

By: Goodwin

H.J.R. No. 23

A JOINT RESOLUTION

1 proposing a constitutional amendment to reserve to the people the
2 powers of initiative and referendum.

3 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

4 SECTION 1. Article III, Texas Constitution, is amended by
5 amending Section 1 and adding Sections 1A and 1B to read as follows:

6 Sec. 1. Subject to Sections 1A and 1B of this article, the
7 ~~[The]~~ Legislative power of this State shall be vested in a Senate
8 and House of Representatives, which together shall be styled "The
9 Legislature of the State of Texas."

10 Sec. 1A. (a) The people reserve to themselves the power to
11 propose statutory and constitutional measures by petition for
12 submission to the electorate and to have those measures enacted as
13 provided by this section. This power is known as the initiative.

14 (b) A proposed statutory or constitutional measure and a
15 filing fee of \$1,000, which is refundable if the proposed measure is
16 placed on the ballot, must be submitted to the secretary of state.
17 A proposed measure must be accompanied by the names and other
18 relevant information, as determined by the secretary of state, of
19 two voters who represent the petitioners. A proposed measure may
20 not contain more than one subject. After the secretary of state
21 validates the signatures on the petition in accordance with
22 Subsection (h) of this section, the secretary of state shall
23 forward the petition to the Texas Legislative Council. The Texas
24 Legislative Council shall advise the petitioner as to proper form

and language and, with the consent of the petitioner, may redraft the text of the measure as necessary or desirable to achieve its purposes. If the Texas Legislative Council determines that any provision of a proposed statutory measure would be invalid under this constitution, the Texas Legislative Council shall return the measure to the petitioner accompanied by written reasons for the determination of unconstitutionality. A measure determined to be unconstitutional may not be forwarded to other state officers under Subsection (c) of this section.

(c) If the Texas Legislative Council determines that the proposed measure authorizes or requires the expenditure or diversion of any state funds, the Texas Legislative Council shall forward the measure to the Legislative Budget Board to determine written reasons why the measure impacts the state fiscally. Otherwise, the Texas Legislative Council shall forward the measure to the secretary of state.

(d) After receipt of a proposed measure from the Texas Legislative Council, the Legislative Budget Board shall prepare and sign the fiscal note, attach it to the measure, and return the measure to the petitioner accompanied by written reasons for how the measure impacts the state fiscally, including by lowering taxes or instructing for the appropriation of funds. In the fiscal note, the Legislative Budget Board shall outline the fiscal implications and probable cost of the measure each year for the first five years after its effective date and a statement as to whether there will be costs involved thereafter. If the Legislative Budget Board determines that the measure will not impact the state fiscally, the

1 board shall return the measure to the Texas Legislative Council
2 with written reasons for why the measure does not impact the state
3 fiscally.

4 (e) After receipt of a proposed measure from the Texas
5 Legislative Council, the secretary of state shall issue to the
6 petitioner approved copies of an initiative petition proposing the
7 measure in the number requested not later than the 15th day after
8 the date of receiving the proposed measure from the Texas
9 Legislative Council. The secretary of state may charge for each
10 copy a reasonable fee to cover the cost of reproduction. The
11 secretary of state shall prescribe standards of form and design for
12 a petition. Each part of a petition must include the full text of
13 the proposed measure.

14 (f) An initiative petition that proposes a statutory
15 measure must be signed by a number of registered voters equal to at
16 least five percent of the total number of votes received by all
17 candidates for state senator in the most recent general election in
18 each Texas Senate district and the statewide total of signatures
19 must equal at least five percent of the total number of votes
20 received by all candidates for governor in the most recent
21 gubernatorial election. An initiative petition that proposes a
22 constitutional measure must be signed by a number of registered
23 voters equal to at least six percent of the total number of votes
24 received by all candidates for state senator in the most recent
25 general election in each Texas Senate district and the statewide
26 total of signatures must equal at least six percent of the total
27 number of votes received by all candidates for governor in the most

1 recent gubernatorial election. A signer may withdraw a signature
2 from a petition before the petition is filed following the
3 procedures provided by general law for the withdrawal of a petition
4 signature.

5 (g) To be certified as valid, a petition containing the
6 required number of signatures must be filed with the secretary of
7 state before the earlier of the following dates after the date the
8 approved copies are issued by the secretary of state:

9 (1) the 365th day after the date the copies are issued;
10 or

11 (2) July 1 of an even-numbered year.

12 (h) The secretary of state shall review the petition to
13 determine whether it is valid. The secretary of state may use any
14 reasonable statistical sampling method as the basis for
15 verification. The secretary of state shall prescribe rules for the
16 withdrawal of a petition, except that a petition may not be
17 withdrawn after the petition is filed with the secretary of state.
18 If the secretary of state determines that the petition does not
19 contain the required number of signatures, the petitioners have 60
20 days after the date of that determination to obtain additional
21 signatures, except that additional signatures may not be obtained
22 after July 1 of an even-numbered year. The secretary of state shall
23 determine the validity of a petition not later than the 60th day
24 after the date the petition is filed. On determining that the
25 petition complies with this section, the secretary of state shall
26 certify it as valid.

27 (i) If a certified petition proposes a statutory measure,

1 the secretary of state shall submit the question of approval or
2 disapproval of the measure to the voters of the state at an election
3 to be held on the first Tuesday after the first Monday in November
4 that occurs on or after the 180th day after the date the petition is
5 submitted to the secretary of state for certification. If the
6 measure is approved by a majority of those voting on the question,
7 the statutory change proposed by the measure takes effect according
8 to its terms.

9 (j) If a statutory measure proposed by petition becomes law,
10 the law may be amended or repealed within five years after the date
11 the law takes effect only on the record vote of two-thirds of the
12 members elected to each house.

13 (k) If a certified petition proposes a constitutional
14 measure, the secretary of state shall submit the question of
15 approval or disapproval of the measure to the voters at an election
16 to be held on the first Tuesday after the first Monday in November
17 that occurs on or after the 180th day after the date the petition is
18 submitted to the secretary of state for certification. If the
19 measure is approved by a 55 percent majority of those voting on the
20 question, the amendment proposed by the measure becomes a part of
21 the constitution.

22 (l) The secretary of state shall prepare the ballot
23 proposition for a measure proposed by initiative. The proposition
24 must be descriptive but not argumentative or prejudicial. The
25 provisions of this constitution and of law that apply to
26 publication of constitutional amendments proposed under Section 1,
27 Article XVII, of this constitution apply to the publication of

1 measures proposed under this section.

2 (m) A reference in this section to the Texas Legislative
3 Council or Legislative Budget Board includes the entity's successor
4 in function.

5 (n) This section is self-executing, but laws may be enacted
6 to facilitate its operation. However, no law may be enacted to
7 hamper, restrict, or impair the exercise of the power of
8 initiative.

9 Sec. 1B. (a) The people reserve to themselves the power by
10 petition and election to repeal statutes enacted by the legislature
11 as provided by this section. This power is known as the referendum.

12 (b) The referendum power extends, as provided by this
13 section, to any bill enacted during a regular or special session of
14 the legislature, including a bill relating to the composition of
15 districts for the election of members of a governmental body. It
16 extends to each bill in its entirety and not to a part of the bill.

17 (c) A written request for a petition proposing the repeal of
18 a bill enacted by the legislature must be submitted to the secretary
19 of state in a form prescribed by the secretary of state with a
20 filing fee of \$1,000, which is refundable if the referendum is
21 placed on the ballot. The request may be filed at any time after the
22 date of final adjournment of the session in which the bill is
23 enacted.

24 (d) The secretary of state shall prepare and issue, in the
25 number requested, approved copies of a petition proposing repeal of
26 the bill. The secretary of state may charge for each copy a
27 reasonable fee to cover the cost of reproduction. The petition must

1 include a citation of the bill, citations of any laws amended or
2 repealed by the bill, and a statement, not argumentative or
3 prejudicial, briefly describing the effect of the bill.

4 (e) To be certified as valid, a referendum petition must be
5 filed with the secretary of state not later than the 180th day after
6 the date of its issuance and must be signed by a number of
7 registered voters equal to at least five percent of the total number
8 of votes received by all candidates for state senator in each Texas
9 Senate district and the statewide total of signatures must equal at
10 least eight percent of the total number of votes received by all
11 candidates for governor in the most recent gubernatorial election.

12 (f) The secretary of state shall review the petition to
13 determine whether it is valid. The secretary of state may use any
14 reasonable statistical sampling method as the basis for
15 verification. On determining that the petition complies with this
16 section, the secretary of state shall certify it as valid and shall
17 submit the proposal to the voters at an election to be held on the
18 first Tuesday after the first Monday in November that occurs on or
19 after the 45th day after the date the petition is submitted. The
20 ballot shall be printed to permit voting for or against the
21 proposition: "Repeal of __B. No. ____, which (brief statement of
22 effect of bill)."

23 (g) The provisions of this constitution and of law that
24 apply to publication of constitutional amendments proposed under
25 Section 1, Article XVII, of this constitution apply to the
26 publication of a referendum proposal.

27 (h) If a referendum proposal is approved by a majority of

1 those voting on the question, the repeal is effective immediately
2 on official declaration of the result of the election, whether or
3 not the bill repealed took effect before the date of the election.

4 (i) This section is self-executing, but laws may be enacted
5 to facilitate its operation. However, no law may be enacted to
6 hamper, restrict, or impair the exercise of the power of
7 referendum.

8 SECTION 2. Article XVII, Texas Constitution, is amended by
9 adding Section 1A to read as follows:

10 Sec. 1A. In addition to the mode of amendment provided by
11 Section 1 of this article, the constitution may be amended by the
12 initiative procedure authorized by Section 1A, Article III, of this
13 constitution.

14 SECTION 3. This proposed constitutional amendment shall be
15 submitted to the voters at an election to be held May 2, 2026. The
16 ballot shall be printed to permit voting for or against the
17 proposition: "The constitutional amendment reserving to the people
18 the powers of initiative and referendum."