

BILL ANALYSIS

Senate Research Center
85R9714 GRM-D

S.B. 1989
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State Affairs
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 1989 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. S.B. 1989 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. 1989 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 amend the language required to be added to the instruction required by Section 52.070(b) (relating to requiring a certain instruction to be printed immediately below "OFFICIAL BALLOT").

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) Requires that the offices, for an election at which offices regularly filled at the general election for state and county officers are to appear on the ballot, be listed in the following order: offices of the federal government, certain offices of the state government, certain offices of the county government, and judicial offices.

(c) Deletes existing text including the chief justice, supreme court; justice, supreme court; presiding judge, court of criminal appeals; and judge, court of criminal appeals in a sequentially ordered list of statewide offices of the state government.

(d) Deletes existing text including chief justice, court of appeals; justice, court of appeals; district judge; criminal district judge; and family district judge in a sequentially ordered list of district offices of the state government.

(e) Deletes existing text including a judge, county court at law; judge, county criminal court; and judge, county probate court in a sequentially ordered list of county offices.

(f) Deletes existing text including a justice of the peace in a sequentially ordered list of precinct offices.

(f-1) Requires judicial offices be listed in a certain sequentially ordered list.

(j) Provides that the office of judge of a multicounty statutory county court created under Subchapter D (Multicounty Statutory County Courts), Chapter 25 (Statutory County Courts), Government Code, is considered to be a judicial, 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.

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 (SPV) 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 Texas secretary of state (SOS).

(b) Requires SOS to prescribe procedures to inform voters that an SPV 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 each SPV, except as provided by Subsection (c) (relating to the requirement under certain circumstances that SPVs are counted for the opponent and other nominees) or (d) (relating to procedures for SPV ballots), be tallied for the party receiving the vote instead of being tallied for the individual candidates of the party. Requires that the total number of SPV's 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 an SPV 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, 2017.