

By: Smithee

H.J.R. No. 10

A JOINT RESOLUTION

1 proposing a constitutional amendment changing the eligibility  
2 requirements for and the terms of office of certain judicial  
3 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 State of Texas [~~this state~~] and is,  
10 at the time of election, a citizen of the United States and of the  
11 State of Texas [~~this state~~], and has attained the age of thirty-five  
12 years, and has been a practicing lawyer licensed in the State of  
13 Texas for at least ten consecutive years, or has been a practicing  
14 lawyer licensed in the State of Texas and judge of a state court or  
15 county court established by the Legislature by statute for a  
16 combined total of [~~court of record together~~] at least ten  
17 consecutive years, during which time the person's license to  
18 practice law has not been revoked, suspended, or subject to a  
19 probated suspension.

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

1 SECTION 2. Section 4(a), Article V, Texas Constitution, is  
2 amended to read as follows:

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

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

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

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

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

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

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

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

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

1       (c) A vacancy in the office of Judge of a District Court  
2 shall be filled by the Governor until the next succeeding General  
3 Election for state officers, and at that election the voters shall  
4 fill the vacancy for a full term, as specified by Section 7, Article  
5 V, of this constitution.

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

8       TEMPORARY PROVISION. (a) This temporary provision applies  
9 to the constitutional amendment proposed by the 85th Legislature,  
10 Regular Session, 2017, changing the eligibility requirements for a  
11 justice of the supreme court, a judge of the court of criminal  
12 appeals, and a justice of a court of appeals and changing the terms  
13 of office of those justices and judges and district judges.

14       (b) The amendment to Section 2(b), Article V, of this  
15 constitution takes effect January 1, 2018, and applies only to a  
16 chief justice or other justice of the supreme court who is elected  
17 for a term that begins on or after that date, or who is appointed on  
18 or after that date.

19       (c) The amendment to Section 2(c), Article V, of this  
20 constitution takes effect January 1, 2018, and applies only to the  
21 term of a chief justice or justice of the supreme court that begins  
22 on the expiration of the term the length of which is prescribed by  
23 the subdivisions of this subsection. The term of a chief justice or  
24 justice of the supreme court who was elected or appointed before  
25 January 1, 2018, expires, unless the justice is otherwise removed  
26 as provided by law, at the end of the term to which the justice was  
27 elected or appointed. On the expiration of that term, the length of

1 the next elected term for the chief justice or justice, unless  
2 otherwise removed as provided by law, is as follows:

3 (1) the three persons serving as justices of the  
4 supreme court whose terms to which the persons were elected or  
5 appointed expire on December 31, 2018, shall draw lots to determine  
6 the two of their places on the court for which justices will be  
7 elected at the general election for state officers held in 2018 to  
8 serve six-year terms and the one of their places on the court for  
9 which a justice will be elected at the general election for state  
10 officers held in 2018 to serve an eight-year term;

11 (2) the person elected to serve as chief justice of the  
12 supreme court at the general election for state officers held in  
13 2020 will serve an eight-year term;

14 (3) the other two persons serving as justices of the  
15 supreme court whose terms to which the persons were elected or  
16 appointed expire on December 31, 2020, shall draw lots to determine  
17 the one of their places on the court for which a justice will be  
18 elected at the general election for state officers held in 2020 to  
19 serve a six-year term and the one of their places on the court for  
20 which a justice will be elected at the general election for state  
21 officers held in 2020 to serve an eight-year term; and

22 (4) the three persons serving as justices of the  
23 supreme court whose terms to which the persons were elected or  
24 appointed expire on December 31, 2022, shall draw lots to determine  
25 the one of their places on the court for which a justice will be  
26 elected at the general election for state officers held in 2022 to  
27 serve a six-year term and the two of their places on the court for

1 which justices will be elected at the general election for state  
2 officers held in 2022 to serve an eight-year term.

