

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 323
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State Affairs
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Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, when a political subdivision puts forth a proposition for vote, that political subdivision is charged with writing the language to appear on the ballot. Interested parties contend that the current method for writing and approving ballot language can result in confusing and inaccurate proposition language being placed on ballots, and does not take the average voter into account. S.B. 323 seeks to address this issue by creating a process for judicial oversight of ballot language to ensure language is clear and understandable to the average voter. (Original Author's/Sponsor's Statement of Intent)

C.S.S.B. 323 amends current law relating to the review of ballot proposition language for certain political subdivision elections.

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. Amends Subchapter C, Chapter 52, Election Code, by adding Section 52.071, as follows:

Sec. 52.0721. REVIEW OF BALLOT PROPOSITION LANGUAGE. (a) Provides that this section applies only to an election on a measure held by a political subdivision located primarily in a county with a population of more than 120,000. Provides that this section does not apply to an election for which a statute provides the ballot proposition language.

(b) Requires a political subdivision seeking to hold an election on a measure, not later than the 123rd day before an election, to submit to the regional presiding judge of the administrative judicial region that the political subdivision is located in the ballot proposition language and a brief statement on the purpose of the proposition.

(c) Authorizes a political subdivision that is located in two or more administrative judicial regions to select the administrative judicial region to which the political subdivision submits the proposition language for review.

(d) Requires a regional presiding judge to appoint three judges from the administrative judicial region to serve on a panel to review the ballot proposition language.

(e) Requires the panel, not later than the 45th day after the receipt by the presiding judge of the ballot proposition language, to approve the ballot proposition language under Subsection (f) or disapprove the ballot proposition language and provide the political subdivision with rewritten ballot proposition language under Subsection (g).

(f) Requires the panel, if the panel finds the language of the proposition is clear and understandable to the average voter, to approve the language of the proposition for the ballot.

(g) Provides that if the panel finds the language of the proposition is not clear and understandable to the average voter, the language is disapproved and is prohibited from being used on the ballot at the election. Requires the panel to provide the political subdivision with rewritten ballot proposition language that is clear and understandable to the average voter for use in the election.

(h) Authorizes the political subdivision, following disapproval under Subsection (g), to hold the election with the rewritten ballot proposition language provided by the panel or submit revised ballot proposition language for approval by the panel in the manner provided under Subsections (f) and (g).

(i) Provides that to the extent of a conflict between this section and any provision of law requiring a political subdivision to hold an election on a measure within a certain period, this section controls.

SECTION 2. (a) Makes application of this Act prospective.

(b) Requires each regional presiding judge of an administrative judicial region, not later than February 1, 2020, to appoint three judges from the administrative judicial region to serve on a panel to review ballot proposition language.

SECTION 3. Effective date: January 1, 2020.