subdivisions should be spared the unnecessary expense and trouble of holding an election for local office if there are no contested races or ballot propositions and no one has filed as a certified write-in candidate. This bill would create clear, fair guidelines for allowing unopposed candidates to take office without the expense and administrative inconvenience of an election that really could only have one outcome.

**OPPONENTS
SAY:**

No apparent opposition.

NOTES:

The committee amendment makes corrections in references to Water Code chapters.

HJR 131 by Madden proposes a constitutional amendment that would allow election of candidates to municipal office under circumstances similar to those described in SB 680. HJR 131 was adopted by the House on May 10 and has been referred to the Senate State Affairs Committee. SB 680 is not made contingent on adoption of any constitutional amendment.