3 (d) The amendment to Section 4(a), Article V, of this  
4 constitution takes effect January 1, 2018, and applies only to the  
5 term of a presiding judge or other judge of the court of criminal  
6 appeals that begins on the expiration of the term the length of  
7 which is prescribed by the subdivisions of this subsection. The  
8 term of a presiding judge or other judge of the court of criminal  
9 appeals who was elected or appointed before January 1, 2018,  
10 expires, unless the judge is otherwise removed as provided by law,  
11 at the end of the term to which the judge was elected or appointed.  
12 On the expiration of that term, the length of the next elected term  
13 for the presiding judge or other judge, unless otherwise removed as  
14 provided by law, is as follows:

15 (1) the person elected to serve as presiding judge of  
16 the court of criminal appeals at the general election for state  
17 officers held in 2018 will serve an eight-year term;

18 (2) the other two persons elected to serve as judges of  
19 the court of criminal appeals at the general election for state  
20 officers held in 2018 will serve six-year terms;

21 (3) the three persons serving as judges of the court of  
22 criminal appeals whose terms to which the persons were elected or  
23 appointed expire on December 31, 2020, shall draw lots to determine  
24 the two of their places on the court for which judges will be  
25 elected at the general election for state officers held in 2020 to  
26 serve eight-year terms and the one of their places on the court for  
27 which a judge will be elected at the general election for state

1 officers held in 2020 to serve a six-year term; and

2 (4) the three persons serving as judges of the court of  
3 criminal appeals whose terms to which the persons were elected or  
4 appointed expire on December 31, 2022, shall draw lots to determine  
5 the two of their places on the court for which judges will be  
6 elected at the general election for state officers held in 2022 to  
7 serve eight-year terms and the one of their places on the court for  
8 which a judge will be elected at the general election for state  
9 officers held in 2022 to serve a six-year term.

10 (e) The amendment to Section 6(b), Article V, of this  
11 constitution takes effect January 1, 2018, and applies only to the  
12 term of a chief justice or other justice of a court of appeals that  
13 begins on the expiration of the term the length of which is  
14 prescribed by the subdivisions of this subsection. The term of a  
15 chief justice or other justice of a court of appeals who was elected  
16 or appointed before January 1, 2018, expires, unless the justice is  
17 otherwise removed as provided by law, at the end of the term to  
18 which the justice was elected or appointed. On the expiration of  
19 that term, the length of the next elected term for the chief justice  
20 or other justice, unless otherwise removed as provided by law, is as  
21 follows:

22 (1) for the First Court of Appeals:

23 (A) the five persons serving as justices whose  
24 terms to which the persons were elected or appointed expire on  
25 December 31, 2018, 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 2018 to serve six-year

1 terms and the three of their places on the court for which justices  
2 will be elected at the general election for state officers held in  
3 2018 to serve eight-year terms;

4 (B) the persons elected to serve as justices at  
5 the general election for state officers held in 2020 will serve  
6 eight-year terms;

7 (C) the person elected to serve as chief justice  
8 at the general election for state officers held in 2022 will serve  
9 an eight-year term; and

10 (D) the other person elected to serve as a  
11 justice at the general election for state officers held in 2022 will  
12 serve an eight-year term;

13 (2) for the Second Court of Appeals:

14 (A) the person elected to serve as chief justice  
15 at the general election for state officers held in 2018 will serve  
16 an eight-year term;

17 (B) the other three persons serving as justices  
18 whose terms to which the persons were elected or appointed expire on  
19 December 31, 2018, shall draw lots to determine the one of their  
20 places on the court for which a justice will be elected at the  
21 general election for state officers held in 2018 to serve an  
22 eight-year term and the two of their places on the court for which  
23 justices will be elected at the general election for state officers  
24 held in 2018 to serve six-year terms;

25 (C) the persons elected to serve as justices at  
26 the general election for state officers held in 2020 will serve  
27 eight-year terms; and



1           (D) the person elected to serve as a justice at  
2 the general election for state officers held in 2022 will serve an  
3 eight-year term;

4           (3) for the Third Court of Appeals:

