

By: Ogden

S.J.R. No. 29

A JOINT RESOLUTION

1 proposing a constitutional amendment requiring a candidate for  
2 public office to win by a margin of one percent of the votes cast at  
3 the election before the candidate is elected to that office.

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

5 SECTION 1. Section 3, Article IV, Texas Constitution, is  
6 amended to read as follows:

7 Sec. 3. RETURNS OF ELECTION; DECLARATION OF ELECTION; TIE  
8 VOTES; CONTESTS. (a) The returns of every election for said  
9 executive officers, until otherwise provided by law, shall be made  
10 out, sealed up, and transmitted by the returning officers  
11 prescribed by law, to the seat of Government, directed to the  
12 Secretary of State, who shall deliver the same to the Speaker of the  
13 House of Representatives, as soon as the Speaker shall be chosen,  
14 and the said Speaker shall, during the first week of the session of  
15 the Legislature, open and publish them in the presence of both  
16 Houses of the Legislature.

17 (b) The person, voted for at said election, having the  
18 highest number of votes for each of said offices respectively, and  
19 being constitutionally eligible, shall be declared by the Speaker,  
20 under sanction of the Legislature, to be elected to said office if  
21 the amount by which the number of votes cast for the candidate  
22 receiving the highest number of votes exceeds the number of votes  
23 cast for the candidate receiving the second highest number of votes  
24 is greater than or equal to one percent of the number of votes cast

1 in that election. But, if the amount by which the number of votes  
2 cast for the candidate receiving the highest number of votes  
3 exceeds the number of votes cast for the candidate receiving the  
4 second highest number of votes is not greater than or equal to one  
5 percent of the number of votes cast in that election, a second  
6 election shall be held between the two candidates receiving the  
7 highest and second highest number of votes.

8 (c) If two or more persons shall have the highest and an  
9 equal number of votes for either of said offices, one of them shall  
10 be immediately chosen to such office by joint vote of both Houses of  
11 the Legislature. Contested elections for either of said offices,  
12 shall be determined by both Houses of the Legislature in joint  
13 session.

14 SECTION 2. Article XVI, Texas Constitution, is amended by  
15 adding Section 73 to read as follows:

16 Sec. 73. VOTES REQUIRED FOR ELECTION TO OFFICE. (a) This  
17 subsection applies if a majority vote is not required by this  
18 constitution or general law for election to office. A candidate is  
19 elected to a public office only if the amount by which the number of  
20 votes cast for the candidate receiving the highest number of votes  
21 exceeds the number of votes cast for the candidate receiving the  
22 second highest number of votes is greater than or equal to one  
23 percent of the number of votes cast in that election. If the amount  
24 by which the number of votes cast for the candidate receiving the  
25 highest number of votes exceeds the number of votes cast for the  
26 candidate receiving the second highest number of votes is not  
27 greater than or equal to one percent of the number of votes cast in

1 that election, a second election shall be held between the two  
2 candidates receiving the highest and second highest number of  
3 votes.

4 (b) If another provision of this constitution or a general  
5 law requires a candidate for public office to receive a majority of  
6 the total number of votes received by all candidates for the same  
7 office, the candidate receives the number of votes required to be  
8 elected to that office only if the amount by which the number of  
9 votes cast for the candidate receiving the highest number of votes  
10 exceeds the number of votes cast for the candidate receiving the  
11 second highest number of votes is greater than or equal to one  
12 percent of the number of votes cast in that election.

13 (c) This section does not apply to a candidate for federal  
14 office.

15 SECTION 3. This proposed constitutional amendment shall be  
16 submitted to the voters at an election to be held November 3, 2009.  
17 The ballot shall be printed to provide for voting for or against the  
18 proposition: "The constitutional amendment requiring a candidate  
19 for public office to win by a margin of one percent of the votes cast  
20 at the election before the candidate is elected to that office."