

BILL ANALYSIS

Senate Research Center

S.B. 44
By: Zaffirini
State Affairs
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Until 2015, candidates for various judicial offices were required to submit a petition containing 250 signatures in addition to the filing fee or, if a candidate submitted a petition in lieu of the filing fee, 250 additional signatures. A bill last session removed that requirement. In the interim, many judges have raised serious concerns regarding the repeal of the signature requirement. As these judges explained, the absence of the signature requirement permits the unseemly possibility of last-minute filing by non-serious candidates with poor track records and little engagement with the community. In their view, permitting a candidate who cannot demonstrate even minimal community support to run for judicial office will result in less qualified candidates being elected to the bench, potentially compromising the integrity and eroding the reputation of the judiciary. Accordingly, this bill would reinstate the requirement exactly as it appeared under the former law. (Original Author's / Sponsor's Statement of Intent)

S.B. 44 amends current law relating to requirements relating to an application for a place on the ballot.

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 141.032(c), Election Code, to provide that, unless the petition is challenged, the authority is only required to review the petition for facial compliance with the applicable requirements as to form, content, and procedure.

SECTION 2. Amends Section 141.034, Election Code, by amending Subsection (a) and adding Subsection (c), as follows:

(a) Prohibits an application for a place on the ballot from being challenged for compliance with the applicable requirements as to form, content, and procedure after the day before any ballot to be voted early by mail is mailed to an address in the authority's jurisdiction, rather than after the day before the beginning of early voting by personal appearance, for the election for which the application is made.

(c) Requires that a challenge state with specificity how the application does not comply with the applicable requirements as to form, content, and procedure. Provides that the authority's review of the challenge is limited to the specific items challenged and any response filed with the authority by the challenged candidate.

SECTION 3. Amends Section 172.021, Election Code, by adding Subsections (e) and (g), as follows:

(e) Requires certain candidates for judicial office in a county with a population of more than 1.5 million, who choose to pay the filing fee, to also accompany the application with a petition for a place on the primary ballot as a candidate for judicial office that complies with certain requirements, except that the minimum number of required signatures is 250.

Provides that, if the candidate chooses to file the authorized petition in lieu of the filing fee, the minimum number of signatures required for that petition is increased by 250. Prohibits petition signatures from being obtained on the grounds of a county courthouse or courthouse annex.

(g) Requires a candidate for certain judicial offices who chooses to pay the filing fee to also accompany the application with a petition that complies with certain requirements, except that the minimum number of signatures to appear on the required petition is 50 from each court of appeals district.

SECTION 4. Effective date: upon passage or September 1, 2017.