

By: Howard of Travis

H.B. No. 553

A BILL TO BE ENTITLED

AN ACT

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

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

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

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

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

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

SECTION 3. Sections 52.092(a) and (d), Election Code, are amended to read as follows:

(a) For an election at which offices regularly filled at the general election for state and county officers are to appear on the ballot, the offices shall be listed in the following order:

(1) offices of the federal government;

(2) certain offices of the state government:

- 1 (A) statewide offices;
- 2 (B) partisan district offices;
- 3 (3) offices of the county government:
  - 4 (A) county offices;
  - 5 (B) precinct offices;
  - 6 (4) nonpartisan election for the office of member,
  - 7 State Board of Education.

8 (d) Partisan district [~~District~~] offices of the state  
9 government shall be listed in the following order:

- 10 (1) [~~member, State Board of Education,~~
- 11 [~~2~~] state senator;
- 12 (2) [~~3~~] state representative;
- 13 (3) [~~4~~] chief justice, court of appeals;
- 14 (4) [~~5~~] justice, court of appeals;
- 15 (5) [~~6~~] district judge;
- 16 (6) [~~7~~] criminal district judge;
- 17 (7) [~~8~~] family district judge;
- 18 (8) [~~9~~] district attorney;
- 19 (9) [~~10~~] criminal district attorney.

20 SECTION 4. Section 142.001, Election Code, is amended to  
21 read as follows:

22 Sec. 142.001. APPLICABILITY OF CHAPTER. This chapter  
23 applies to:

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

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

2           SECTION 5. Section 142.004, Election Code, is amended by  
3 amending Subsection (b) and adding Subsection (c) to read as  
4 follows:

5           (b) Except as provided by Subsection (c), an [~~An~~]  
6 application must, in addition to complying with Section 141.031, be  
7 accompanied by a petition that satisfies the requirements  
8 prescribed by Section 141.062.

9           (c) An application for the office of member, State Board of  
10 Education, may be accompanied by a filing fee in the amount of \$300  
11 in lieu of the petition required by Subsection (b).

12           SECTION 6. Section 142.009, Election Code, is amended to  
13 read as follows:

14           Sec. 142.009. PETITION TO BE CIRCULATED AFTER PRIMARY. (a)  
15 A signature on a candidate's petition is invalid if the signer:

16           (1) signed the petition on or before general primary  
17 election day or, if a runoff primary is held for the office sought  
18 by the candidate, on or before runoff primary election day; or

19           (2) voted in the general or runoff primary election of  
20 a political party that made a nomination, at either primary, for the  
21 office sought by the candidate.

22           (b) This section does not apply to a petition for an  
23 application for the office of member, State Board of Education.

24           SECTION 7. Chapter 161, Election Code, is amended by adding  
25 Section 161.0031 to read as follows:

26           Sec. 161.0031. NOMINATION FOR STATE BOARD OF EDUCATION  
27 PROHIBITED. A political party may not make a nomination for the

1 office of State Board of Education.

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

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

- 6 (1) United States senator . . . . . \$5,000
- 7 (2) office elected statewide, except United States  
8 senator . . . . . 3,750
- 9 (3) United States representative . . . . . 3,125
- 10 (4) state senator . . . . . 1,250
- 11 (5) state representative . . . . . 750
- 12 (6) ~~[member, State Board of Education . . . . . 300~~
- 13 ~~[(7)]~~ chief justice or justice, court of appeals,  
14 other than a justice specified by Subdivision (7) ~~[(8)]~~ . . . . 1,875
- 15 (7) ~~[(8)]~~ chief justice or justice of a court of  
16 appeals that serves a court of appeals district in which a  
17 county with a population of more than 750,000 is wholly or partly  
18 situated . . . . . 2,500
- 19 (8) ~~[(9)]~~ district judge or judge specified by Section  
20 52.092(d) for which this schedule does not otherwise prescribe a  
21 fee . . . . . 1,500
- 22 (9) ~~[(10)]~~ district or criminal district judge of a  
23 court in a judicial district wholly contained in a county with a  
24 population of more than 850,000 . . . . . 2,500
- 25 (10) ~~[(11)]~~ judge, statutory county court, other than a  
26 judge specified by Subdivision (11) ~~[(12)]~~ . . . . . 1,500
- 27 (11) ~~[(12)]~~ judge of a statutory county court in a

1 county with a population of more than 850,000 . . . . .2,500

2           (12) [~~(13)~~] district attorney, criminal district  
3 attorney, or county attorney performing the duties of a district  
4 attorney . . . . .1,250

5           (13) [~~(14)~~] county commissioner, district clerk,  
6 county clerk, sheriff, county tax assessor-collector, county  
7 treasurer, or judge, constitutional county court:

8                   (A) county with a population of 200,000 or  
9 more . . . . .1,250

10                   (B) county with a population of under  
11 200,000 . . . . .750

12           (14) [~~(15)~~] justice of the peace or constable:

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

15                   (B) county with a population of under  
16 200,000 . . . . .375

17           (15) [~~(16)~~] county surveyor . . . . . 75

18           (16) [~~(17)~~] office of the county government for which  
19 this schedule does not otherwise prescribe a fee . . . . .750

20           SECTION 9. This Act takes effect September 1, 2011.