

By: Moreno

H.J.R. No. 74

A JOINT RESOLUTION

1 proposing a constitutional amendment to allow a member of the  
2 legislature to designate a successor to serve in case of the  
3 member's death or incapacity to serve.

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

5 SECTION 1. Article III, Texas Constitution, is amended by  
6 adding Section 13A to read as follows:

7 Sec. 13A. (a) A member of the legislature in a signed  
8 document filed with the presiding officer of the appropriate house  
9 may designate a person to serve as the member's successor for the  
10 remainder of the member's term if the member dies or becomes  
11 incapacitated to the extent that the member can no longer serve in  
12 office.

13 (b) To be eligible to serve as a successor a person must:

14 (1) belong to the same political party as the member  
15 being replaced; and

16 (2) meet the other eligibility requirements of this  
17 constitution for the office of representative or senator, as  
18 appropriate.

19 (c) Following the death or incapacity of a member who has  
20 made a designation under this section, a person designated as the  
21 member's successor who meets the requirements of Subsection (b) of  
22 this section:

23 (1) is entitled to take the constitutional oath of  
24 office and to serve the remainder of the term of the member making

1 the designation; and

2 (2) has all the powers, privileges, and duties of  
3 office as the member making the designation.

4 (d) Each house shall adopt rules as necessary to implement  
5 this section, including rules defining the circumstances under  
6 which a member is incapacitated to the extent that the member can no  
7 longer serve in office.

8 (e) Notwithstanding Section 13 of this article, a vacancy  
9 requiring an election does not occur in the office of a member of  
10 the legislature if the member's designated successor under this  
11 section takes office on or before the 21st day after the date the  
12 member dies or is determined incapacitated.

13 SECTION 2. This proposed constitutional amendment shall be  
14 submitted to the voters at an election to be held November 6, 2007.  
15 The ballot shall be printed to provide for voting for or against the  
16 proposition: "The constitutional amendment to allow a member of the  
17 legislature to designate a successor to serve for the remainder of  
18 the term of office in case of the member's death or incapacity to  
19 serve."