

SUBJECT: Longer period before county officials must resign to run for other office

COMMITTEE: Elections — favorable, without amendment

VOTE: 7 ayes — L. Taylor, Hernandez Luna, Berman, Branch, Burkett, Farias, Isaac

0 nays

2 absent — P. King, Veasey

SENATE VOTE: On final passage, April 14 — 30-0

WITNESSES: For — Donald Lee, Texas Conference of Urban Counties; (*Registered, but did not testify*: Deece Eckstein, Travis County; Thomas Guevara, Bexar County; Mark Mendez, Tarrant County; Terry Simpson, San Patricio County, County Judges and Commissioners Association; Skipper Wallace, Texas Republican County Chairs Association)

Against — None

On — Ann McGeehan, Secretary of State

BACKGROUND: Texas Constitution, Art. 16, sec. 65 stipulates that when certain officers announce their candidacy or become a candidate in any general, special, or primary election and their unexpired term of office currently held is more than one year, the announcement of such candidacy constitutes an automatic resignation of the office held.

This provision applies to the following offices: district clerks; county clerks; county judges; judges of the county courts at law; county criminal courts; county probate courts; county domestic relations courts; county treasurers; criminal district attorneys; county surveyors; county commissioners; justices of the peace; sheriffs; assessors and collectors of taxes; district attorneys; county attorneys; public weighers; and constables.

DIGEST: SJR 37 would extend the length of an unexpired term of office from one year to one year and 30 days before an announcement of candidacy or candidacy would constitute an automatic resignation of the office held.

The proposal would be presented to the voters at an election on Tuesday, November 8, 2011. The ballot proposal would read: “The constitutional amendment to change the length of the unexpired term that causes the automatic resignation of certain elected county or district officeholders if they become candidates for another office.”

SUPPORTERS SAY: SJR 37 would address a potential conflict if the 82nd Legislature enacted legislation that moved the filing deadline to an earlier date, for example, from January 2 to late or mid-December of the previous year, in order to accommodate longer absentee voting deadlines for overseas voters. If that happened, it could be problematic for county and district elected officials who could want to seek another office other than the one currently held.

The Texas Constitution requires certain officeholders to resign automatically if they file for another office if more than one year is left in the current post. By waiting to file on January 2, officials have barely less than one year in their terms, and the resign-to-run requirement is not triggered. Setting the filing deadline even a week earlier would interfere with the plans of elected officials across the state. Even if the proposed filing deadline change is not made, county and district officials should have more time to avoid the resign-to-run requirement if they decide to run for another office rather than seek another term.

OPPONENTS SAY: No apparent opposition.