

BILL ANALYSIS

Senate Research Center
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S.B. 1296
By: Huffman
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

When a political subdivision puts forth a proposition for vote to their citizens, that political subdivision is charged with writing the language for that ballot proposition. In the past several years, taxpayers have taken political subdivisions to court over the lack of clarity in ballot proposition language. S.B. 1296 provides a process for judicial oversight of such language to ensure that it is clear and understandable to the average voter.

Under S.B. 1296, political subdivisions within counties of a certain size must submit ballot proposition language (and an explanation of the proposition) to the regional presiding judge of an administrative judicial region. The presiding judge will appoint a three-judge panel from the region to review ballot proposition language before the election may be held. The panel may approve the language as written, disapprove the language as written (and provide the political subdivision the opportunity to resubmit language to the panel), or provide rewritten language for use by the political subdivision.

As proposed, S.B. 1296 amends current law relating to the review of ballot proposition language for certain political subdivision elections.

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 Subchapter C, Chapter 52, Election Code, by adding Section 52.0721, as follows:

Sec. 52.0721. REVIEW OF BALLOT PROPOSITION LANGUAGE. (a) Provides that this section applies only to an election on a measure held by a political subdivision located primarily in a county with a population of more than 120,000. Provides that this section does not apply to an election for which a statute provides the ballot proposition language.

(b) Requires a political subdivision 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 that the political subdivision is located in.

(c) 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.

(d) Requires a judge receiving a submission under Subsection (b) to appoint three judges from the administrative judicial region to serve on a panel to review the ballot proposition language before the election may be held.

(e) Requires the panel, if the panel finds the proposition's language is clear and understandable to the average voter, to approve the proposition's language for the ballot.

(f) Provides that, if the panel finds the proposition's language is not clear and understandable to the average voter or does not make a finding on the proposition language before the 31st day after the date the panel is appointed, the language is disapproved, and prohibited from being used on the ballot at the election. Authorizes the panel to provide the political subdivision with rewritten ballot proposition language that is clear and understandable to the average voter for use in the election.

(g) Authorizes the political subdivision, following disapproval under Subsection (f), to hold the election with the rewritten ballot proposition language provided by the panel or to submit revised ballot proposition language for approval by the panel in the manner provided under Subsections (e) and (f).

(h) Provides that to the extent of a conflict between this section and any provision of law requiring a political subdivision to hold an election on a measure within a certain period, this section controls.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2017.