

By: Gallego

H.B. No. 1582

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to nonpartisan elections for statewide judicial office, to  
3 the regulation of political contributions and expenditures in  
4 connection with statewide judicial office, and to the public  
5 financing of campaigns for statewide judicial office; providing  
6 civil and criminal penalties.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

8 ARTICLE 1. NONPARTISAN ELECTIONS FOR

9 STATEWIDE JUDICIAL OFFICE

10 SECTION 1.01. The Election Code is amended by adding Title  
11 17 to read as follows:

12 TITLE 17. NONPARTISAN JUDICIAL ELECTIONS

13 CHAPTER 291. NONPARTISAN JUDICIAL ELECTION

14 SUBCHAPTER A. NONPARTISAN ELECTION OF JUDGES GENERALLY

15 Sec. 291.001. APPLICABILITY OF CHAPTER. (a) This chapter  
16 applies only to the offices of:

17 (1) chief justice and justice, supreme court; and

18 (2) presiding judge and judge, court of criminal  
19 appeals.

20 (b) A justice or judge is subject to nonpartisan election in  
21 accordance with this chapter at the last nonpartisan judicial  
22 general election to be held before the date the term of the office  
23 expires.

24 Sec. 291.002. PARTY NOMINATION PROHIBITED. Nomination of a

1 candidate for election to a nonpartisan judicial office by a  
2 political party is prohibited.

3 Sec. 291.003. VOTE REQUIRED FOR ELECTION. (a) To be  
4 elected to a nonpartisan judicial office, a candidate must receive  
5 a majority of the total number of votes received by all candidates  
6 for the office.

7 (b) If no candidate for a particular office receives the  
8 vote required for election, a runoff election for that office is  
9 required. Except as otherwise provided by this chapter, Subchapter  
10 B, Chapter 2, applies to a runoff election held under this chapter.

11 Sec. 291.004. APPLICABILITY OF OTHER PARTS OF CODE. The  
12 other titles of this code apply to a nonpartisan judicial election  
13 except provisions that are inconsistent with this title or that  
14 cannot feasibly be applied in a nonpartisan judicial election.

15 Sec. 291.005. ADDITIONAL PROCEDURES. The secretary of  
16 state shall prescribe any additional procedures necessary for the  
17 orderly and proper administration of elections held under this  
18 chapter.

19 [Sections 291.006-291.020 reserved for expansion]

20 SUBCHAPTER B. APPLICATION FOR PLACE ON BALLOT

21 Sec. 291.021. APPLICATION REQUIRED. (a) To be entitled to  
22 a place on the nonpartisan judicial election ballot, a candidate  
23 must make an application for a place on the ballot.

24 (b) An application must, in addition to complying with  
25 Section 141.031, be accompanied by the appropriate filing fee or,  
26 instead of the filing fee, a petition that satisfies the  
27 requirements prescribed by Section 141.062.

1 (c) An application filed by mail is considered to be filed  
2 at the time of its receipt by the appropriate authority.

3 Sec. 291.022. AUTHORITY WITH WHOM APPLICATION FILED. An  
4 application for a place on the nonpartisan judicial election ballot  
5 must be filed with the secretary of state.

6 Sec. 291.023. REGULAR FILING DEADLINE. (a) An application  
7 for a place on the nonpartisan judicial election ballot must be  
8 filed not later than 5 p.m. of the 120th day before election day,  
9 except as provided by Sections 291.053 and 202.008.

10 (b) An application may not be filed earlier than the 30th  
11 day before the date of the regular filing deadline.

12 Sec. 291.024. FILING FEE. (a) The filing fee for a  
13 nonpartisan judicial candidate is \$3,000.

14 (b) A filing fee received by the secretary of state shall be  
15 deposited in the state treasury to the credit of the general revenue  
16 fund.

17 Sec. 291.025. NUMBER OF PETITION SIGNATURES REQUIRED. The  
18 petition authorized by Section 291.021 must be signed by at least  
19 5,000 registered voters in this state.

20 Sec. 291.026. STATEMENT ON PETITION. The following  
21 statement must appear at the top of each page of a petition to be  
22 filed under Section 291.021: "I know that the purpose of this  
23 petition is to entitle (insert candidate's name) to have his or her  
24 name placed on the ballot for the office of (insert office title,  
25 including any place number) for the nonpartisan judicial election."

26 Sec. 291.027. CERTIFICATION OF NAMES FOR PLACEMENT ON  
27 NONPARTISAN JUDICIAL GENERAL ELECTION BALLOT. (a) Except as

1 provided by Subsection (c), the secretary of state shall certify in  
2 writing for placement on the nonpartisan judicial general election  
3 ballot the name of each candidate who files with the secretary an  
4 application that complies with Section 291.021(b).

5 (b) Not later than the 55th day before election day, the  
6 secretary of state shall deliver the certification to the authority  
7 responsible for having the official ballot prepared in each county.

8 (c) A candidate's name may not be certified:

9 (1) if, before delivering the certification, the  
10 secretary of state learns that the name is to be omitted from the  
11 ballot under Section 291.054; or

12 (2) for an office for which the candidate's  
13 application is invalid under Section 141.033.

14 [Sections 291.028-291.050 reserved for expansion]

15 SUBCHAPTER C. WITHDRAWAL, DEATH, AND INELIGIBILITY OF CANDIDATE

16 Sec. 291.051. WITHDRAWAL, DEATH, OR INELIGIBILITY  
17 GENERALLY. With respect to withdrawal, death, or ineligibility of  
18 a candidate in a nonpartisan judicial election, this subchapter  
19 supersedes Subchapter A, Chapter 145, to the extent of any  
20 conflict.

