

- SUBJECT:** Uncontested elections for library district trustee
- COMMITTEE:** State, Federal and International Relations — favorable, without amendment
- VOTE:** 7 ayes — Hunter, Chavez, Elkins, Madden, Miller, Najera, Raymond
0 nays
2 absent — P. Moreno, Berman
- WITNESSES:** For — Jim Bannerot, Westbank Community Library District; Dianne Koehler, Wells Branch Community Library District; Gloria Meraz, Texas Library Association
Against — None
- BACKGROUND:** In 1997, the Legislature authorized the creation of library districts, through which a community without a public library can impose a tax to establish, equip, and maintain a library. Texas now has nine library districts.

Election Code, chapter 2 allows political subdivisions other than counties (cities, school districts, and certain water districts) that require write-in candidates to declare their candidacy formally to cancel a general election and declare the unopposed candidate the winner if there are no declared write-in candidates, no opposed candidates, and no propositions on the ballot.

Under Election Code, chapter 146, in a general election for city officers, a write-in vote may not be counted unless the name appears on a list of write-in candidates. To be on the list, a candidate must file a formal declaration of write-in candidacy with the appropriate authority no later than 5 p.m. on the fifth day after the filing deadline.
- DIGEST:** HB 440 would amend the Local Government Code by requiring that write-in votes for an election of a library district trustee be handled the same way as required for an election of city officers under Election Code, chapter 146.

Any votes received for a write-in candidate not on the list of write-in candidates could not be counted.

HB 440 also would state that the provisions of Election Code, chapter 2 governing the cancellation of elections in political subdivisions other than counties would apply to the election of an unopposed candidate for trustee of a library district, but only in an election held after the initial election to establish a library district.

The bill would take effect September 1, 2001.

**SUPPORTERS
SAY:**

HB 440 would simplify the elections process for library districts and would spare communities the unnecessary expense and administrative burden of holding elections when candidates are unopposed. Current law requires elections for library district trustees to be held annually with no procedure for write-in candidates to declare their candidacy. A community with no declared write-in candidates and no opposed candidate could cancel the election and save money.

In 1997, the Legislature enacted a provision to allow write-in candidates to declare their candidacy in elections for members of the governing bodies of junior colleges and hospital districts. HB 440 would bring library districts into line with standard election procedures for other types of district elections. The bill would not interfere with anyone's voting rights because an election with no opposed candidates can have only one outcome.

According to the bill's fiscal note, all library districts could expect to save the cost of holding elections in which candidates were uncontested. Cost savings would vary by district but could range from \$1,200 to \$10,000.

**OPPONENTS
SAY:**

Canceling elections for library district trustees and restricting write-in votes would deprive voters of their right to vote for candidates of their choice. Canceling an election would deprive voters of knowing who their elected trustees are. Even if voter turnout is low because only one candidate is on the ballot, those who took the time to vote are exercising their right to make informed choices for the candidates they want to govern their library district board. If voters become accustomed to cancellation of elections, they may

begin to view elections as unnecessary and neglect all voting opportunities, even those in which their ballots actually would make a difference.

NOTES:

HB 831 by Madden, which would authorize the secretary of state to declare an unopposed candidate the winner in a special election to fill a vacancy in the Legislature if there were no opposed candidates, no propositions on the ballot, and no declared write-in candidates, passed the House on March 15. HB 831 is the enabling legislation for HJR 47 by Madden/Crownover, the related constitutional amendment, which the House approved on March 20.