

By: Allen

H.J.R. No. 39

A JOINT RESOLUTION

1 post-ratifying Amendment XXIV to the Constitution of the United
2 States prohibiting the denial or abridgment of the right to vote for
3 failure to pay any poll tax or other tax.

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

5 SECTION 1. The 87th Congress of the United States, on August
6 27, 1962, in the form of Senate Joint Resolution No. 29, proposed to
7 the legislatures of the several states an amendment to the
8 Constitution of the United States, and by a proclamation dated
9 February 4, 1964, published at 29 Federal Register 1715-16 and at 78
10 Statutes at Large 1117-18, the Administrator of General Services,
11 Bernard L. Boutin--in the presence of native Texan, President
12 Lyndon Baines Johnson--declared the amendment to have been ratified
13 by the legislatures of 38 of the 50 states, thereby becoming
14 Amendment XXIV to the United States Constitution, pursuant to
15 Article V thereof, and reading as follows:

16 "AMENDMENT XXIV.

17 "SECTION 1. The right of citizens of the United
18 States to vote in any primary or other election for
19 President or Vice President, for electors for
20 President or Vice President, or for Senator or
21 Representative in Congress, shall not be denied or
22 abridged by the United States or any State by reason of
23 failure to pay any poll tax or other tax.

24 "SECTION 2. The Congress shall have power to enforce

1 this article by appropriate legislation."

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

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

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

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

9 SECTION 5. The Legislature of the State of Texas, as a
10 symbolic gesture, hereby post-ratifies Amendment XXIV to the
11 Constitution of the United States.

12 SECTION 6. Pursuant to Public Law No. 98-497, the Texas
13 secretary of state shall notify the archivist of the United States
14 of the action of the 81st Legislature of the State of Texas, Regular
15 Session, 2009, by forwarding to the archivist an official copy of
16 this resolution.

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