

By: Smithee

H.J.R. No. 117

A JOINT RESOLUTION

1 proposing a constitutional amendment changing the terms of office  
2 of certain judicial offices.

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

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

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

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

13 (a) The Court of Criminal Appeals shall consist of eight  
14 Judges and one Presiding Judge. The Judges shall have the same  
15 qualifications and receive the same salaries as the Associate  
16 Justices of the Supreme Court, and the Presiding Judge shall have  
17 the same qualifications and receive the same salary as the Chief  
18 Justice of the Supreme Court. The Presiding Judge and the Judges  
19 shall be elected by the qualified voters of the state at a general  
20 election and shall hold their offices for staggered terms [~~a term~~]  
21 of eight [~~six~~] years.

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

24 (b) Each of said Courts of Appeals shall hold its sessions

1 at a place in its district to be designated by the Legislature, and  
2 at such time as may be prescribed by law. Said Justices shall be  
3 elected by the qualified voters of their respective districts at a  
4 general election, for staggered terms [~~a term~~] of eight [~~six~~] years  
5 and shall receive for their services the sum provided by law.

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

8 Sec. 7. The State shall be divided into judicial districts,  
9 with each district having one or more Judges as may be provided by  
10 law or by this Constitution. Each district judge shall be elected  
11 by the qualified voters at a General Election and shall be a citizen  
12 of the United States and of this State, who is licensed to practice  
13 law in this State and has been a practicing lawyer or a Judge of a  
14 Court in this State, or both combined, for four [~~(4)~~] years next  
15 preceding the judge's [~~his~~] election, who has resided in the  
16 district in which the judge [~~he~~] was elected for two [~~(2)~~] years  
17 next preceding the [~~his~~] election, and who shall reside in the [~~his~~]  
18 district during the judge's [~~his~~] term of office and hold the [~~his~~]  
19 office for the period of six [~~four (4)~~] years, and who shall receive  
20 for the judge's [~~his~~] services an annual salary to be fixed by the  
21 Legislature. The Court shall conduct its proceedings at the county  
22 seat of the county in which the case is pending, except as otherwise  
23 provided by law. The judge [~~He~~] shall hold the regular terms of the  
24 judge's [~~his~~] Court at the County Seat of each County in the [~~his~~]  
25 district in such manner as may be prescribed by law. The  
26 Legislature shall have power by General or Special Laws to make such  
27 provisions concerning the terms or sessions of each Court as it may

1 deem necessary.

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

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

8 (a) A vacancy in the office of Chief Justice, Justice, or  
9 Judge of the Supreme Court, the Court of Criminal Appeals, or the  
10 Court of Appeals[~~, or the District Courts~~] shall be filled by the  
11 Governor until the next succeeding General Election for state  
12 officers, and at that election the voters shall fill the vacancy for  
13 the unexpired term.

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

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

21 TEMPORARY PROVISION. (a) This temporary provision applies  
22 to the constitutional amendment proposed by the 85th Legislature,  
23 Regular Session, 2017, changing the terms of office of justices of  
24 the supreme court, judges of the court of criminal appeals,  
25 justices of the courts of appeals, and district judges.

26 (b) The amendment to Section 2(c), Article V, of this  
27 constitution takes effect January 1, 2018, and applies only to the

1 term of a chief justice or justice of the supreme court that begins  
2 on the expiration of the term the length of which is prescribed by  
3 the subdivisions of this subsection. The term of a chief justice or  
4 justice of the supreme court who was elected or appointed before  
5 January 1, 2018, expires, unless the justice is otherwise removed  
6 as provided by law, at the end of the term to which the justice was  
7 elected or appointed. On the expiration of that term, the length of  
8 the next elected term for the chief justice or justice, unless  
9 otherwise removed as provided by law, is as follows:

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

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

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

1 officers held in 2020 to serve an eight-year term; and

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

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

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

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

1           (3) the three persons serving as judges of the court of  
2 criminal appeals whose terms to which the persons were elected or  
3 appointed expire on December 31, 2020, shall draw lots to determine  
4 the two of their places on the court for which judges will be  
5 elected at the general election for state officers held in 2020 to  
6 serve eight-year terms and the one of their places on the court for  
7 which a judge will be elected at the general election for state  
8 officers held in 2020 to serve a six-year term; and