5           (A) the four persons serving as justices whose  
6 terms to which the persons were elected or appointed expire on  
7 December 31, 2018, shall draw lots to determine the two of their  
8 places on the court for which justices will be elected at the  
9 general election for state officers held in 2018 to serve six-year  
10 terms and the two of their places on the court for which justices  
11 will be elected at the general election for state officers held in  
12 2018 to serve eight-year terms;

13           (B) the person elected to serve as chief justice  
14 at the general election for state officers held in 2020 will serve  
15 an eight-year term; and

16           (C) the person elected to serve as a justice at  
17 the general election for state officers held in 2022 will serve an  
18 eight-year term;

19           (4) for the Fourth Court of Appeals:

20           (A) the five persons serving as justices whose  
21 terms to which the persons were elected or appointed expire on  
22 December 31, 2018, shall draw lots to determine the two of their  
23 places on the court for which justices will be elected at the  
24 general election for state officers held in 2018 to serve six-year  
25 terms and the three of their places on the court for which justices  
26 will be elected at the general election for state officers held in  
27 2018 to serve eight-year terms;

1           (B) the person elected to serve as chief justice  
2 at the general election for state officers held in 2020 will serve  
3 an eight-year term; and

4           (C) the person elected to serve as a justice at  
5 the general election for state officers held in 2022 will serve an  
6 eight-year term;

7           (5) for the Fifth Court of Appeals:

8           (A) the person elected to serve as chief justice  
9 at the general election for state officers held in 2018 will serve  
10 an eight-year term;

11           (B) the other seven persons serving as justices  
12 whose terms to which the persons were elected or appointed expire on  
13 December 31, 2018, shall draw lots to determine the four of their  
14 places on the court for which justices will be elected at the  
15 general election for state officers held in 2018 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 2018 to serve eight-year terms;

19           (C) the persons elected to serve as justices at  
20 the general election for state officers held in 2020 will serve an  
21 eight-year term; and

22           (D) the persons elected to serve as justices at  
23 the general election for state officers held in 2022 will serve  
24 eight-year terms;

25           (6) for the Sixth Court of Appeals:

26           (A) the person elected to serve as a justice at  
27 the general election for state officers held in 2018 will serve an

1 eight-year term;

2 (B) the person elected to serve as a justice at  
3 the general election for state officers held in 2020 will serve an  
4 eight-year term; and

5 (C) the person elected to serve as chief justice  
6 at the general election for state officers held in 2022 will serve  
7 an eight-year term;

8 (7) for the Seventh Court of Appeals:

9 (A) the two persons serving as justices whose  
10 terms to which the persons were elected or appointed expire on  
11 December 31, 2018, shall draw lots to determine the one of their  
12 places on the court for which a justice will be elected at the  
13 general election for state officers held in 2018 to serve a six-year  
14 term and the one of their places on the court for which a justice  
15 will be elected at the general election for state officers held in  
16 2018 to serve an eight-year term;

17 (B) the person elected to serve as chief justice  
18 at the general election for state officers held in 2020 will serve  
19 an eight-year term; and

20 (C) the person elected to serve as a justice at  
21 the general election for state officers held in 2022 will serve an  
22 eight-year term;

23 (8) for the Eighth Court of Appeals:

24 (A) the person elected to serve as a justice at  
25 the general election for state officers held in 2018 will serve an  
26 eight-year term;

27 (B) the person elected to serve as a justice at

1 the general election for state officers held in 2022 will serve an  
2 eight-year term; and

3 (C) the person elected to serve as chief justice  
4 at the general election for state officers held in 2020 will serve  
5 an eight-year term;

6 (9) for the Ninth Court of Appeals:

7 (A) the two persons serving as justices whose  
8 terms to which the persons were elected or appointed expire on  
9 December 31, 2018, shall draw lots to determine the one of their  
10 places on the court for which a justice will be elected at the  
11 general election for state officers held in 2018 to serve a six-year  
12 term and the one of their places on the court for which a justice  
13 will be elected at the general election for state officers held in  
14 2018 to serve an eight-year term;

15 (B) the person elected to serve as chief justice  
16 at the general election for state officers held in 2020 will serve  
17 an eight-year term; and