21 Sec. 291.052. WITHDRAWAL FROM NONPARTISAN JUDICIAL GENERAL  
22 ELECTION. (a) A candidate may not withdraw from the nonpartisan  
23 judicial general election after the 65th day before election day.

24 (b) A withdrawal request must be filed with the secretary of  
25 state.

26 Sec. 291.053. EXTENDED FILING DEADLINE. (a) The deadline  
27 for filing an application for a place on the nonpartisan judicial

1 general election ballot is extended as provided by this section if a  
2 candidate who has made an application that complies with the  
3 applicable requirements:

4 (1) dies on or after the fifth day before the date of  
5 the regular filing deadline and on or before the 65th day before  
6 election day;

7 (2) holds the office for which the application was  
8 made and withdraws or is declared ineligible on or after the date of  
9 the regular filing deadline and on or before the 65th day before  
10 election day; or

11 (3) withdraws or is declared ineligible during the  
12 period prescribed by Subdivision (2), and at the time of the  
13 withdrawal or declaration of ineligibility no other candidate has  
14 made an application that complies with the applicable requirements  
15 for the office sought by the withdrawn or ineligible candidate.

16 (b) If the deadline for filing applications for an office is  
17 extended, an application must be filed not later than 5 p.m. of the  
18 60th day before election day. Notice of the extended filing shall  
19 be given in the same manner as provided under Section 172.055 for a  
20 primary election.

21 Sec. 291.054. WITHDRAWN, DECEASED, OR INELIGIBLE  
22 CANDIDATE'S NAME OMITTED FROM NONPARTISAN JUDICIAL GENERAL  
23 ELECTION BALLOT. A candidate's name shall be omitted from the  
24 nonpartisan judicial general election ballot if the candidate  
25 withdraws, dies, or is declared ineligible on or before the 65th day  
26 before election day.

27 Sec. 291.055. DECEASED OR INELIGIBLE CANDIDATE'S NAME TO

1 APPEAR ON NONPARTISAN JUDICIAL GENERAL ELECTION BALLOT. If a  
2 candidate who has made an application for a place on the nonpartisan  
3 judicial general election ballot that complies with the applicable  
4 requirements dies or is declared ineligible after the 65th day  
5 before election day, the candidate's name shall be placed on the  
6 nonpartisan judicial general election ballot.

7 Sec. 291.056. WITHDRAWAL FROM RUNOFF. (a) A candidate may  
8 not withdraw from the nonpartisan judicial runoff election after 5  
9 p.m. of the 10th day after the date of the nonpartisan judicial  
10 general election.

11 (b) A withdrawal request for the runoff must be filed with  
12 the authority with whom the withdrawing candidate's application for  
13 a place on the ballot is required to be filed.

14 (c) If a runoff candidate withdraws, the remaining  
15 candidate is the winner and the runoff election for that office is  
16 not held.

17 Sec. 291.057. DECEASED OR INELIGIBLE CANDIDATE'S NAME TO  
18 APPEAR ON RUNOFF BALLOT. If a candidate in the nonpartisan judicial  
19 runoff election dies or is declared ineligible before runoff  
20 election day, the candidate's name shall be placed on the ballot.

21 [Sections 291.058-291.070 reserved for expansion]

22 SUBCHAPTER D. CONDUCT OF ELECTION

23 Sec. 291.071. NONPARTISAN JUDICIAL ELECTION BALLOT. The  
24 nonpartisan judicial offices and candidates shall be listed as a  
25 separate ballot on the general election ballot following the  
26 partisan offices under the heading "Election For Nonpartisan  
27 Judicial Offices."

1       Sec. 291.072. GENERAL PROCEDURE FOR CONDUCT OF NONPARTISAN  
2 JUDICIAL ELECTION. Except as otherwise provided by this code, the  
3 nonpartisan judicial election shall be conducted and the results  
4 canvassed, tabulated, and reported in the manner applicable to  
5 partisan offices in the general election for state and county  
6 officers.

7       Sec. 291.073. CERTIFICATION OF CANDIDATES FOR PLACEMENT ON  
8 RUNOFF BALLOT. (a) The secretary of state shall certify in writing  
9 for placement on the nonpartisan judicial runoff election ballot  
10 the name of each candidate who is to be a candidate in the runoff.

11       (b) The secretary of state shall deliver the certification  
12 to the authority responsible for having the official ballot  
13 prepared in each county as soon as practicable after the state  
14 canvass of the nonpartisan judicial general election is completed.

15       Sec. 291.074. GENERAL PROCEDURE FOR CONDUCT OF NONPARTISAN  
16 JUDICIAL RUNOFF ELECTION. The nonpartisan judicial runoff election  
17 shall be conducted and the results canvassed, tabulated, and  
18 reported in the same manner as the nonpartisan judicial general  
19 election.

20       SECTION 1.02. Section 1.005, Election Code, is amended by  
21 amending Subdivision (9) and adding Subdivisions (25) and (26) to  
22 read as follows:

23       (9) "Independent candidate" means a candidate in a  
24 nonpartisan election or a candidate in a partisan election who is  
25 not the nominee of a political party. The term does not include a  
26 nonpartisan judicial candidate.

27       (25) "Nonpartisan judicial candidate" means a

1 candidate in a nonpartisan judicial election.

2 (26) "Nonpartisan judicial election" means an  
3 election held under Chapter 291.

