

1-1 By: Bettencourt S.B. No. 1225
1-2 (In the Senate - Filed February 27, 2019; March 7, 2019,
1-3 read first time and referred to Committee on Property Tax;
1-4 April 15, 2019, reported favorably by the following vote: Yeas 5,
1-5 Nays 0; April 15, 2019, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	Bettencourt	X		
1-9	Paxton	X		
1-10	Creighton	X		
1-11	Hancock	X		
1-12	Hinojosa	X		

1-13 A BILL TO BE ENTITLED
1-14 AN ACT

1-15 relating to requirements for certain petitions requesting an
1-16 election and ballot propositions.

1-17 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-18 SECTION 1. Section 52.072, Election Code, is amended by
1-19 adding Subsection (f) to read as follows:

1-20 (f) A proposition must substantially submit the question
1-21 with such definiteness and certainty that the voters are not
1-22 misled.

1-23 SECTION 2. Chapter 233, Election Code, is amended by adding
1-24 Section 233.0115 to read as follows:

1-25 Sec. 233.0115. BALLOT LANGUAGE MANDAMUS ACTION. If a court
1-26 orders a new election under Section 233.011, a person may seek from
1-27 the court a writ of mandamus to compel the governing body of a city
1-28 to comply with the requirement that a ballot proposition must
1-29 substantially submit the question with such definiteness and
1-30 certainty that the voters are not misled, as provided by Section
1-31 273.102.

1-32 SECTION 3. Section 253.094(b), Election Code, is amended to
1-33 read as follows:

1-34 (b) A corporation or labor organization may not make a
1-35 political contribution in connection with a recall election,
1-36 including the circulation and submission of a petition to call an
1-37 election. This subsection does not prohibit a religious
1-38 organization from circulating or submitting a petition in
1-39 connection with a recall election.

1-40 SECTION 4. Chapter 273, Election Code, is amended by adding
1-41 Subchapter F to read as follows:

1-42 SUBCHAPTER F. BALLOT PROPOSITION LANGUAGE ENFORCEMENT PROVISIONS

1-43 Sec. 273.101. REVIEW BY SECRETARY OF STATE. (a) Not later
1-44 than the seventh day after the date on which a home-rule city
1-45 publishes in the election order or by other means ballot
1-46 proposition language proposing an amendment to the city charter or
1-47 a voter-initiated initiative or referendum as requested by
1-48 petition, a registered voter eligible to vote in the election may
1-49 submit the proposition for review by the secretary of state.

1-50 (b) The secretary of state shall review the proposition not
1-51 later than the seventh day after the date the secretary receives the
1-52 submission to determine whether the proposition is misleading or
1-53 inaccurate.

1-54 (c) If the secretary of state determines that the
1-55 proposition is misleading or inaccurate, the city shall draft a
1-56 proposition to cure the defects and give notice of the new
1-57 proposition using the method of giving notice prescribed for notice
1-58 of an election under Section 4.003.

1-59 (d) A proposition drafted by a city under Subsection (c) to
1-60 cure the defects may be submitted to the secretary of state under
1-61 Subsection (a). If the secretary of state determines that the city

2-1 has on its third attempt drafted a proposition that is misleading or
2-2 inaccurate, the secretary of state shall draft the ballot
2-3 proposition.

2-4 Sec. 273.102. MANDAMUS ACTIONS. (a) In an action in a
2-5 court of competent jurisdiction seeking a writ of mandamus to
2-6 compel the city's governing body to comply with the requirement
2-7 that a ballot proposition must substantially submit the question
2-8 with such definiteness and certainty that the voters are not
2-9 misled, the court shall make its determination without delay and
2-10 may order the city to use ballot proposition language drafted by the
2-11 court.

2-12 (b) The court may award a plaintiff or relator who
2-13 substantially prevails in a mandamus action described by Subsection
2-14 (a) the party's reasonable attorney's fees, expenses, and court
2-15 costs.

2-16 (c) Governmental immunity to suit is waived and abolished
2-17 only to the extent of the liability created by Subsection (b).

2-18 Sec. 273.103. MANDATORY SUBMISSION TO SECRETARY OF STATE.
2-19 Following a final nonappealable judgment containing a finding by a
2-20 court that a ballot proposition drafted by a city failed to
2-21 substantially submit the question with such definiteness and
2-22 certainty that the voters are not misled, the city shall submit to
2-23 the secretary of state for approval any proposition to be voted on
2-24 at an election held by the city before the fourth anniversary of the
2-25 court's finding.

2-26 Sec. 273.104. CITY REQUIRED TO PAY FOR LEGAL SERVICES.
2-27 Notwithstanding a home-rule city charter provision to the contrary,
2-28 a city may not accept legal services relating to a proceeding under
2-29 this subchapter without paying fair market value for those
2-30 services.

