

## **BILL ANALYSIS**

Senate Research Center  
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S.B. 103  
By: Patrick  
State Affairs  
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As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

S.B. 103 allows a voter to cast a straight-party vote (that is, cast a vote for all the nominees of one party) other than nominees for a judicial office.

With this bill, a straight-party vote does not count in an election for a judicial office listed in Section 52.092(f-1), Election Code. Candidates for judicial offices will appear with their party affiliation or independent status displayed next to the candidate's name in a format prescribed by the secretary of state. The secretary of state shall prescribe procedures to inform voters that a straight-party vote does not count in an election for a judicial office. The procedures shall include signs posted in the polling place and notice on the ballot or through the voting system on which a vote is cast.

As proposed, S.B. 103 amends current law relating to the elimination of straight-party voting for judicial offices.

### **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 52.071(b), Education Code, as follows:

(b) Sets forth required language to be added to the instruction required by Section 52.070(b) (relating to instructions place on a ballot directing voters to place an "X" in the square next to the name of the candidate for whom they wish to place their vote) relating to a straight-party vote not being counted for the nominee of a party for a judicial office.

SECTION 2. Amends Section 52.092, Election Code, by amending Subsections (a), (c)-(f), and (j), and adding Subsection (f-1), as follows:

(a) Creates Subdivision (4) to include judicial offices in a list of certain offices regularly filled on a ballot for state and county elections required to appear on a ballot in a certain order.

(c) Deletes existing Subdivisions (8)-(11) to delete chief justice, supreme court; justice, supreme court; presiding judge, court of criminal appeals; and judge, court of criminal appeals from a list of certain statewide offices required to appear on a ballot in a certain order.

(d) Deletes existing Subdivisions (4)-(8) to delete chief justice, court of appeals; justice, court of appeals; district judge; criminal district judge; and family district judge from a list of certain district offices of the state government required to appear on a ballot in a certain order. Redesignates existing Subdivision (9) as Subdivision (4) and existing Subdivision (10) as Subdivision (5).

(e) Deletes judge, county court at law; judge, county criminal court; judge, and county probate court from a list of certain county offices required to appear on a ballot in a certain order. Makes nonsubstantive changes.

(f) Deletes justice of the peace from a list of certain precinct offices required to appear on a ballot in a certain order. Makes nonsubstantive changes.

(f-1) Requires that judicial offices be listed in the following order on a ballot:

- (1) chief justice, supreme court;
- (2) justice, supreme court;
- (3) presiding judge, court of criminal appeals;
- (4) judge, court of criminal appeals;
- (5) chief justice, court of appeals;
- (6) justice, court of appeals;
- (7) district judge;
- (8) criminal district judge;
- (9) family district judge;
- (10) judge, county court at law;
- (11) judge, county criminal court;
- (12) judge, county probate court;
- (13) justice of the peace.

(j) Provides that the office of judge of a multicounty statutory county court created under Subchapter D (Multicounty Statutory Courts), Chapter 25, Government Code, is considered to be a judicial office, rather than a county office, for the purposes of listing the office on the ballot and Section 52.0921, and to be a district office for all other purposes under this code.

SECTION 3. Amends Subchapter D, Chapter 52, Election Code, by adding Section 52.0921, as follows:

Sec. 52.0921. JUDICIAL OFFICES. (a) Provides that, notwithstanding any other provision of this code, a straight-party vote does not count in an election for a judicial office listed in Section 52.092(f-1). Provides that candidates for judicial offices appear with their party affiliation or independent status displayed next to the candidate's name in a format prescribed by the secretary of state.

(b) Requires the secretary of state to prescribe procedures to inform voters that a straight-party vote does not count in an election for a judicial office. Requires the procedure to include signs posted in the polling place and notice on the ballot or through the voting system on which a vote is cast.

SECTION 4. Amends Sections 65.007(b) and (c), Election Code, as follows:

(b) Requires that, subject to Section 52.0921, each straight-party vote is to be tallied for the party receiving the vote rather than the individual, and the total number of straight-

party votes then be added to the total votes received for each of the party nominees, except as provided by Subsection (c) or (d).

(c) Requires that, subject to Section 52.0921, a vote be counted for the opponent and for each of the party's other nominees, if a ballot indicates a straight-party vote and a vote for an opponent of one or more of that party's nominees, whether or not any of those nominees have received individual votes.

SECTION 5. Effective date: September 1, 2013.