4 SECTION 1.03. Section 41.002, Election Code, is amended to  
5 read as follows:

6 Sec. 41.002. GENERAL ELECTION FOR STATE AND COUNTY  
7 OFFICERS. (a) The general election for state and county officers,  
8 including the nonpartisan judicial general election, shall be held  
9 on the first Tuesday after the first Monday in November in  
10 even-numbered years.

11 (b) Any nonpartisan judicial runoff election shall be held  
12 on the first Tuesday after the first Monday in December following  
13 the general election.

14 SECTION 1.04. Section 52.092, Election Code, is amended by  
15 amending Subsections (a), (c), and (h) and adding Subsections (f-1)  
16 and (g-1) to read as follows:

17 (a) For an election at which offices regularly filled at the  
18 general election for state and county officers, including the  
19 nonpartisan judicial election, are to appear on the ballot, the  
20 offices shall be listed in the following order:

21 (1) offices of the federal government;

22 (2) offices of the state government:

23 (A) statewide offices;

24 (B) district offices;

25 (3) offices of the county government:

26 (A) county offices;

27 (B) precinct offices.



1 (c) Statewide offices of the state government shall be  
2 listed in the following order:

- 3 (1) governor;  
4 (2) lieutenant governor;  
5 (3) attorney general;  
6 (4) comptroller of public accounts;  
7 (5) commissioner of the General Land Office;  
8 (6) commissioner of agriculture;  
9 (7) railroad commissioner[+  
10 [~~(8) chief justice, supreme court,~~  
11 [~~(9) justice, supreme court,~~  
12 [~~(10) presiding judge, court of criminal appeals,~~  
13 [~~(11) judge, court of criminal appeals~~].

14 (f-1) The nonpartisan judicial offices shall be listed in  
15 the following order:

- 16 (1) chief justice, supreme court;  
17 (2) justice, supreme court;  
18 (3) presiding judge, court of criminal appeals;  
19 (4) judge, court of criminal appeals.

20 (g-1) The secretary of state shall assign a place number to  
21 each position to be filled at the nonpartisan judicial election for  
22 each full or unexpired term in the following offices:

- 23 (1) justice, supreme court; and  
24 (2) judge, court of criminal appeals.

25 (h) The secretary of state shall assign a place number to  
26 each position to be filled at the general election for state and  
27 county officers for each full or unexpired term in the office of

1 ~~[following offices:~~

2 ~~[(1) justice, supreme court,~~

3 ~~[(2) judge, court of criminal appeals, and~~

4 ~~[(3)]~~ justice, court of appeals in a court having a  
5 membership in excess of three, if distinguishing the positions to  
6 be filled is necessary.

7 SECTION 1.05. Section 141.001(a), Election Code, is  
8 amended to read as follows:

9 (a) To be eligible to be a candidate for, or elected or  
10 appointed to, a public elective office in this state, a person must:

11 (1) be a United States citizen;

12 (2) be 18 years of age or older on the first day of the  
13 term to be filled at the election or on the date of appointment, as  
14 applicable;

15 (3) have not been determined mentally incompetent by a  
16 final judgment of a court;

17 (4) have not been finally convicted of a felony from  
18 which the person has not been pardoned or otherwise released from  
19 the resulting disabilities;

20 (5) have resided continuously in the state for 12  
21 months and in the territory from which the office is elected for six  
22 months immediately preceding the following date:

23 (A) for a candidate whose name is to appear on a  
24 general primary election ballot, the date of the regular filing  
25 deadline for a candidate's application for a place on the ballot;

26 (B) for an independent candidate or a nonpartisan  
27 judicial candidate, the date of the regular filing deadline for a

1 candidate's application for a place on the ballot;

2 (C) for a write-in candidate, the date of the  
3 election at which the candidate's name is written in;

4 (D) for a party nominee who is nominated by any  
5 method other than by primary election, the date the nomination is  
6 made; and

7 (E) for an appointee to an office, the date the  
8 appointment is made; and

9 (6) satisfy any other eligibility requirements  
10 prescribed by law for the office.

11 SECTION 1.06. Section 145.003(b), Election Code, is  
12 amended to read as follows:

13 (b) A candidate in the general election for state and county  
14 officers, including the nonpartisan judicial general election, may  
15 be declared ineligible before the 30th day preceding election day  
16 by:

17 (1) the party officer responsible for certifying the  
18 candidate's name for placement on the general election ballot, in  
19 the case of a candidate who is a political party's nominee; or

20 (2) the authority with whom the candidate's  
21 application for a place on the ballot is required to be filed, in  
22 the case of an independent candidate or a nonpartisan judicial  
23 candidate, as applicable.

24 SECTION 1.07. Section 145.005(a), Election Code, is  
25 amended to read as follows:

26 (a) If the name of a deceased or ineligible candidate  
27 appears on the ballot [~~under this chapter~~], the votes cast for the

1 candidate shall be counted and entered on the official election  
2 returns in the same manner as for the other candidates.

3 SECTION 1.08. Section 146.021, Election Code, is amended  
4 to read as follows:

5 Sec. 146.021. APPLICABILITY OF SUBCHAPTER. This subchapter  
6 applies to a write-in candidate for an office that is to be voted on  
7 at the general election for state and county officers, including  
8 the nonpartisan judicial general election.

9 SECTION 1.09. Chapter 202, Election Code, is amended by  
10 amending Section 202.002 and adding Section 202.008 to read as  
11 follows:

12 Sec. 202.002. VACANCY FILLED AT GENERAL ELECTION. (a) If a  
13 vacancy occurs on or before the 65th day before the date of the  
14 general election for state and county officers, including the  
15 nonpartisan judicial general election, held in the next-to-last  
16 even-numbered year of a term of office, the remainder of the  
17 unexpired term shall be filled at the next such general election  
18 [~~for state and county officers~~], as provided by this chapter.

