

Judicial Campaign Fairness Act

Background

The Judicial Campaign and Fairness Act (JCFA) was signed into law on June 17, 1995. The Act was passed following a period of dramatic contribution increases to appellate judicial candidates which prompted calls for reform.

Who does it apply to?

- chief justice or justice of the Supreme Court;
- presiding judge or judge of the Court of Criminal Appeals;
- chief justice or justice of a court of appeals;
- district judge;
- judge of a statutory county court; and
- judge of a statutory probate court.
- **Does not apply to Justice of the Peace or Municipal Judge**

What does it do?

The JCFA limits the time frame during which a judicial candidate can accept a political contribution, sets contribution limits for judicial races, and establishes voluntary expenditure limits.

Individual Contributions

- limits individual contributions to statewide judicial candidates to \$5,000
- individual contributions to other judicial candidates are limited to between \$1,000 and \$5,000, depending on district population

Law firm Contributions

- \$30,000 for candidates for statewide judicial offices
- \$6,000 - \$30,000 for candidates for courts of appeals, district courts, statutory county courts and statutory probate courts depending on district population

PAC Contributions

- \$300,000 for statewide judicial office
- \$52,500 - \$75,000 for courts of appeals depending on district population
- \$15,000 - \$52,500 for district courts, statutory county courts and statutory probate courts depending on district population

Expenditure limits

There are voluntary expenditure limits for judicial candidates:

- \$2 million for a statewide judicial office
- \$350,000-\$500,000 for courts of appeals depending on district population
- \$100,000 - \$350,000 for district courts, statutory county courts and statutory probate courts depending on district population

Every candidate for judicial office covered by the JCFA must file a declaration that they intend to comply or not comply with the voluntary expenditure limits. If they chose not to comply with the voluntary expenditure limits, their opponent is also no longer bound by the contribution or expenditure limits. However, the candidate intending to exceed the voluntary expenditure limits would still be bound by the contribution limits.

Texas Judicial Council (TJC) Recommendations from 2010 Judicial Selection Report

Increase Term Lengths

- A comparison of current judicial terms in Texas — four years for district courts and six years for appellate courts — to those in other states that rely upon partisan judicial elections demonstrates that terms in Texas are among the shortest. The TJC recommended adjusting terms in Texas to six years for district courts and eight years for appellate courts. This adjustment would require a constitutional amendment.

Appointment Judges Elected to Full Terms

- Modifying Section 28(a) of Article V of the Texas Constitution, under which a judge who has been appointed to fill a vacancy must serve “until the next succeeding General Election for state officers, and at that election the voters shall fill the vacancy for the unexpired term.” Depending on the timing of a vacancy, this provision can compel a recent judicial appointee to run in back-to-back elections. The frequency of campaigns would be reduced if appointed judges were allowed to serve a full term before undertaking a second election.

Elimination of Straight Ticket Voting

- This recommendation was passed by the 85th legislature and will go into effect in 2020.

Increase Judicial Qualifications

- Increase time licensed as Texas attorney from 4 years to 6 years to run for District Judge.
- Increase time to 10 years licensed as a Texas Attorney or Texas Judge to run for appellate office.

Recusal Requirements

- Presumption against recusal for judge if the judge is in compliance with contribution limits of the JCFA and campaign finance reporting.



The Texas Judicial Council was created in 1929 by the 41st Legislature and is the policy-making body for the state judiciary. It examines the work accomplished by the courts and submits recommendations for improvement of the system to the Legislature, the Governor and the Supreme Court.