

By: Homer

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 when
4 the unexpired portion of the member's term of office exceeds one
5 year and providing that a person who holds another office is not
6 eligible to serve in the legislature during the term of the office
7 held unless the person resigned that office on announcing a
8 candidacy or becoming a candidate for the legislature.

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

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

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

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

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

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

1 created by that subsection ends [~~shall terminate~~] on the last day in
2 December of the last full calendar year of the term for which the
3 Senator or Representative [~~he~~] was elected.

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

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

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

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

1 any general, special, or primary election for the Legislature, the
2 person resigned the office then held.

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