

## **BILL ANALYSIS**

Senate Research Center  
81R3954 CBE-D

H.J.R. 39  
By: Allen et al. (Ellis)  
State Affairs  
5/17/2009  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

H.J.R. 39 would place Texas on official record as post-ratifying Amendment XXIV to the Constitution of the United States.

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 12 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 suit and extend its hand in the symbolic gesture of post-ratifying Amendment XXIV.

H.J.R. 39 relates to post-ratifying Amendment XXIV to the Constitution of the United States, which prohibits the denial or abridgment of the right to vote for failure to pay any poll tax or other tax.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Provides that the 87th Congress of the United States, on August 27, 1962, in the form of S.J.R. No. 29, proposed to the legislatures of the several states an amendment to the Constitution of the United States, and by a proclamation dated February 4, 1964, published at 29 Federal Register 1715-16 and at 78 Statutes at Large 1117-18, the Administrator of General Services, Bernard L. Boutin--in the presence of native Texas, President Lyndon Baines Johnson--declared the amendment to have been ratified by the legislatures of 38 of the 50 states, thereby becoming Amendment XXIV to the United States Constitution, pursuant to Article V thereof. Sets forth the language of Amendment XXIV.

SECTION 2. Provides that while the congress was still deliberating on the poll tax amendment in August of 1962, President John Fitzgerald Kennedy urged the United States House of Representatives to follow the lead of the Senate and propose the amendment for the consideration of the state legislatures ". . . to finally eliminate this outmoded and arbitrary bar to voting. American citizens should not have to pay to vote." Provides that in witnessing the issuance of Amendment XXIV's certificate of validity 17 months later, Kennedy's successor, President Johnson, noted that abolishing the tax requirement ". . . reaffirmed the simple but unbreakable theme of this Republic. Nothing is so valuable as liberty, and nothing is so necessary to liberty as the freedom to vote without bans or barriers. . . . A change in our Constitution is a serious event. . . . There can now be no one too poor to vote."

SECTION 3. Provides that although Amendment XXIV has been the law of the land since 1964, some 13 years following its effective date, it received symbolic post-ratification in 1977 from the General Assembly of the Commonwealth of Virginia, as reflected in the Congressional Record of March 28, 1977, which printed the full text of Virginia's post-ratification; 12 years after that the amendment gained ceremonial post-ratification in 1989 from the General Assembly of the State of North Carolina, as reflected in the Congressional Record of June 6, 1989, which printed the full text of North Carolina's post-ratification; and nearly 13 years after that, the amendment acquired its most recent post-ratification in 2002 from the Legislature of the State of Alabama, as

reflected in the Congressional Record of September 26, 2002, which printed the full text of Alabama's post-ratification.

SECTION 4. Provides that the Legislature of the State of Texas--one of only five states still levying a poll tax by 1964--have never approved Amendment XXIV to the Constitution of the United States, but precedent makes clear the opportunity of Texas to post-ratify the amendment in a manner similar to the actions of lawmakers in Alabama, North Carolina, and Virginia.

SECTION 5. Provides that the Legislature of the State of Texas, as a symbolic gesture, hereby post-ratifies Amendment XXIV to the Constitution of the United States.

SECTION 6. Requires the Texas secretary of state to notify, pursuant to Public Law No. 98-497, the archivist of the United States of the action of the 81st Legislature of the State of Texas, Regular Session, 2009, by forwarding to the archivist an official copy of this resolution.

SECTION 7. Requires the Texas secretary of state to also forward official copies of this resolution to both United States senators from Texas, to all United States representatives from Texas, to the vice president of the United States in his capacity as presiding officer of the United States Senate, and to the speaker of the United States House of Representatives, with the request that this resolution be printed in full in the Congressional Record.