

- SUBJECT:** Removing petition requirement for certain judicial candidates
- COMMITTEE:** Elections — favorable, without amendment
- VOTE:** 6 ayes — Laubenberg, Goldman, Fallon, Phelan, Reynolds, Schofield  
0 nays  
1 absent — Israel
- WITNESSES:** For — Glen Maxey, Texas Democratic Party; (*Registered, but did not testify*: Jesse Romero, Common Cause Texas; Lon Burnam, Public Citizen; Rosemary Edwards; Kathy Haigler; Jennifer Hall; Brandon Moore; Jason Vaughn)  
  
Against — Alan Vera, Harris County Republican Party Ballot Security Committee  
  
On — (*Registered, but did not testify*: Ashley Fischer, Secretary of State; Keith Ingram, Texas Secretary of State-Elections Division)
- BACKGROUND:** Election Code, sec. 172.021 requires a candidate to make an application and pay a filing fee to be entitled to a place on the general primary election ballot. In lieu of the filing fee, a candidate may submit a valid petition with a certain amount of signatures.  
  
Election Code, sec. 172.021(e) requires candidates for certain judicial offices who choose to pay the filing fee to also accompany their application with a petition for a place on the general primary election ballot. These judicial offices include:
- chief justice or justice of a court of appeals in a county with a population of more than 1 million;
  - district or criminal district judge of a court in a county with a population of more than 1.5 million;
  - judge of a statutory county court in a county with a population of

- more than 1.5 million; and
- justice of the peace in a county with a population of more than 1.5 million.

The section requires a minimum of 250 signatures if the candidate chooses to pay the filing fee along with the petition, but if the candidate files the petition in place of the filing fee, 500 signatures are required. The signatures are prohibited from being obtained on the grounds of a county courthouse or courthouse annex.

**DIGEST:** HB 3880 would repeal Election Code, sec. 172.021(e), which requires certain candidates to file petitions with their application to be placed on a primary election ballot.

The bill would take effect September 1, 2015.

**SUPPORTERS SAY:** HB 3880 would remove an unfair and outdated barrier to entry for certain judicial positions. Candidates for similar elected positions are not required both to file a petition and pay a fee,. This bill would make the requirements to be placed on a ballot more consistent for all candidates running for public office. While vetting candidates is important, petition requirements could harm the democratic process by discouraging individuals from running for office.

The petition process also can be a source of potential litigation when the validity of petition entries is disputed. These disputes can prevent a candidate from being placed on the ballot or cause a financial burden for the candidate. The bill would simplify the eligibility process and save time, both for the potential candidate and those responsible for checking the signatures and ensuring their validity.

**OPPONENTS SAY:** HB 3880 would repeal the petition requirement, an important part of candidate vetting. A candidate who is qualified to run for office should have no trouble obtaining a few hundred signatures. These interactions with the public can be an important part of an elected official's duties.