

By: Homer, Harless

H.J.R. No. 119

Substitute the following for H.J.R. No. 119:

By: Gallego

C.S.H.J.R. No. 119

A JOINT RESOLUTION

1 proposing a constitutional amendment providing that a member of the  
2 legislature automatically vacates the office held on announcing a  
3 candidacy or becoming a candidate for another elective office in a  
4 general or primary election when the unexpired portion of the  
5 member's term of office exceeds one year and providing that a person  
6 who holds another office is not eligible to serve in the legislature  
7 during the term of the office held unless, on announcing a candidacy  
8 or becoming a candidate for the legislature in a general or primary  
9 election, the person resigned that office.

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

11 SECTION 1. Sections 18 and 19, Article III, Texas  
12 Constitution, are amended to read as follows:

13 Sec. 18. (a) A [No] Senator or Representative is not  
14 [shall], during the term for which the Senator or Representative  
15 [he] was elected, [be] eligible to:

16 (1) any appointed civil office of profit under this  
17 State which shall have been created, or the emoluments of which may  
18 have been increased, during such term; [7] or

19 (2) any office or place, the appointment to which may  
20 be made, in whole or in part, by either branch of the Legislature.

21 (b) For purposes of Subsection (a)(1) of this section, [7  
22 provided, however, the fact that the term of office of Senators and  
23 Representatives does not end precisely on the last day of December  
24 but extends a few days into January of the succeeding year is [shall

1 ~~be~~] considered as de minimis, and the ineligibility [~~herein~~]  
2 created by that subsection ends [~~shall terminate~~] on the last day in  
3 December of the last full calendar year of the term for which the  
4 Senator or Representative [~~he~~] was elected.

5       (c) If a member of the Legislature announces the member's  
6 candidacy, or in fact becomes a candidate, in any general or primary  
7 election for any office of profit or trust under the laws of this  
8 State or the United States other than the office then held, at any  
9 time when the unexpired term of the office then held exceeds one  
10 year, that announcement or candidacy constitutes an automatic  
11 resignation of the office then held. The vacancy created by the  
12 automatic resignation shall be filled as provided by Section 13 of  
13 this article.

14       (d) No member of either House shall vote for any other  
15 member for any office whatever, which may be filled by a vote of the  
16 Legislature, except in such cases as are in this Constitution  
17 provided.

18       (e) A [~~nor shall any~~] member of the Legislature may not be  
19 interested, either directly or indirectly, in any contract with the  
20 State, or any county thereof, authorized by any law passed during  
21 the term for which the member [~~he~~] was elected.

22       Sec. 19. A [~~No~~] judge of any court, Secretary of State,  
23 Attorney General, clerk of any court of record, or other [~~any~~]  
24 person holding a lucrative office under the United States, [~~or~~]  
25 this State, or any foreign government is not, [~~shall~~] during the  
26 term for which the person [~~he~~] is elected or appointed, [~~be~~]  
27 eligible to serve in the Legislature unless, at the time the person

1 announced the person's candidacy, or in fact became a candidate, in  
2 any general or primary election for the Legislature, the person  
3 resigned the office then held.

4       SECTION 2. This proposed constitutional amendment shall be  
5 submitted to the voters at an election to be held November 3, 2009.  
6 The ballot shall be printed to permit voting for or against the  
7 proposition: "The constitutional amendment providing that a member  
8 of the legislature automatically vacates the office held on  
9 announcing a candidacy or becoming a candidate for another elective  
10 office in a general or primary election when the unexpired portion  
11 of the member's term of office exceeds one year and providing that a  
12 person who holds another office is not eligible to serve in the  
13 legislature during the term of the office held unless, on  
14 announcing a candidacy or becoming a candidate for the legislature  
15 in a general or primary election, the person resigned that office."