BILL ANALYSIS

BACKGROUND AND PURPOSE

Concerns have been raised over a lack of clarity in the ballot proposition language for elections in certain political subdivisions. C.S.S.B. 323 seeks to help ensure that such language is clear and understandable to the average voter by providing a process for judicial oversight of the ballot proposition language.

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. 323 amends the Election Code to require a political subdivision that is located primarily in a county with a population of more than 120,000 and that is seeking to hold an election on a measure to submit the ballot proposition language and a brief statement on the purpose of the proposition to the regional presiding judge of the administrative judicial region in which the political subdivision is located not later than the 123rd day before the election. The bill authorizes a political subdivision that is located in two or more administrative judicial regions to select the administrative judicial region to which the political subdivision submits the proposition language for review. The bill exempts from its provisions an election for which a statute provides the ballot proposition language, an election for the issuance of bonds by a political subdivision, and an election for the imposition or increase in the rate of a tax for the payment of bonds.

C.S.S.B. 323 requires a regional presiding judge, not later than February 1, 2020, to appoint three judges from the administrative judicial region to serve on a panel to review ballot proposition language. The bill requires the panel, not later than the 45th day after the receipt by the presiding judge of the ballot proposition language, to approve or disapprove the language based on whether the language is clear and understandable to the average voter. If the language is disapproved, the language may not be used for the election, and the bill requires the panel to provide the political subdivision with rewritten ballot proposition language. The bill authorizes the political subdivision following disapproval to hold the election with the provided rewritten ballot proposition language or to submit revised ballot proposition language for approval by the panel in the same manner as the original language.

C.S.S.B. 323 establishes that, to the extent of a conflict between the bill's provisions and any provision of law requiring a political subdivision to hold an election on a measure within a certain period, the bill's provisions control.

EFFECTIVE DATE

January 1, 2020.

COMPARISON OF SENATE ENGROSSED AND SUBSTITUTE

While C.S.S.B. 323 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 includes exemptions from its provisions for an election for the issuance of bonds by a political subdivision and an election for the imposition or increase in the rate of a tax for the payment of bonds.