By: Campbell   S.B. No. 1989

A BILL TO BE ENTITLED

1   AN ACT

2 relating to the elimination of straight-party voting for judicial

3 offices.

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

5   SECTION 1. Section 52.071(b), Election Code, is amended to

6 read as follows:

7   (b) The following instruction shall be added to the

8 instruction required by Section 52.070(b):   "You may cast a

9 straight-party vote (that is, cast a vote for all the nominees of

10 one party other than nominees for a judicial office) by placing

11 an 'X' in the square beside the name of the party of your choice. If

12 you cast a straight-party vote for all the nominees of one party and

13 also cast a vote for an opponent of one of that party's nominees,

14 your vote for the opponent will be counted as well as your vote for

15 all the other nominees of the party other than nominees for a

16 judicial office for which the straight-party vote was cast.   A

17 straight-party vote will not be counted for the nominee of a party

18 for a judicial office."

19   SECTION 2. Section 52.092, Election Code, is amended by

20 amending Subsections (a), (c), (d), (e), (f), and (j) and adding

21 Subsection (f-1) to read as follows:

22   (a) For an election at which offices regularly filled at the

23 general election for state and county officers are to appear on the

24 ballot, the offices shall be listed in the following order:

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1   (1) offices of the federal government;

2   (2) offices of the state government:

3   (A) statewide offices;

4   (B) district offices;

5   (3) offices of the county government:

6   (A) county offices;

7   (B) precinct offices<u>;</u>

8   <u>(4) judicial offices</u>.

9   (c) Statewide offices of the state government shall be

10   listed in the following order:

11   (1) governor;

12   (2) lieutenant governor;

13   (3) attorney general;

14   (4) comptroller of public accounts;

15   (5) commissioner of the General Land Office;

16   (6) commissioner of agriculture;

17   (7) railroad commissioner[~~,~~

18   [~~(8) chief justice, supreme court,~~

19   [~~(9) justice, supreme court,~~

20   [~~(10) presiding judge, court of criminal appeals,~~

21   [~~(11) judge, court of criminal appeals~~].

22   (d) District offices of the state government shall be listed

23   in the following order:

24   (1) member, State Board of Education;

25   (2) state senator;

26   (3) state representative;

27   (4) [~~chief justice, court of appeals,~~

1   [(5)   justice, court of appeals;

2   [(6)   district judge;

3   [(7)   criminal district judge;

4   [(8)   family district judge;

5   [(9)]   district attorney;

6   (5) [(10)]   criminal district attorney.

7   (e)   County offices shall be listed in the following order:

8   (1)   county judge;

9   (2)   [judge, county court at law;

10   [(3)   judge, county criminal court;

11   [(4)   judge, county probate court;

12   [(5)]   county attorney;

13   (3) [(6)]   district clerk;

14   (4) [(7)]   district and county clerk;

15   (5) [(8)]   county clerk;

16   (6) [(9)]   sheriff;

17   (7) [(10)]   sheriff and tax assessor-collector;

18   (8) [(11)]   county tax assessor-collector;

19   (9) [(12)]   county treasurer;

20   (10) [(13)]   county   school   trustee   (county   with

21   population of 3.3 million or more);

22   (11) [(14)]   county surveyor.

23   (f)   Precinct offices shall be listed in the following order:

24   (1)   county commissioner;

25   (2)   [justice of the peace;

26   [(3)]   constable.

27   (f-1)   Judicial   offices   shall   be   listed   in   the   following

1 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) The office of judge of a multicounty statutory county court created under Subchapter D, Chapter 25, Government Code, is considered to be a judicial [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. Subchapter D, Chapter 52, Election Code, is amended by adding Section 52.0921 to read as follows:

Sec. 52.0921. JUDICIAL OFFICES. (a) 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). 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.

1   (b) The secretary of state shall prescribe procedures to

2 inform voters that a straight-party vote does not count in an

3 election for a judicial office. The procedures shall include signs

4 posted in the polling place and notice on the ballot or through the

5 voting system on which a vote is cast.

6   SECTION 4. Sections 65.007(b) and (c), Election Code, are

7 amended to read as follows:

8   (b) Except as provided by Subsection (c) or (d), each

9 straight-party vote shall be tallied for the party receiving the

10 vote instead of being tallied for the individual candidates of the

11 party. The total number of straight-party votes tallied for each

12 party shall be added to the total votes received for each of the

13 party nominees individually, subject to Section 52.0921.

14   (c) If a ballot indicates a straight-party vote and a vote

15 for an opponent of one or more of that party's nominees, a vote

16 shall be counted for the opponent and for each of the party's other

17 nominees, subject to Section 52.0921, whether or not any of those

18 nominees have received individual votes.

19   SECTION 5. This Act takes effect September 1, 2017.