2-31 SECTION 5. Sections [277.001](#), [277.002](#), [277.0021](#), [277.0022](#),
2-32 [277.0023](#), [277.0024](#), and [277.003](#), Election Code, are designated as
2-33 Subchapter A, Chapter [277](#), Election Code, and a heading is added to
2-34 Subchapter A to read as follows:

2-35 SUBCHAPTER A. PROVISIONS RELATING TO SIGNATURES, VALIDITY, AND
2-36 VERIFICATION OF PETITIONS

2-37 SECTION 6. Section [277.001](#), Election Code, is amended to
2-38 read as follows:

2-39 Sec. 277.001. APPLICABILITY OF SUBCHAPTER [~~CHAPTER~~]. This
2-40 subchapter [~~chapter~~] applies to a petition authorized or required
2-41 to be filed under a law outside this code in connection with an
2-42 election.

2-43 SECTION 7. Section [277.002](#), Election Code, is amended by
2-44 adding Subsection (f) to read as follows:

2-45 (f) The illegibility of a signature on a petition submitted
2-46 to a home-rule city is not a valid basis for invalidating the
2-47 signature if the information provided with the signature as
2-48 required by this section and other applicable law legibly provides
2-49 enough information to demonstrate that the signer:

- 2-50 (1) is eligible to have signed the petition; and
- 2-51 (2) signed the petition on or after the 180th day
2-52 before the date the petition was filed.

2-53 SECTION 8. Subchapter A, Chapter [277](#), Election Code, as
2-54 added by this Act, is amended by adding Section [277.005](#) to read as
2-55 follows:

2-56 Sec. 277.005. PETITION FORM; USE BY CITY AND OTHER PERSONS.
2-57 (a) The secretary of state shall prescribe a form, content, and
2-58 procedure for a petition.

2-59 (b) A home-rule city that uses a form that is different from
2-60 the official form prescribed under Subsection (a) may not
2-61 invalidate a petition because the petition does not contain
2-62 information that the petition form failed to provide for or to
2-63 require to be provided.

2-64 (c) A person who circulates or submits a petition is not
2-65 required to use a petition form prescribed by the secretary of state
2-66 or a home-rule city. A petition that does not use an officially
2-67 prescribed form must contain the substantial elements required to
2-68 be provided on the officially prescribed form.

2-69 SECTION 9. Chapter [277](#), Election Code, is amended by adding

3-1 Subchapter B to read as follows:

3-2 SUBCHAPTER B. SUBMISSION OF CERTAIN CITY PETITIONS

3-3 Sec. 277.031. APPLICABILITY OF SUBCHAPTER. This subchapter
3-4 applies to a home-rule city that has a procedure requiring the
3-5 governing body of the city to hold an election on receipt of a
3-6 petition requesting the election that complies with the applicable
3-7 requirements.

3-8 Sec. 277.032. CONFLICTS WITH CITY CHARTER OR OTHER LAW. The
3-9 provisions of this subchapter apply notwithstanding any city
3-10 charter provision or other law.

3-11 Sec. 277.033. DETERMINATION OF VALIDITY. The city
3-12 secretary shall determine the validity of a petition submitted
3-13 under this subchapter, including by verifying the petition
3-14 signatures, not later than the 30th day after the date the city
3-15 receives the petition.

3-16 Sec. 277.034. COLLECTOR REQUIREMENTS PROHIBITED. A city
3-17 may not restrict who may collect petition signatures.

3-18 SECTION 10. Sections 9.004(a) and (c), Local Government
3-19 Code, are amended to read as follows:

3-20 (a) The governing body of a municipality on its own motion
3-21 may submit a proposed charter amendment to the municipality's
3-22 qualified voters for their approval at an election. The governing
3-23 body shall submit a proposed charter amendment to the voters for
3-24 their approval at an election if the submission is supported by a
3-25 petition signed by a number of registered ~~qualified~~ voters of the
3-26 municipality equal to at least five percent of the number of
3-27 registered ~~qualified~~ voters of the municipality on the date of
3-28 the most recent election held throughout the municipality or
3-29 20,000, whichever number is the smaller.

3-30 (c) Notice of the election shall be published in a newspaper
3-31 of general circulation published in the municipality. The notice
3-32 must:

3-33 (1) include a substantial copy of the proposed
3-34 amendment in which language sought to be deleted by the amendment is
3-35 bracketed and stricken through and language sought to be added by
3-36 the amendment is underlined;

3-37 (2) include an estimate of the anticipated fiscal
3-38 impact to the municipality if the proposed amendment is approved at
3-39 the election; and

3-40 (3) be published on the same day in each of two
3-41 successive weeks, with the first publication occurring before the
3-42 14th day before the date of the election.

3-43 SECTION 11. Section 277.004, Election Code, is repealed.

3-44 SECTION 12. Not later than January 1, 2020, the secretary of
3-45 state shall adopt a petition form as required by Section 277.005,
3-46 Election Code, as added by this Act.

3-47 SECTION 13. The changes in law made by this Act apply only
3-48 to a petition submitted on or after January 1, 2020.

3-49 SECTION 14. This Act takes effect September 1, 2019.

3-50 * * * * *