

By: Herrero

H.J.R. No. 57

A JOINT RESOLUTION

1 proposing a constitutional amendment providing that a person newly
2 elected to the legislature may take office on receiving a
3 certificate of election if the office to which the person was
4 elected is vacant.

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

6 SECTION 1. Sections 3 and 4, Article III, Texas
7 Constitution, are amended to read as follows:

8 Sec. 3. (a) The Senators shall be chosen by the qualified
9 voters for the term of four years; but a new Senate shall be chosen
10 after every apportionment, and the Senators elected after each
11 apportionment shall be divided by lot into two classes. The seats
12 of the Senators of the first class shall be vacated at the
13 expiration of the first two years, and those of the second class at
14 the expiration of four years, so that one half of the Senators shall
15 be chosen biennially thereafter.

16 (b) Except as provided by Subsection (c) of this section,
17 Senators shall take office following their election, on the day set
18 by law for the convening of the Regular Session of the Legislature,
19 and shall serve thereafter for the full term of years to which
20 elected.

21 (c) A candidate elected to the Senate for a full term
22 beginning on the convening of the Regular Session may take office
23 immediately on receiving the certificate of election if the office
24 is vacant because of resignation or otherwise, and shall serve

1 until the convening of the Regular Session in addition to the full
2 term of years to which elected. This subsection does not apply to a
3 candidate elected at the first general election for Senators held
4 after an apportionment of the Senate.

5 Sec. 4. (a) The Members of the House of Representatives
6 shall be chosen by the qualified voters for the term of two years.

7 (b) Except as provided by Subsection (c) of this section,
8 Representatives shall take office following their election, on the
9 day set by law for the convening of the Regular Session of the
10 Legislature, and shall serve thereafter for the full term of years
11 to which elected.

12 (c) A candidate elected to the House of Representatives for
13 a full term beginning on the convening of the Regular Session may
14 take office immediately on receiving the certificate of election if
15 the office is vacant because of resignation or otherwise, and shall
16 serve until the convening of the Regular Session in addition to the
17 full term of years to which elected. This subsection does not apply
18 to a candidate elected at the first general election for
19 Representatives held after an apportionment of the House of
20 Representatives.

21 SECTION 2. This proposed constitutional amendment shall be
22 submitted to the voters at an election to be held November 8, 2005.
23 The ballot shall be printed to permit voting for or against the
24 proposition: "The constitutional amendment providing that a person
25 elected to the legislature may take office before the beginning of
26 the regular term of office if the position to which the person was
27 elected is vacant."