

1-1 By: Seliger, Duncan S.J.R. No. 14
1-2 (In the Senate - Filed February 8, 2005; February 24, 2005,
1-3 read first time and referred to Committee on Intergovernmental
1-4 Relations; March 23, 2005, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 4, Nays 0;
1-6 March 23, 2005, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.J.R. No. 14 By: Wentworth

1-8 SENATE JOINT RESOLUTION

1-9 proposing a constitutional amendment allowing certain counties to
1-10 abolish and reinstate the office of constable in the county or in a
1-11 precinct of the county.

1-12 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Article V, Texas Constitution, is amended by
1-14 adding Section 18A to read as follows:

1-15 Sec. 18A. (a) The commissioners court of a county with a
1-16 population of less than 250,000 may call an election in the county
1-17 to abolish the office of constable countywide or in a specified
1-18 precinct.

1-19 (b) At an election to abolish the office countywide:

1-20 (1) any voter of the county may vote in the election;

1-21 and

1-22 (2) the commissioners court shall prepare ballots to
1-23 permit voting for or against the proposition: "Abolishing the
1-24 office of constable in _____ (name of county) County."

1-25 (c) At an election to abolish the office in a specified
1-26 precinct:

1-27 (1) only voters of the specified precinct may vote in
1-28 the election; and

1-29 (2) the commissioners court shall prepare ballots to
1-30 permit voting for or against the proposition: "Abolishing the
1-31 office of constable in Precinct ____ (number of precinct), _____
1-32 (name of county) County."

1-33 (d) If a majority of the votes cast approve a proposition
1-34 under Subsection (b) or (c) of this section, on the 91st day after
1-35 the date of the election the office of constable is abolished in the
1-36 county or precinct and all powers, duties, and records of the office
1-37 are transferred to the county sheriff.

1-38 (e) A county that abolishes the office of constable under
1-39 Subsection (b) or (c) of this section may reinstate that office at an
1-40 election called by the commissioners court to reinstate the office.
1-41 If the office of constable has been abolished for five years or
1-42 more, the commissioners court may call the election on its own
1-43 initiative. If the office of constable has been abolished for less
1-44 than five years, the commissioners court shall call the election
1-45 only if the court receives a petition that requests the office of
1-46 constable be reinstated and that is signed by a number of qualified
1-47 voters of:

1-48 (1) the county equal to at least 10 percent of the
1-49 registered voters of the county as of the date of the most recent
1-50 general election for county officers, for an election to reinstate
1-51 the office countywide; or

1-52 (2) the specified precinct equal to at least 10
1-53 percent of the registered voters of the precinct as of the date of
1-54 the most recent general election for county officers, for an
1-55 election to reinstate the office in a specified precinct.

1-56 (f) At an election to reinstate the office of constable
1-57 countywide:

1-58 (1) any voter of the county may vote in the election;

1-59 and

1-60 (2) the commissioners court shall prepare the ballots
1-61 to permit voting for or against the proposition: "Reinstating the
1-62 office of constable in _____ (name of county) County."

1-63 (g) At an election to reinstate the office of constable in a

2-1 specified precinct:
 2-2 (1) only voters of the specified precinct may vote in
 2-3 the election; and
 2-4 (2) the commissioners court shall prepare the ballots
 2-5 to permit voting for or against the proposition: "Reinstating the
 2-6 office of constable in Precinct ____ (number of precinct),
 2-7 _____(name of county) County."
 2-8 (h) If a majority of the votes cast approve a proposition
 2-9 under Subsection (f) or (g) of this section, on the 91st day after
 2-10 the date of the election the office of constable is reinstated in
 2-11 the county or precinct. On reinstatement of the office following a
 2-12 countywide election on the proposition, the office exists in each
 2-13 precinct established under Subsection (a), Section 18, of this
 2-14 article.
 2-15 SECTION 2. This proposed constitutional amendment shall be
 2-16 submitted to the voters at an election to be held November 8, 2005.
 2-17 The ballot shall be printed to permit voting for or against the
 2-18 proposition: "The constitutional amendment allowing certain
 2-19 counties to abolish and reinstate the office of constable in the
 2-20 county or in a precinct of the county."

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