19 (b) If a vacancy occurs after the 65th day before the  
20 applicable [~~a~~] general election day, an election for the unexpired  
21 term may not be held at that general election. The appointment to  
22 fill the vacancy continues until the next succeeding applicable  
23 general election and until a successor has been elected and has  
24 qualified for the office.

25 Sec. 202.008. FILING DEADLINE FOR APPLICATION OF  
26 NONPARTISAN JUDICIAL CANDIDATE. (a) If a vacancy in a nonpartisan  
27 judicial office occurs on or before the 10th day before the date of

1 the regular deadline for filing an application for a place on the  
2 nonpartisan judicial general election ballot, an application for  
3 the unexpired term must be filed by the regular filing deadline.

4 (b) If the vacancy occurs after the 10th day before the date  
5 of the regular filing deadline, an application for the unexpired  
6 term must be filed not later than 5 p.m. of the 15th day after the  
7 date the vacancy occurs or 5 p.m. of the 60th day before election  
8 day, whichever is earlier.

9 (c) The filing fee or petition requirements for a candidate  
10 for an unexpired term are the same as for a candidate for a full  
11 term.

12 SECTION 1.10. Each justice or judge holding a statewide  
13 judicial office on September 1, 2003, unless otherwise removed as  
14 provided by law, continues in office for the term to which elected  
15 or for the period for which appointed, as applicable.

16 ARTICLE 2. CAMPAIGN FINANCE FOR STATEWIDE

17 JUDICIAL OFFICE

18 SECTION 2.01. Title 15, Election Code, is amended by adding  
19 Chapter 259 to read as follows:

20 CHAPTER 259. PUBLIC FINANCING OF STATEWIDE JUDICIAL CAMPAIGNS

21 SUBCHAPTER A. GENERAL PROVISIONS

22 Sec. 259.001. APPLICABILITY OF CHAPTER. This chapter  
23 applies only to the offices of:

- 24 (1) chief justice and justice, supreme court; and  
25 (2) presiding judge and judge, court of criminal  
26 appeals.

27 Sec. 259.002. DEFINITION. In this chapter, "fund" means

1 the judicial campaign financing fund established under Subchapter  
2 C.

3 Sec. 259.003. EFFECT OF ACCEPTING PUBLIC MONEY. By  
4 accepting money from the fund, a candidate agrees to not accept  
5 political contributions not authorized by this chapter.

6 [Sections 259.004-259.010 reserved for expansion]

7 SUBCHAPTER B. ELIGIBILITY FOR PUBLIC FINANCING

8 Sec. 259.011. REQUIREMENTS FOR ELIGIBILITY GENERALLY. To  
9 be eligible to receive public financing under this chapter, a  
10 candidate for an office covered by this chapter must:

11 (1) file with the commission a petition that satisfies  
12 the requirements prescribed by:

13 (A) Section 141.062, as if the petition were a  
14 petition filed in connection with a candidate's application for a  
15 place on the ballot; and

16 (B) Section 259.013; and

17 (2) receive political contributions in the amount and  
18 within the period prescribed by Section 259.014.

19 Sec. 259.012. CERTIFICATION OF CANDIDATE AS CONDITIONALLY  
20 ELIGIBLE. (a) Not later than the fifth day after the date an  
21 application for a place on the nonpartisan judicial election ballot  
22 is required to be filed, the secretary of state shall certify in  
23 writing to the commission each person who is a candidate for an  
24 office covered by this chapter as conditionally eligible for public  
25 financing.

26 (b) Not later than the fifth day after the date the  
27 secretary of state certifies a candidate for placement on the list

1 of write-in candidates as a candidate for an office covered by this  
2 chapter, the secretary shall certify the candidate in writing to  
3 the commission as conditionally eligible for public financing.

4 (c) The secretary of state shall deliver a copy of a  
5 certification under this section to the affected candidate.

6 Sec. 259.013. PETITION REQUIREMENTS. (a) A petition in  
7 connection with a request for public financing must be signed by at  
8 least 1,000 registered voters in this state, at least 500 of whom  
9 are licensed to practice law in this state. Not more than 20  
10 percent of the signers may be residents of the same county. A  
11 person may not sign a petition for more than one candidate for the  
12 same office.

13 (b) The signatures of persons who are licensed to practice  
14 law in this state must:

15 (1) be on sheets that are separate from the signatures  
16 of other persons; and

17 (2) be accompanied by each person's State Bar of Texas  
18 registration number.

19 (c) A person who signs a petition under this section must,  
20 at the time of signing, make a political contribution to the  
21 candidate of at least \$5 and not more than \$100. A political  
22 contribution accepted under this subsection must be in the form of  
23 cash or a check.

24 (d) A candidate requesting public financing under this  
25 chapter must file the petition with the commission not later than  
26 the applicable deadline for filing an application for a place on the  
27 nonpartisan judicial election ballot or a declaration of write-in

1 candidacy.

2 (e) The circulation of a petition to be filed under this  
3 subchapter in connection with a candidate's request for public  
4 financing does not constitute candidacy or an announcement of  
5 candidacy for purposes of the automatic resignation provisions of  
6 Section 11, Article XI, or Section 65, Article XVI, Texas  
7 Constitution.

