

By: Huffman

S.B. No. 323

A BILL TO BE ENTITLED

AN ACT

relating to the review of ballot proposition language for certain political subdivision elections.

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

SECTION 1. Subchapter C, Chapter 52, Election Code, is amended by adding Section 52.0721 to read as follows:

Sec. 52.0721. REVIEW OF BALLOT PROPOSITION LANGUAGE. (a)

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. This section does not apply to an election for which a statute provides the ballot proposition language.

(b) Not later than the 109th day before an election, a political subdivision seeking to hold an election on a measure shall submit to the regional presiding judge of the administrative judicial region that the political subdivision is located in:

(1) the ballot proposition language; and

(2) a brief statement on the purpose of the proposition.

(c) A political subdivision that is located in two or more administrative judicial regions may select the administrative judicial region to which the political subdivision submits the proposition language for review.

(d) A judge receiving a submission under Subsection (b)

1 shall appoint three judges from the administrative judicial region  
2 to serve on a panel to review the ballot proposition language before  
3 the election may be held.

4 (e) If the panel finds the language of the proposition is  
5 clear and understandable to the average voter, the panel shall  
6 approve the language of the proposition for the ballot.

7 (f) If the panel finds the language of the proposition is  
8 not clear and understandable to the average voter or does not make a  
9 finding on the proposition language before the 31st day after the  
10 date the panel is appointed, the language is disapproved and may not  
11 be used on the ballot at the election. The panel may provide the  
12 political subdivision with rewritten ballot proposition language  
13 that is clear and understandable to the average voter for use in the  
14 election.

15 (g) Following disapproval under Subsection (f), the  
16 political subdivision may:

17 (1) hold the election with the rewritten ballot  
18 proposition language provided by the panel; or

19 (2) submit revised ballot proposition language for  
20 approval by the panel in the manner provided under Subsections (e)  
21 and (f).

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

26 SECTION 2. The change in law made by this Act applies only  
27 to an election ordered on or after the effective date of this Act.

1 An election ordered before the effective date of this Act is  
2 governed by the law in effect when the election was ordered, and the  
3 former law is continued in effect for that purpose.

4 SECTION 3. This Act takes effect September 1, 2019.