

By: Simmons

H.J.R. No. 46

A JOINT RESOLUTION

1 proposing a constitutional amendment on the length of legislative  
2 terms and limiting to three the number of terms for which a person  
3 may be elected or appointed to the legislature or certain state  
4 offices.

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

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

8 Sec. 3. (a) The Senators shall be chosen by the qualified  
9 voters for the term of six [~~four~~] years[~~+~~]. The six year terms shall  
10 be staggered so that one third of the Senators are elected  
11 biennially. [~~but a new Senate shall be chosen after every~~  
12 ~~apportionment, and the Senators elected after each apportionment~~  
13 ~~shall be divided by lot into two classes. The seats of the Senators~~  
14 ~~of the first class shall be vacated at the expiration of the first~~  
15 ~~two years, and those of the second class at the expiration of four~~  
16 ~~years, so that one half of the Senators shall be chosen biennially~~  
17 ~~thereafter.~~]

18 (b) Senators shall take office following their election, on  
19 the day set by law for the convening of the Regular Session of the  
20 Legislature, and shall serve thereafter for the full term of years  
21 to which elected.

22 SECTION 2. Section 4, Article III, Texas Constitution, is  
23 amended to read as follows:

24 Sec. 4. (a) The Members of the House of Representatives

1 shall be chosen by the qualified voters for the term of four [~~two~~]  
2 years. The four year terms shall be staggered so that one half of  
3 the Representatives are elected biennially.

4 (b) Representatives shall take office following their  
5 election, on the day set by law for the convening of the Regular  
6 Session of the Legislature, and shall serve thereafter for the full  
7 term of years to which elected.

8 SECTION 3. Article III, Texas Constitution, is amended by  
9 adding Section 7a to read as follows:

10 Sec. 7a. (a) A person who has been elected to serve three  
11 terms in the senate is not eligible for election to serve a fourth  
12 term. This provision limits to three the number of consecutive or  
13 nonconsecutive terms for which a person may be elected to the  
14 senate. This provision does not prohibit a person from being  
15 eligible for election to an office not described by this  
16 subsection.

17 (b) A person who has been elected to serve three terms in the  
18 house of representatives is not eligible for election to serve a  
19 fourth term. This provision limits to three the number of  
20 consecutive or nonconsecutive terms for which a person may be  
21 elected to the house of representatives. This provision does not  
22 prohibit a person from being eligible for election to an office not  
23 described by this subsection.

24 (c) Legislative service before the legislature convenes in  
25 regular session in 2015 is not counted in determining whether a  
26 person is disqualified from election under this section.

27 (d) For purposes of this section, it is presumed that a

1 member of the legislature who seeks election to a subsequent term of  
2 office will serve for the full term of office the member is  
3 currently serving.

4 SECTION 4. Article IV, Texas Constitution, is amended by  
5 adding Section 2a to read as follows:

6 Sec. 2a. (a) A person who has been elected or appointed to  
7 serve three terms in an office listed in Section 1 of this article  
8 is not eligible for election or appointment to serve a fourth term  
9 in the same office. This provision limits to three the number of  
10 consecutive or nonconsecutive terms for which a person may be  
11 elected to an office listed in Section 1 of this article.

12 (b) A person described by subsection (a) of this section is  
13 not prohibited from being eligible for election to a different  
14 office listed in Section 1 of this article or an office listed in  
15 Section 1 of Article 3 of the this constitution.

16 (c) The term of a person appointed to serve for the  
17 remainder of a term to fill a vacancy in a statewide office is not  
18 counted in determining whether a person is eligible to serve under  
19 Subsection (a) of this section.

20 SECTION 5. The following temporary provision is added to  
21 the Texas Constitution:

22 TEMPORARY PROVISION. (a) This temporary provision applies to  
23 the constitutional amendment proposed by the 84th Legislature,  
24 Regular Session, 2015, on the length of legislative terms and  
25 limiting to three the number of terms for which a person may be  
26 elected or appointed to the legislature or certain state offices.

27 (b) Members of the Senate shall be elected to terms as

1 provided by Section 3, Article III, of this constitution beginning  
2 with the election of members of the 85th Legislature, to convene in  
3 2017. For that purpose, the senators elected to the 85th  
4 Legislature shall be divided by lot into three classes to establish  
5 staggered terms as provided by Sections 3, Article III. The seats  
6 of the Senators of the first class shall be vacated at the  
7 expiration of the first two years, those of the second class at the  
8 expiration of four years, and those of the third class at the  
9 expiration of six years. When the seats of the Senators of the  
10 first, second or third class are vacated, the Senators shall be  
11 chosen by the qualified voters for the term of six years so that one  
12 third of the Senators are elected biennially to six year terms.

13 (c) Members of the House of Representatives shall be elected  
14 to terms as provided by Section 4, Article III, of this constitution  
15 beginning with the election of members of the 85th Legislature, to  
16 convene in 2017. For that purpose, the Representatives elected to  
17 the 85th Legislature shall be divided by lot into two classes so  
18 that half of the Members shall be chosen biennially to four year  
19 terms as provided by Sections 3, Article III. The seats of the  
20 Representatives of the first class shall be vacated at the  
21 expiration of the first two years and those of the second class at  
22 the expiration of four years. When the seats of the Representatives  
23 of the first and second classes are vacated, the Representatives  
24 shall be chosen by the qualified voters for the term of four years  
25 so that half of the Representatives are elected biennially to four  
26 year terms.

27 (d) A term of office that begins before January 1, 2015, is

1 not counted in determining whether a person is eligible to serve  
2 under Section 7a, Article III, or Section 2a, Article IV, of this  
3 constitution.

4 (e) The terms of the Senators who are divided into the first  
5 or second classes described in Subsection (b) of this section are  
6 not counted in determining whether they are eligible to serve under  
7 Section 7a, Article III, of this constitution.

8 (f) The term of the Representatives who are divided into the  
9 first class described in Subsection (c) of this section is not  
10 counted in determining whether they are eligible to serve under  
11 Section 7a, Article III, of this constitution.

12 (g) This temporary provision expires February 1, 2023.

13 SECTION 6. This proposed constitutional amendment shall be  
14 submitted to the voters at an election to be held November 3, 2015.  
15 The ballot shall be printed to permit voting for or against the  
16 proposition: "The constitutional amendment changing the length of  
17 legislative terms and limiting to three the number of terms for  
18 which a person may be elected or appointed to the office of  
19 governor, lieutenant governor, secretary of state, comptroller of  
20 public accounts, commissioner of the General Land Office, attorney  
21 general, commissioner of agriculture, railroad commissioner, state  
22 senator, or state representative."