

By: Jetton

H.B. No. 268

A BILL TO BE ENTITLED

AN ACT

relating to fiscal notes for city ballot propositions.

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

SECTION 1. Subchapter C, Chapter 52, Election Code, is amended by adding Section 52.0725 to read as follows:

Sec. 52.0725. FISCAL NOTE FOR CITY BALLOT PROPOSITION. (a)

For an election on a city ballot proposition stating a measure, the city secretary shall prepare a fiscal note outlining the fiscal implications and projected cost of the measure.

(b) The city secretary shall include in the fiscal note a projection of the annual cost of the measure for the five-year period that begins on the effective date of the measure. The projection must include all money anticipated to be spent by the city, regardless of the source of the money. The projection must include the gross anticipated annual costs of the measure and may not be reduced by a calculated estimate of benefits or cost savings created by the measure. An estimate of benefits or cost savings may be described separately in the fiscal note.

(c) The city secretary shall include in the fiscal note the projected annual cost of the measure per resident, calculated by dividing the average annual cost determined under Subsection (b) by the number of adult residents of the city according to the most recent decennial census.

(d) Not later than the 14th day before the date the ballots

1 are printed, the city secretary shall make available in the city
2 secretary's office and on the city's Internet website, if the city
3 maintains an Internet website, a document that includes the details
4 of the projection described by Subsection (b) and the methodology
5 used to calculate the projection.

6 (e) The projected annual cost per resident determined under
7 Subsection (c) must be printed on the ballot immediately following
8 the text of the applicable ballot proposition in the following
9 format: "If this ballot proposition passes, the additional cost to
10 each adult resident is \$_____ (amount calculated as described by
11 Subsection (c)) per year."

12 (f) A qualified voter in the city or the attorney general
13 may file a civil action in district court to compel the city
14 secretary to comply with the requirements of this section,
15 including the requirement that the city secretary accurately
16 calculate the fiscal implications of a measure. The court shall
17 give absolute preference to a suit filed under this section so that
18 a decision on the suit is reached before the deadline for printing
19 ballots.

20 (g) A plaintiff who substantially prevails in an action
21 brought under Subsection (f), through judgment or through a change
22 in behavior resulting from the litigation, is entitled to court
23 costs, reasonable attorney's fees, and a penalty equal to the
24 greater of:

25 (1) 2.5 times the party's attorney's fees; or

26 (2) \$10,000.

27 (h) Sovereign and governmental immunity from suit and

1 liability is waived and abolished to the extent of liability
2 created by this section.

3 SECTION 2. The changes in law made by this Act apply only to
4 an election ordered on or after the effective date of this Act. An
5 election ordered before the effective date of this Act is governed
6 by the law in effect when the election was ordered, and the former
7 law is continued in effect for that purpose.

8 SECTION 3. This Act takes effect September 1, 2026.