

By: Campbell

S.B. No. 616

A BILL TO BE ENTITLED

AN ACT

relating to requirements for a ballot proposition for a proposed municipal charter amendment.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 9.004, Local Government Code, is amended by adding Subsection (e-1) to read as follows:

(e-1) The ballot proposition for a proposed charter amendment must substantially submit the question with such definiteness and certainty that voters are not misled.

SECTION 2. Chapter 9, Local Government Code, is amended by adding Section 9.0045 to read as follows:

Sec. 9.0045. MANDAMUS ACTION FOR PROPOSED CHARTER AMENDMENT BALLOT PROPOSITION. (a) A registered voter residing in a municipality in which the governing body of the municipality has submitted a proposed charter amendment to the voters for an upcoming election may file an action for a writ of mandamus to compel the governing body to comply with Section 9.004(e-1).

(b) A municipality defending an action described by Subsection (a) may not accept pro bono legal services to defend the action.

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

1 action the municipality's court costs, but the court may not award
2 the municipality its reasonable attorney's fees or expenses.

3 SECTION 3. The change in law made by this Act applies only
4 to a municipal charter amendment for which an election is held on or
5 after the effective date of this Act.

6 SECTION 4. This Act takes effect September 1, 2017.