

**SUBJECT:** Petition for statewide judicial candidates to be on primary ballot

**COMMITTEE:** Judicial Affairs — favorable, without amendment

**VOTE:** 9 ayes — Thompson, Hartnett, Capelo, Deshotel, Garcia, Hinojosa, Solis, Talton, Uresti  
0 nays

**WITNESSES:** For — Judge David Patronella, Texas Judicial Council  
Against — None

**BACKGROUND:** To be placed on the general primary election ballot, a candidate must file an application as required under Election Code, sec. 172. A statewide candidate, including a candidate for the Supreme Court of Texas or the Texas Court of Criminal Appeals, must submit with the application either a \$3,000 filing fee or a petition containing at least 5,000 signatures.

**DIGEST:** HB 1117 would require a candidate for the Supreme Court or Court of Criminal Appeals who chose to pay the filing fee to file a petition with the application as well. In this case, the petition would have to contain at least 100 signatures from each state senatorial district.  
  
This bill would take effect September 1, 2001.

**SUPPORTERS SAY:** HB 1117 would help to ensure that candidates for statewide judicial offices enjoyed truly statewide support and were qualified to serve on our highest appellate courts. Candidates could not get on the ballot simply by paying the filing fee but also would have to show support in every region of the state. However, by retaining the 5,000-signature option and not requiring that those signatures come from any particular area, the bill would avoid penalizing candidates who lacked statewide connections or name recognition yet still require that they demonstrate some minimal base of support.  
  
The bill's distinction between statewide judicial candidates and other statewide candidates, who would not have to file such regionally

representative petitions, would be appropriate. Because the public generally pays less attention to judicial elections and because the highest appellate courts require specialized knowledge and qualifications, statewide judicial candidates should have to make themselves known by seeking petition signatures to get on the ballot.

OPPONENTS  
SAY:

HB 1117 would be unfair to statewide judicial candidates by making them file petitions with at least 100 signatures from each state senatorial district, a total of 3,100 signatures, while other statewide candidates could continue to submit only the filing fee.

Obtaining the needed signatures from each senatorial district could be very burdensome to many judicial candidates about whom the public had little information and little motivation to become informed. The bill could create an advantage for “career” politicians and those with the financial resources to organize a state petition drive to the detriment of citizen-lawyers who want to serve.

OTHER  
OPPONENTS  
SAY:

Because HB 1117 would maintain the option of submitting a petition with 5,000 signatures that need not be regionally representative, the bill would not achieve its goal of requiring candidates to demonstrate statewide support.