

## **BILL ANALYSIS**

Senate Research Center  
76R13999 PAM-D

H.B. 59  
By: Cuellar (Duncan)  
State Affairs  
5/14/1999  
Engrossed

### **DIGEST**

Currently, candidates for judicial office in this state provide for all their own publicity. In order to make voters more aware of the qualifications of candidates for judicial office, other states have devised and promulgated a "voter's guide" which is published in every newspaper in the state. H.B. 59 provides for the creation of a similar voting guide to be made available to the public on the Internet after the secretary of state has assimilated information submitted by judges interested in taking advantage of the guide. The bill sets forth specific information which would need to be submitted in order to give voters a comprehensive understanding of the qualifications of participating judges.

### **PURPOSE**

As proposed, H.B. 59 provides for the creation of a voter information guide for judicial elections available to the public on the Internet.

### **RULEMAKING AUTHORITY**

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Title 16, Election Code, by adding Chapter 278, as follows:

#### **CHAPTER 278. VOTER INFORMATION GUIDE FOR JUDICIAL ELECTIONS**

Sec. 278.001. **APPLICABILITY OF CHAPTER.** Applies this chapter to each candidate whose name is to appear on a ballot or on a list of declared write-in candidates in a judicial election.

Sec. 278.002. **INTERNET VOTER INFORMATION GUIDE.** Authorizes the secretary of state to implement a voter information service program to compile information on candidates for election in the form of a voter information guide (guide) and make the guide available to the public on the Internet.

Sec. 278.003. **STATEMENT FILED BY CANDIDATE.** Authorizes a candidate to file with the secretary of state, not later than the 70th day before a judicial election, an informational statement, on a form prescribed by the secretary, to be included in the voter information guide for that election, if the secretary of state implements a voter information service.

Sec. 278.004. **STATEMENT REQUIREMENTS.** Provides that a candidate's information statement must include a summary of the candidate's current occupation, educational and occupational background, biographical information, and any previous government service. Authorizes the secretary of state to prescribe the format and length of the candidate's statement.

Sec. 278.005. **REVIEW BY SECRETARY OF STATE.** Authorizes the secretary of state to review the candidate's statement within five days of receipt and make a determination as to whether it complies with this chapter. Authorizes the secretary of state to reject the statement if not in compliance and give written notice of the rejection to the candidate within two days of rejection. Authorizes the candidate to resubmit the statement subject to the prescribed deadline.

Sec. 278.006. **PREPARATION OF GUIDE.** Authorizes the secretary of state to contract for the preparation and printing of the guide after soliciting bids, and authorizes the secretary to prepare

and print in-house if equally or more economic. Provides that the guide must include the complying statements of candidates and separate candidates for election and write-in candidates into separate groups. Provides that the order of names in each group in the guide is determined by random drawing conducted by the secretary of state. Authorizes the secretary of state to prescribe appropriate explanatory material to be included in the guide, including its availability for use at the polls.

Sec. 278.007. AVAILABILITY OF GUIDE. Authorizes the secretary of state to make the guide available to the public on the Internet not later than the 45th day before the date of each judicial election.

Sec. 278.008. ADDITIONAL PROCEDURES. Authorizes the secretary of state to prescribe any additional procedures necessary to implement this chapter.

SECTION 2. Effective date: September 1, 1999.

SECTION 3. Emergency clause.