

SUBJECT: Write-in candidacy requirements for independent school district elections

COMMITTEE: Public Education — favorable, without amendment

VOTE: 8 ayes — Sadler, Dutton, Culberson, Hernandez, Hochberg, Price, Rhodes, Uher

0 nays

1 absent — Williamson

WITNESSES: None

BACKGROUND : The 74th Legislature enacted SB 680 by Shapiro, permitting political subdivisions other than counties to cancel elections when there are no opposed candidates nor any propositions on the ballot. The law also applies to local governmental entities that have deadlines for write-in candidates to declare their intention to challenge otherwise unopposed candidates.

The deadline for a write-in candidate to declare in a city-wide election is the 45th day before the election. The deadline for a write-in candidate in a school board election is the 30th day before the election.

DIGEST: HB 2262 would amend the Education Code to require that write-in candidates for independent school district elections file a pre-election declaration 45 days prior to an election.

In the event that a candidate died or was declared ineligible after the 48th day before an election, a write-in candidate could declare by 42 days prior to the election.

The bill would take effect September 1, 1997.

SUPPORTERS SAY: HB 2262 would establish conformity between city and school district elections, and bring school district elections within the general pattern for write-in candidacies. The 15-day difference in filing deadlines for write-in candidates in city and school district elections causes real problems when the two entities are attempting to have a joint election. Current law allows these

entities to cancel an unopposed election, but the election cannot be certified as unopposed until the deadline for declaring a write-in candidacy has passed. This means that a city attempting to cancel an unopposed election, order a joint election, or order ballots printed for a joint election does not know the status of a school board race until after the 30th day before an election. The deadlines for write-in candidates need to be the same so that these two entities can coordinate their elections.

Moving up the deadline two weeks should not inconvenience any potential candidates for school district elections. Anyone considering running in an election should have made a final decision by this time.

**OPPONENTS
SAY:**

No apparent opposition.

NOTES:

A related bill, HB 51 by Madden, which would require write-in candidates for junior college and hospital elections to declare by the 45th day before the election, passed the House on March 26 and was reported favorably, as amended, by the Senate State Affairs Committee on April 25 and recommended for the Local and Uncontested Calendar.