

SUBJECT: Revising ballot access

COMMITTEE: Elections — committee substitute recommended

VOTE: 6 ayes — Danburg, J. Jones, Denny, Galloway, Isett, Madden

1 nay — Hodge

2 absent — Gallego, Place

WITNESSES: *(On original version)*

For — Sandra Bonsell and Kenneth Hardin, Natural Law Party; Stephen Gardipee; Steven Klayman; Geoffrey Neale

Against — Steve McDonald, Texas Democratic Party; Lester Van Pelt III, Republican Party of Texas

On — Ann McGeehan, Secretary of State's Office

BACKGROUND : State election procedures differ for independent candidates and other parties wishing to place candidates on the ballot. Parties automatically have ballot access if, during the most recent general election, they had a nominee for statewide office who received at least five percent of the vote. These parties nominate candidates in the traditional manner, through a system of party primaries or conventions. If a party or independent wishes to place a candidate on the ballot but lacks the organization to go through the convention process, they may gain ballot access by filing a petition according to certain specifications.

DIGEST: CSHB 2712 would change the processes by which political parties and independent candidates petition to be placed on the election ballot. Candidates would need signatures representing one-half of one percent, rather than the current one percent, of the number of votes cast in the most recent gubernatorial election. Persons circulating a petition would no longer need to verify each voter's registration number. Voters would be ineligible to sign petitions if they had already signed a petition filed for another party's primary election or had filed to qualify for the ballot another party's

candidates. Petitions would have to notify voters of these eligibility requirements.

The bill would move the filing deadline for applying for a ballot slot from the 30th day after the primary election day to July 1 of the election year.

CSHB 2712 would delete the requirement that parties holding nominating conventions hold them on the second Saturday in June. Instead, they would be held by July 15 of the election year. The bill also would allow smaller parties to hold their precinct conventions as caucuses at the county convention.

CSHB 2712 would take effect September 1, 1999.

**SUPPORTERS
SAY:**

CSHB 2712 would make it easier for smaller parties and independents to place candidates on ballots. Texas currently has among the most restrictive ballot access laws in the country, providing the fewest alternative choices to the established parties. One of the foundations of democracy is the ability to choose a representative candidate. Currently this ability is limited; established parties and their candidates are already guaranteed ballot representation, and smaller parties cannot meet the rigorous standards required for ballot access.

State law requires about 44,000 valid signatures for placing an independent or third party candidate on the statewide ballot. To ensure that the petition drive is successful, candidates must gather about 100,000 signatures to compensate for those voters who may provide incorrect information or be otherwise ineligible. Parties have to hire "bounty hunters" who are paid by the signature to fill petitions. This changes the petition process from an exercise in democracy to a business venture, dominated by those who have the most money to spend. The average cost of getting adequate signatures to put a candidate on the ballot is between \$250,000 and \$300,000. A 1996 Fifth U.S. Circuit Court of Appeals ruling declared that the procedures for circulating a petition to get a third party candidate on the ballot were so restrictive as to be unconstitutional. CSHB 2712 would add to the system a measure of fairness and help avoid future lawsuits.

CSHB 2712 would greatly diminish the cost to smaller parties and independent candidates by decreasing by one half the number of signatures needed to gain ballot access for a candidate and by allowing more time to gather signatures. This would allow more of the signatures to be gathered by volunteers, as it was meant to be done, and more time for voters to become familiar with different candidates and issues.

The changes proposed by CSHB 2712 would bring Texas election laws more in line with those of other states, most of which have more lenient ballot access laws. The purpose of ballot access laws is to ferret out frivolous candidates, and under CSHB 2712, this function would still be served. It would remain impossible for a candidate to gain ballot access without substantial public support or interest. The bill is a moderate step that would allow serious candidates a fair chance at standing for election without opening the election process to abuse.

While the two major parties have many ideological differences, they still compose only a small portion of the entire spectrum of political beliefs and issues. Texans unsatisfied with their choices on election day are left with little alternative but to stay home. Until voters are provided with more choice at the polling place, such voter apathy is unlikely to abate.

**OPPONENTS
SAY:**

CSHB 2712 would make Texas ballot access laws too lenient, endangering the integrity of the state's electoral process. Loosening the requirements for ballot access would result in a proliferation of candidates whose election bids are hopeless at best and frivolous at worst. This would add to election costs and staff time. Such expense cannot be justified when the candidacies of these individuals would have no discernible effect on the election or benefit to the voters of Texas.

The bill would decrease the requirements for verifying petition signatures, a move that could contribute to fraud in qualifying candidates for the ballot. The Legislature has demonstrated its commitment to reducing the level of fraud in our electoral process, and should not approve a measure that would threaten progress in that direction.

OTHER
OPPONENTS
SAY:

CSHB 2712 would not provide the sweeping change of ballot access laws necessary to ensure true political equality in Texas. Although the substitute makes progress, many provisions remain that would make getting a candidate on the ballot prohibitively expensive and cumbersome for many small parties.

By preventing individuals from signing petitions for more than one party or from signing the petition of one party and voting in the primary of another, the pool of voters from which small and new parties can draw for signatures would continue to be severely limited. Many individuals may feel that it is in the state's best interest to encourage the widest range of issues and candidates represented on the ballot, but are already committed to one established party or another. In fact, these politically involved individuals are the one who would be most likely to recognize the importance of promoting political diversity. Limiting their participation in the fostering of new political voices is unfair, and CSHB 66 does not remedy this injustice.

NOTES:

The committee substitute retained certain statutory provisions on eligibility of petition signatures that would have been deleted by the original version of the bill, changed the number of signatures required to a percentage of the number of votes cast in the last gubernatorial election, and moved to filing deadline to July 1, rather than August 1.