8 Sec. 259.014. REQUIRED CAMPAIGN CONTRIBUTIONS. (a) A  
9 candidate for an office covered by this chapter must accept and  
10 receive at least \$30,000 in political contributions during the  
11 period:

12 (1) beginning on the 120th day before the date an  
13 application for a place on the nonpartisan judicial election ballot  
14 is required to be filed; and

15 (2) ending on the June 30 preceding the date an  
16 application for a place on the nonpartisan judicial election ballot  
17 is required to be filed.

18 (b) A candidate for an office covered by this chapter may  
19 not accept a political contribution from a person during the period  
20 prescribed by Subsection (a) that, when aggregated with all  
21 political contributions accepted by the candidate from the person  
22 during that period, would exceed \$100. A candidate who receives a  
23 political contribution that would, if accepted, violate this  
24 subsection shall return the contribution not later than the fifth  
25 day after the date the contribution is received.

26 (c) A political contribution accepted under this section  
27 must be in the form of cash or a check.



1       (d) Not later than the fifth day after the date prescribed  
2 by Subsection (a)(2), a candidate who received more than \$30,000 in  
3 political contributions under this section shall deliver to the  
4 commission an amount equal to the difference between the amount of  
5 political contributions received and \$30,000. The commission shall  
6 deliver money received under this subsection to the comptroller for  
7 deposit in the fund.

8       (e) Notwithstanding Section 254.034, a candidate who is  
9 requesting public financing and who accepts a political  
10 contribution under this section but who does not receive the  
11 contribution until after the date prescribed by Subsection (a)(2)  
12 shall return the contribution to the contributor not later than the  
13 fifth day after the date the candidate receives the contribution.

14       (f) Section 253.1571 does not apply to a political  
15 contribution accepted under this section.

16       Sec. 259.015. CERTIFICATION OF CANDIDATE AS ELIGIBLE. (a)  
17 Not later than the fifth day after the date the commission  
18 determines a candidate is eligible, the commission shall certify to  
19 the comptroller as eligible for public financing each candidate  
20 who:

21               (1) is certified to the commission as conditionally  
22 eligible; and

23               (2) meets the requirements prescribed by Section  
24 259.011.

25       (b) A determination as to whether a candidate meets the  
26 requirements prescribed by Section 259.014 must be based on reports  
27 of political contributions and expenditures filed under Chapter

1 254. The commission is not required to make a determination as to  
2 whether a candidate is eligible until the candidate makes a written  
3 request for a determination. The commission shall make a  
4 determination not later than the 15th day after the later of:

5 (1) the date the commission receives the request for a  
6 determination; or

7 (2) the date the candidate files a report under  
8 Chapter 254 covering the period prescribed by Section 259.014.

9 (c) The commission shall deliver a copy of a certification  
10 under this section to the affected candidate.

11 Sec. 259.016. VERIFICATION OF PETITION. (a) The  
12 commission is not required to verify a petition filed under Section  
13 259.013 unless, not later than the 10th day after the date a  
14 petition is required to be filed under Section 259.013, a person  
15 alleges to the commission in writing that the petition does not meet  
16 the requirements prescribed by Sections 141.062 and 259.013.

17 (b) The commission shall verify a petition as promptly as  
18 possible after receiving an allegation under Subsection (a).  
19 Pending verification, the commission may not certify the candidate  
20 to the comptroller as eligible for public financing.

21 (c) On request of the commission:

22 (1) a voter registrar shall verify the voter  
23 registration status of a signer of a petition filed with the  
24 commission who the petition indicates is registered or has been  
25 approved for registration in the county served by the registrar;  
26 and

27 (2) the clerk of the supreme court shall verify the

1 membership status of a signer of a petition filed with the  
2 commission who the petition indicates is licensed to practice law  
3 in this state.

4 (d) If the commission verifies that the petition meets the  
5 requirements prescribed by Sections 141.062 and 259.013:

6 (1) the commission shall certify the candidate to the  
7 comptroller as eligible for public financing; and

8 (2) the comptroller shall distribute to the candidate  
9 from the fund any money to which the candidate would have been  
10 entitled if the candidate had been eligible during the period in  
11 which the verification was pending.

12 [Sections 259.017-259.050 reserved for expansion]

13 SUBCHAPTER C. JUDICIAL CAMPAIGN FINANCING FUND

14 Sec. 259.051. JUDICIAL CAMPAIGN FINANCING FUND. (a) The  
15 judicial campaign financing fund is in the state treasury.

16 (b) The fund consists of:

17 (1) amounts transferred to the fund under Subsection  
18 (c);

19 (2) amounts refunded to the fund under Section 259.055  
20 or 259.056;

21 (3) amounts paid to the commission under Section  
22 259.014(d);

23 (4) amounts appropriated to the fund; and

24 (5) amounts received by the commission or comptroller  
25 as a gift or grant to the fund.

26 (c) Each even-numbered calendar year, the comptroller shall  
27 transfer to the fund from the general revenue fund amounts that in

1 the aggregate equal the amount of attorney occupation taxes, not  
2 including penalties or interest, collected under Subchapter H,  
3 Chapter 191, Tax Code, in that calendar year and the preceding  
4 calendar year. The comptroller shall make the transfers as  
5 necessary to permit the comptroller to make the distributions  
6 required by Section 259.053.

7 (d) For a person to be eligible to receive public financing,  
8 the commission must certify to the comptroller that the person is  
9 eligible as provided by Section 259.015.

10 (e) Money in the fund may be used for preparation of a voter  
11 information pamphlet as provided by Subchapter E.

12 Sec. 259.052. FUNDS FOR ELIGIBLE CANDIDATES. (a) In  
13 connection with each nonpartisan judicial election, the commission  
14 shall, not later than the 90th day before the date an application  
15 for a place on the nonpartisan judicial election ballot is required  
16 to be filed, adopt rules prescribing the total amount of public  
17 financing to which a candidate for an office covered by this  
18 chapter is entitled.

