By: Huffman   S.B. No. 323

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the review of ballot proposition language for certain

3 political subdivision elections.

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

5   SECTION 1. Subchapter C, Chapter 52, Election Code, is

6 amended by adding Section 52.0721 to read as follows:

7   Sec. 52.0721. REVIEW OF BALLOT PROPOSITION LANGUAGE.

8 (a) This section applies only to an election on a measure held by a

9 political subdivision located primarily in a county with a

10 population of more than 120,000. This section does not apply to an

11 election for which a statute provides the ballot proposition

12 language.

13   (b) Not later than the 123rd day before an election, a

14 political subdivision seeking to hold an election on a measure

15 shall submit to the regional presiding judge of the administrative

16 judicial region that the political subdivision is located in:

17   (1) the ballot proposition language; and

18   (2) a brief statement on the purpose of the

19 proposition.

20   (c) A political subdivision that is located in two or more

21 administrative judicial regions may select the administrative

22 judicial region to which the political subdivision submits the

23 proposition language for review.

24   (d) A regional presiding judge shall appoint three judges

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1 from the administrative judicial region to serve on a panel to

2 review ballot proposition language.

3   (e) Not later than the 45th day after the receipt by the

4 presiding judge of the ballot proposition language, the panel

5 shall:

6   (1) approve the ballot proposition language under

7 Subsection (f); or

8   (2) disapprove the ballot proposition language and

9 provide the political subdivision with rewritten ballot

10 proposition language under Subsection (g).

11   (f) If the panel finds the language of the proposition is

12 clear and understandable to the average voter, the panel shall

13 approve the language of the proposition for the ballot.

14   (g) If the panel finds the language of the proposition is

15 not clear and understandable to the average voter, the language is

16 disapproved and may not be used on the ballot at the election. The

17 panel shall provide the political subdivision with rewritten ballot

18 proposition language that is clear and understandable to the

19 average voter for use in the election.

20   (h) Following disapproval under Subsection (g), the

21 political subdivision may:

22   (1) hold the election with the rewritten ballot

23 proposition language provided by the panel; or

24   (2) submit revised ballot proposition language for

25 approval by the panel in the manner provided under Subsections (f)

26 and (g).

27   (i) To the extent of a conflict between this section and any

1 provision of law requiring a political subdivision to hold an

2 election on a measure within a certain period, this section

3 controls.

4 SECTION 2. (a) The change in law made by this Act applies

5 only to an election ordered on or after the effective date of this

6 Act. An election ordered before the effective date of this Act is

7 governed by the law in effect when the election was ordered, and the

8 former law is continued in effect for that purpose.

9 (b) Not later than February 1, 2020, each regional presiding

10 judge of an administrative judicial region shall appoint three

11 judges from the administrative judicial region to serve on a panel

12 to review ballot proposition language.

13 SECTION 3. This Act takes effect January 1, 2020.