

By: Lewis

H.J.R. No. 126

A JOINT RESOLUTION

1 proposing a constitutional amendment changing the eligibility  
2 requirements for and changing the terms of office of certain  
3 judicial offices.

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

5 SECTION 1. Sections 2(b) and (c), Article V, Texas  
6 Constitution, are amended to read as follows:

7 (b) No person shall be eligible to serve in the office of  
8 Chief Justice or Justice of the Supreme Court unless the person is  
9 licensed to practice law in the [this] state of Texas and is, at the  
10 time of election, a citizen of the United States and of the [this]  
11 state of Texas, and has attained the age of thirty-five years, and  
12 has been a practicing lawyer licensed in the state of Texas for at  
13 least ten consecutive years, or has been a practicing lawyer  
14 licensed in the state of Texas and judge of a state court or county  
15 court established by the Legislature by statute for a combined  
16 total of [court of record together] at least ten consecutive years,  
17 during which time the person's license to practice law has not been  
18 revoked, suspended, or subject to a probated suspension.

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 for staggered terms of eight [six] years;  
22 and shall each receive such compensation as shall be provided by  
23 law.

24 SECTION 2. Section 4(a), Article V, Texas Constitution, is

1 amended to read as follows:

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

11 SECTION 3. Section 6(b), Article V, Texas Constitution, is  
12 amended to read as follows:

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

19 SECTION 4. Section 7, Article V, Texas Constitution, is  
20 amended to read as follows:

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

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

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

18 SECTION 5. Section 28, Article V, Texas Constitution, is  
19 amended by amending Subsection (a) and adding Subsection (c) to  
20 read as follows:

21 (a) A vacancy in the office of Chief Justice, Justice, or  
22 Judge of the Supreme Court, the Court of Criminal Appeals, or the  
23 Court of Appeals [~~, or the District Courts~~] shall be filled by the  
24 Governor until the next succeeding General Election for state  
25 officers, and at that election the voters shall fill the vacancy for  
26 the unexpired term.

27 (c) A vacancy in the office of Judge of a District Court

1 shall be filled by the Governor until the next succeeding General  
2 Election for state officers, and at that election the voters shall  
3 fill the vacancy for a full term, as specified by Section 7, Article  
4 V, of this constitution.

5 SECTION 6. The following temporary provision is added to  
6 the Texas Constitution:

7 TEMPORARY PROVISION. (a) This temporary provision applies  
8 to the constitutional amendment proposed by the 82nd Legislature,  
9 Regular Session, 2011, changing the eligibility requirements for a  
10 justice of the supreme court, a judge of the court of criminal  
11 appeals, and a justice of a court of appeals and changing the terms  
12 of office of those justices and judges and district judges.

13 (b) The amendment to Section 2(b), Article V, of this  
14 constitution takes effect January 1, 2012, and applies only to a  
15 chief justice or other justice of the supreme court, presiding  
16 judge or other judge of the court of criminal appeals, or chief  
17 justice or other justice of a court of appeals who is elected for a  
18 term that begins on or after that date, or who is appointed on or  
19 after that date.

20 (c) The amendment to Section 2(c), Article V, of this  
21 constitution takes effect January 1, 2012, and applies only to the  
22 term of a chief justice or justice of the supreme court that begins  
23 on the expiration of the term the length of which is prescribed by  
24 the subdivisions of this subsection. The term of a chief justice or  
25 justice of the supreme court who was elected or appointed before  
26 January 1, 2012, expires, unless the justice is otherwise removed  
27 as provided by law, at the end of the term to which the justice was

1 elected or appointed. On the expiration of that term, the length of  
2 the next elected term for the chief justice or justice, unless  
3 otherwise removed as provided by law, is as follows:

4 (1) the three persons serving as justices of the  
5 supreme court whose terms to which the persons were elected or  
6 appointed expire on December 31, 2012, shall draw lots to determine  
7 the two of their places on the court for which justices will be  
8 elected at the general election for state officers held in 2012 to  
9 serve six-year terms, and the one of their places on the court for  
10 which a justice will be elected at the general election for state  
11 officers held in 2012 to serve an eight-year term;

12 (2) the person elected to serve as chief justice of the  
13 supreme court at the general election for state officers held in  
14 2014 will serve an eight-year term;

15 (3) the other two persons serving as justices of the  
16 supreme court whose terms to which the persons were elected or  
17 appointed expire on December 31, 2014, shall draw lots to determine  
18 the one of their places on the court for which a justice will be  
19 elected at the general election for state officers held in 2014 to  
20 serve a six-year term, and the one of their places on the court for  
21 which a justice will be elected at the general election for state  
22 officers held in 2014 to serve an eight-year term; and

23 (4) the persons elected to serve as justices of the  
24 supreme court at the general election for state officers held in  
25 2016 will serve eight-year terms.

