

By: Bettencourt, et al.
(Paul, Toth, Tepper)

S.B. No. 506

Substitute the following for S.B. No. 506:

By: Shaheen

C.S.S.B. No. 506

A BILL TO BE ENTITLED

AN ACT

relating to requirements for certain 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. Chapter 273, Election Code, is amended by adding
Subchapter F to read as follows:

SUBCHAPTER F. BALLOT PROPOSITION LANGUAGE ENFORCEMENT PROVISIONS

Sec. 273.101. REVIEW BY SECRETARY OF STATE. (a) 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

1 proposition language proposing an amendment to the city charter or
2 a voter-initiated initiative or referendum as requested by
3 petition, a registered voter eligible to vote in the election may
4 submit the proposition for review by the secretary of state.

5 (b) The secretary of state shall review the proposition not
6 later than the seventh day after the date the secretary receives the
7 submission to determine whether the proposition is misleading,
8 inaccurate, or prejudicial.

9 (c) If the secretary of state determines that the
10 proposition is misleading, inaccurate, or prejudicial, the city
11 shall draft a proposition to cure the defects and give notice of the
12 new proposition using the method of giving notice prescribed for
13 notice of an election under Section [4.003](#).

14 (d) A proposition drafted by a city under Subsection (c) to
15 cure the defects may be submitted to the secretary of state under
16 Subsection (a). If the secretary of state determines that the city
17 has drafted a proposition under Subsection (c) that is misleading,
18 inaccurate, or prejudicial, the secretary of state shall draft the
19 ballot proposition.

20 Sec. 273.102. MANDAMUS ACTIONS. (a) In an action in a
21 court of competent jurisdiction seeking a writ of mandamus to
22 compel the city's governing body to comply with the requirement
23 that a ballot proposition must substantially submit the question
24 with such definiteness, certainty, and facial neutrality that the
25 voters are not misled, the court shall make its determination
26 without delay and may order the city to use ballot proposition
27 language drafted by the court.

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

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

7 Sec. 273.103. MANDATORY SUBMISSION TO SECRETARY OF STATE.
8 Following a final nonappealable judgment containing a finding by a
9 court that a ballot proposition drafted by a city failed to
10 substantially submit the question with such definiteness,
11 certainty, and facial neutrality that the voters are not misled,
12 the city shall submit to the secretary of state for approval any
13 proposition to be voted on at an election held by the city before
14 the fourth anniversary of the court's finding.

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

20 SECTION 4. Chapter [277](#), Election Code, is amended by adding
21 Section 277.005 to read as follows:

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

26 (1) the two measures generally address the same
27 subject matter; or

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

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

8 SECTION 5. The changes in law made by this Act apply only to
9 a petition submitted on or after January 1, 2026.

10 SECTION 6. This Act takes effect September 1, 2025.