

- SUBJECT:** Declaring elected unopposed candidates in political subdivisions
- COMMITTEE:** Elections — committee substitute recommended
- VOTE:** 4 ayes — Howard, Deshotel, Bohac, Coleman
0 nays
3 absent — Denny, Harper-Brown, Uresti
- WITNESSES:** For — Cliff Borofsky, Bexar County Commissioners Court; Dana DeBeauvoir, County and District Clerks Association; Mary Lynne Stratta, City of Bryan; (*Registered, but did not testify:*) Jeane Brunson, County and Districts Clerks Association; Seth Mitchell, Bexar County Commissioners Court

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.
- DIGEST:** CSHB 1344 would authorize the certifying authority in a general or special election to declare a candidate elected to an office of a political subdivision, including a county, if the candidate was the only person qualified to appear on the ballot for the office and if there were no declared write-in candidates for the office. If such a declaration was made, the election for that office would not be held and no votes would be cast for that office or candidate. The office would not be listed on the ballot.

If the certifying authority declared an unopposed local candidate elected, it would have to declare elected every qualifying unopposed local candidate in that election. The declaration would have to be posted during the early voting period and on election day at each applicable polling place. The candidates declared elected still would receive a certificate of election, as if they had been elected at the election.

CSHB 1344 would repeal relevant sections of the Election Code to conform with these changes, including the restriction that if a measure is on the ballot, the election cannot be canceled, even if there are unopposed candidates.

The bill would take effect upon voter approval of HJR 59, the proposed constitutional amendment to authorize the Legislature to allow a person to assume an office of a political subdivision without an election if the person was the only candidate to qualify for that office. If HJR 59 was not approved by voters, CSHB 1344 would not take effect.

**SUPPORTERS
SAY:**

Current law allows the cancellation of general and special elections in which candidates are unopposed. However, when some candidates in an election are unopposed and others are not, the names of the uncontested candidates must appear on the election ballot. If measures are to be voted on the ballot, elections for unopposed candidates cannot be canceled. If this bill were enacted, an uncontested race could be cancelled, and only the measures would have to be printed. Reducing the number of races on a ballot would reduce the costs of printing ballots, which is especially important in larger counties. While some large counties have converted or may be in the process of converting to electronic voting systems, this bill would affect them too. Depending on the number of races programmed, the number of screens from which voters would select candidates would be reduced.

Also important is actual voting time in the voting booth. For example, in the November 2002 elections, Bexar County presented 78 contests to voters, even though 26 of those elections were unopposed. The ballot was so long that it required a second page. The cost of the long ballot, including items such as programming and testing, printing, storage, security, transportation, and tabulation, came to about \$152,000.

By reducing the length of ballots, CSHB 1344 could minimize the potential negative impact for counties of acquiring new voting equipment. The longer the ballot, the longer it takes voters to vote, which could translate into the need for more voting equipment.

CSHB 1344 would even be more important if the number of uniform election dates is reduced. The practical effect would be to push other elections to the two remaining dates in May and November, which would increase the number of elections held on the same ballot along with the November general election for federal, state, and county officers. This alone would lengthen the ballot, and removing the necessity to list unopposed candidates on the ballot would have a positive impact.

**OPPONENTS
SAY:**

Every session the Legislature proposes and enacts laws that allow certain unopposed candidates to be declared elected without an election. However, their names and offices still must be placed on the election ballot. This enables voters to know who has been declared elected to represent them. CSHB 1344 could limit severely voters' knowledge of who their elected officials were. Voters need all the information they can get, not less. Name identification helps elected officials spread their message to the community and helps voters to become familiar with the officials and their positions. This bill could limit a candidate's name identification in the community the official had been declared elected to represent.

**OTHER
OPPONENTS
SAY:**

It is not clear how the provisions of this bill would apply to current law. A similar bill, CSHB 1476 by Truitt, if enacted, also would apply to unopposed candidates for county office, 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 1344 would repeal a section of the Election Code that CSHB 1476 proposes to amend. If both proposals are enacted, it is not clear which would apply. An Attorney General's opinion might be needed to determine the effect of these bills, should they both become law.

NOTES:

The committee substitute would modify the original bill by making several spelling and grammatical changes.

The companion bill, SB 1213 by Van de Putte, was considered in a public hearing by the Senate State Affairs Committee on April 28.

HJR 59 by Uresti, which would amend the Constitution to allow a person to assume an office of a political subdivision without an election if the person was the only candidate to qualify for that office, is on today's House Constitutional Amendments Calendar. The companion joint resolution, SJR 51 by Van de Putte, was reported favorably, without amendment, by the Senate State Affairs Committee on April 29 and recommended for the Local and Uncontested Calendar.

A similar bill, HB 1476 by Truitt, on today's House General State Calendar, would allow an unopposed candidate for a statewide or district office and a candidate for a county or a precinct office to be declared elected without an election if there were no declared write-in candidates and the candidate was unopposed. The candidate's name as elected to the office would have to be printed on the ballot, but no votes would be cast for that candidate. It is the enabling legislation for HJR 62 by Truitt, also on today's Constitutional Amendments Calendar.