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

17           (d) The amendment to Section 6(b), Article V, of this  
18 constitution takes effect January 1, 2018, and applies only to the  
19 term of a chief justice or other justice of a court of appeals that  
20 begins on the expiration of the term the length of which is  
21 prescribed by the subdivisions of this subsection. The term of a  
22 chief justice or other justice of a court of appeals who was elected  
23 or appointed before January 1, 2018, expires, unless the justice is  
24 otherwise removed as provided by law, at the end of the term to  
25 which the justice was elected or appointed. On the expiration of  
26 that term, the length of the next elected term for the chief justice  
27 or other justice, unless otherwise removed as provided by law, is as

1 follows:

2 (1) for the First Court of Appeals:

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

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

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

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

20 (2) for the Second Court of Appeals:

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

24 (B) the other three persons serving as justices  
25 whose terms to which the persons were elected or appointed expire on  
26 December 31, 2018, shall draw lots to determine the one of their  
27 places on the court for which a justice will be elected at the

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

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

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

11 (3) for the Third Court of Appeals:

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

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

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

26 (4) for the Fourth Court of Appeals:

27 (A) the five persons serving as justices whose



1 terms to which the persons were elected or appointed expire on  
2 December 31, 2018, shall draw lots to determine the two of their  
3 places on the court for which justices will be elected at the  
4 general election for state officers held in 2018 to serve six-year  
5 terms and the three of their places on the court for which justices  
6 will be elected at the general election for state officers held in  
7 2018 to serve eight-year terms;

8 (B) the person elected to serve as chief justice  
9 at the general election for state officers held in 2020 will serve  
10 an 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 (5) for the Fifth Court of Appeals:

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

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

26 (C) the persons elected to serve as justices at  
27 the general election for state officers held in 2020 will serve an

1 eight-year term; and

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

5 (6) for the Sixth Court of Appeals:

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

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

15 (7) for the Seventh Court of Appeals:

16 (A) the two 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 one of their  
19 places on the court for which a justice will be elected at the  
20 general election for state officers held in 2018 to serve a six-year  
21 term and the one of their places on the court for which a justice  
22 will be elected at the general election for state officers held in  
23 2018 to serve an eight-year term;

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; and

27 (C) 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;

3 (8) for the Eighth Court of Appeals:

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

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

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

13 (9) for the Ninth Court of Appeals:

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

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

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

1           (10) for the Tenth Court of Appeals:

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

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

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

11           (11) for the Eleventh Court of Appeals:

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

15           (B) the person elected to serve as justice at the  
16 general election for state officers held in 2020 will serve an  
17 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           (12) for the Twelfth Court of Appeals:

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

25           (B) the person elected to serve as chief justice  
26 at the general election for state officers held in 2020 will serve  
27 an 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           (13) for the Thirteenth 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 other three persons serving as justices  
9 whose terms to which the persons were elected or appointed expire on  
10 December 31, 2018, shall draw lots to determine the two of their  
11 places on the court for which justices will be elected at the  
12 general election for state officers held in 2018 to serve six-year  
13 terms and the one of their places on the court for which a justice  
14 will be elected at the general election for state officers held in  
15 2018 to serve an eight-year term;

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

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

22           (14) for the Fourteenth 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 person elected to serve as chief justice  
5 at the general election for state officers held in 2020 will serve  
6 an eight-year term;

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

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

13 (e) The amendments to Sections 7 and 28, Article V, of this  
14 constitution take effect January 1, 2018. The amendment to Section  
15 7 applies only to the term of a district judge that begins on or  
16 after January 1, 2018. The term of a district judge who was elected  
17 or appointed before January 1, 2018, expires, unless the judge is  
18 otherwise removed as provided by law, at the end of the term to  
19 which the judge was elected or appointed. On the expiration of that  
20 term, the length of the next elected term for the judge of that  
21 district is six years.

22 (f) This temporary provision expires January 1, 2032.

23 SECTION 7. This proposed constitutional amendment shall be  
24 submitted to the voters at an election to be held November 7, 2017.  
25 The ballot shall be printed to provide for voting for or against the  
26 proposition: "The constitutional amendment changing the terms of  
27 office of justices of the supreme court, judges of the court of

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1 criminal appeals, justices of the courts of appeals, and district  
2 judges."