

BILL ANALYSIS

C.S.S.B. 506
By: Bettencourt
Elections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The bill sponsor has informed the committee that home-rule municipalities in Texas have fairly broad discretion under current law to place initiatives before voters for consideration, but because local elections are governed by each municipality's charter, there is little uniformity in how those elections are carried out. The bill sponsor has further informed the committee of several decisions over the past decade where Texas courts ordered certain home-rule municipalities, including the City of Houston and the City of Austin, to alter ballot language, including language that was misleading. C.S.S.B. 506 seeks to address this issue by requiring ballot proposition language to meet certain criteria and by providing for enforcement of that requirement.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.S.B. 506 amends the Election Code to revise requirements relating to ballot propositions.

Ballot Proposition Language Requirement

C.S.S.B. 506 requires a ballot proposition to substantially submit the question with such definiteness, certainty, and facial neutrality that the voters are not misled.

Ballot Language Mandamus Action

C.S.S.B. 506 authorizes a person, if a court orders the authority that ordered a contested election to order a new election requested by petition, to seek a writ of mandamus from the court to compel the governing body of a city to comply with the requirement that a ballot proposition must substantially submit the question with such definiteness, certainty, and facial neutrality that the voters are not misled, as provided by the bill's enforcement provisions relating to mandamus actions.

Ballot Proposition Language Enforcement Provisions

Review by Secretary of State

C.S.S.B. 506 provides for the secretary of state to review a ballot proposition to determine whether the proposition is misleading, inaccurate, or prejudicial as follows:

- authorizes a registered voter who is eligible to vote in the applicable election to submit for such review a ballot proposition proposing an amendment to the city charter of a home-rule city or a voter-initiated initiative or referendum as requested by petition;
- establishes the deadline for submission as not later than the seventh day after the date on which the home-rule city publishes the ballot proposition language in the election order or by other means;
- requires the secretary of state to review the proposition not later than the seventh day after the date the secretary receives the submission to determine whether the proposition is misleading, inaccurate, or prejudicial; and
- if the secretary determines that the proposition is misleading, inaccurate, or prejudicial:
 - requires the city to draft a proposition to cure the defects and give notice of the new proposition using the method for giving notice of an election;
 - authorizes the city to submit that draft to the secretary of state for review; and
 - requires the secretary to draft the ballot proposition if the secretary determines that the city has drafted a new proposition that is misleading, inaccurate, or prejudicial.

Mandamus Actions

C.S.S.B. 506 does the following with respect to an action in a court of competent jurisdiction seeking a writ of mandamus to compel the governing body of a city to comply with the requirement that a ballot proposition must substantially submit the question with such definiteness, certainty, and facial neutrality that the voters are not misled:

- requires the court to make its determination without delay;
- authorizes the court to order the city to use ballot proposition language drafted by the court;
- authorizes the court to award a plaintiff or relator who substantially prevails in the mandamus action the party's reasonable attorney's fees, expenses, and court costs; and
- establishes that governmental immunity to suit is waived and abolished only to the extent of the liability to the prevailing party created by such an award by the court.

Mandatory Submission to Secretary of State

C.S.S.B. 506 requires a city, following a final nonappealable judgment containing a finding by a court that a ballot proposition drafted by a city failed to substantially submit the question with such definiteness, certainty, and facial neutrality that the voters are not misled, to submit to the secretary of state for approval any proposition to be voted on at an election held by the city before the fourth anniversary of the court's finding.

City Required to Pay for Legal Services

C.S.S.B. 506 prohibits a city from accepting legal services relating to a ballot proposition proceeding without paying fair market value for those services, notwithstanding a home-rule city charter provision to the contrary.

Obstruction of Petition-Initiated Election Prohibited

C.S.S.B. 506 prohibits a political subdivision from proposing a measure, including a charter amendment, that will appear on the same ballot as a measure initiated by a petition prescribed by law outside the Election Code if the two measures generally address the same subject matter

or a provision of a proposed measure would invalidate or conflict with any portion of a petition-initiated measure. The bill establishes that a measure proposed by a political subdivision in violation of that prohibition is void if the measure is proposed not earlier than the 180th day before the date the political subdivision's secretary receives an applicable petition. A political subdivision may be enjoined from proposing the measure.

Applicability

C.S.S.B. 506 applies only to a petition submitted on or after January 1, 2026.

EFFECTIVE DATE

September 1, 2025.

COMPARISON OF SENATE ENGROSSED AND SUBSTITUTE

While C.S.S.B. 506 may differ from the engrossed in minor or nonsubstantive ways, the following summarizes the substantial differences between the engrossed and committee substitute versions of the bill.

The substitute omits a provision present in the engrossed establishing that the prohibition under current law against a corporation or labor organization making a political contribution in connection with a recall election, including the circulation and submission of a petition to call an election, does not prohibit a religious organization from circulating or submitting a petition in connection with a recall election.