

By: Seliger, Duncan

S.J.R. No. 14

1 SENATE JOINT RESOLUTION

2 proposing a constitutional amendment allowing Potter or Randall
3 County to abolish and reinstate the office of constable in the
4 county or in a precinct of the county.

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

6 SECTION 1. Article V, Texas Constitution, is amended by
7 adding Section 18A to read as follows:

8 Sec. 18A. (a) The Commissioners Court of Potter or Randall
9 County may call an election in the county to abolish the office of
10 constable countywide or in a specified precinct.

11 (b) At an election to abolish the office countywide:

12 (1) any voter of the county may vote in the election;

13 and

14 (2) the commissioners court shall prepare ballots to
15 permit voting for or against the proposition: "Abolishing the
16 office of constable in _____ (name of county) County."

17 (c) At an election to abolish the office in a specified
18 precinct:

19 (1) only voters of the specified precinct may vote in
20 the election; and

21 (2) the commissioners court shall prepare ballots to
22 permit voting for or against the proposition: "Abolishing the
23 office of constable in Precinct __ (number of precinct), _____ (name
24 of county) County."

1 (d) If a majority of the votes cast approve a proposition
2 under Subsection (b) or (c) of this section, on the 91st day after
3 the date of the election the office of constable is abolished in the
4 county or precinct and all powers, duties, and records of the office
5 are transferred to the county sheriff.

6 (e) A county that abolishes the office of constable under
7 Subsection (b) or (c) of this section may reinstate that office at
8 an election called by the commissioners court to reinstate the
9 office. If the office of constable has been abolished for five
10 years or more, the commissioners court may call the election on its
11 own initiative. If the office of constable has been abolished for
12 less than five years, the commissioners court shall call the
13 election only if the court receives a petition that requests the
14 office of constable be reinstated and that is signed by a number of
15 qualified voters of:

16 (1) the county equal to at least 10 percent of the
17 registered voters of the county as of the date of the most recent
18 general election for county officers, for an election to reinstate
19 the office countywide; or

20 (2) the specified precinct equal to at least 10
21 percent of the registered voters of the precinct as of the date of
22 the most recent general election for county officers, for an
23 election to reinstate the office in a specified precinct.

24 (f) At an election to reinstate the office of constable
25 countywide:

26 (1) any voter of the county may vote in the election;
27 and

1 (2) the commissioners court shall prepare the ballots
2 to permit voting for or against the proposition: "Reinstating the
3 office of constable in _____ (name of county) County."

4 (g) At an election to reinstate the office of constable in a
5 specified precinct:

6 (1) only voters of the specified precinct may vote in
7 the election; and

8 (2) the commissioners court shall prepare the ballots
9 to permit voting for or against the proposition: "Reinstating the
10 office of constable in Precinct ____ (number of precinct),
11 _____ (name of county) County."

12 (h) If a majority of the votes cast approve a proposition
13 under Subsection (f) or (g) of this section, on the 91st day after
14 the date of the election the office of constable is reinstated in
15 the county or precinct. On reinstatement of the office following a
16 countywide election on the proposition, the office exists in each
17 precinct established under Subsection (a), Section 18, of this
18 article.

19 SECTION 2. This proposed constitutional amendment shall be
20 submitted to the voters at an election to be held November 8, 2005.
21 The ballot shall be printed to permit voting for or against the
22 proposition: "The constitutional amendment allowing Potter or
23 Randall County to abolish and reinstate the office of constable in
24 the county or in a precinct of the county."