19 (b) The commission shall determine the amount under  
20 Subsection (a) based on:

21 (1) the comptroller's certification as to the amount  
22 that will be available in the fund for the calendar year in which  
23 the election occurs; and

24 (2) the secretary of state's estimation, based on  
25 previous elections, of the number of candidates for offices covered  
26 by this chapter.

27 (c) The commission shall prescribe identical amounts under

1 Subsection (a) for candidates for chief justice, supreme court, and  
2 presiding judge, court of criminal appeals. The commission shall  
3 prescribe identical amounts under Subsection (a) for candidates  
4 for justice, supreme court, and judge, court of criminal appeals.  
5 The amounts for chief justice or presiding judge must be greater  
6 than the amounts for justice or judge.

7 (d) The rules adopted under Subsection (a) must specify the  
8 amount of each monthly distribution from the fund. The amount of any  
9 monthly distribution may not be substantially greater than the  
10 amount of any other monthly distribution.

11 Sec. 259.053. DISTRIBUTIONS FROM FUND. (a) A certified  
12 candidate is entitled to a distribution from the fund each month  
13 during the period:

14 (1) beginning on the date an application for a place on  
15 the nonpartisan judicial election ballot is required to be filed;  
16 and

17 (2) ending on the 30th day after:

18 (A) except as provided by Subsection (b), the  
19 date an application for a place on the nonpartisan judicial  
20 election ballot is required to be filed, if the candidate will not  
21 have an opponent in the nonpartisan judicial general election;

22 (B) the date of the nonpartisan judicial general  
23 election, if the candidate has an opponent in the nonpartisan  
24 judicial general election and is not a candidate in the nonpartisan  
25 judicial runoff election; or

26 (C) the date of the nonpartisan judicial runoff  
27 election, if the candidate is a candidate in that election.

1       (b) Notwithstanding Subsection (a)(2), after a person files  
2 a declaration of write-in candidacy opposing a certified candidate  
3 who would otherwise not have an opponent in the nonpartisan  
4 judicial general election, the certified candidate is entitled to  
5 an amount equal to 10 percent of each distribution from the fund  
6 scheduled to be made after the date the candidate's opponent files  
7 the declaration of write-in candidacy.

8       (c) The comptroller shall distribute money to certified  
9 candidates as directed by the commission. If the amount in the fund  
10 is insufficient to provide the amounts specified by Section  
11 259.052, the comptroller shall determine the amount of available  
12 money and shall distribute the amount on a pro rata basis.

13       Sec. 259.054. RESTRICTIONS ON USE OF MONEY FROM FUND. (a)  
14 Money accepted by a candidate from the fund is considered to be a  
15 campaign contribution to the candidate. Except as otherwise  
16 provided by this chapter, the provisions of this title regulating  
17 the use of political contributions apply to money accepted by a  
18 candidate from the fund.

19       (b) A candidate may use money accepted from the fund only  
20 for expenses related to the candidate's campaign for election. A  
21 candidate may not use money accepted from the fund to make a  
22 political contribution to another candidate or a political  
23 committee.

24       (c) A candidate who uses money from the fund in violation of  
25 Subsection (b):

26               (1) is not eligible for any additional money from the  
27 fund; and

1           (2) is liable for a civil penalty not to exceed three  
2 times the amount of the money used in violation of Subsection (b).

3           Sec. 259.055. REFUND OF UNEXPENDED AMOUNTS. (a) After the  
4 nonpartisan judicial general election or, if applicable, the  
5 nonpartisan judicial runoff election, a candidate shall refund  
6 amounts accepted from the fund that have not been expended or  
7 contractually obligated.

8           (b) A candidate shall make a refund under this section to  
9 the comptroller not later than the 30th day after the date of:

10           (1) the nonpartisan judicial general election, if the  
11 candidate is not a candidate in the nonpartisan judicial runoff  
12 election; or

13           (2) the nonpartisan judicial runoff election, if the  
14 candidate is a candidate in that election.

15           (c) The comptroller shall deposit refunds received under  
16 this section to the credit of the fund.

17           (d) A person who violates this section is liable for a civil  
18 penalty not to exceed three times the amount of money required to be  
19 refunded that was not refunded as required by this section.

20           Sec. 259.056. WITHDRAWAL, INELIGIBILITY, OR DEATH OF  
21 CANDIDATE. (a) A candidate who withdraws from an election or is  
22 declared ineligible shall refund amounts accepted from the fund  
23 that have not been expended or contractually obligated. The  
24 candidate shall refund those amounts to the comptroller not later  
25 than the 10th day after the date the candidate withdraws or is  
26 declared ineligible.

27           (b) The campaign treasurer of a candidate who dies shall

1 refund amounts accepted from the fund that have not been expended or  
2 contractually obligated. The campaign treasurer shall refund those  
3 amounts not later than the 30th day after the date the candidate  
4 dies.

5 (c) The comptroller shall deposit refunds received under  
6 this section to the credit of the fund.

7 (d) A person who violates this section is liable for a civil  
8 penalty not to exceed three times the amount of money required to be  
9 refunded that was not refunded as required by this section.

10 [Sections 259.057-259.100 reserved for expansion]

11 SUBCHAPTER D. RESTRICTIONS ON ACCEPTANCE AND USE OF

12 POLITICAL CONTRIBUTIONS

13 Sec. 259.101. ACCEPTANCE OF CONTRIBUTIONS PROHIBITED. (a)  
14 Except as provided by Section 259.013, 259.014, or 259.103, a  
15 candidate or officeholder who accepts public financing or a  
16 specific-purpose committee for supporting or opposing such a  
17 candidate or assisting such an officeholder may not accept a  
18 political contribution in connection with the office for which the  
19 candidate or officeholder accepted public financing.