18 (C) the person elected to serve as a justice at  
19 the general election for state officers held in 2022 will serve an  
20 eight-year term;

21 (10) for the Tenth Court of Appeals:

22 (A) the person elected to serve as chief justice  
23 at the general election for state officers held in 2018 will serve  
24 an eight-year term;

25 (B) the person elected to serve as a justice at  
26 the general election for state officers held in 2020 will serve an  
27 eight-year term; and

1           (C) the person elected to serve as a justice at  
2 the general election for state officers held in 2022 will serve an  
3 eight-year term;

4           (11) for the Eleventh Court of Appeals:

5           (A) the person elected to serve as chief justice  
6 at the general election for state officers held in 2018 will serve  
7 an eight-year term;

8           (B) the person elected to serve as justice at the  
9 general election for state officers held in 2020 will serve an  
10 eight-year term; and

11           (C) the person elected to serve as a justice at  
12 the general election for state officers held in 2022 will serve an  
13 eight-year term;

14           (12) for the Twelfth Court of Appeals:

15           (A) the person elected to serve as a justice at  
16 the general election for state officers held in 2018 will serve an  
17 eight-year term;

18           (B) the person elected to serve as chief justice  
19 at the general election for state officers held in 2020 will serve  
20 an eight-year term; and

21           (C) the person elected to serve as a justice at  
22 the general election for state officers held in 2022 will serve an  
23 eight-year term;

24           (13) for the Thirteenth Court of Appeals:

25           (A) the person elected to serve as chief justice  
26 at the general election for state officers held in 2018 will serve  
27 an eight-year term;

1           (B) the other three persons serving as justices  
2 whose terms to which the persons were elected or appointed expire on  
3 December 31, 2018, shall draw lots to determine the two of their  
4 places on the court for which justices will be elected at the  
5 general election for state officers held in 2018 to serve six-year  
6 terms and the one of their places on the court for which a justice  
7 will be elected at the general election for state officers held in  
8 2018 to serve an eight-year term;

9           (C) the person elected to serve as a justice at  
10 the general election for state officers held in 2020 will serve an  
11 eight-year term; and

12           (D) the person elected to serve as a justice at  
13 the general election for state officers held in 2022 will serve an  
14 eight-year term; and

15           (14) for the Fourteenth Court of Appeals:

16           (A) the five persons serving as justices whose  
17 terms to which the persons were elected or appointed expire on  
18 December 31, 2018, shall draw lots to determine the two of their  
19 places on the court for which justices will be elected at the  
20 general election for state officers held in 2018 to serve six-year  
21 terms and the three of their places on the court for which justices  
22 will be elected at the general election for state officers held in  
23 2018 to serve eight-year terms;

24           (B) the person elected to serve as chief justice  
25 at the general election for state officers held in 2020 will serve  
26 an eight-year term;

27           (C) the person elected to serve as justice at the

1 general election for state officers held in 2020 will serve an  
2 eight-year term; and

3 (D) the persons elected to serve as justices at  
4 the general election for state officers held in 2022 will serve  
5 eight-year terms.

6 (f) The amendments to Sections 7 and 28, Article V, of this  
7 constitution take effect January 1, 2018. The amendment to Section  
8 7 applies only to the term of a district judge that begins on or  
9 after January 1, 2018. The term of a district judge who was elected  
10 or appointed before January 1, 2018, expires, unless the judge is  
11 otherwise removed as provided by law, at the end of the term to  
12 which the judge was elected or appointed. On the expiration of that  
13 term, the length of the next elected term for the judge of that  
14 district is six years.

15 (g) This temporary provision expires January 1, 2032.

16 SECTION 7. This proposed constitutional amendment shall be  
17 submitted to the voters at an election to be held November 7, 2017.  
18 The ballot shall be printed to provide for voting for or against the  
19 proposition: "The constitutional amendment changing the  
20 eligibility requirements for a justice of the supreme court, judge  
21 of the court of criminal appeals, and justice of a court of appeals  
22 and changing the terms of office of those justices and judges and  
23 district judges."