

AN ACT

relating to an interim study by the Texas Commission on Judicial Selection regarding the method by which certain trial and appellate judges are selected.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. COMMISSION; STUDY. (a) The Texas Commission on Judicial Selection is established to study and review the method by which the following judges and justices are selected for office in this state:

(1) statutory county court judges, including probate court judges;

(2) district judges;

(3) justices of the courts of appeals;

(4) judges of the court of criminal appeals; and

(5) justices of the supreme court.

(b) The study conducted under this section must consider:

(1) the fairness, effectiveness, and desirability of selecting a judicial officer described in Subsection (a) of this section through partisan elections;

(2) the fairness, effectiveness, and desirability of judicial selection methods proposed or adopted by other states;

(3) the relative merits of alternative methods for selecting a judicial officer described in Subsection (a) of this section, including:

- 1 (A) lifetime appointment;
- 2 (B) appointment for a term;
- 3 (C) appointment for a term, followed by a  
4 partisan election;
- 5 (D) appointment for a term, followed by a  
6 nonpartisan election;
- 7 (E) appointment for a term, followed by a  
8 nonpartisan retention election;
- 9 (F) partisan election for an open seat, followed  
10 by a nonpartisan retention election for incumbents; and
- 11 (G) any other method or combination of methods  
12 for selecting a judicial officer described in Subsection (a) of  
13 this section; and
- 14 (4) the merits of using a public member board to  
15 nominate or assess the qualifications of candidates for judicial  
16 office.

17 (c) The Texas Commission on Judicial Selection consists of  
18 15 members appointed as follows:

- 19 (1) four members appointed by the governor;
- 20 (2) four members appointed by the lieutenant governor,  
21 including three senators, with at least:
  - 22 (A) one senator who is a member of the political  
23 party with which the lieutenant governor is affiliated; and
  - 24 (B) one senator who is a member of a political  
25 party other than the political party with which the lieutenant  
26 governor is affiliated;
- 27 (3) four members appointed by the speaker of the house

1 of representatives, including three members of the house of  
2 representatives, with at least:

3 (A) one representative who is a member of the  
4 political party with which the speaker of the house is affiliated;  
5 and

6 (B) one representative who is a member of a  
7 political party other than the political party with which the  
8 speaker of the house is affiliated;

9 (4) one member appointed by the chief justice of the  
10 Supreme Court of Texas;

11 (5) one member appointed by the presiding judge of the  
12 Texas Court of Criminal Appeals; and

13 (6) one member appointed by the board of directors of  
14 the State Bar of Texas.

15 (d) The governor, lieutenant governor, and speaker of the  
16 house of representatives shall coordinate to ensure that the  
17 members appointed to the Texas Commission on Judicial Selection  
18 reflect, to the extent practicable, the racial, ethnic, and  
19 geographic diversity of this state and include individuals who are  
20 attorneys and individuals who are not attorneys.

21 (e) The governor shall designate the presiding officer of  
22 the Texas Commission on Judicial Selection.

23 (f) The Texas Commission on Judicial Selection shall  
24 convene at the call of the presiding officer.

25 (g) A member of the Texas Commission on Judicial Selection  
26 is not entitled to compensation but is entitled to reimbursement  
27 for actual and necessary expenses incurred in serving as a member of

1 the commission.

2 (h) The Office of Court Administration of the Texas Judicial  
3 System shall provide necessary administrative support to the Texas  
4 Commission on Judicial Selection.

5 (i) Not later than December 31, 2020, the Texas Commission  
6 on Judicial Selection shall submit to the governor and the  
7 legislature a report on the commission's findings and  
8 recommendations on a method or methods for selecting for office  
9 judges listed in Subsection (a) of this section that ensure a fair,  
10 impartial, qualified, competent, and stable judiciary. The  
11 commission shall include in its recommendations specific  
12 constitutional and statutory changes that appear necessary from the  
13 results of the commission's study.

14 SECTION 2. ABOLITION OF COMMISSION. The Texas Commission  
15 on Judicial Selection is abolished and this Act expires January 2,  
16 2021.

17 SECTION 3. IMPLEMENTATION TRANSITION. The Office of Court  
18 Administration of the Texas Judicial System is required to  
19 implement a provision of this Act only if the legislature  
20 appropriates money specifically for that purpose. If the  
21 legislature does not appropriate money specifically for that  
22 purpose, the Office of Court Administration of the Texas Judicial  
23 System may, but is not required to, implement a provision of this  
24 Act using other appropriations available for that purpose.

25 SECTION 4. EFFECTIVE DATE. This Act takes effect  
26 immediately if it receives a vote of two-thirds of all the members  
27 elected to each house, as provided by Section 39, Article III, Texas

H.B. No. 3040

1 Constitution. If this Act does not receive the vote necessary for  
2 immediate effect, this Act takes effect September 1, 2019.

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President of the Senate

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Speaker of the House

I certify that H.B. No. 3040 was passed by the House on May 9, 2019, by the following vote: Yeas 122, Nays 11, 2 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 3040 was passed by the Senate on May 21, 2019, by the following vote: Yeas 25, Nays 6.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor