

By: Zwiener

H.J.R. No. 87

A JOINT RESOLUTION

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

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

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

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

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

(b) A proposed statutory or constitutional measure and a filing fee of \$2,000, which is refundable if the proposed measure is placed on the ballot, must be submitted to the secretary of state. A proposed measure must be accompanied by the names and other relevant information, as determined by the secretary of state, of two voters who represent the petitioners. A proposed measure may not contain more than one subject. After the secretary of state validates the signatures on the petition in accordance with Subsection (g), the secretary of state shall forward the petition to the Texas Legislative Council. The Texas Legislative Council shall advise the petitioner as to proper form and language and,

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

10 (c) If the Texas Legislative Council determines that the  
11 proposed measure authorizes or requires the expenditure or  
12 diversion of any state funds, the Texas Legislative Council shall  
13 forward the measure to the Legislative Budget Board for the  
14 preparation of a fiscal note. Otherwise, the Texas Legislative  
15 Council shall forward the measure to the secretary of state.

16 (d) After receipt of a proposed measure from the Texas  
17 Legislative Council, the Legislative Budget Board shall prepare and  
18 sign the fiscal note, attach it to the measure, and forward the  
19 measure to the secretary of state. In the fiscal note, the  
20 Legislative Budget Board shall outline the fiscal implications and  
21 probable cost of the measure each year for the first five years  
22 after its effective date and a statement as to whether there will be  
23 costs involved thereafter.

24 (e) After receipt of a proposed measure from the Texas  
25 Legislative Council or Legislative Budget Board, the secretary of  
26 state shall issue to the petitioner approved copies of an  
27 initiative petition proposing the measure in the number requested

1 not later than the 15th day after receiving the proposed measure  
2 from the Texas Legislative Council or Legislative Budget Board.  
3 The secretary of state may charge for each copy a reasonable fee to  
4 cover the cost of reproduction. The secretary of state shall  
5 prescribe standards of form and design for a petition. Each part of  
6 a petition must include the full text of the proposed measure.

7       (f) An initiative petition that proposes a statutory  
8 measure must be signed by a number of registered voters equal to at  
9 least five percent of the total number of votes received by all  
10 candidates for governor in the most recent gubernatorial general  
11 election in each Texas Senate district as well as statewide. An  
12 initiative petition that proposes a constitutional measure must be  
13 signed by a number of registered voters equal to at least six  
14 percent of the total number of votes received by all candidates for  
15 governor in the most recent gubernatorial general election in each  
16 Texas Senate district as well as statewide. A signer may withdraw a  
17 signature from a petition before the petition is filed following  
18 the procedures provided by general law for the withdrawal of a  
19 petition signature.

20       (g) To be certified as valid, a petition containing the  
21 required number of signatures must be filed with the secretary of  
22 state not later than the 365th day after the date the approved  
23 copies are issued by the secretary of state. The secretary of state  
24 shall review the petition to determine whether it is valid. The  
25 secretary of state may use any reasonable statistical sampling  
26 method as the basis for verification. The secretary of state shall  
27 prescribe rules for the withdrawal of a petition, except that a

petition may not be withdrawn after the petition is filed with the secretary of state. If the secretary of state determines that the petition does not contain the required number of signatures, the petitioners have 60 days after the date of that determination to obtain additional signatures. The secretary of state shall determine the validity of a petition not later than the 60th day after the petition is filed. On determining that the petition complies with this section, the secretary of state shall certify it as valid and submit the proposed measure to the Texas Legislative Council.

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

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

(j) If a certified petition proposes a constitutional measure, the secretary of state shall submit the question of approval or disapproval of the measure to the voters at an election to be held on the first Tuesday after the first Monday in November

1 that occurs on or after the 180th day after the date the petition is  
2 submitted to the secretary of state for certification. If the  
3 measure is approved by a 60 percent majority of those voting on the  
4 question, the amendment proposed by the measure becomes a part of  
5 the constitution.

6 (k) The secretary of state shall prepare the ballot  
7 proposition for a measure proposed by initiative. The proposition  
8 must be descriptive but not argumentative or prejudicial. The  
9 provisions of this constitution and of law that apply to  
10 publication of constitutional amendments proposed under Section 1,  
11 Article XVII, of this constitution apply to the publication of  
12 measures proposed under this section.

13 (l) A reference in this section to the Texas Legislative  
14 Council or Legislative Budget Board includes the entity's successor  
15 in function.

16 (m) This section is self-executing, but laws may be enacted  
17 to facilitate its operation. However, no law may be enacted to  
18 hamper, restrict, or impair the exercise of the power of  
19 initiative.

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

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

1        (c) A written request for a petition proposing the repeal of  
2 a bill enacted by the legislature must be submitted to the secretary  
3 of state in a form prescribed by the secretary of state with a  
4 filing fee of \$2,000, which is refundable if the referendum is  
5 placed on the ballot. The request must be filed not later than the  
6 180th day after the date of final adjournment of the session in  
7 which the bill is enacted.

8        (d) The secretary of state shall prepare and issue, in the  
9 number requested, approved copies of a petition proposing repeal of  
10 the bill. The secretary of state may charge for each copy a  
11 reasonable fee to cover the cost of reproduction. The petition must  
12 include a citation of the bill, citations of any laws amended or  
13 repealed by the bill, and a statement, not argumentative or  
14 prejudicial, briefly describing the effect of the bill.

15        (e) To be certified as valid, a referendum petition must be  
16 filed with the secretary of state not later than the 180th day after  
17 the date of its issuance and must be signed by a number of  
18 registered voters equal to at least five percent of the total  
19 number of votes received by all candidates for governor in the most  
20 recent gubernatorial general election in each Texas Senate district  
21 as well as statewide.

22        (f) The secretary of state shall review the petition to  
23 determine whether it is valid. The secretary of state may use any  
24 reasonable statistical sampling method as the basis for  
25 verification. On determining that the petition complies with this  
26 section, the secretary of state shall certify it as valid and shall  
27 submit the proposal to the voters at an election to be held on the

1 first Tuesday after the first Monday in November that occurs on or  
2 after the 45th day after the date the petition is submitted. The  
3 ballot shall be printed to permit voting for or against the  
4 proposition: "Repeal of \_\_.B. No.\_\_\_\_, which (brief statement of  
5 effect of bill)."

6 (g) The provisions of this constitution and of law that  
7 apply to publication of constitutional amendments proposed under  
8 Section 1, Article XVII, of this constitution apply to the  
9 publication of a referendum proposal.

10 (h) If a referendum proposal is approved by a majority of  
11 those voting on the question, the repeal is effective immediately  
12 on official declaration of the result of the election, whether or  
13 not the bill repealed took effect before the date of the election.

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

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

20 Sec. 1A. In addition to the mode of amendment provided by  
21 Section 1 of this article, the constitution may be amended by the  
22 initiative procedure authorized by Section 1A, Article III, of this  
23 constitution.

24 SECTION 3. This proposed constitutional amendment shall be  
25 submitted to the voters at an election to be held November 4, 2025.  
26 The ballot shall be printed to permit voting for or against the  
27 proposition: "The constitutional amendment reserving to the people

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1 the powers of initiative and referendum."