

By: Huffman
(Klick)

S.B. No. 323

Substitute the following for S.B. No. 323:

By: Cain

C.S.S.B. No. 323

A BILL TO BE ENTITLED

AN ACT

relating to the review of ballot proposition language for certain political subdivision elections.

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

SECTION 1. Subchapter C, Chapter 52, Election Code, is amended by adding Section 52.0721 to read as follows:

Sec. 52.0721. REVIEW OF BALLOT PROPOSITION LANGUAGE.

(a) 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. This section does not apply to an election:

(1) for which a statute provides the ballot proposition language;

(2) for the issuance of bonds by a political subdivision; or

(3) for the imposition or increase in the rate of a tax for the payment of bonds.

(b) Not later than the 123rd day before an election, a political subdivision seeking to hold an election on a measure shall submit to the regional presiding judge of the administrative judicial region that the political subdivision is located in:

(1) the ballot proposition language; and

(2) a brief statement on the purpose of the proposition.

1 (c) A political subdivision that is located in two or more
2 administrative judicial regions may select the administrative
3 judicial region to which the political subdivision submits the
4 proposition language for review.

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

8 (e) Not later than the 45th day after the receipt by the
9 presiding judge of the ballot proposition language, the panel
10 shall:

11 (1) approve the ballot proposition language under
12 Subsection (f); or

13 (2) disapprove the ballot proposition language and
14 provide the political subdivision with rewritten ballot
15 proposition language under Subsection (g).

16 (f) If the panel finds the language of the proposition is
17 clear and understandable to the average voter, the panel shall
18 approve the language of the proposition for the ballot.

19 (g) If the panel finds the language of the proposition is
20 not clear and understandable to the average voter, the language is
21 disapproved and may not be used on the ballot at the election. The
22 panel shall provide the political subdivision with rewritten ballot
23 proposition language that is clear and understandable to the
24 average voter for use in the election.

25 (h) Following disapproval under Subsection (g), the
26 political subdivision may:

27 (1) hold the election with the rewritten ballot

1 proposition language provided by the panel; or

2 (2) submit revised ballot proposition language for
3 approval by the panel in the manner provided under Subsections (f)
4 and (g).

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

9 SECTION 2. (a) The change in law made by this Act applies
10 only to an election ordered on or after the effective date of this
11 Act. An election ordered before the effective date of this Act is
12 governed by the law in effect when the election was ordered, and the
13 former law is continued in effect for that purpose.

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

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