

SUBJECT: Permitting SCJC to accept complaints on all candidates for judicial office

COMMITTEE: Judiciary and Civil Jurisprudence — favorable, without amendment

VOTE: 5 ayes — Leach, Krause, Middleton, Moody, Smith

0 nays

4 absent — Davis, Dutton, Julie Johnson, Schofield

WITNESSES: None

BACKGROUND: Tex. Const. Art 5, sec. 1-a provides for the State Commission on Judicial Conduct and empowers the commission to accept complaints or reports regarding state judicial officeholders and conduct investigations. The commission may issue private or public admonitions, warnings, reprimands, or require additional training of judicial officeholders.

DIGEST: HJR 165 would allow the State Commission on Judicial Conduct to accept complaints or reports, conduct investigations, and take any other action authorized by Tex. Const. Art. 5, sec. 1-a with respect to a candidate for state judicial office in the same manner the commission may take those actions with respect to a person holding such office.

The proposed constitutional amendment would be submitted to the voters at an election to be held November 2, 2021. The ballot would be printed to permit voting for or against the proposition: “The constitutional amendment providing additional powers to the State Commission on Judicial Conduct with respect to candidates for judicial office.”

SUPPORTERS SAY: HJR 165 would level the playing field between candidates for judicial office who were not current officeholders and incumbents by expanding the authority of the State Commission on Judicial Conduct (SCJC) to receive complaints and conduct investigations. Currently, elected judicial officers are held to high standards specified in the Code of Judicial Conduct, whereas their non-judge opponents are not. The bill would

remedy this by fairly and consistently subjecting all candidates for judicial office to the SCJC complaint and investigation process.

CRITICS
SAY:

HJR 165 could significantly increase the responsibilities of the State Commission on Judicial Conduct by expanding the list of individuals potentially subject to a complaint or investigation by the commission.

NOTES:

According to the Legislative Budget Board, the cost to the state for publication of the resolution would be \$178,333.