

SUBJECT: Creating an Internet voter information guide for judicial elections

COMMITTEE: Judicial Affairs — favorable, without amendment

VOTE: 5 ayes — Thompson, Garcia, Hinojosa, Solis, Uresti
1 nay — Talton
1 present, not voting — Hartnett
2 absent — Capelo, Deshotel

WITNESSES: For — Suzy Woodford, Common Cause of Texas
Against — Darryl Pool, Republican Party of Texas

DIGEST: HB 59 would allow the secretary of state to compile information about judicial candidates in the form of a voter guide and make it available to the public on the Internet. A candidate could file an informational statement with the secretary of state for inclusion in the voter guide not later than the 70th day before the judicial election date. A candidate's statement would have to summarize the candidate's current occupation, educational and occupational background, biographical information, and any previous governmental experience.

The secretary of state would have to review each candidate's statement within five days of receiving it. If the statement failed to meet requirements, the secretary would have to notify the candidate in writing within two days after rejecting it. The candidate could resubmit a rejected statement, subject to the prescribed deadline.

The secretary could contract for preparation of the voter guide after soliciting bids or could prepare the guide himself if that would cost no more than the most reasonable bid submitted. The guide would have to contain candidates' statements, separating those for candidates on the ballot from those for write-in candidates, in an order determined by a drawing. The secretary could prescribe appropriate explanatory material, including a statement that voters could use the guide at the polls to help them mark their ballots. The guide would have to be made available at least 45 days before

the election.

This bill would take effect September 1, 2001.

**SUPPORTERS
SAY:**

Public access to information on judicial candidates can be difficult. As the world becomes more technology-oriented, however, more people have access to the Internet at home, at work, and in schools and libraries. HB 59 would authorize the creation of an electronic voter guide on judicial candidates, an easy and effective way of reaching and educating voters.

A voter guide for judicial candidates would be an alternative to the paper guides issued by the League of Women Voters, which is not distributed everywhere. Putting a guide on the Internet would make this information available to people who could not obtain the League's publication.

Easier access could lead to higher voter turnout and more informed voting. The public generally has less information about judicial elections than about any others. Because they are uninformed, voters in these elections often make decisions based on party labels instead of on qualifications.

HB 59 would allow the secretary of state to reject candidates' statements that did not meet requirements or that went beyond basic employment and biographical information. The guide would not be promoting any candidate, because candidates could not include their political agendas on the statement. The secretary could place a disclaimer on the voter guide that the secretary did not guarantee the accuracy of the information provided.

HB 59 would trust the public to make informed decisions based on the qualifications of candidates, rather than on party or interest group endorsements or financial backing. The bill would not be mandatory but would allow the secretary of state to provide the public with important information.

**OPPONENTS
SAY:**

HB 59 would create an inappropriate role for the secretary of state. It is not the government's duty to help run political campaigns. Information about candidates should be distributed by the candidates themselves, by political parties, and by other private organizations, not by government officials. These entities already provide voter guides and are better suited than the government to provide an Internet voter guide.

HB 59 could create a false impression that the secretary of state guaranteed the truth of information provided by the candidates. The media should serve as public's watchdog in this area. The bill would require the secretary to make available on the Internet whatever information the candidates supplied. The secretary would not necessarily screen the information for accuracy and truthfulness and should not be expected to. Even if the secretary was aware that a candidate had provided false information, the secretary would have no recourse to prevent the dissemination of the false information.

HB 59 could have a negative impact on party primary elections. Candidates in primary elections are numerous and often apply at the last minute. There would be little time for parties to screen their candidates to determine which were best qualified, which were being truthful, and whom the party would like to promote before the information was disseminated on the Internet.

By providing candidates with free and far-reaching campaign materials, HB 59 could lead to the election of unqualified candidates. These candidates suddenly would become credible even though they lacked adequate financial support. Candidates with strong credentials can raise money to support their campaigns. Those who do not have strong credentials usually cannot raise financial support.

NOTES: The 76th Legislature in 1999 enacted a similar bill, HB 59 by Cuellar, but Gov. George W. Bush vetoed it.