

By: Burns

H.J.R. No. 109

A JOINT RESOLUTION

1 proposing a constitutional amendment allowing the voters to remove
2 elected officials finally convicted of a felony from office by
3 means of a recall election.

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

5 SECTION 1. Article VI, Texas Constitution, is amended by
6 adding Section 6 to read as follows:

7 Sec. 6. (a) The qualified voters may recall the following
8 elected officers from office if the officer is finally convicted of
9 a felony:

10 (1) any state officer who serves in a position elected
11 by the qualified voters of the entire state;

12 (2) any state officer who serves in a position elected
13 by the qualified voters of a territory less than statewide;

14 (3) any member of the legislature;

15 (4) any county officer who serves in a position
16 elected by the qualified voters of the entire county;

17 (5) any member of a commissioners court or other
18 county officer who serves in a position elected by qualified voters
19 of a territory less than countywide; and

20 (6) any elective officer of any special district
21 created by state law.

22 (b) An application for a recall election must:

23 (1) be limited to one office;

24 (2) contain on each page:

1 (A) the heading "An Application for a Recall
2 Election";

3 (B) the title of the office in question,
4 including any applicable place or district number; and

5 (C) a succinct statement that it is the desire of
6 the signers to remove the incumbent from that office;

7 (3) be signed by qualified voters in a number equal to
8 at least 10 percent of all votes cast for the office that is the
9 target of the recall at the most recent regular election at which
10 that office was filled;

11 (4) contain for each signer the residence address or
12 voter registration number and the signer's name in typewritten or
13 legibly hand-printed form; and

14 (5) be in a form prescribed by the secretary of state.

15 (c) The application for a recall election must be submitted
16 to the secretary of state when the office in question is statewide
17 or involves a constituency composed of more than one county and to
18 the county clerk when the office in question is countywide or
19 involves a constituency composed of a territory less than
20 countywide. Not later than the 60th day after the date the
21 secretary of state or county clerk receives the application, the
22 secretary or clerk shall examine the application to determine the
23 validity of the signatures and shall endorse the application if it
24 contains the requisite number of valid signatures.

25 (d) Upon the endorsement of validity, the secretary of state
26 or county clerk, as appropriate, shall order an election to be held
27 on the first Saturday that is not a legal holiday that occurs after

1 30 days have elapsed from the date of endorsement. The question
2 before the electorate shall be: "Shall (HERE SPECIFY THE NAME OF
3 THE INCUMBENT) be removed from the office of (HERE SPECIFY THE
4 OFFICE IN QUESTION, INCLUDING ANY APPLICABLE PLACE OR DISTRICT
5 NUMBER) because (HERE SPECIFY THE NAME OF THE INCUMBENT) has been
6 finally convicted of a felony?" If a majority of the votes cast at
7 the election answer in the affirmative, the office in question
8 becomes vacant 20 days after the date the result is canvassed.

9 (e) Except as provided by this subsection, an election to
10 fill a vacancy created under this section is governed by law
11 generally applicable to a vacancy for the office in question. The
12 election shall be held on the first Saturday that is not a legal
13 holiday that occurs after 30 days have elapsed from the date of the
14 vacancy. At this election, the person whose removal created the
15 vacancy is ineligible to seek the office from which the person was
16 removed.

17 (f) Enabling laws may be enacted to give effect to this
18 section.

19 SECTION 2. This proposed constitutional amendment shall be
20 submitted to the voters at an election to be held November 7, 2017.
21 The ballot shall be printed to permit voting for or against the
22 proposition: "The constitutional amendment to allow the voters to
23 remove from office by means of a recall election a state or county
24 elected official or an elected official of a special district
25 created by state law who has been finally convicted of a felony."