

1-1 By: Allen, et al. (Senate Sponsor - Ellis) H.J.R. No. 39  
1-2 (In the Senate - Received from the House May 5, 2009;  
1-3 May 6, 2009, read first time and referred to Committee on State  
1-4 Affairs; May 19, 2009, reported favorably by the following vote:  
1-5 Yeas 7, Nays 0; May 19, 2009, sent to printer.)

1-6 HOUSE JOINT RESOLUTION

1-7 post-ratifying Amendment XXIV to the Constitution of the United  
1-8 States prohibiting the denial or abridgment of the right to vote for  
1-9 failure to pay any poll tax or other tax.

1-10 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. The 87th Congress of the United States, on August  
1-12 27, 1962, in the form of Senate Joint Resolution No. 29, proposed to  
1-13 the legislatures of the several states an amendment to the  
1-14 Constitution of the United States, and by a proclamation dated  
1-15 February 4, 1964, published at 29 Federal Register 1715-16 and at 78  
1-16 Statutes at Large 1117-18, the Administrator of General Services,  
1-17 Bernard L. Boutin--in the presence of native Texan, President  
1-18 Lyndon Baines Johnson--declared the amendment to have been ratified  
1-19 by the legislatures of 38 of the 50 states, thereby becoming  
1-20 Amendment XXIV to the United States Constitution, pursuant to  
1-21 Article V thereof, and reading as follows:

1-22 "AMENDMENT XXIV.

1-23 "SECTION 1. The right of citizens of the United  
1-24 States to vote in any primary or other election for  
1-25 President or Vice President, for electors for  
1-26 President or Vice President, or for Senator or  
1-27 Representative in Congress, shall not be denied or  
1-28 abridged by the United States or any State by reason of  
1-29 failure to pay any poll tax or other tax.

1-30 "SECTION 2. The Congress shall have power to enforce  
1-31 this article by appropriate legislation."

1-32 SECTION 2. While the congress was still deliberating on the  
1-33 poll tax amendment in August of 1962, President John Fitzgerald  
1-34 Kennedy urged the United States House of Representatives to follow  
1-35 the lead of the Senate and propose the amendment for the  
1-36 consideration of the state legislatures ". . . to finally  
1-37 eliminate this outmoded and arbitrary bar to voting. American  
1-38 citizens should not have to pay to vote." And in witnessing the  
1-39 issuance of Amendment XXIV's certificate of validity 17 months  
1-40 later, Kennedy's successor, President Johnson, noted that  
1-41 abolishing the tax requirement ". . . reaffirmed the simple but  
1-42 unbreakable theme of this Republic. Nothing is so valuable as  
1-43 liberty, and nothing is so necessary to liberty as the freedom to  
1-44 vote without bans or barriers. . . . A change in our Constitution  
1-45 is a serious event. . . . There can now be no one too poor to vote."

1-46 SECTION 3. Although Amendment XXIV has been the law of the  
1-47 land since 1964, some 13 years following its effective date, it  
1-48 received symbolic post-ratification in 1977 from the General  
1-49 Assembly of the Commonwealth of Virginia, as reflected in the  
1-50 Congressional Record of March 28, 1977, which printed the full text  
1-51 of Virginia's post-ratification; 12 years after that, the amendment  
1-52 gained ceremonial post-ratification in 1989 from the General  
1-53 Assembly of the State of North Carolina, as reflected in the  
1-54 Congressional Record of June 6, 1989, which printed the full text of  
1-55 North Carolina's post-ratification; and nearly 13 years after that,  
1-56 the amendment acquired its most recent post-ratification in 2002  
1-57 from the Legislature of the State of Alabama, as reflected in the  
1-58 Congressional Record of September 26, 2002, which printed the full  
1-59 text of Alabama's post-ratification.

1-60 SECTION 4. The Legislature of the State of Texas--one of  
1-61 only five states still levying a poll tax by 1964--has never  
1-62 approved Amendment XXIV to the Constitution of the United States,  
1-63 but precedent makes clear the opportunity of Texas to post-ratify  
1-64 the amendment in a manner similar to the actions of lawmakers in

2-1 Alabama, North Carolina, and Virginia.

2-2 SECTION 5. The Legislature of the State of Texas, as a  
2-3 symbolic gesture, hereby post-ratifies Amendment XXIV to the  
2-4 Constitution of the United States.

2-5 SECTION 6. Pursuant to Public Law No. 98-497, the Texas  
2-6 secretary of state shall notify the archivist of the United States  
2-7 of the action of the 81st Legislature of the State of Texas, Regular  
2-8 Session, 2009, by forwarding to the archivist an official copy of  
2-9 this resolution.

2-10 SECTION 7. The Texas secretary of state shall also forward  
2-11 official copies of this resolution to both United States senators  
2-12 from Texas, to all United States representatives from Texas, to the  
2-13 vice president of the United States in his capacity as presiding  
2-14 officer of the United States Senate, and to the speaker of the  
2-15 United States House of Representatives, with the request that this  
2-16 resolution be printed in full in the Congressional Record.

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