

Amend CSHB 4180 (senate committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering SECTION of the bill accordingly:

SECTION _____. Section 52.072, Election Code, is amended by adding Subsection (f) to read as follows:

(f) A ballot proposition proposing an amendment to a home-rule city charter or a voter-initiated initiative or referendum as requested by petition must substantially submit the question with such definiteness and certainty in identifying the proposition's chief features that the voters are not misled.

SECTION _____. Chapter 233, Election Code, is amended by adding Section 233.0115 to read as follows:

Sec. 233.0115. BALLOT LANGUAGE MANDAMUS ACTION. If a court orders a new election under Section 233.011, a person may seek from the court a writ of mandamus to compel the governing body of a city to comply with the requirement that a ballot proposition must substantially submit the question with such definiteness and certainty that the voters are not misled, as provided by Section 273.102.

SECTION _____. Section 253.094(b), Election Code, is amended to read as follows:

(b) A corporation or labor organization may not make a political contribution in connection with a recall election, including the circulation and submission of a petition to call an election. This subsection does not prohibit a religious organization from circulating or submitting a petition in connection with a recall election.

SECTION _____. Chapter 273, Election Code, is amended by adding Subchapter F to read as follows:

SUBCHAPTER F. BALLOT PROPOSITION LANGUAGE ENFORCEMENT PROVISIONS

Sec. 273.101. REVIEW BY SECRETARY OF STATE. (a) Not later than the seventh day after the date on which a home-rule city publishes in the election order or by other means ballot proposition language proposing an amendment to the city charter or a voter-initiated initiative or referendum as requested by petition, a registered voter eligible to vote in the election may submit the proposition for review by the secretary of state.

(b) The secretary of state shall review the proposition not later than the seventh day after the date the secretary receives the submission to determine whether the proposition substantially submits the question with such definiteness and certainty that the voters are not misled.

(c) If the secretary of state determines that the proposition fails to substantially submit the question with such definiteness and certainty that the voters are not misled, the city shall draft a proposition to cure the defects and give notice of the new proposition using the method of giving notice prescribed for notice of an election under Section 4.003.

(d) A proposition drafted by a city under Subsection (c) to cure the defects may be submitted to the secretary of state under Subsection (a). If the secretary of state determines that the city has on its third attempt drafted a proposition that fails to substantially submit the question with such definiteness and certainty that the voters are not misled, the secretary of state shall draft the ballot proposition.

Sec. 273.102. MANDAMUS ACTIONS. (a) In an action in a court of competent jurisdiction seeking a writ of mandamus to compel the city's governing body to comply with the requirement that a ballot proposition must substantially submit the question with such definiteness and certainty that the voters are not misled, the court shall make its determination without delay and may order the city to use ballot proposition language drafted by the court.

(b) The court may award a plaintiff or relator who substantially prevails in a mandamus action described by Subsection (a) the party's reasonable attorney's fees, expenses, and court costs.

(c) Governmental immunity to suit is waived and abolished only to the extent of the liability created by Subsection (b).

Sec. 273.103. MANDATORY SUBMISSION TO SECRETARY OF STATE. Following a final nonappealable judgment containing a finding by a court that a ballot proposition drafted by a city failed to substantially submit the question with such definiteness and certainty that the voters are not misled, the city shall submit to

the secretary of state for approval any proposition to be voted on at an election held by the city before the fourth anniversary of the court's finding.

Sec. 273.104. CITY REQUIRED TO PAY FOR LEGAL SERVICES.
Notwithstanding a home-rule city charter provision to the contrary, a city may not accept legal services relating to a proceeding under this subchapter without paying fair market value for those services.

Sec. 273.105. RULES. The secretary of state may adopt rules as necessary to implement this subchapter.

SECTION _____. Sections 277.001, 277.002, 277.0021, 277.0022, 277.0023, 277.0024, and 277.003, Election Code, are designated as Subchapter A, Chapter 277, Election Code, and a heading is added to Subchapter A to read as follows:

SUBCHAPTER A. PROVISIONS RELATING TO SIGNATURES, VALIDITY, AND VERIFICATION OF PETITIONS

SECTION _____. Section 277.001, Election Code, is amended to read as follows:

Sec. 277.001. APPLICABILITY OF SUBCHAPTER [~~CHAPTER~~]. This subchapter [~~chapter~~] applies to a petition authorized or required to be filed under a law outside this code in connection with an election.

