

1-1 By: Patrick S.B. No. 392
1-2 (In the Senate - Filed December 31, 2008; February 17, 2009,
1-3 read first time and referred to Committee on State Affairs;
1-4 April 28, 2009, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 5, Nays 1; April 28, 2009,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 392 By: Fraser

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the elimination of straight-party voting for judicial
1-11 offices.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subsection (b), Section 52.071, Election Code,
1-14 is amended to read as follows:

1-15 (b) The following instruction shall be added to the
1-16 instruction required by Section 52.070(b): "You may cast a
1-17 straight-party vote (that is, cast a vote for all the nominees of
1-18 one party other than nominees for a judicial office) by placing
1-19 an 'X' in the square beside the name of the party of your choice. If
1-20 you cast a straight-party vote for all the nominees of one party and
1-21 also cast a vote for an opponent of one of that party's nominees,
1-22 your vote for the opponent will be counted as well as your vote for
1-23 all the other nominees of the party other than nominees for a
1-24 judicial office for which the straight-party vote was cast. A
1-25 straight-party vote will not be counted for the nominee of a party
1-26 for a judicial office."

1-27 SECTION 2. Section 52.092, Election Code, is amended by
1-28 amending Subsections (a), (c), (d), (e), (f), and (j) and adding
1-29 Subsection (f-1) to read as follows:

1-30 (a) For an election at which offices regularly filled at the
1-31 general election for state and county officers are to appear on the
1-32 ballot, the offices shall be listed in the following order:

- 1-33 (1) offices of the federal government;
- 1-34 (2) offices of the state government:
 - 1-35 (A) statewide offices;
 - 1-36 (B) district offices;
- 1-37 (3) offices of the county government:
 - 1-38 (A) county offices;
 - 1-39 (B) precinct offices;
- 1-40 (4) judicial offices.

1-41 (c) Statewide offices of the state government shall be
1-42 listed in the following order:

- 1-43 (1) governor;
- 1-44 (2) lieutenant governor;
- 1-45 (3) attorney general;
- 1-46 (4) comptroller of public accounts;
- 1-47 (5) commissioner of the General Land Office;
- 1-48 (6) commissioner of agriculture;
- 1-49 (7) railroad commissioner ~~+~~
- 1-50 ~~[(8) chief justice, supreme court,~~
- 1-51 ~~[(9) justice, supreme court,~~
- 1-52 ~~[(10) presiding judge, court of criminal appeals,~~
- 1-53 ~~[(11) judge, court of criminal appeals].~~

1-54 (d) District offices of the state government shall be listed
1-55 in the following order:

- 1-56 (1) member, State Board of Education;
- 1-57 (2) state senator;
- 1-58 (3) state representative;
- 1-59 (4) ~~[chief justice, court of appeals,~~
- 1-60 ~~[(5) justice, court of appeals,~~
- 1-61 ~~[(6) district judge,~~
- 1-62 ~~[(7) criminal district judge,~~
- 1-63 ~~[(8) family district judge,~~

2-1 ~~[(9)]~~ district attorney;
 2-2 (5) ~~[(10)]~~ criminal district attorney.
 2-3 (e) County offices shall be listed in the following order:
 2-4 (1) county judge;
 2-5 (2) ~~[judge, county court at law,~~
 2-6 ~~[(3) judge, county criminal court,~~
 2-7 ~~[(4) judge, county probate court,~~
 2-8 ~~[(5)]~~ county attorney;
 2-9 (3) ~~[(6)]~~ district clerk;
 2-10 (4) ~~[(7)]~~ district and county clerk;
 2-11 (5) ~~[(8)]~~ county clerk;
 2-12 (6) ~~[(9)]~~ sheriff;
 2-13 (7) ~~[(10)]~~ sheriff and tax assessor-collector;
 2-14 (8) ~~[(11)]~~ county tax assessor-collector;
 2-15 (9) ~~[(12)]~~ county treasurer;
 2-16 (10) ~~[(13)]~~ county school trustee (county with
 2-17 population of 3.3 million or more);
 2-18 (11) ~~[(14)]~~ county surveyor;
 2-19 (12) ~~[(15)]~~ inspector of hides and animals.
 2-20 (f) Precinct offices shall be listed in the following order:
 2-21 (1) county commissioner;
 2-22 (2) ~~[justice of the peace,~~
 2-23 ~~[(3)]~~ constable;
 2-24 (3) ~~[(4)]~~ public weigher.
 2-25 (f-1) Judicial offices shall be listed in the following
 2-26 order:
 2-27 (1) chief justice, supreme court;
 2-28 (2) justice, supreme court;
 2-29 (3) presiding judge, court of criminal appeals;
 2-30 (4) judge, court of criminal appeals;
 2-31 (5) chief justice, court of appeals;
 2-32 (6) justice, court of appeals;
 2-33 (7) district judge;
 2-34 (8) criminal district judge;
 2-35 (9) family district judge;
 2-36 (10) judge, county court at law;
 2-37 (11) judge, county criminal court;
 2-38 (12) judge, county probate court;
 2-39 (13) justice of the peace.
 2-40 (j) The office of judge of a multicounty statutory county
 2-41 court created under Subchapter D, Chapter 25, Government Code, is
 2-42 considered to be a judicial [county] office for purposes of listing
 2-43 the office on the ballot and Section 52.0921, and to be a district
 2-44 office for all other purposes under this code.
 2-45 SECTION 3. Subchapter D, Chapter 52, Election Code, is
 2-46 amended by adding Section 52.0921 to read as follows:
 2-47 Sec. 52.0921. JUDICIAL OFFICES. (a) Notwithstanding any
 2-48 other provision of this code, a straight-party vote does not count
 2-49 in an election for a judicial office listed in Section 52.092(f-1).
 2-50 Candidates for judicial offices appear with their party affiliation
 2-51 or independent status displayed next to the candidate's name in a
 2-52 format prescribed by the secretary of state.
 2-53 (b) The secretary of state shall prescribe procedures to
 2-54 inform voters that a straight-party vote does not count in an
 2-55 election for a judicial office. The procedures shall include signs
 2-56 posted in the polling place and notice on the ballot or through the
 2-57 voting system on which a vote is cast.
 2-58 SECTION 4. Subsections (b) and (c), Section 65.007,
 2-59 Election Code, are amended to read as follows:
 2-60 (b) Except as provided by Subsection (c) or (d), each
 2-61 straight-party vote shall be tallied for the party receiving the
 2-62 vote instead of being tallied for the individual candidates of the
 2-63 party. The total number of straight-party votes tallied for each
 2-64 party shall be added to the total votes received for each of the
 2-65 party nominees individually, subject to Section 52.0921.
 2-66 (c) If a ballot indicates a straight-party vote and a vote
 2-67 for an opponent of one or more of that party's nominees, a vote
 2-68 shall be counted for the opponent and for each of the party's other
 2-69 nominees, subject to Section 52.0921, whether or not any of those

3-1 nominees have received individual votes.

3-2 SECTION 5. This Act takes effect September 1, 2009.

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