

BILL ANALYSIS

Senate Research Center
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S.J.R. 29
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

When elections are close in votes, recounts are requested and unless they prove that a race was not as close as initially believed, voters and candidates often feel that errors may have cost a candidate the election.

S.J.R. 29 is the constitutional amendment accompanying S.B. 1025. It requires winners of election for public offices to win by a margin of at least one percent.

S.B. 1025 would treat as a tie an outcome in which the first and second highest vote getters are separated by less than one percent of the votes cast in that race. It would not change the current treatment of a tie or what happens when a tie occurs.

S.J.R. 29 proposes a constitutional amendment requiring a candidate for public office to win by a margin of one percent of the votes cast at the election before the candidate is elected to that office.

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 3, Article IV, Texas Constitution, as follows:

Sec. 3. RETURNS OF ELECTION; DECLARATION OF ELECTION; TIE VOTES; CONTESTS. (a) Creates this subsection from existing text.

(b) Creates this subsection from existing text. Requires the person, voted for at said election, having the highest number of votes for each of said offices respectively, and being constitutionally eligible, to be declared by the Speaker, under sanction of the Legislature, to be elected to said office if the amount by which the number of votes cast for the candidate receiving the highest number of votes exceeds the number of votes cast for the candidate receiving the second highest number of votes is greater than or equal to one percent of the number of votes cast in that election. Requires that, if the amount by which the number of votes cast for the candidate receiving the highest number of votes exceeds the number of votes cast for the candidate receiving the second highest number of votes is not greater than or equal to one percent of the number of votes cast in that election, a second election be held between the two candidates receiving the highest and second highest number of votes.

(c) Creates this subsection from existing text and makes a nonsubstantive change.

SECTION 2. Amends Article XVI, Texas Constitution, by adding Section 73, as follows:

Sec. 73. VOTES REQUIRED FOR ELECTION TO OFFICE. (a) Provides that this subsection applies if a majority vote is not required by this constitution or general law for election to office. Provides that a candidate is elected to a public office only if the amount by which the number of votes cast for the candidate receiving the highest number

of votes exceeds the number of votes cast for the candidate receiving the second highest number of votes is greater than or equal to one percent of the number of votes cast in that election. Requires that, if the amount by which the number of votes cast for the candidate receiving the highest number of votes exceeds the number of votes cast for the candidate receiving the second highest number of votes is not greater than or equal to one percent of the number of votes cast in that election, a second election be held between the two candidates receiving the highest and second highest number of votes.

(b) Provides that if another provision of this constitution or a general law requires a candidate for public office to receive a majority of the total number of votes received by all candidates for the same office, the candidate receives the number of votes required to be elected to that office only if the amount by which the number of votes cast for the candidate receiving the highest number of votes exceeds the number of votes cast for the candidate receiving the second highest number of votes is greater than or equal to one percent of the number of votes cast in that election.

(c) Provides that this section does not apply to a candidate for federal office.

SECTION 3. Requires the proposed constitutional amendment to be submitted to the voters at an election to be held November 3, 2009. Sets forth the required language of the ballot.