

TEXAS HOUSE OF REPRESENTATIVES
COMMITTEE ON
CRIMINAL JURISPRUDENCE



Juan J. Hinojosa
Chairman

RQ-0447-JC

October 7, 2001

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OPINION COMMITTEE

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OFFICE OF THE ATTORNEY GENERAL
EXECUTIVE ADMINISTRATION

2466

Honorable John Cornyn
Texas Attorney General
PO Box 12548
Austin, TX 78711-2548

FILE # ML-42223-01
I.D. # 42223

Dear General Cornyn,

I am writing this letter to respectfully request an Attorney General's Opinion regarding Article 5, Section 18, Paragraphs C and D of the Texas Constitution, concerning changes in precinct boundaries for certain elected officials. This letter is a follow-up to an identical request submitted by a constituent of Representative Domingo Garcia, Dallas County Justice-of-the-Peace Luis Sepulveda, which was denied.

The focus of the opinion should be on whether an official elected for a four-year term can be forced to run for re-election the following year because of redistricting.

Please call me if you have any questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Juan J. Hinojosa", followed by a horizontal line.

Juan J. Hinojosa
Chairman
House Committee on Criminal Jurisprudence

P.O. Box 2910 • Austin, Texas 78768-2910 • (512) 463-0768

Jim Duanam, Vice Chairman
Domingo Garcia, Rick Green, Terry Keel, Ann Kitchen
Trey Martinez Fischer, John Shields, Robert E. Talton
Gabriel G. Cárdenas, Committee Clerk
Jesse Salazar, Committee Counsel

Mr. Domingo Garcia was summoned on 1-11-01
EXCEL MAIL 2402



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OFFICE OF THE ATTORNEY GENERAL
EXECUTIVE ADMINISTRATION

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JUDGE LUIS SEPULVEDA
Justice of the Peace
Dallas County
Precinct 6 , Place 1

District Attorney
113 N. Industrial Blvd., LB 19
Dallas, Texas 75207-4399
Attn: John Dahill

July 19, 2001

Dear Mr. Dahill,

In regards to our telephone conversation I am requesting the following information and an Attorney General's opinion on the appointment of Justice of the Peace and Constables. Referencing Section 18, Article 5, Paragraphs C and D of the Texas State Constitution, I would like an opinion on the legality of requesting recently elected officials to resign and be appointed to the new precincts. There are several elected officials who have taken office January 1, 2001 for a four-year term. It is my understanding if the appointment is rejected on October 1, 2001; those elected officials will remain in office until the expiration of their four-year term. At this time, I am requesting in writing the ramifications of not accepting the appointed position and serving out the remainder of my four years. If I am displaced to another location for the next four years will my chief clerk, bookkeeper and staff also be assigned to this location? How will this action impact the constituents that elected me to represent them for four years? Will they still be able to file in my new location and will I have the staff to assure them a speedy trial and the professionalism that my current staff has displayed? How can I be assured there will be no retaliation on budget cuts, if I decide to not accept the appointment and serve my four years in a new location? It has been an uphill battle since January 1, 2001 when taking office at a court that the people no longer believed in because of the previous administration. I was elected to represent the citizens of Precinct 6, which will become Precinct 5 on October 1, 2001 and I feel a deep commitment to continue to represent them no matter what the situation may become.

I respectfully request a timely response to the Attorney General's opinion and the various questions presented in this letter.

Sincerely,

Judge Luis Sepulveda
Justice of the Peace Precinct 6, Place 1

- cc: Attorney General
- Commissioner Lee Jackson
- Commissioner Ken Mayfield
- Commissioner John Wylie Price
- Commissioner Jim Jackson
- Commissioner Mike Cantrell
- Attorney Michael Daniel