

By: Wolens

H.J.R. No. 13

A JOINT RESOLUTION

1 proposing a constitutional amendment prohibiting judicial
2 candidates from accepting political contributions except during
3 the year preceding and the six months following an election and
4 changing the terms of office of certain justices and judges.

5 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Article V, Texas Constitution, is amended by
7 adding Section 32 to read as follows:

8 Sec. 32. A justice or judge, a candidate for a judicial
9 office, or a political committee that, as one of its principal
10 purposes, either assists a justice or judge or supports or opposes
11 one or more identified candidates for judicial office may not
12 knowingly accept a political contribution, as defined by general
13 law, except during the period beginning on the 365th day before the
14 date of the general primary election for the office held or sought
15 and ending on the 180th day after the date of the general election
16 for that office.

17 SECTION 2. Section 2(c), Article V, Texas Constitution, is
18 amended to read as follows:

19 (c) Said Justices shall be elected [~~three of them each two~~
20 ~~years~~] by the qualified voters of the state at a general election;
21 shall hold their offices eight [~~six~~] years; and shall each receive
22 such compensation as shall be provided by law.

23 SECTION 3. Section 4(a), Article V, Texas Constitution, is
24 amended to read as follows:

1 (a) The Court of Criminal Appeals shall consist of eight
2 Judges and one Presiding Judge. The Judges shall have the same
3 qualifications and receive the same salaries as the Associate
4 Justices of the Supreme Court, and the Presiding Judge shall have
5 the same qualifications and receive the same salary as the Chief
6 Justice of the Supreme Court. The Presiding Judge and the Judges
7 shall be elected by the qualified voters of the state at a general
8 election and shall hold their offices for a term of eight [~~six~~]
9 years.

10 SECTION 4. Section 6(b), Article V, Texas Constitution, is
11 amended to read as follows:

12 (b) Each of said Courts of Appeals shall hold its sessions
13 at a place in its district to be designated by the Legislature, and
14 at such time as may be prescribed by law. Said Justices shall be
15 elected by the qualified voters of their respective districts at a
16 general election, for a term of eight [~~six~~] years and shall receive
17 for their services the sum provided by law.

18 SECTION 5. Sections 7, 15, and 30, Article V, Texas
19 Constitution, are amended to read as follows:

20 Sec. 7. The State shall be divided into judicial districts,
21 with each district having one or more Judges as may be provided by
22 law or by this Constitution. Each district judge shall be elected
23 by the qualified voters at a General Election and shall be a citizen
24 of the United States and of this State, who is licensed to practice
25 law in this State and has been a practicing lawyer or a Judge of a
26 Court in this State, or both combined, for four [~~(4)~~] years next
27 preceding his election, who has resided in the district in which he

1 was elected for two [~~2~~] years next preceding his election, and who
2 shall reside in his district during his term of office and hold his
3 office for the period of six [~~four (4)~~] years, and who shall receive
4 for his services an annual salary to be fixed by the Legislature.
5 The Court shall conduct its proceedings at the county seat of the
6 county in which the case is pending, except as otherwise provided by
7 law. He shall hold the regular terms of his Court at the County Seat
8 of each County in his district in such manner as may be prescribed
9 by law. The Legislature shall have power by General or Special Laws
10 to make such provisions concerning the terms or sessions of each
11 Court as it may deem necessary.

12 The Legislature shall also provide for the holding of
13 District Court when the Judge thereof is absent, or is from any
14 cause disabled or disqualified from presiding.

15 Sec. 15. There shall be established in each county in this
16 State a County Court, which shall be a court of record; and there
17 shall be elected in each county, by the qualified voters, a County
18 Judge, who shall be well informed in the law of the State; shall be a
19 conservator of the peace, and shall hold his office for six [~~four~~]
20 years, and until his successor shall be elected and qualified. He
21 shall receive as compensation for his services such fees and
22 perquisites as may be prescribed by law.

23 Sec. 30. The Judges of all Courts of county-wide jurisdiction
24 [~~heretofore or hereafter~~] created by the Legislature of this State
25 shall be elected for a term of six years. All [~~, and all~~] Criminal
26 District Attorneys [~~now or hereafter~~] authorized by the laws of
27 this State [~~,~~] shall be elected for a term of four years [~~, and shall~~

1 ~~serve until their successors have qualified].~~

2 SECTION 6. Section 64, Article XVI, Texas Constitution, is
3 amended to read as follows:

4 Sec. 64. Except as provided by Section 6, 7, 15, or 30,
5 Article V, of this constitution, the [The] office of Inspector of
6 Hides and Animals, the elective district, county and precinct
7 offices [which have heretofore had terms of two years,] shall
8 [hereafter] have terms of four years[; and the holders of such
9 offices shall serve until their successors are qualified].

10 SECTION 7. The following temporary provision is added to
11 the Texas Constitution:

12 TEMPORARY PROVISION. (a) This temporary provision applies to
13 the constitutional amendment prohibiting judicial candidates from
14 accepting political contributions except during the year preceding
15 and the six months following an election and changing the terms of
16 office of supreme court justices, court of criminal appeals judges,
17 court of appeals justices, district judges, county court judges,
18 and county court at law judges.

19 (b) The constitutional amendment takes effect January 1,
20 2004.

21 (c) Each supreme court justice, court of criminal appeals
22 judge, court of appeals justice, district judge, county court
23 judge, and county court at law judge who is in office January 1,
24 2004, continues in office for the term to which the person was
25 elected or appointed unless the person vacates the office or is
26 otherwise removed as provided by law. If a supreme court justice,
27 court of criminal appeals judge, court of appeals justice, district

1 judge, county court judge, or county court at law judge who is in
2 office January 1, 2004, vacates or is removed from that office, the
3 person's elected or appointed successor holds the office for the
4 remainder of the term to which the person who held the office on
5 January 1, 2004, was elected or appointed.

6 (d) The three supreme court justices elected at the regular
7 election held November 2, 2004, shall draw lots so that two justices
8 serve terms of six years and one justice serves a term of eight
9 years. The three justices elected at the regular election held
10 November 7, 2006, shall draw lots so that one justice serves a term
11 of six years and two justices serve terms of eight years.

12 (e) The three court of criminal appeals judges elected at
13 the first regular election held November 2, 2004, shall draw lots so
14 that two judges serve terms of six years and one judge serves a term
15 of eight years. The three judges elected at the regular election
16 held November 7, 2006, shall draw lots so that one judge serves a
17 term of six years and two judges serve terms of eight years.

18 (f) This temporary provision expires January 1, 2015.

19 SECTION 8. This proposed constitutional amendment shall be
20 submitted to the voters at an election to be held November 4, 2003.
21 The ballot shall be printed to provide for voting for or against the
22 proposition: "The constitutional amendment prohibiting judicial
23 candidates from accepting campaign contributions except during the
24 year preceding and the six months following an election and
25 changing the terms of office of supreme court justices, court of
26 criminal appeals judges, court of appeals justices, district
27 judges, county court judges, and county court at law judges."