20 (b) A person who violates this section is liable for a civil  
21 penalty not to exceed three times the amount of political  
22 contributions used in violation of this section.

23 Sec. 259.102. USE OF CONTRIBUTION FROM OTHER OFFICE  
24 PROHIBITED. (a) Except as provided by Section 259.103, a candidate  
25 or officeholder who accepts public financing or a specific-purpose  
26 committee for supporting or opposing such a candidate or assisting  
27 such an officeholder may not use a political contribution to make a



1 campaign expenditure for the office for which the candidate or  
2 officeholder accepted public financing or to make an officeholder  
3 expenditure in connection with that office if the contribution was  
4 accepted while the candidate or officeholder:

5 (1) was a candidate for an office other than the office  
6 for which the candidate or officeholder accepted public financing;  
7 or

8 (2) held an office other than the office for which the  
9 candidate or officeholder accepted public financing, unless the  
10 person had become a candidate for that office and the contribution  
11 was accepted under Section 259.014.

12 (b) A person who violates this section is liable for a civil  
13 penalty not to exceed three times the amount of political  
14 contributions used in violation of this section.

15 Sec. 259.103. RESTRICTIONS NOT APPLICABLE TO CERTAIN  
16 OFFICEHOLDERS. (a) Sections 259.101 and 259.102 do not apply to  
17 an officeholder who accepted public financing and who seeks  
18 reelection to the office for which the officeholder accepted public  
19 financing or election to another office covered by this chapter if  
20 the officeholder files a written statement with the commission that  
21 the officeholder will not request public financing for the  
22 reelection or election.

23 (b) An officeholder who files a statement under Subsection  
24 (a) is not eligible for public financing for the reelection or  
25 election to which the statement relates.

26 (c) An officeholder who accepted public financing or a  
27 specific-purpose committee for assisting such an officeholder or

1 for supporting such an officeholder as a candidate may not accept a  
2 political contribution before the officeholder files a statement  
3 under Subsection (a).

4 (d) A person who violates Subsection (c) is liable for a  
5 civil penalty not to exceed three times the amount of political  
6 contributions used in violation of Subsection (c).

7 Sec. 259.104. RETENTION OF CONTRIBUTIONS FOR OFFICEHOLDER  
8 PURPOSES. An officeholder who accepted public financing may retain  
9 and use for officeholder purposes the unexpended amount, if any, of  
10 political contributions accepted under Section 259.013 or 259.014.

11 [Sections 259.105-259.130 reserved for expansion]

12 SUBCHAPTER E. VOTER INFORMATION PAMPHLET FOR STATEWIDE

13 JUDICIAL ELECTIONS

14 Sec. 259.131. APPLICABILITY OF SUBCHAPTER. This subchapter  
15 applies to each candidate certified as eligible for public  
16 financing.

17 Sec. 259.132. STATEMENT FILED BY CANDIDATE. Not later than  
18 the 70th day before the date of the nonpartisan judicial general  
19 election, a candidate for an office covered by this subchapter may  
20 file with the secretary of state an informational statement, on a  
21 form prescribed by the secretary, to be included in the voter  
22 information pamphlet for that election.

23 Sec. 259.133. STATEMENT REQUIREMENTS. (a) A candidate's  
24 statement must include a summary of the following information:

25 (1) current occupation;

26 (2) educational and occupational background;

27 (3) biographical information; and

1           (4) any previous experience serving in government.

2           (b) A candidate's statement may not directly or indirectly  
3 indicate the candidate's party affiliation, if any.

4           (c) The secretary of state shall prescribe the format and  
5 length of the candidate's statement.

6           Sec. 259.134. REVIEW BY SECRETARY OF STATE. (a) Not later  
7 than the fifth day after the date the candidate's statement is  
8 received, the secretary of state shall review the statement to  
9 determine whether it complies with Section 259.133.

10           (b) If the secretary of state determines that the statement  
11 does not comply with Section 259.133, the secretary shall reject  
12 the statement and deliver written notice of the reason for the  
13 rejection to the candidate not later than the second day after the  
14 date of rejection.

15           (c) A candidate whose statement is rejected may resubmit the  
16 statement subject to the prescribed deadline.

17           Sec. 259.135. PREPARATION OF PAMPHLET. (a) The secretary  
18 of state shall contract for the preparation and printing of the  
19 voter information pamphlet after soliciting bids for that work.  
20 The secretary may prepare or print the pamphlet if the secretary  
21 determines that the costs of that preparation or printing are less  
22 than or equal to the most reasonable bid submitted.

23           (b) The pamphlet must include each statement that complies  
24 with Sections 259.132 and 259.133 and is filed by a candidate the  
25 commission has certified as eligible for public financing.  
26 Candidates whose names will appear on the ballot and write-in  
27 candidates must be shown in separate groups. The order of the

1 candidates' names within the groups is determined by a drawing  
2 conducted by the secretary of state.

3 (c) The secretary of state shall prescribe appropriate  
4 explanatory material to be included in the pamphlet to assist the  
5 voters, including a statement that the pamphlet may be used at the  
6 polls to assist the voters in marking their ballots.

7 Sec. 259.136. DISTRIBUTION OF PAMPHLET. Not later than the  
8 45th day before the date of each nonpartisan judicial general  
9 election, the secretary of state shall mail the voter information  
10 pamphlet to each household in this state in which a registered voter  
11 resides.

