

BILL ANALYSIS

H.B. 2682
By: Denny
Judicial Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, judges in Texas do not have permanent place numbers for their offices. For each election, the secretary of state assigns place numbers prior to the filing deadline, but these numbers can vary from election to election. For instance, a judge on the court of appeals may be designated Place 2 for one election and Place 4 for another. This has led to confusion among potential challengers as they may know which incumbent they wish to challenge, but not which place number to use on their application. In addition, incumbents are under no obligation to file under the place number designated by the secretary of state.

H.B. 2682 eliminates this confusion by creating permanent place numbers for the supreme court, the court of criminal appeals and the courts of appeals.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the courts of appeals in Section 3 (Section 22.216, Government Code) of this bill, and to the supreme court, the court of criminal appeals, and the courts of appeals in Section 5 of this bill.

ANALYSIS

H.B. 2682 amends the Government Code to provide for the designation of permanent place numbers for the judges of the supreme court, the court of criminal appeals, and the courts of appeals, and that this designation of offices and places identifies the offices and places for all purposes, including identification on official ballots for primary and general elections.

The bill mandates that the supreme court, court of criminal appeals, and the courts of appeals shall adopt rules establishing a seniority system to determine which office and place is held by each judge. The bill also repeals certain sections of the Election Code.

EFFECTIVE DATE

September 1, 2003.