

By: Harrison

H.J.R. No. 163

A JOINT RESOLUTION

1 proposing a constitutional amendment allowing the voters to remove  
2 local elected officers from office by means of a recall election.

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

4 SECTION 1. Article VI, Texas Constitution, is amended by  
5 adding Section 6 to read as follows:

6 Sec. 6. (a) The qualified voters may recall the following  
7 elected officers from office:

8 (1) any municipal officer who serves in a position  
9 elected by the qualified voters of the entire municipality;

10 (2) any member of a governing body of a municipality or  
11 other municipal officer who serves in a position elected by the  
12 qualified voters of a territory less than that of the entire  
13 municipality;

14 (3) any county officer who serves in a position  
15 elected by the qualified voters of the entire county;

16 (4) any member of a commissioners court or other  
17 county officer who serves in a position elected by the qualified  
18 voters of a territory less than that of the entire county; and

19 (5) any elective officer of any special district  
20 created by state law.

21 (b) An application for a recall election must:

22 (1) be limited to one office;

23 (2) contain on each page:

24 (A) the heading "An Application for a Recall

1 Election";

2 (B) the title of the office in question,  
3 including any applicable place or district number; and

4 (C) a succinct statement that it is the desire of  
5 the signers to remove the incumbent from that office;

6 (3) be signed by qualified voters in a number equal to  
7 at least 10 percent of all votes cast for the office that is the  
8 target of the recall at the most recent regular election at which  
9 that office was filled;

10 (4) contain for each signer the residence address or  
11 voter registration number and the signer's name in typewritten or  
12 legibly hand-printed form; and

13 (5) be in a form prescribed by the secretary of state.

14 (c) The application for a recall election must be submitted  
15 to the secretary of state when the office in question involves a  
16 constituency composed of more than one county and to the county  
17 clerk when the office in question is countywide or involves a  
18 constituency composed of a territory less than countywide. Not  
19 later than the 60th day after the date the secretary of state or  
20 county clerk receives the application, the secretary or clerk shall  
21 examine the application to determine the validity of the signatures  
22 and shall endorse the application if it contains the requisite  
23 number of valid signatures.

24 (d) Upon the endorsement of validity, the secretary of state  
25 or county clerk, as appropriate, shall order an election to be held  
26 on the first Saturday that is not a legal holiday that occurs after  
27 30 days have elapsed from the date of endorsement. The question

1 before the electorate shall be: "Shall (HERE SPECIFY THE NAME OF  
2 THE INCUMBENT) be removed from the office of (HERE SPECIFY THE  
3 OFFICE IN QUESTION, INCLUDING ANY APPLICABLE PLACE OR DISTRICT  
4 NUMBER)?" If a majority of the votes cast at the election answer in  
5 the affirmative, the office in question becomes vacant seven days  
6 after the date the result is canvassed.

7 (e) Except as provided by this subsection, an election to  
8 fill a vacancy created under this section is governed by law  
9 generally applicable to a vacancy for the office in question. The  
10 election shall be held on the first Saturday that is not a legal  
11 holiday that occurs after 60 days have elapsed from the date of the  
12 vacancy. At this election, the person whose removal created the  
13 vacancy is ineligible to seek the office from which the person was  
14 removed.

15 (f) Enabling laws may be enacted to give effect to this  
16 section.

17 SECTION 2. This proposed constitutional amendment shall be  
18 submitted to the voters at an election to be held November 7, 2023.  
19 The ballot shall be printed to permit voting for or against the  
20 proposition: "The constitutional amendment to allow the voters to  
21 remove from office by means of a recall election a municipal or  
22 county elected officer or an elected officer of a special district  
23 created by state law."