26 (d) The amendment to Section 4(a), Article V, of this  
27 constitution takes effect January 1, 2012, and applies only to the

1 term of a presiding judge or other judge of the court of criminal  
2 appeals that begins on the expiration of the term the length of  
3 which is prescribed by the subdivisions of this subsection. The  
4 term of a presiding judge or other judge of the court of criminal  
5 appeals who was elected or appointed before January 1, 2012,  
6 expires, unless the judge is otherwise removed as provided by law,  
7 at the end of the term to which the judge was elected or appointed.  
8 On the expiration of that term, the length of the next elected term  
9 for the presiding judge or other judge, unless otherwise removed as  
10 provided by law, is as follows:

11 (1) the person elected to serve as presiding judge of  
12 the court of criminal appeals at the general election for state  
13 officers held in 2012 will serve an eight-year term;

14 (2) the other two persons elected to serve as judges of  
15 the court of criminal appeals at the general election for state  
16 officers held in 2012 will serve six-year terms;

17 (3) the three persons serving as judges of the court of  
18 criminal appeals whose terms to which the persons were elected or  
19 appointed expire on December 31, 2014, shall draw lots to determine  
20 the two of their places on the court for which judges will be  
21 elected at the general election for state officers held in 2014 to  
22 serve eight-year terms, and the one of their places on the court for  
23 which a judge will be elected at the general election for state  
24 officers held in 2014 to serve a six-year term; and

25 (4) the persons elected to serve as judges of the court  
26 of criminal appeals at the general election for state officers held  
27 in 2016 will serve eight-year terms.

1       (e) The amendment to Section 6(b), Article V, of this  
2 constitution takes effect January 1, 2012, and applies only to the  
3 term of a chief justice or other justice of a court of appeals that  
4 begins on the expiration of the term the length of which is  
5 prescribed by the subdivisions of this subsection. The term of a  
6 chief justice or other justice of a court of appeals who was elected  
7 or appointed before January 1, 2012, expires, unless the justice is  
8 otherwise removed as provided by law, at the end of the term to  
9 which the justice was elected or appointed. On the expiration of  
10 that term, the length of the next elected term for the chief justice  
11 or other justice, unless otherwise removed as provided by law, is as  
12 follows:

13               (1) for the First Court of Appeals:

14                       (A) the five persons serving as justices whose  
15 terms to which the persons were elected or appointed expire on  
16 December 31, 2012, shall draw lots to determine the two of their  
17 places on the court for which justices will be elected at the  
18 general election for state officers held in 2012 to serve six-year  
19 terms, and the three of their places on the court for which justices  
20 will be elected at the general election for state officers held in  
21 2012 to serve eight-year terms;

22                       (B) the persons elected to serve as justices at  
23 the general election for state officers held in 2014 will serve  
24 eight-year terms;

25                       (C) the person elected to serve as chief justice  
26 at the general election for state officers held in 2016 will serve  
27 an eight-year term; and

1           (D) the other person elected to serve as a  
2 justice at the general election for state officers held in 2016 will  
3 serve an eight-year term;

4           (2) for the Second Court of Appeals:

5           (A) the person elected to serve as chief justice  
6 at the general election for state officers held in 2012 will serve  
7 an eight-year term;

8           (B) the other three persons serving as justices  
9 whose terms to which the persons were elected or appointed expire on  
10 December 31, 2012, shall draw lots to determine the one of their  
11 places on the court for which a justice will be elected at the  
12 general election for state officers held in 2012 to serve an  
13 eight-year term, and the two of their places on the court for which  
14 justices will be elected at the general election for state officers  
15 held in 2012 to serve six-year terms;

16           (C) the persons elected to serve as justices at  
17 the general election for state officers held in 2014 will serve  
18 eight-year terms; and

