

BILL ANALYSIS

Senate Research Center
82R8604 DRH-D

S.J.R. 37
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State Affairs
3/9/2011
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, Article XVI, Section 654 of the Texas Constitution provides that when there is more than one year left on the officeholder's term, a county official, district attorney, district clerk, and or public weigher is deemed to have been automatically resigned from that office upon announcing a candidacy for any public office other than the office currently held. The provision is commonly known as the "resign to run" provision of the state's constitution.

S.J.R. 37 repeals the "resign to run" provision of the constitution so that a county official, district attorney, district clerk, or public weigher will not be penalized for becoming a candidate for public office when there is more than one year left on the term of such an official. S.J.R. 37 also strikes the language referring to the "resign to run" provision from Article XI of the constitution. This proposed constitutional amendment shall be submitted to the voters in the November 2011 election.

As proposed, S.J.R. 37 proposes a constitutional amendment to repeal the provision that requires the automatic resignation of certain county, municipal, or district officeholders if they become candidates for another office.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Repealer: Section 65, Article XVI (Terms of Office; Automatic Resignation), Texas Constitution.

SECTION 2. Amends Section 11(a), Article XI, Texas Constitution, as follows:

- (a) Authorizes a home rule city by charter or charter amendment, and a city, town, or village operating under the general laws to provide by majority vote of the qualified voters voting at an election called for that purposes, for a longer term of office than two (2) years for its officers, either elective or appointive, or both, but not to exceed four (4) years; provided, however, that tenure under Civil Service shall not be affected hereby. Deletes existing text providing that such officers, elective or appointive, are subject to Section 65(b), Article XVI, of this Constitution, providing for automatic resignation in certain circumstances, in the same manner as a county or district officer to which that section applies.

SECTION 3. Requires the proposed constitutional amendment to be submitted to the voters at an election to be held November 8, 2011. Sets forth the required language of the ballot.