

By: Bettencourt, et al.

S.B. No. 506

A BILL TO BE ENTITLED

AN ACT

relating to requirements for certain petitions requesting an election and ballot propositions and to related procedures and provisions.

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

SECTION 1. Section 52.072, Election Code, is amended by adding Subsection (g) to read as follows:

(g) A proposition must substantially submit the question with such definiteness, certainty, and facial neutrality that the voters are not misled.

SECTION 2. Chapter 233, Election Code, is amended by adding Section 233.0115 to read as follows:

Sec. 233.0115. BALLOT LANGUAGE MANDAMUS ACTION. If a court orders a new election under Section 233.011, a person may 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 must 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. Section 253.094(b), Election Code, is amended to read as follows:

(b) A corporation or labor organization may not make a political contribution in connection with a recall election, including the circulation and submission of a petition to call an

1 election. This subsection does not prohibit a religious  
2 organization from circulating or submitting a petition in  
3 connection with a recall election.

4 SECTION 4. Chapter 273, Election Code, is amended by adding  
5 Subchapter F to read as follows:

6 SUBCHAPTER F. BALLOT PROPOSITION LANGUAGE ENFORCEMENT PROVISIONS

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

14 (b) The secretary of state shall review the proposition not  
15 later than the seventh day after the date the secretary receives the  
16 submission to determine whether the proposition is misleading,  
17 inaccurate, or prejudicial.

18 (c) If the secretary of state determines that the  
19 proposition is misleading, inaccurate, or prejudicial, the city  
20 shall draft a proposition to cure the defects and give notice of the  
21 new proposition using the method of giving notice prescribed for  
22 notice of an election under Section 4.003.

23 (d) A proposition drafted by a city under Subsection (c) to  
24 cure the defects may be submitted to the secretary of state under  
25 Subsection (a). If the secretary of state determines that the city  
26 has drafted a proposition under Subsection (c) that is misleading,  
27 inaccurate, or prejudicial, the secretary of state shall draft the

1 ballot proposition.

2 Sec. 273.102. MANDAMUS ACTIONS. (a) In an action in a  
3 court of competent jurisdiction seeking a writ of mandamus to  
4 compel the city's governing body to comply with the requirement  
5 that a ballot proposition must substantially submit the question  
6 with such definiteness, certainty, and facial neutrality that the  
7 voters are not misled, the court shall make its determination  
8 without delay and may order the city to use ballot proposition  
9 language drafted by the court.

10 (b) The court may award a plaintiff or relator who  
11 substantially prevails in a mandamus action described by Subsection  
12 (a) the party's reasonable attorney's fees, expenses, and court  
13 costs.

14 (c) Governmental immunity to suit is waived and abolished  
15 only to the extent of the liability created by Subsection (b).

16 Sec. 273.103. MANDATORY SUBMISSION TO SECRETARY OF STATE.  
17 Following a final nonappealable judgment containing a finding by a  
18 court that a ballot proposition drafted by a city failed to  
19 substantially submit the question with such definiteness,  
20 certainty, and facial neutrality that the voters are not misled,  
21 the city shall submit to the secretary of state for approval any  
22 proposition to be voted on at an election held by the city before  
23 the fourth anniversary of the court's finding.

24 Sec. 273.104. CITY REQUIRED TO PAY FOR LEGAL SERVICES.  
25 Notwithstanding a home-rule city charter provision to the contrary,  
26 a city may not accept legal services relating to a proceeding under  
27 this subchapter without paying fair market value for those

1 services.

2 SECTION 5. Chapter 277, Election Code, is amended by adding  
3 Section 277.005 to read as follows:

4 Sec. 277.005. OBSTRUCTION OF PETITION-INITIATED ELECTION  
5 PROHIBITED. (a) A political subdivision may not propose a measure,  
6 including a charter amendment, that will appear on the same ballot  
7 as a petition-initiated measure if:

8 (1) the two measures generally address the same  
9 subject matter; or

10 (2) a provision of a proposed measure would invalidate  
11 or conflict with any portion of a petition-initiated measure.

12 (b) A measure proposed by a political subdivision in  
13 violation of this section is void if the measure is proposed not  
14 earlier than the 180th day before the date the political  
15 subdivision's secretary receives the petition under this chapter.  
16 A political subdivision may be enjoined from proposing the measure.

17 SECTION 6. The changes in law made by this Act apply only to  
18 a petition submitted on or after January 1, 2026.

19 SECTION 7. This Act takes effect September 1, 2025.