SECTION _____. Section 277.002, Election Code, is amended by adding Subsection (f) to read as follows:

(f) The illegibility of a signature on a petition submitted to a home-rule city is not a valid basis for invalidating the signature if the information provided with the signature as required by this section and other applicable law legibly provides enough information to demonstrate that the signer:

- (1) is eligible to have signed the petition; and
- (2) signed the petition on or after the 180th day before the date the petition was filed.

SECTION _____. Subchapter A, Chapter 277, Election Code, as added by this Act, is amended by adding Sections 277.005 and 277.006 to read as follows:

Sec. 277.005. PETITION FORM; USE BY CITY AND OTHER PERSONS.
(a) The secretary of state shall prescribe the form and content for

a petition related to a city charter amendment or city initiative or referendum election.

(b) A home-rule city that uses a form that is different from the official form prescribed under Subsection (a) may not invalidate a petition because the petition does not contain information that the petition form failed to provide for or to require to be provided.

(c) A person who circulates or submits a petition is not required to use a petition form prescribed by the secretary of state or a home-rule city. A petition that does not use a prescribed form must contain the substantial elements required to be provided on the prescribed form.

Sec. 277.006. RULES. The secretary of state may adopt rules as necessary to implement this subchapter.

SECTION _____. Chapter 277, Election Code, is amended by adding Subchapter B to read as follows:

SUBCHAPTER B. SUBMISSION OF CERTAIN CITY PETITIONS

Sec. 277.031. APPLICABILITY OF SUBCHAPTER. This subchapter applies to a home-rule city that has a procedure requiring the governing body of the city to hold an election on receipt of a petition requesting the election that complies with the applicable requirements.

Sec. 277.032. CONFLICTS WITH CITY CHARTER OR OTHER LAW. The provisions of this subchapter apply notwithstanding any city charter provision or other law.

Sec. 277.033. DETERMINATION OF VALIDITY. The city secretary shall determine the validity of a petition submitted under this subchapter, including by verifying the petition signatures, not later than the 30th day after the date the city receives the petition.

Sec. 277.034. COLLECTOR REQUIREMENTS PROHIBITED. (a) Except as provided by Subsection (b), a city may not restrict who may collect petition signatures.

(b) A city may require a person who collects petition signatures to be a resident of the city. This subsection does not authorize a city to require a person who collects petition signatures to be a registered voter. A city requirement authorized

under this subsection does not apply to a petition relating to a local option election under Chapter 501.

SECTION _____. Sections 9.004(a) and (c), Local Government Code, are amended to read as follows:

(a) The governing body of a municipality on its own motion may submit a proposed charter amendment to the municipality's qualified voters for their approval at an election. The governing body shall submit a proposed charter amendment to the voters for their approval at an election if the submission is supported by a petition signed by a number of registered ~~[qualified]~~ voters of the municipality equal to at least five percent of the number of registered ~~[qualified]~~ voters of the municipality on the date of the most recent election held throughout the municipality or 20,000, whichever number is the smaller.

(c) Notice of the election shall be published in a newspaper of general circulation published in the municipality. The notice must:

(1) include a substantial copy of the proposed amendment in which language sought to be deleted by the amendment is bracketed and stricken through and language sought to be added by the amendment is underlined;

(2) include an estimate of the anticipated fiscal impact to the municipality if the proposed amendment is approved at the election; and

(3) be published on the same day in each of two successive weeks, with the first publication occurring before the 14th day before the date of the election.

SECTION _____. Subchapter E, Chapter 51, Local Government Code, is amended by adding Section 51.080 to read as follows:

Sec. 51.080. PUBLICATION OF INITIATIVE OR REFERENDUM BALLOT PROPOSALS. (a) This section applies to a municipality for which a petition may be submitted requesting an election on an amendment to the municipality's charter or a voter-initiated initiative or referendum.

(b) In addition to any other notice or publication requirements, a municipality shall publish the ballot proposition language to be voted on at an election described by Subsection (a)

not later than the 109th day before the date of the election.

(c) The municipality must provide on its website in an easily accessible location a clear and concise explanation of the process used to submit a petition requesting an election on an amendment to the municipality's charter or a voter-initiated initiative or referendum.

SECTION _____. Section 277.004, Election Code, is repealed.

SECTION _____. Not later than January 1, 2018, the secretary of state shall adopt a petition form as required by Section 277.005, Election Code, as added by this Act.

SECTION _____. The changes in law made by this Act relating to a petition requesting an election apply only to a petition submitted on or after January 1, 2018.