

SUBJECT: Reducing population requirement for petition for judicial candidates

COMMITTEE: Judicial Affairs — favorable, with amendment

VOTE: 5 ayes — Thompson, Capelo, Deshotel, Solis, Uresti

0 nays

3 absent — Hartnett, Hinojosa, Talton

1 present, not voting — Garcia

SENATE VOTE: On final passage, April 5 — 30-0, on Local and Uncontested Calendar

WITNESSES: None

BACKGROUND: Election Code, sec. 172.021 requires a candidate to make an application to be eligible for a place on the general primary election ballot. Section 172.021(b) requires that an application must be accompanied by the appropriate filing fee or, instead of the filing fee, a signature petition. In a county of more than 850,000 residents, a candidate for court of appeals judge, district judge, or statutory county court judge must file a petition with no less than 250 signatures in support of his or her candidacy, along with the application for a place on the ballot and the filing fee.

DIGEST: SB 1199 would amend Election Code, sec. 172.021 to require a candidate for the office of chief justice, justice of a court of appeals, district or criminal district judge, judge of a statutory county court, or justice of the peace in a county with a population of more than 300,000 residents who chose to pay the filing fee, to accompany the application with a petition that complied with the requirements prescribed for the petition.

The bill would take effect September 1, 2001.

SUPPORTERS SAY: SB 1199 would help to ensure that candidates for certain judicial offices in counties with a population of more than 300,000 truly enjoyed community support. The petition is a small demonstration of community support and is

intended to deter frivolous campaigns that may be motivated to force a candidate to spend time and money campaigning against someone who may not have a serious desire to win and serve. Candidates who are not seriously intending to seek office could not get on the ballot simply by paying the filing fee.

In his State of the Judiciary address to the 77th Legislature, Chief Justice Tom Phillips recommended extending the signature requirement to other counties as a means of improving judicial elections in Texas. The signature requirement currently only applies to Harris, Dallas, Tarrant, and Bexar counties. Under the provisions of SB 1199, Cameron, Collin, Denton, Fort Bend, El Paso, Hidalgo, and Nueces counties also would be included.

**OPPONENTS SAY:** Requiring a petition and signatures could discourage a potential candidate from running, especially those who decided at the last minute to throw their hat into the ring. It could be seen as protecting “career” politicians and those with the financial resources to organize a petition drive. Having this extra requirement would make it harder for certain candidates to run for office.

Requiring judicial candidates to file petitions would be unfair because they are the only public office candidates that would have to do so. This would create an additional barrier to running for office that other candidates do not have.

**OTHER OPPONENTS SAY:** The bill should extend the signature petition requirement to all judicial candidates, instead of singling out particular judges in highly populated counties.

**NOTES:** The committee amendment reduced the population requirement of a county from 725,000 to 300,000.

A similar bill, HB 1117 by Goodman, which would require petitions for statewide judicial candidates to be on the primary ballot, passed the House on April 11 and was reported favorably, as substituted, by the Senate State Affairs Committee on May 11.