BILL ANALYSIS

Senate Research Center   S.B. 544
76R4010 DRH-D   By: Nixon
                                                                                          State Affairs
                                                                                             2/22/1999
                                                                                              As Filed

DIGEST

Currently, Texas law allows write-in voting in races in which at least one candidate has registered as a write-in candidate. In elections in which no one registers as a write-in candidate, there is no procedure that allows a voter to write in another candidate. This bill would allow voters to cast write-in vote in all elections.

PURPOSE

As proposed, S.B. 544 provides guidelines for counting write-in votes for all elections.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 2.051(a), Election Code, to delete a provision in which write-in votes may be counted only for names appearing on a list of write-in candidates for an election for officers of a political subdivision other than a county.

SECTION 2. Amends Section 146.001, Election Code, to provide that write-in voting is not permitted in a runoff election or in an election to resolve a tie. Provides that this section does not affect the authority of a political subdivision to cancel an election. Makes a nonsubstantive change.

SECTION 3. Amends Chapter 146A, Election Code, by adding Section 146.003, as follows:

> Sec. 146.003. COUNTING OF WRITE-IN VOTES. Provides that write-in votes are not counted unless the total number of write-in votes in the election equals or exceeds the number of votes received by a candidate whose name is printed on the ballot. Provides that write-in votes are counted in an election if no candidate's name is printed on the ballot or in which a majority vote is required.

SECTION 4. Amends Section 49.101, Water Code, to delete a provision requiring write-in candidacies for any district office to be governed by Chapter 146C, Election Code.

SECTION 5.   Repealers:

> (1) Section 146.002, Election Code (Write-In Voting in Runoff Prohibited).
> (2) Chapter 146B, Election Code (Write-in candidate in general election for state and county officers).
> (3) Chapter 146C, Election Code (Write-in candidate in city election)
> (4) Sections 171.0231 and 172.112, Election Code (Write-in Candidate for Precinct Chair and Write-in Voting).
> (5) Sections 11.056 and 130.0825, Education Code (Write-in Voting and Write-in Voting in Election for Members of Governing Body).
> (6) Section 63.0945, Water Code (Write-in Candidates).
> (7) Section 285.131, Health and Safety Code (Write-in Voting in Election for Board Members).

SECTION 6. Effective date: September 1, 1999.

SECTION 7. Emergency clause.