

- SUBJECT:** Filing requirements for Austin court of appeals candidates
- COMMITTEE:** Elections — favorable, without amendment
- VOTE:** 6 ayes — Denny, Bohac, Anchia, Anderson, Hughes, T. Smith
0 nays
1 absent — J. Jones
- WITNESSES:** For — None
Against — None
On — Elizabeth H. Winn, Secretary of State's Office
- BACKGROUND:** Election Code, sec. 172.024, designates filing fees for candidates in general primary elections. It establishes a filing fee of \$2,500 for candidates for chief justice or justice of a court of appeals district in which a county with a population of more than 850,000 is wholly or partly located. Sec. 172.021(e) requires that these candidates also have an accompanying qualifying petition with 250 signatures. In lieu of the filing fee, a candidate may submit a petition with 500 signatures. Sec. 172.024(a)(7) sets at \$1,875 the filing fee for appellate judicial candidates in other districts.
- The Third Court of Appeals includes 24 counties stretching from Comal County (New Braunfels) to Tom Green County (San Angelo). Travis County, with a population of 812,280, is the largest county in this appellate district. Eighty percent of the Third Court of Appeals cases come from Travis County. No Texas county other than Travis County has a population less than 850,000, but more than 750,000.
- DIGEST:** HB 964 would lower the population threshold from 850,000 to 750,000 for court of appeals districts in which appellate justice candidates pay the higher filing fee of \$2,500. Candidates for appellate justice in districts with populations smaller than 750,000 would continue to pay a lower filing of \$1,875.

The bill would take effect September 1, 2005.

**SUPPORTERS
SAY:**

By requiring Third Court of Appeals candidates to pay a higher filing fee and to collect at least 250 signatures on a qualifying petition, HB 964 would discourage less serious candidates from qualifying to run for the appellate court that hears all state agency appeals. This would help discourage candidates who simply "play the lottery" with important judicial races.

The change in population standard would affect only Travis County, and thus the Third Court of Appeals, and would not affect any other appellate district. Since Travis County district courts are the venue for most cases affecting state agencies, this bill is needed to dissuade less serious or less qualified candidates from running for the court that would hear those cases on appeal.

**OPPONENTS
SAY:**

Lowering the population threshold to include the Third Court of Appeals and thus raise the filing fee for its judicial candidates by \$625 would not be enough to deter less than serious candidates. Likewise, a candidate with a recognized name but otherwise not serious or qualified would not be deterred by having to collect 250 signatures, or even 500, on a qualifying petition.

NOTES:

The Elections Committee originally recommended that HB 964 be sent to the Local and Consent Calendars Committee, which on March 16 transferred HB 964 to the Calendars Committee.