

SUBJECT: Nonpartisan election of appellate judges

COMMITTEE: Judicial Affairs — committee substitute recommended

VOTE: 6 ayes — Thompson, Hartnett, Garcia, Luna, Solis Zbranek
3 nays — Clark, Crabb, Shields

WITNESSES: For — Keely Collier, NAACP
Against — None

BACKGROUND : Appellate judges are chosen by partisan election in the same fashion as other candidates running in the general election, except that judicial candidates are subject to different campaign finance standards under the Judicial Campaign Fairness Act enacted in 1995. Candidates for the Supreme Court and the Court of Criminal Appeals run statewide, and those for the 14 courts of appeal run in multi-county districts, all for six-year terms. The governor, with Senate consent, fills vacancies in judicial office until the next election.

(For additional background information, see House Research Organization Session Focus Report Number 75-9, *Judicial Selection: Options for Choosing Judges in Texas*, March 10, 1997.)

DIGEST: CSHB 1175 would require all appellate judges and justices to be elected in nonpartisan elections. The candidates for justices of the Supreme Court, the Court of Criminal Appeals and the 14 courts of appeals would be placed on the bottom of the election ballot under all partisan office candidates. Candidates for such offices would be required to obtain a majority of votes cast for the office. If any candidate failed to gain a majority, the top two candidates would be required to run in a runoff election one month after the general election, on the first Tuesday after the first Monday in December.

CSHB 1175 would establish a parallel elections process defining the procedures for filling and conducting the nonpartisan judicial elections. The filling requirements would be the same as under current law for partisan elections of these candidates. The nonpartisan elections would be conducted and results canvassed, tabulated and reported in the manner applicable to

partisan elections, except that the votes would be canvassed no later than the 14th day after the election. The secretary of state would be responsible for certifying candidates for a runoff election.

CSHB 1175 would make conforming changes to the Elections Code to accommodate the nonpartisan election of appellate judges.

CSHB 1175 would take effect January 1, 1998, provided the constitutional amendment proposed by CSHJR 69 by Thompson was approved by the voters at a general election. All judges subject to the nonpartisan election system in office on the effective date would remain in office for the term of office to which they were elected.

SUPPORTERS/
OPPONENTS
SAY:

See analysis of CSHJR 69 by Thompson

NOTES:

The original version of HB 1175 would have provided for:

- appointment followed by nonpartisan retention elections of all appellate judges;
- initial nonpartisan election alternating thereafter with retention election of state district judges;
- in counties of more than one million residents, nonpartisan election of district judges in county commissioners court precincts with subsequent retention election district-wide; and
- creation of eight new district courts, one in Bexar county, one in Harris county, three in Tarrant county and three in Dallas county.

The companion bill, SB 409 by Ellis, reported favorably as substituted by the Senate Jurisprudence Committee, would provide for a judicial selection plan nearly identical to the original version of HB 1175.

(See NOTES section for CSHJR 69 by Thompson for more information on related bills.)