

By: Homer

H.J.R. No. 120

A JOINT RESOLUTION

1 proposing a constitutional amendment providing that a person who
2 holds elective office, other than a municipal office with a term of
3 two years or less, automatically vacates the office held on
4 announcing a candidacy or becoming a candidate for another elective
5 office when the unexpired portion of the person's term of office
6 exceeds one year.

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

8 SECTION 1. Section 11(a), Article XI, Texas Constitution,
9 is amended to read as follows:

10 (a) A Home Rule City may provide by charter or charter
11 amendment, and a city, town or village operating under the general
12 laws may provide by majority vote of the qualified voters voting at
13 an election called for that purpose, for a longer term of office
14 than two [~~(2)~~] years for its officers, either elective or
15 appointive, or both, but not to exceed four [~~(4)~~] years. This
16 subsection does not affect [~~, provided, however, that~~] tenure under
17 Civil Service. City [~~shall not be affected hereby, provided,~~
18 ~~however, that such~~] officers, elective or appointive, whose terms
19 exceed two years are subject to Section 65 [~~65(b)~~], Article XVI, of
20 this Constitution, providing for automatic resignation in certain
21 circumstances [~~, in the same manner as a county or district officer~~
22 ~~to which that section applies~~].

23 SECTION 2. Section 65, Article XVI, Texas Constitution, is
24 amended to read as follows:

1 Sec. 65. (a) [~~This section applies to the following~~
2 ~~offices: District Clerks, County Clerks, County Judges, Judges of~~
3 ~~the County Courts at Law, County Criminal Courts, County Probate~~
4 ~~Courts and County Domestic Relations Courts, County Treasurers,~~
5 ~~Criminal District Attorneys, County Surveyors, County~~
6 ~~Commissioners, Justices of the Peace, Sheriffs, Assessors and~~
7 ~~Collectors of Taxes, District Attorneys, County Attorneys, Public~~
8 ~~Weighers, and Constables.~~

9 [~~(b)~~] If a person holding an elective public office created
10 under this constitution or other law of this state announces the
11 person's [~~any of the officers named herein shall announce their~~]
12 candidacy, or [~~shall~~] in fact becomes [~~become~~] a candidate, in any
13 General, Special or Primary Election, for any office of profit or
14 trust under the laws of this State or the United States other than
15 the office then held, at any time when the unexpired term of the
16 office then held exceeds [~~shall exceed~~] one [~~(1)~~] year, such
17 announcement or such candidacy constitutes [~~shall constitute~~] an
18 automatic resignation of the office then held. The [~~, and the~~]
19 vacancy [~~thereby~~] created by the automatic resignation shall be
20 filled pursuant to law in the same manner as other vacancies for
21 such office are filled.

22 (b) Subsection (a) of this section does not apply to a
23 person who holds a municipal office with a term of two years or
24 less.

25 SECTION 3. This proposed constitutional amendment shall be
26 submitted to the voters at an election to be held November 3, 2009.
27 The ballot shall be printed to permit voting for or against the

1 proposition: "The constitutional amendment providing that a
2 person who holds elective office, other than a municipal office
3 with a term of two years or less, automatically vacates the office
4 held on announcing a candidacy or becoming a candidate for another
5 elective office when the unexpired portion of the person's term of
6 office exceeds one year."