12 Sec. 259.137. ADDITIONAL PROCEDURES. The secretary of  
13 state shall prescribe any additional procedures necessary to  
14 implement this subchapter.

15 SECTION 2.02. Section 253.157, Election Code, is amended by  
16 amending Subsection (a) and adding Subsection (d-1) to read as  
17 follows:

18 (a) A judicial candidate or officeholder [~~or a~~  
19 ~~specific-purpose committee for supporting or opposing a judicial~~  
20 ~~candidate~~] may not accept a political contribution in excess of \$50  
21 from a person if:

22 (1) the person is a law firm, a member of a law firm, or  
23 a general-purpose committee established or controlled by a law  
24 firm; and

25 (2) the contribution when aggregated with all  
26 political contributions accepted by the candidate or [~~7~~]  
27 officeholder [~~7~~ ~~or committee~~] from the law firm, other members of

1 the law firm, or a general-purpose committee established or  
2 controlled by the law firm in connection with the election would  
3 exceed six times the applicable contribution limit under Section  
4 253.155.

5 (d-1) This section does not apply to a political  
6 contribution to a candidate for or holder of a statewide judicial  
7 office or to a specific-purpose committee for supporting or  
8 opposing such a candidate or assisting such an officeholder.

9 SECTION 2.03. Subchapter F, Chapter 253, Election Code, is  
10 amended by adding Section 253.1571 to read as follows:

11 Sec. 253.1571. CERTAIN CONTRIBUTIONS IN CONNECTION WITH  
12 STATEWIDE JUDICIAL OFFICE PROHIBITED. (a) Except as provided by  
13 Section 259.013 or 259.014, a candidate for or holder of a statewide  
14 judicial office may not knowingly accept a political contribution  
15 from:

16 (1) a person licensed to practice law in this state;

17 (2) a law firm;

18 (3) a political committee established or controlled by  
19 a law firm;

20 (4) a general-purpose committee in which persons  
21 described by Subdivisions (1)-(3) constitute 20 percent or more of  
22 the committee's total membership;

23 (5) a general-purpose committee that, in the preceding  
24 three calendar years, or in the period beginning on the date the  
25 committee filed its initial campaign treasurer appointment and  
26 ending on the preceding December 31, if the committee has not been  
27 in existence for at least three calendar years, accepted political

1 contributions from persons described by Subdivisions (1)-(3) that,  
2 in the aggregate, exceed 20 percent of the total amount of political  
3 contributions accepted by the committee during that period;

4 (6) a general-purpose committee that has not been in  
5 existence for at least 12 months before the date the contribution is  
6 accepted;

7 (7) a person who, at the time the contribution is  
8 accepted, is a party to an action pending in a district court, a  
9 court of appeals, the supreme court, or the court of criminal  
10 appeals; or

11 (8) a person who has a substantial interest, as  
12 determined under Section 572.005, Government Code, in a business  
13 entity that, at the time the contribution is accepted, is a party to  
14 an action pending in a district court, a court of appeals, the  
15 supreme court, or the court of criminal appeals.

16 (b) A person who violates this section commits an offense.  
17 An offense under this section is a Class A misdemeanor.

18 (c) In this section, "law firm" has the meaning assigned by  
19 Section 253.157.

20 SECTION 2.04. Section 253.158(a), Election Code, is amended  
21 to read as follows:

22 (a) For purposes of Sections 253.155, ~~[and]~~ 253.157, and  
23 253.1571, a contribution by the spouse or child of an individual is  
24 considered to be a contribution by the individual.

25 SECTION 2.05. Sections 253.159 and 253.1601, Election Code,  
26 are amended to read as follows:

27 Sec. 253.159. EXCEPTION TO CONTRIBUTION LIMITS AND

1 RESTRICTIONS. Sections 253.155, [~~and~~] 253.157, and 253.1571 do not  
2 apply to an individual who is related to the candidate or  
3 officeholder within the second degree by consanguinity, as  
4 determined under Subchapter B, Chapter 573, Government Code.

5       Sec. 253.1601. CONTRIBUTION TO CERTAIN COMMITTEES  
6 CONSIDERED CONTRIBUTION TO CANDIDATE. For purposes of Sections  
7 253.155, 253.157, 253.1571, and 253.160, a contribution to a  
8 specific-purpose committee for the purpose of supporting a judicial  
9 candidate, opposing the candidate's opponent, or assisting the  
10 candidate as an officeholder is considered to be a contribution to  
11 the candidate.

12       SECTION 2.06. (a) Section 253.157, Election Code, as  
13 amended by this Act, and Section 253.1571, Election Code, as added  
14 by this Act, apply only to a political contribution accepted on or  
15 after the effective date of this Act. A political contribution  
16 accepted before the effective date of this Act is governed by the  
17 law in effect on the date the contribution was accepted, and the  
18 former law is continued in effect for that purpose.

19       (b) Notwithstanding Chapter 259, Election Code, as added by  
20 this Act, a person who on the effective date of this Act held an  
21 office covered by that chapter and who had unexpended political  
22 contributions may use those contributions to make political  
23 expenditures for campaign or officeholder purposes.

24                   ARTICLE 3. EFFECTIVE DATE

25       SECTION 3.01. This Act takes effect immediately if it  
26 receives a vote of two-thirds of all the members elected to each  
27 house, as provided by Section 39, Article III, Texas Constitution.

H.B. No. 1582

1 If this Act does not receive the vote necessary for immediate  
2 effect, this Act takes effect September 1, 2003.