

BILL ANALYSIS

Senate Research Center
89R24114 MLH-D

C.S.S.B. 506
By: Bettencourt et al.
State Affairs
4/17/2025
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Greater uniformity is advisable when certain initiatives are put before the voters in order to ensure fairness for all involved. Home-rule municipalities in Texas have fairly broad discretion to place initiatives before voters for consideration; however, there is little uniformity in the processes used due to local elections being governed by each municipality's charter. The Supreme Court of Texas was tasked, as the result of citizen-led mandamus and recall petitions, with reviewing the actions of local governments and the ballot language used when initiatives were put forth. The court ultimately found that voters were being misled by the ballot language and required that referendums be resubmitted to voters, resulting in additional costs to taxpayers.

S.B. 506 seeks to address these issues by providing for requirements for certain petitions requesting an election and ballot propositions. In order to guarantee citizens uniform and fair elections, S.B. 506 outlines the process that must be followed by home-rule municipalities to propose charter amendments and citizen-driven petition referendums, and establishes safeguards to ensure that ballot language accurately describes the proposition being placed before voters. Specifically, the bill standardizes forms and removes overly broad restrictions when submitting petitions, removes ambiguous statutory language and establishes a uniform process for citizen driven referendums, and allows an objective review of ballot language before being put to voters.

(Original Author's/Sponsor's Statement of Intent)

C.S.S.B. 506 amends current law relating to requirements for certain petitions requesting an election and ballot propositions and to related procedures and provisions.

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 52.072, Election Code, by adding Subsection (g), to require that a proposition substantially submit the question with such definiteness, certainty, and facial neutrality that the voters are not misled.

SECTION 2. Amends Chapter 233, Election Code, by adding Section 233.0115, as follows:

Sec. 233.0115. BALLOT LANGUAGE MANDAMUS ACTION. Authorizes a person, if a court orders a new election under Section 233.011 (New Election Ordered if Contested Election Void), to seek from the court a writ of mandamus to compel the governing body of a city to comply with the requirement that a ballot proposition is required to substantially submit the question with such definiteness, certainty, and facial neutrality that the voters are not misled, as provided by Section 273.102.

SECTION 3. Amends Section 253.094(b), Election Code, to provide that this subsection does not prohibit a religious organization from circulating or submitting a petition in connection with a recall election.

SECTION 4. Amends Chapter 273, Election Code, by adding Subchapter F, as follows:

SUBCHAPTER F. BALLOT PROPOSITION LANGUAGE ENFORCEMENT PROVISIONS

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

(b) Requires SOS to review the proposition not later than the seventh day after the date SOS receives the submission to determine whether the proposition is misleading, inaccurate, or prejudicial.

(c) Requires the city, if SOS determines that the proposition is misleading, inaccurate, or prejudicial, to draft a proposition to cure the defects and give notice of the new proposition using the method of giving notice prescribed for notice of an election under Section 4.003 (Method of Giving Notice)

(d) Authorizes a proposition drafted by a city under Subsection (c) to cure the defects to be submitted to SOS under Subsection (a). Requires SOS, if SOS determines that the city has drafted a proposition under Subsection (c) that is misleading, inaccurate, or prejudicial, to draft the ballot proposition.

Sec. 273.102. MANDAMUS ACTIONS. (a) Provides that the court, in an action in a court of competent jurisdiction seeking a writ of mandamus to compel the city's governing body to comply with the requirement that a ballot proposition is required to substantially submit the question with such definiteness, certainty, and facial neutrality that the voters are not misled, is required to make its determination without delay and is authorized to order the city to use ballot proposition language drafted by the court.

(b) Authorizes the court to award a plaintiff or relator who substantially prevails in a mandamus action described by Subsection (a) the party's reasonable attorney's fees, expenses, and court costs.

(c) Proves that governmental immunity to suit is waived and abolished only to the extent of the liability created by Subsection (b).

Sec. 271.103. MANDATORY SUBMISSION TO SECRETARY OF STATE. Requires the 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 SOS for approval any proposition to be voted on at an election held by the city before the fourth anniversary of the court's finding.

Sec. 273.104. CITY REQUIRED TO PAY FOR LEGAL SERVICES. Prohibits a city, notwithstanding a home-rule city charter provision to the contrary, from accepting legal services relating to a proceeding under this subchapter without paying fair market value for those services.

SECTION 5. Amends Chapter 277, Election Code, by adding Section 277.005, as follows:

Sec. 277.005. OBSTRUCTION OF PETITION-INITIATED ELECTION PROHIBITED. (a) Prohibits a political subdivision from proposing a measure, including a charter amendment, that will appear on the same ballot as a petition-initiated measure 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.

(b) Provides that a measure proposed by a political subdivision in violation of this section is void if the measure is proposed not earlier than the 180th day before the date the political subdivision's secretary receives the petition under this chapter. Authorizes a political subdivision to be enjoined from proposing the measure.

SECTION 6. Makes application of this Act prospective to January 1, 2026.

SECTION 7. Effective date: September 1, 2025.