

BILL ANALYSIS

Senate Research Center
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S.B. 1702
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 1702 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. Candidates for judicial offices will appear on the ballot with their party affiliation or independent status displayed next to the candidate's name in a format prescribed by the secretary of state. The bill also 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. 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. 1702 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), Election Code, to require that the following instruction be added to the instruction required by Section 52.070(b) (regarding the instruction for the language of the ballot): "You may cast a straight-party vote (that is, cast a vote for all the nominees of one party other than nominees for a judicial office) by placing an 'X' in the square beside the name of the party of your choice. If you cast a straight-party vote for all the nominees of one party and also cast a vote for an opponent of one of that party's nominees, your vote for the opponent will be counted as well as your vote for all the other nominees of the party other than nominees for a judicial office for which the straight-party vote was cast. A straight-party vote will not be counted for the nominee of a party for a judicial office."

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

(a) Adds judicial offices to the offices listed for an election at which offices regularly filled at the general election for state and county officers are to appear on the ballot.

(c) Deletes existing Subdivision (8) listing chief justice, supreme court; Subdivision (9) listing justice, supreme court; Subdivision (10) listing presiding judge, court of criminal appeals; and Subdivision (11) listing judge, court of criminal appeals from the list of statewide offices of the state government required to be listed on a ballot in a certain order.

(d) Deletes existing Subdivision (4) text listing chief justice, court of appeals; Subdivision (5) listing justice, court of appeals; Subdivision (6) listing district judge; Subdivision (7) listing criminal district judge; and Subdivision (8) listing family district judge from the list of district offices of the state government required to be listed on a ballot in a certain order.

(e) Deletes Subdivision (2) text listing judge, county court at law; Subdivision (3) listing judge, county criminal court; and Subdivision (4) judge county probate court from the list of county offices required to be listed on a ballot in a certain order.

(f) Deletes existing Subdivision (2) text listing justice of the peace from the list of prescient offices required to be listed on a ballot in a certain order.

(f-1) Requires that judicial officials be listed in the following order:

- (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 County Courts), Chapter 25, Government Code, is considered to be a judicial office, rather than county office, for 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.

Makes nonsubstantives changes.

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 that the procedures 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 the total number of straight-party votes tallied for each party be added to the total votes received for each of the party nominees individually, subject to Section 52.0921.

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

SECTION 5. Effective date: September 1, 2015.