

## **BILL ANALYSIS**

C.S.H.J.R. 61  
By: Raymond  
Judiciary & Civil Jurisprudence  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Interested parties observe that, although justices of Texas courts of appeals are elected to six-year terms, district judges are elected to terms of only four years. To achieve uniformity in the justice system, elected terms for district judges should mirror elected terms of justices of appeals courts. C.S.H.J.R. 61 seeks to impose uniformity in the terms of judges and encourage higher voter turnout by decreasing the frequency of elections through the proposal of a constitutional amendment increasing the terms of district judges to six years.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this resolution does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.J.R. 61 proposes an amendment to the Texas Constitution to increase the term of office of a district judge from four to six years, effective January 1, 2012. The resolution requires voters filling a vacancy in the office of a district court judge, effective January 1, 2012, to fill the vacancy for a full term, rather than the unexpired term. The resolution updates gender-based references to a district judge, in provisions of law relating to the term of a district judge and the eligibility requirements to serve as a district judge, to reflect current drafting conventions.

C.S.H.J.R. 61 adds a temporary provision, set to expire January 1, 2016, establishing that the resolution's provisions increasing the term of office of a district judge apply only to the term of a district judge that begins on or after January 1, 2012. The resolution specifies that the term of a district judge who was elected or appointed before January 1, 2012, expires, unless the judge is otherwise removed as provided by law, at the end of the term to which the judge was elected or appointed and that on the expiration of that term, the length of the next elected term for the judge of that district is six years. The resolution sets out the required ballot language.

### **ELECTION DATE**

The constitutional amendment proposed by this joint resolution will be submitted to the voters at an election to be held November 8, 2011.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

C.S.H.J.R. 61 contains provisions not included in the original requiring voters filling a vacancy in the office of a district court judge to fill the vacancy for a full term and making that requirement effective January 1, 2012. The substitute differs from the original by changing the required ballot language to reflect the provision in the substitute requiring voters to fill the vacancy for a full term. The substitute differs from the original in nonsubstantive ways.