

BILL ANALYSIS

Senate Research Center
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S.B. 1085
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

When an election involves only one candidate, that candidate is declared to be elected and the election is canceled. In the ballot given to voters, notice is given that the election is canceled. However, some political subdivisions, including the North Harris County Regional Water Authority (NHCRWA), must post notices on the wall of each polling place stating that the election has been canceled because there is only one candidate for an office. These notices are redundant and cause confusion for poll workers. And, many political subdivisions are not required to post the notices, even though the election cancellation provisions apply to them.

The NHCRWA is governed by five directors who serve staggered terms and are elected from single-member districts. Posting redundant notices is unnecessarily expensive and can involve more than 80 polling sites per election, many of which are in churches or other private property. NHCRWA does not administer the elections, county election officials do. Attempts to post these redundant notices are often met with resistance from poll workers who are unaware of the requirement and may not want the walls of their church or other private building covered with notices.

S.B. 1085 applies only to the NHCRWA and treats the agency in the same manner as counties by providing notice to voters of the canceled election in the ballot but dispensing with the posting of redundant notices. S.B. 1085 will reduce costs and will reduce confusion among poll workers who administer elections.

As proposed, S.B. 1085 amends current law relating to the certification of unopposed candidates for the board of directors of the North Harris County Regional Water Authority.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas secretary of state in SECTION 1 (Section 2.08, Chapter 1029, Acts of the 76th Legislature, Regular Session, 1999) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 2, Chapter 1029, Acts of the 76th Legislature, Regular Session, 1999, by adding Section 2.08, as follows:

Sec. 2.08. ACTION ON CERTIFICATION OF UNOPPOSED CANDIDATES. (a) Authorizes the board of directors (board), on receipt of the certification required by Section 2.052 (Certification of Unopposed Status), Election Code, to declare each unopposed candidate for the board elected to the office.

(b) Provides that, if a declaration is made under Subsection (a), the election is not held for that candidate's voting district.

(c) Requires that the ballots used at a separate election held at the same time as an election that would have been held if the candidates were not declared elected under this section include the offices and names of the candidates declared elected under this section listed separately after the measures or contested races in the separate election under the heading "Unopposed Candidates Declared Elected."

Requires that the candidates be grouped in the same relative order prescribed for the ballot generally. Provides that no votes are cast in connection with the candidates.

(d) Authorizes the Texas secretary of state by rule to prescribe any additional procedures necessary to accommodate a particular voting system or ballot style and to facilitate the efficient and cost-effective implementation of this section.

(e) Requires that a certificate of election be issued to each candidate in the same manner and at the same time as provided for a candidate elected at the election. Requires the candidate to qualify for the office in the same manner as provided for a candidate elected at the election.

(f) Provides that Section 2.053 (Action on Certification), Election Code, does not apply to an election for the board of directors of the authority.

SECTION 2. Effective date: September 1, 2017.