

SUBJECT: Repealing the requirement that statewide elected officials live in Austin

COMMITTEE: State Affairs — favorable, without amendment

VOTE: 10 ayes — Cook, Giddings, Farney, Geren, Harless, Huberty, Kuempel, Minjarez, Oliveira, Sylvester Turner

1 nay — Craddick

2 absent — Farrar, Smithee

SENATE VOTE: On final passage, April 20 — 29–1 (Estes)

WITNESSES: No public hearing

BACKGROUND: Tex. Const., Art. 4, sec. 23 requires the comptroller of public accounts, commissioner of the General Land Office, the attorney general, and any statutory state officer who is elected statewide to reside at the capital during their terms of office.

DIGEST: SJR 52 would amend Texas Constitution, Art. 4, sec. 23 by removing the requirement that the comptroller of public accounts, commissioner of the General Land Office, the attorney general, and any statutory state officer who is elected statewide reside in the state capital city of Austin during their terms of office.

The proposed constitutional amendment would be submitted to voters at an election on November 3, 2015. The ballot would read: "The constitutional amendment repealing the requirement that state officers elected by voters statewide reside in the state capital."

SUPPORTERS SAY: SJR 52 would remove the requirement in the Texas Constitution that certain statewide elected officials reside in Austin during their terms in office. This requirement made sense when the Constitution was adopted in 1876 because it could take days to travel to Austin. The requirement is no longer necessary due to the many advances in transportation and

technology that could allow officials to easily travel to Austin or to manage their duties while living elsewhere. The proposed constitutional amendment has received support from representatives of both major political parties, and it is time to give voters a choice in this matter.

Officials may want to live in cities surrounding Austin and commute to work. It does not make sense to limit an elected official's choice of where to live. In addition, considerations involving work and school for an elected official's spouse and children could make permanently residing in Austin difficult.

Some officials elected statewide who had previously represented a legislative district might not want to lose their local residency in case they later decide to seek an office that requires them to reside in a certain district.

OPPONENTS
SAY:

SJR 52 would change a provision in the Constitution that has served Texans well. Those elected to guide large agencies like the comptroller's office, the land office, or the attorney general's office should be present at their respective agency headquarters in Austin on a daily basis. These officials knew of the constitutional requirement to reside in the seat of Texas government when they decided to seek the office.

While technology has made it easier for some workers to conduct business from home, such an arrangement might not be appropriate for a statewide elected official. Being physically present in Austin would ensure these officials are available to handle the important business of the state and meet with other state leaders as necessary.

NOTES:

The Legislative Budget Board estimates that the cost to the state for publication of the proposed resolution would be \$118,681.