

BILL ANALYSIS

Senate Research Center
82R1611 DRH-D

H.B. 184
By: Johnson (West)
State Affairs
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, Section 2.055 (Special Election to Fill Vacancy in the Legislature), Election Code, allows the secretary of state (SOS) to declare and certify an unopposed candidate elected to fill a vacancy in the House or Senate. The code does not, however, specify when this must happen. Unfortunately, this can allow a seat to remain vacant, thereby leaving citizens unrepresented, longer than is necessary.

H.B. 184 requires SOS to declare and certify the election of an unopposed candidate to fill a vacancy in the legislature on the second day after either the filing deadline, or the date on which the election becomes uncontested by death, ineligibility, or withdrawal.

H.B. 184 amends current law relating to the cancellation of a special election to fill a vacancy in the legislature.

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 2.055, Election Code, as follows:

Sec. 2.055. SPECIAL ELECTION TO FILL VACANCY IN LEGISLATURE. (a) Requires the secretary of state (SOS), rather than authorizes SOS, to declare an unopposed candidate elected to fill a vacancy in the legislature if:

(1) each candidate for an office that is to appear on the ballot is unopposed; and

(2) no proposition is to appear on the ballot.

(b) Requires that the declaration under Subsection (a) be made on the second day after:

(1) the last date an application for a place on the special election ballot may be filed; or

(2) the date of a withdrawal, death, or final judgment of ineligibility of a candidate that causes the remaining candidate to be unopposed.

(c) Provides that after a declaration is made under Subsection (a), rather than if a declaration is made under Subsection (a), the election is not held. Requires that a copy of the declaration be posted on election day at each polling place that would have been used in the election.

(d) Requires SOS, at the same time a declaration is made under Subsection (a), to issue a certificate of election to each candidate in the same manner as provided for a candidate elected at the election.

SECTION 2. Effective date: September 1, 2011.