

By: Larson

H.J.R. No. 73

A JOINT RESOLUTION

1 proposing a constitutional amendment providing that a member of the
2 legislature or person holding a statewide elective office
3 automatically vacates office on announcing a candidacy or becoming
4 a candidate for another elective office before December 1 of the
5 last full odd-numbered year of the person's term of office.

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

7 SECTION 1. Section 18, Article III, Texas Constitution, is
8 amended to read as follows:

9 Sec. 18. (a) A ~~[No]~~ Senator or Representative is not
10 ~~[shall]~~, during the term for which the Senator or Representative
11 ~~[he]~~ was elected, ~~[be]~~ eligible to (1) any civil office of profit
12 under this State which shall have been created, or the emoluments of
13 which may have been increased, during such term, or (2) any office
14 or place, the appointment to which may be made, in whole or in part,
15 by either branch of the Legislature; provided, however, the fact
16 that the term of office of Senators and Representatives does not end
17 precisely on the last day of December but extends a few days into
18 January of the succeeding year shall be considered as de minimis,
19 and the ineligibility herein created shall terminate on the last
20 day in December of the last full calendar year of the term for which
21 the Senator or Representative ~~[he]~~ was elected.

22 (b) No member of either House shall vote for any other
23 member for any office whatever, which may be filled by a vote of the
24 Legislature, except in such cases as are in this Constitution

1 provided, nor shall any member of the Legislature be interested,
2 either directly or indirectly, in any contract with the State, or
3 any county thereof, authorized by any law passed during the term for
4 which the member [~~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, special,
7 or primary election for any office of profit or trust under the laws
8 of this State or the United States other than the office then held
9 at any time before December 1 of the last full odd-numbered year
10 before the term of office then held expires, that announcement or
11 candidacy constitutes an automatic resignation from the office then
12 held. The vacancy created by the automatic resignation shall be
13 filled as provided by Section 13 of this article.

14 SECTION 2. Article XVI, Texas Constitution, is amended by
15 adding Section 65-a to read as follows:

16 Sec. 65-a. If a person who holds a statewide elective office
17 announces the person's candidacy, or in fact becomes a candidate,
18 in any general, special, or primary election for any office of
19 profit or trust under the laws of this State or the United States
20 other than the office then held at any time before December 1 of the
21 last full odd-numbered year before the term of office then held
22 expires, that announcement or candidacy constitutes an automatic
23 resignation from the office then held.

24 SECTION 3. This proposed constitutional amendment shall be
25 submitted to the voters at an election to be held November 5, 2013.
26 The ballot shall be printed to provide for voting for or against the
27 proposition: "The constitutional amendment providing that a member

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1 of the legislature or a person holding a statewide elective office
2 automatically vacates office on announcing a candidacy or becoming
3 a candidate for another elective office before December 1 of the
4 last full odd-numbered year of the person's term of office."