

By: Seliger

S.J.R. No. 14

A JOINT RESOLUTION

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

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

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

7 Sec. 18A. (a) The commissioners court of a county may call
8 an election in the county to abolish the office of constable
9 countywide or in a specified precinct.

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

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

12 and

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

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

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

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

24 (d) If a majority of the votes cast approve a proposition

1 under Subsection (b) or (c), on the 91st day after the date of the
2 election the office of constable is abolished in the county or
3 precinct and all powers, duties, and records of the office are
4 transferred to the county sheriff.

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

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

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

22 (f) At an election to reinstate the office of constable
23 countywide:

24 (1) any voter of the county may vote in the election;
25 and

26 (2) the commissioners court shall prepare the ballots
27 to permit voting for or against the proposition: "Reinstating the

1 office of constable in _____ (name of county) County."

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

4 (1) only voters of the specified precinct may vote in
5 the election; and

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

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

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