19           (D) the person elected to serve as justice at the  
20 general election for state officers held in 2016 will serve an  
21 eight-year term;

22           (3) for the Third Court of Appeals:

23           (A) the four persons serving as justices whose  
24 terms to which the persons were elected or appointed expire on  
25 December 31, 2012, shall draw lots to determine the two of their  
26 places on the court for which justices will be elected at the  
27 general election for state officers held in 2012 to serve six-year



1 terms, and the two of their places on the court for which justices  
2 will be elected at the general election for state officers held in  
3 2012 to serve eight-year terms;

4 (B) the person elected to serve as chief justice  
5 at the general election for state officers held in 2014 will serve  
6 an eight-year term; and

7 (C) the person elected to serve as justice at the  
8 general election for state officers held in 2016 will serve an  
9 eight-year term;

10 (4) for the Fourth Court of Appeals:

11 (A) the five persons serving as justices whose  
12 terms to which the persons were elected or appointed expire on  
13 December 31, 2012, shall draw lots to determine the two of their  
14 places on the court for which justices will be elected at the  
15 general election for state officers held in 2012 to serve six-year  
16 terms, and the three of their places on the court for which justices  
17 will be elected at the general election for state officers held in  
18 2012 to serve eight-year terms;

19 (B) the person elected to serve as chief justice  
20 at the general election for state officers held in 2014 will serve  
21 an eight-year term; and

22 (C) the person elected to serve as justice at the  
23 general election for state officers held in 2016 will serve an  
24 eight-year term;

25 (5) for the Fifth Court of Appeals:

26 (A) the person elected to serve as chief justice  
27 at the general election for state officers held in 2012 will serve

1 an eight-year term;

2 (B) the other seven persons serving as justices  
3 whose terms to which the persons were elected or appointed expire on  
4 December 31, 2012, shall draw lots to determine the four of their  
5 places on the court for which justices will be elected at the  
6 general election for state officers held in 2012 to serve six-year  
7 terms, and the three of their places on the court for which justices  
8 will be elected at the general election for state officers held in  
9 2012 to serve eight-year terms;

10 (C) the persons elected to serve as justices at  
11 the general election for state officers held in 2014 will serve an  
12 eight-year term; and

13 (D) the persons elected to serve as justices at  
14 the general election for state officers held in 2016 will serve  
15 eight-year terms;

16 (6) for the Sixth Court of Appeals:

17 (A) the person elected to serve as a justice at  
18 the general election for state officers held in 2012 will serve an  
19 eight-year term;

20 (B) the person elected to serve as a justice at  
21 the general election for state officers held in 2014 will serve an  
22 eight-year term; and

23 (C) the person elected to serve as chief justice  
24 at the general election for state officers held in 2016 will serve  
25 an eight-year term;

26 (7) for the Seventh Court of Appeals:

27 (A) the two persons serving as justices whose

1 terms to which the persons were elected or appointed expire on  
2 December 31, 2012, shall draw lots to determine the one of their  
3 places on the court for which a justice will be elected at the  
4 general election for state officers held in 2012 to serve a six-year  
5 term, and the one of their places on the court for which a justice  
6 will be elected at the general election for state officers held in  
7 2012 to serve an eight-year term;

8 (B) the person elected to serve as chief justice  
9 at the general election for state officers held in 2014 will serve  
10 an eight-year term; and

11 (C) the person elected to serve as justice at the  
12 general election for state officers held in 2016 will serve an  
13 eight-year term;

14 (8) for the Eighth Court of Appeals:

15 (A) the two persons serving as justices whose  
16 terms to which the persons were elected or appointed expire on  
17 December 31, 2012, shall draw lots to determine the one of their  
18 places on the court for which a justice will be elected at the  
19 general election for state officers held in 2012 to serve a six-year  
20 term, and the one of their places on the court for which a justice  
21 will be elected at the general election for state officers held in  
22 2012 to serve an eight-year term; and

23 (B) the person elected to serve as chief justice  
24 at the general election for state officers held in 2014 will serve  
25 an eight-year term;

26 (9) for the Ninth Court of Appeals:

27 (A) the two persons serving as justices whose

1 terms to which the persons were elected or appointed expire on  
2 December 31, 2012, shall draw lots to determine the one of their  
3 places on the court for which a justice will be elected at the  
4 general election for state officers held in 2012 to serve a six-year  
5 term, and the one of their places on the court for which a justice  
6 will be elected at the general election for state officers held in  
7 2012 to serve an eight-year term;

