

BILL ANALYSIS

Senate Research Center
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S.B. 954
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As Filed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

In rare circumstances, an incumbent legislator must leave office with a relatively small amount of time left in his or her term. Current law requires a special election and a runoff in the event that there is not a candidate with a simple majority of the vote, regardless of how much time is left on the previous officeholder's term. When this occurs, the special election, runoff to the special election, and primary for the following term must be held within very close proximity to each other.

As proposed, S.B. 954 creates a more streamlined election process when this situation arises so as to minimize the needless use of state resources, decrease voter burnout, and decrease the financial and personal strain on candidates wishing to run for the special election seat and the following term. S.B. 954 provides that, if an incumbent resigns with one year or less in his or her term but prior to the state primaries for the next term, the special election to fill his or her vacancy is required to be held as a separate voting item on the ballot on the primary ballot. There will be no mention of party affiliations for candidates on the special election item. The winner of the special election will be by plurality of the vote, or the candidate receiving the most votes. If the incumbent resigns after the party primaries have been held and with less than one year remaining in the incumbent's term, then the called special election will also be by a plurality vote, with the office going to the person receiving the most votes.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 203.003, Election Code, as follows:

Sec. 203.003. New heading: VOTE REQUIRED. Requires that a candidate in a special election for an unexpired term receive:

- (1) a majority of the total number of votes received by all candidates for the unexpired term if the unexpired term is longer than one year; or
- (2) a plurality of the total number of votes received by all candidates for the unexpired term if the unexpired term is one year or less.

SECTION 2. Amends Section 203.004, Election Code, by adding Subsection (c), to provide that, for the purposes of Subsection (a) (relating to the date of a special election), the general primary election date is considered a uniform election date. Requires the secretary of state to adopt any necessary procedures to allow for the holding of an election under this chapter on the general primary election day.

SECTION 3. Amends Section 203.005(b), Election Code, to delete the requirement that an application for a place on a special election ballot state the political party with which the candidate is aligned or, if the candidate is not aligned with a party, state that fact. Renumbers subsequent sections to reflect deletion.

SECTION 4. Amends Section 203.011, Election Code, as follows:

Sec. 203.011. New heading: INDEPENDENT CANDIDACY REQUIRED [PARTY REALIGNMENT ON BALLOT]. Bill as drafted does not delete existing section title. Authorizes a candidate's name to appear on the ballot only as an independent. Deletes existing text requiring the party alignment of each candidate to be printed on the official ballot.

SECTION 5. Makes application of this Act prospective.

SECTION 6. Effective date: September 1, 2005.