

- SUBJECT:** Cancelling election of unopposed state, district, or county candidates
- COMMITTEE:** Elections — committee substitute recommended
- VOTE:** 5 ayes — Howard, Deshotel, Bohac, Coleman, Harper-Brown
0 nays
2 absent — Denny, Uresti
- WITNESSES:** For — Cliff Borofksy; Dana DeBeauvoir, County and District Clerks Association; Stephanie Klick, Tarrant County Republican Party; (*Registered, but did not testify:*) Jeane Brunson, County and District Clerks Association; Pat Carlson, Tarrant County Republican Party

Against — None

On — Elizabeth Hanshaw Winn, Secretary of State; (*Registered, but did not testify:*) Jesse Lewis, Republican Party of Texas
- BACKGROUND:** Election Code, ch. 2 governs the election of unopposed candidates. Secs. 2.051 through 2.053 allow political subdivisions, other than counties, that require write-in candidates to declare formal candidacy to cancel an 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. Sec. 2.055 authorizes the secretary of state to declare an unopposed candidate elected to fill a vacancy in the Legislature and to cancel the election if there are no propositions on the ballot and no declared write-in candidates. This provision does not extend to general elections for state, district, or county offices.

Sec. 124.003 authorizes the separate listing of unopposed candidates (also called bloc voting) on a voting system ballot or ballot label.
- DIGEST:** CSHB 1476 would authorize the secretary of state — for a statewide or district office — or the county clerk — for a county or precinct office — to declare a candidate for state or county government elected if the candidate

was unopposed and there were no declared write-in candidates. If such a declaration was made, the election for that office would not be held. The candidate's name would be listed on the ballot as elected to the office, but no votes would be cast for that office or candidate.

The names and offices of candidates declared to be elected would be listed separately after the contested races under the heading "Unopposed Candidates Declared Elected." The candidates would be grouped according to their political party affiliation or status as independents in the same general order prescribed for the ballot. Candidates declared elected still would receive certificates of election, as if they had been elected at the election.

The secretary of state could prescribe any additional procedures necessary to accommodate any voting system or ballot style and to facilitate the efficient and cost-effective implementation of the bill's requirements.

Provisions relating to election of unopposed candidates for state or county government office would supersede those relating to the separate listing of unopposed candidates and bloc voting, if there was a conflict.

This bill would take effect upon approval of HJR 62, the proposed constitutional amendment to allow a person to take office without an election if the person is the only candidate to qualify in an election for that office. If HJR 62 was not approved by voters, this bill would not take effect.

**SUPPORTERS
SAY:**

Current law requires an election for uncontested state, district, and county races. CSHB 1476 would allow the certifying authority to declare unopposed candidates elected, but their names and offices would remain on the ballot for voters to see that these candidates were unopposed and declared elected.

November general election ballots can be very long, especially in larger counties. In a gubernatorial year, there can be more offices on the ballot than a presidential year. This bill would give election officials flexibility in ballot preparation and would save on ballot printing costs. Listing unopposed candidates separately would make it clear to voters which candidates had been elected to represent them — especially important after redistricting, when district boundaries are subject to change. It also would be good for the

candidates, because even though they would be declared elected, having their names on the ballot would improve name identification with voters.

The bill also would allow candidates declared elected to be grouped according to their parties. Bloc voting is allowed currently, but all candidates declared elected are listed in one group, irrespective of their party affiliation. This would be an additional tool to help voters understand exactly who had been declared elected.

**OPPONENTS
SAY:**

Canceling an election would deprive the voters of their right to vote for the candidate of their choice. It also would deprive candidates of the opportunity to gain visibility by campaigning to get their message to the voters. This would be especially true for state representatives and senators, who represent large segments of the population. It could cause some confusion among voters, because some people might not understand why they were not allowed to vote for certain candidates.

Even if there were only one candidate on the ballot for a particular race, those who take the time to vote are exercising their right to make informed choices for the candidates they want or do not want to represent them.

**OTHER
OPPONENTS
SAY:**

It is unclear how the provisions of CSHB 1476, if enacted, would affect current law. A similar bill, CSHB 1344 by Uresti, if enacted, also would apply to unopposed candidates for county offices but has conflicting requirements. CSHB 1344 would not list unopposed candidates on ballot, while CSHB 1476 would list those candidates but no votes could be cast for them. CSHB 1476 also would amend a section of the Election Code that CSHB 1344 proposes to repeal. If both proposals are enacted, it is not clear which one would apply.

NOTES:

The committee substitute would modify the original bill by adding rulemaking authority for the secretary of state and by specifying that the bill's provisions relating to election of unopposed candidates would supersede those relating to the separate listing of unopposed candidates and bloc voting.

HJR 62 by Truitt, the proposed constitutional amendment for which CSHB 1476 would be the enabling legislation, is on today's House Constitutional Amendments Calendar.

A similar bill, CSHB 1344 by Uresti, also is on today's House General State Calendar. That bill would allow unopposed candidates for an office of a political subdivision to be declared elected without an election, but their names and offices would be omitted from the ballot. It is the enabling legislation for HJR 59 by Uresti, also on today's Constitutional Amendments Calendar.