8 (B) the person elected to serve as chief justice  
9 at the general election for state officers held in 2014 will serve  
10 an eight-year term; and

11 (C) the person elected to serve as justice at the  
12 general election for state officers held in 2016 will serve an  
13 eight-year term;

14 (10) for the Tenth Court of Appeals:

15 (A) the person elected to serve as chief justice  
16 at the general election for state officers held in 2012 will serve  
17 an eight-year term;

18 (B) the person elected to serve as justice at the  
19 general election for state officers held in 2014 will serve an  
20 eight-year term; and

21 (C) the person elected to serve as justice at the  
22 general election for state officers held in 2016 will serve an  
23 eight-year term;

24 (11) for the Eleventh Court of Appeals:

25 (A) the person elected to serve as chief justice  
26 at the general election for state officers held in 2012 will serve  
27 an eight-year term;

1           (B) the person elected to serve as justice at the  
2 general election for state officers held in 2014 will serve an  
3 eight-year term; and

4           (C) the person elected to serve as justice at the  
5 general election for state officers held in 2016 will serve an  
6 eight-year term;

7           (12) for the Twelfth Court of Appeals:

8           (A) the person elected to serve as justice at the  
9 general election for state officers held in 2012 will serve an  
10 eight-year term;

11           (B) the person elected to serve as chief justice  
12 at the general election for state officers held in 2014 will serve  
13 an eight-year term; and

14           (C) the person elected to serve as justice at the  
15 general election for state officers held in 2016 will serve an  
16 eight-year term;

17           (13) for the Thirteenth Court of Appeals:

18           (A) the person elected to serve as chief justice  
19 at the general election for state officers held in 2012 will serve  
20 an eight-year term;

21           (B) the other three persons serving as justices  
22 whose terms to which the persons were elected or appointed expire on  
23 December 31, 2012, shall draw lots to determine the two of their  
24 places on the court for which justices will be elected at the  
25 general election for state officers held in 2012 to serve six-year  
26 terms, and the one of their places on the court for which a justice  
27 will be elected at the general election for state officers held in

1 2012 to serve an eight-year term;

2 (C) the person elected to serve as justice at the  
3 general election for state officers held in 2014 will serve an  
4 eight-year term; and

5 (D) the person elected to serve as justice at the  
6 general election for state officers held in 2016 will serve an  
7 eight-year term; and

8 (14) for the Fourteenth Court of Appeals:

9 (A) the five persons serving as justices whose  
10 terms to which the persons were elected or appointed expire on  
11 December 31, 2012, shall draw lots to determine the two of their  
12 places on the court for which justices will be elected at the  
13 general election for state officers held in 2012 to serve six-year  
14 terms, and the three of their places on the court for which justices  
15 will be elected at the general election for state officers held in  
16 2012 to serve eight-year terms;

17 (B) the person elected to serve as chief justice  
18 at the general election for state officers held in 2014 will serve  
19 an eight-year term;

20 (C) the person elected to serve as justice at the  
21 general election for state officers held in 2014 will serve an  
22 eight-year term; and

23 (D) the persons elected to serve as justices at  
24 the general election for state officers held in 2016 will serve  
25 eight-year terms.

26 (f) The amendments to Sections 7 and 28, Article V, of this  
27 constitution take effect January 1, 2012. The amendment to Section

1 7 applies only to the term of a district judge that begins on or  
2 after January 1, 2012. The term of a district judge who was elected  
3 or appointed before January 1, 2012, expires, unless the judge is  
4 otherwise removed as provided by law, at the end of the term to  
5 which the judge was elected or appointed. On the expiration of that  
6 term, the length of the next elected term for the judge of that  
7 district is eight years.

8 (g) This temporary provision expires January 1, 2026.

9 SECTION 7. This proposed constitutional amendment shall be  
10 submitted to the voters at an election to be held November 8, 2011.  
11 The ballot shall be printed to provide for voting for or against the  
12 proposition: "The constitutional amendment changing the  
13 eligibility requirements for a justice of the supreme court, judge  
14 of the court of criminal appeals, and justice of a court of appeals  
15 and changing the terms of office of those justices and judges and  
16 district judges."