

## **BILL ANALYSIS**

Senate Research Center  
88S40829 PRL-D

S.B. 6  
By: Hughes  
Jurisprudence  
12/1/2023  
As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

It is especially important to resolve constitutional amendment elections in a timely fashion so that the election can be certified and finalized and the will of the voters can be carried out. S.B. 6 changes the timelines for trials and appeals of election contests in constitutional amendment elections.

As proposed, S.B. 6 amends current law relating to requirements for trial in the contest of an election on a proposed constitutional amendment.

### **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 Section 233.014, Election Code, by amending Subsections (d), (f), and (h) and by adding Subsection (g-1), as follows:

(d) Prohibits the trial date for a contest of an election on a proposed constitutional amendment from being later than the 50th day after the date of the contested election, rather than earlier than the 45th day after the date of the contested election nor later than the 180th day after the date of the contested election. Deletes existing text authorizing the trial date to be earlier than the 45th day after the date of the contested election at the request of the contestant.

(f) Requires the court to include in its judgment in a contest an order directing the governor to declare the official result of the election or to declare the election void, as appropriate, not later than the fifth day after the trial date, rather than not later than the 10th day after the date the judgment becomes final.

(g-1) Requires that any appeal of the contest be filed not later than the fifth day after the date the judgment becomes final.

(h) Provides that, if a contestant files an appeal of the contest:

(1) the court of appeals is required to ensure its judgment is rendered not later than the 30th day after the date the judgment of the trial court becomes final; and

(2) the Supreme Court of Texas is required to ensure that the action is brought to final disposition not later than the 30th day after the date the judgment of the court of appeals becomes final.

Deletes existing text requiring the appellate court, if a contestant files an appeal of the contest, to ensure that the action is brought to final disposition not later than the 180th day after the date the judgment becomes final.

SECTION 2. Repealer: Section 233.014(e) (relating to prohibiting a contest, if an amended petition alleging additional grounds of contest is filed, from being called for trial earlier than the 20th day after the date the petition is filed), Election Code.

SECTION 3. Provides that the changes in law made by this Act to Section 233.014 (Special Procedures for Contest of Constitutional Amendment Election), Election Code:

(1) apply to any contest of an election on a proposed constitutional amendment held on or after November 1, 2023; and

(2) do not affect the validity of any action taken under prior law before the effective date of this Act.

SECTION 4. Effective date: upon passage or the 91st day after the last day of the legislative session.