

BILL ANALYSIS

H.J.R. 39
By: Allen, Alma
Elections
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Amendment XXIV to the Constitution of the United States, which prohibits the imposition of a poll tax upon persons wishing to vote in elections, was ratified in 1964. Texas is one of twelve states that failed to initially ratify Amendment XXIV. Other States that did not initially ratify Amendment XXIV, such as Alabama, Virginia and North Carolina, have subsequently ratified the Amendment as a symbolic gesture. Texas should follow suite and extend its hand in the symbolic gesture of post-ratifying the Amendment XXIV.

H.J.R 39 would place Texas on official record as post-ratifying the 24th Amendment.

RULEMAKING AUTHORITY

It is the committee's opinion that this resolution does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.J.R. 39 post-ratifies Amendment XXIV by the Texas Legislature.

The resolution cites the proposal and ratification of Amendment XXIV, as well as providing its full text.

This resolution provides contemporary quotations in support of Amendment XXIV by Presidents John Fitzgerald Kennedy, just before Congress proposed it to the state legislatures, and Lyndon Baines Johnson, shortly after it was ratified.

The resolution acknowledges the ability of the Texas Legislature to post-ratify Amendment XXIV and cites the symbolic post-ratifications of Amendment XXIV by lawmakers in Alabama (2002), North Carolina (1989) and Virginia (1977). H.J.R. 39 acknowledges that the Legislature of Texas has never approved Amendment XXIV, but makes clear that the Legislature has the opportunity to do so.

The resolution states that the Legislature of the State of Texas hereby post-ratifies Amendment XXIV to the Constitution of the United States and directs the Texas Secretary of State to transmit to the archivist of the United States a duly certified copy of H.J.R. 39. and directs the Texas Secretary of State to transmit to the presiding officers of both houses of the United States Congress, as well as the Texas Congressional Delegation, duly certified copies of H.J.R. 39, with the request that its full text be printed in the Congressional Record.

EFFECTIVE DATE

The joint resolution, which would not be presented to the Governor for signature, would take effect immediately upon its having been adopted by both houses of the legislature.