LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

March 31, 2013

TO: Honorable Robert Duncan, Chair, Senate Committee on State Affairs

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: **SJR34** by Duncan (Proposing a constitutional amendment for filling vacancies in appellate judicial offices by appointment, for partisan elections for all judicial offices, and for subsequent nonpartisan retention elections for all judicial offices.), **As Introduced**

No significant fiscal implication to the State is anticipated, other than the cost of publication.

The cost to the state for publication of the resolution is $108,921.

This resolution would propose a constitutional amendment, which would amend Article V of the Texas Constitution to require a Chief Justice or Justice of the Supreme Court, a Chief Justice or Justice of the Court of Criminal Appeals, a Chief Justice or Justice of the Court of Appeals, and district judges to be initially elected by a partisan election, which would then be followed by a nonpartisan retention election at the end of each of their respective terms. The amendment would also stagger the terms of the members of the Supreme Court so that three members of the court are elected or retained for a full term every two years. The amendment would establish qualifications for serving as a district judge, and would require for a vacancy in the District Courts to be filled by the Governor.

The constitutional amendment would be proposed to the voters at an election to be held on November 5, 2013. If approved by the voters, the constitutional amendment would take effect on January 1, 2014.

The Office of Court Administration and the Secretary of State indicate the provisions of the bill can be implemented within existing resources.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 307 Secretary of State

LBB Staff: UP, AG, EP, CK, AHE