

By: Howard of Travis

H.B. No. 420

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the nonpartisan election of members to the State Board  
3 of Education.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 7.101(b), Education Code, is amended to  
6 read as follows:

7 (b) Members of the board are elected at biennial general  
8 elections held in compliance with the Election Code. A candidate's  
9 name for the board may appear on the ballot only as an independent  
10 candidate and Chapter 142, Election Code, applies to a candidate  
11 for the board.

12 SECTION 2. Section 1.005, Election Code, is amended by  
13 amending Subdivision (9) to read as follows:

14 (9) "Independent candidate" means a candidate in a  
15 nonpartisan election or a candidate in a partisan election who is  
16 not the nominee of a political party. The term includes a candidate  
17 for the State Board of Education.

18 SECTION 3. Section 142.001, Election Code, is amended to  
19 read as follows:

20 Sec. 142.001. APPLICABILITY OF CHAPTER. This chapter  
21 applies to:

22 (1) an independent candidate for an office that is to  
23 be voted on at the general election for state and county officers  
24 except the offices of president and vice-president of the United

1 States; and

2 (2) any candidate for the State Board of Education.

3 SECTION 4. Chapter 161, Election Code, is amended by adding  
4 Section 161.0031 to read as follows:

5 Sec. 161.0031. NOMINATION FOR STATE BOARD OF EDUCATION  
6 PROHIBITED. A political party may not make a nomination for the  
7 office of State Board of Education.

8 SECTION 5. Section 172.024(a), Election Code, is amended  
9 to read as follows:

10 (a) The filing fee for a candidate for nomination in the  
11 general primary election is as follows:

- 12 (1) United States senator \$5,000
- 13 (2) office elected statewide, except United States  
14 senator 3,750
- 15 (3) United States representative 3,125
- 16 (4) state senator 1,250
- 17 (5) state representative 750
- 18 (6) [~~member, State Board of Education~~ 300  
19 [~~(7)~~] chief justice or justice, court of appeals,  
20 other than a justice specified by Subdivision (7) [~~(8)~~] 1,875
- 21 (7) [~~(8)~~] chief justice or justice of a court of appeals  
22 that serves a court of appeals district in which a county with a  
23 population of more than 750,000 is wholly or partly situated 2,500
- 24 (8) [~~(9)~~] district judge or judge specified by Section  
25 52.092(d) for which this schedule does not otherwise prescribe a  
26 fee 1,500
- 27 (9) [~~(10)~~] district or criminal district judge of a

1 court in a judicial district wholly contained in a county with a  
2 population of more than 850,000 2,500

3 (10) [~~(11)~~] judge, statutory county court, other than a  
4 judge specified by Subdivision (11) [~~(12)~~] 1,500

5 (11) [~~(12)~~] judge of a statutory county court in a  
6 county with a population of more than 850,000 2,500

7 (12) [~~(13)~~] district attorney, criminal district  
8 attorney, or county attorney performing the duties of a district  
9 attorney 1,250

10 (13) [~~(14)~~] county commissioner, district clerk, county  
11 clerk, sheriff, county tax assessor-collector, county treasurer,  
12 or judge, constitutional county court:

13 (A) county with a population of 200,000 or more  
14 1,250

15 (B) county with a population of under 200,000  
16 750

17 (14) [~~(15)~~] justice of the peace or constable:

18 (A) county with a population of 200,000 or more  
19 1,000

20 (B) county with a population of under 200,000  
21 375

22 (15) [~~(16)~~] county surveyor, inspector of hides and  
23 animals, or public weigher 75

24 (16) [~~(17)~~] office of the county government for which  
25 this schedule does not otherwise prescribe a fee 750

26 SECTION 6. This Act takes effect September 1, 2009.