

BILL ANALYSIS

Senate Research Center
88R11933 PRL-D

S.B. 1054
By: Nichols
State Affairs
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 1054 provides clarification in law to ensure that when Texas voters approve a constitutional amendment or other ballot proposition, that those voices are protected from interference by unending litigation. Under current law, Texas Election Code Section 233.014 establishes a process for challenging a constitutional amendment, however, this process does not currently prescribe timelines by which a court must resolve the challenge. S.B. 1054 states that the trial date for the challenge of a contested election must be within 180 days after the contested election. The bill also states if an appeal is filed, the court must ensure such appeal is resolved later than 180 days after the judgment becomes final. Constitutional amendments are one of the most direct ways Texas voters speak their voice in the electoral process, and this bill protects that voice.

As proposed, S.B. 1054 amends current law relating to requirements for a trial in the contest of an election on a proposed constitutional amendment.

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 Section 233.014, Election Code, by amending Subsection (d) and adding Subsection (h), as follows:

(d) Prohibits the trial date from being earlier than the 45th day after the date of the contested election, nor later than the 180th day after the date of the contested election. Authorizes the trial date to be earlier than the 45th day after the date of the contested election at the request of the contestant. Deletes existing text prohibiting the trial date from being earlier than the 45 day after the date of the contested election unless the contestant requests an earlier date.

(h) Requires the appellate court to ensure that the action is brought to final disposition not later than the 180th day after the date the judgment becomes final if a contestant files an appeal of the contest.

SECTION 2. Effective date: September 1, 2023.