

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

March 29, 2017

TO: Honorable Eddie Lucio, Jr., Chair, Senate Committee on Intergovernmental Relations

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: SB488 by Bettencourt (Relating to requirements for certain petitions requesting an election and ballot propositions.), **Committee Report 1st House, Substituted**

Estimated Two-year Net Impact to General Revenue Related Funds for SB488, Committee Report 1st House, Substituted: a negative impact of (\$177,066) through the biennium ending August 31, 2019.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2018	(\$91,479)
2019	(\$85,587)
2020	(\$85,587)
2021	(\$85,587)
2022	(\$85,587)

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from General Revenue Fund	Change in Number of State Employees from FY 2017
	1	
2018	(\$91,479)	1.0
2019	(\$85,587)	1.0
2020	(\$85,587)	1.0
2021	(\$85,587)	1.0
2022	(\$85,587)	1.0

Fiscal Analysis

The bill would amend the Election Code to require that all proposition language be proposed to voters with definiteness and certainty and would require the Secretary of State to review proposition language upon the request of a voter of a home-rule city. If the Secretary of State found the proposition language to be misleading or inaccurate, the city would be required to cure the defects. If the Secretary of State rejected a city's proposed ballot language for a given proposition three times, the Secretary of State would be required to draft the ballot language. The bill would also allow a voter to file a mandamus action to compel the city's governing body to submit ballot proposition language with definiteness and certainty. If a city were found to have violated this requirement, the bill would require a city to submit all future propositions to the Secretary of State for review until the fourth anniversary of the court's finding.

The bill would also require the Secretary of State to prescribe the form and content of a petition. The bill would prohibit a home-rule city from invalidating a petition that is different than the petition form prescribed by the Secretary of State for failing to include information the petition form did not provide for or require to be provided.

The bill would take effect September 1, 2017.

Methodology

The Secretary of State assumes it would require 1.0 additional FTE and \$177,066 in the 2018-19 biennium to review proposition ballot language for definiteness and certainty and to develop a petition form.

The Secretary of State assumes it would need to review city charters, relevant local ordinances, and other background information to determine if ballot language is misleading or inaccurate pursuant to the provisions of the bill. To conduct these reviews, the agency indicates that it would require one additional attorney, with an ongoing cost of \$85,587 each year for salary and benefits and a one-time cost of \$5,892 in fiscal year 2018 for equipment purchases. The agency further indicates that the additional attorney would assist in developing a petition template that could comply with state law and general petition requirements.

The Office of Court Administration assumes any additional work associated with implementing the provisions of the bill could be absorbed using existing resources.

Local Government Impact

According to the City of Houston, the bill would have a significant fiscal impact on the City as well as all home-rule cities. The cost cannot be determined at this time because litigation and election costs vary. Additionally, costs may include an increase in cost for legal services, ballot republishing costs, and costs associated with postponed municipal financial action items due to citizen petitions.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 307 Secretary of State

LBB Staff: UP, JGA, ASa, NV