

## **BILL ANALYSIS**

Senate Research Center  
77R4270 DRH-D

H.J.R. 47  
By: Madden (Shapiro)  
State Affairs  
3/28/2001  
Engrossed

### **DIGEST AND PURPOSE**

Legislation enacted during the 74th Regular Session authorized political subdivisions other than counties that make provisions for write-in candidacy declarations to cancel an election and declare an unopposed candidate elected if no contested races and no propositions appear on the ballot. There have been instances in the past in which a legislator has died while in office and in the ensuing special election to fill the seat, only one name appeared on the ballot. This highlights a potential need to apply the same criteria for election cancellation to state office races. As proposed, H.J.R. 47 requires the submission to the voters of a constitutional amendment authorizing the legislature to provide for the filling of a vacancy in the legislature without an election if a candidate is running unopposed in an election to fill a vacancy.

### **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 13, Article III, Texas Constitution, to authorize the legislature to provide by general law for the filling of a vacancy in the legislature without an election if only one person qualifies as a candidate in an election to fill the vacancy.

SECTION 2. Requires this proposed constitutional amendment to be submitted to the voters at an election to be held November 6, 2001. Requires the ballot to be printed to permit voting for or against the proposition: "The constitutional amendment authorizing the filling of a vacancy in the legislature without an election if a candidate is running unopposed in an election to fill the vacancy."