

The State of Texas



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Secretary of State

CONSTITUTIONAL AMENDMENTS

TO BE VOTED ON

NOVEMBER 2, 2021

ELECTION

FULL TEXT OF AMENDMENTS

Full Text for the November 2, 2021
Constitutional Amendment Election

STATE OF TEXAS PROPOSITION 1

H.J.R. No. 143

A JOINT RESOLUTION

proposing a constitutional amendment authorizing the professional sports team charitable foundations of organizations sanctioned by certain professional associations to conduct charitable raffles at rodeo venues.

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

SECTION 1. Section 47(d-1), Article III, Texas Constitution, is amended to read as follows:

(d-1) The legislature by general law may permit a professional sports team charitable foundation to conduct charitable raffles under the terms and conditions imposed by general law. The law may authorize the charitable foundation to pay with the raffle proceeds reasonable advertising, promotional, and administrative expenses. A law enacted under this subsection applies only to an entity defined as a professional sports team charitable foundation under that law and may only allow charitable raffles to be conducted at games or rodeo events hosted at the home venue of the professional sports team associated with a professional sports team charitable foundation. In this subsection, "professional sports team" means:

(1) a team organized in this state that is a member of Major League Baseball, the National Basketball Association, the National Hockey League, the National Football League, Major League Soccer, the American Hockey League, the East Coast Hockey League, the American Association of Independent Professional Baseball, the Atlantic League of Professional Baseball, Minor League Baseball, the National Basketball Association Development League, the National Women's Soccer League, the Major Arena Soccer League, the United Soccer League, or the Women's National Basketball Association;

(2) a person hosting a motorsports racing team event sanctioned by the National Association for Stock Car Auto Racing (NASCAR), INDYCar, or another nationally recognized motorsports racing association at a venue in this state with a permanent seating capacity of not less than 75,000;

(3) an organization hosting a Professional Golf Association event; ~~[or]~~

(4) an organization sanctioned by the Professional Rodeo Cowboys Association or the Women's Professional Rodeo Association; or

(5) any other professional sports team defined by law.

SECTION 2. This proposed constitutional amendment shall be submitted to the voters at an election to be held November 2, 2021. The ballot shall be printed to provide for voting for or against the proposition: "The constitutional amendment authorizing the professional sports team charitable foundations of organizations sanctioned by the Professional Rodeo Cowboys Association or the Women's Professional Rodeo Association to conduct charitable raffles at rodeo venues."

A JOINT RESOLUTION

proposing a constitutional amendment authorizing a county to finance the development or redevelopment of transportation or infrastructure in unproductive, underdeveloped, or blighted areas in the county; authorizing the issuance of bonds and notes.

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

SECTION 1. Section 1-g(b), Article VIII, Texas Constitution, is amended to read as follows:

(b) The legislature by general law may authorize a county or an incorporated city or town to issue bonds or notes to finance the development or redevelopment of an unproductive, underdeveloped, or blighted area within the county, city, or town and to pledge for repayment of those bonds or notes increases in ad valorem tax revenues imposed on property in the area by the county, city, or town and other political subdivisions. A county that issues bonds or notes for transportation improvements under a general law authorized by this subsection may not:

(1) pledge for the repayment of those bonds or notes more than 65 percent of the increases in ad valorem tax revenues each year; or

(2) use proceeds from the bonds or notes to finance the construction, operation, maintenance, or acquisition of rights-of-way of a toll road.

SECTION 2. This proposed constitutional amendment shall be submitted to the voters at an election to be held November 2, 2021. The ballot shall be printed to provide for voting for or against the proposition: "The constitutional amendment authorizing a county to finance the development or redevelopment of transportation or infrastructure in unproductive, underdeveloped, or blighted areas in the county."

SENATE JOINT RESOLUTION

proposing a constitutional amendment to prohibit this state or a political subdivision of this state from prohibiting or limiting religious services of religious organizations.

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

SECTION 1. Article I, Texas Constitution, is amended by adding Section 6-a to read as follows:

Sec. 6-a. This state or a political subdivision of this state may not enact, adopt, or issue a statute, order, proclamation, decision, or rule that prohibits or limits religious services, including religious services conducted in churches, congregations, and places of worship, in this state by a religious organization established to support and serve the propagation of a sincerely held religious belief.

SECTION 2. This proposed constitutional amendment shall be submitted to the voters at an election to be held November 2, 2021. The ballot shall be printed to permit voting for or against the proposition: "The constitutional amendment to prohibit this state or a political subdivision of this state from prohibiting or limiting religious services of religious organizations."

SENATE JOINT RESOLUTION

proposing a constitutional amendment changing the eligibility requirements for certain judicial offices.

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

SECTION 1. Section 2(b), Article V, Texas Constitution, is amended to read as follows:

(b) No person shall be eligible to serve in the office of Chief Justice or Justice of the Supreme Court unless the person:

- (1) is licensed to practice law in the State of Texas;
- (2) ~~[this state and]~~ is, at the time of election, a citizen of the United States and a resident of the State of Texas;
- (3) ~~[this state, and]~~ has attained the age of thirty-five years;
- (4) ~~[, and]~~ has been either:

(A) a practicing lawyer licensed in the State of Texas for at least ten years; ~~[,]~~ or

(B) a practicing lawyer licensed in the State of Texas and judge of a state court or county court established by the Legislature by statute for a combined total of ~~[court of record together]~~ at least ten years; and

(5) during the time required by Subdivision (4) of this subsection has not had the person's license to practice law revoked, suspended, or subject to a probated suspension.

SECTION 2. Section 7, Article V, Texas Constitution, is amended to read as follows:

Sec. 7. (a) The State shall be divided into judicial districts, with each district having one or more Judges as may be provided by law or by this Constitution.

(b) Each district judge shall be elected by the qualified voters at a General Election. To be eligible for appointment or election as a district judge, a person must:

(1) ~~[and shall]~~ be a citizen of the United States and a resident of this State;

(2) be ~~[, who is]~~ licensed to practice law in this State;

(3) have ~~[and has]~~ been a practicing lawyer or a Judge of a Court in this State, or both combined, for eight ~~[four (4)]~~ years next preceding the judge's ~~[his]~~ election, during which time the judge's license to practice law has not been revoked, suspended, or subject to a probated suspension;

(4) have ~~[who has]~~ resided in the district in which the judge ~~[he]~~ was elected for two ~~[-(2)-]~~ years next preceding the ~~[his]~~ election; ~~[,]~~ and

(5) ~~[who shall]~~ reside in the ~~[his]~~ district during the judge's ~~[his]~~ term of office.

(c) A district judge shall ~~[and]~~ hold the ~~[his]~~ office for the term ~~[period]~~ of four ~~[-(4)-]~~ years ~~[,]~~ and ~~[who]~~ shall receive for the judge's ~~[his]~~ services an annual salary to be fixed by the Legislature.

(d) A District ~~[The]~~ Court shall conduct its proceedings at the county seat of the county in which the case is pending, except as otherwise provided by law. The Court ~~[He]~~ shall hold the regular terms ~~[of his Court]~~ at the County Seat of each County in the Court's ~~[his]~~ district in such manner as may be prescribed by law. The Legislature shall have power by General or Special Laws to make such provisions concerning the terms or sessions of each District Court as it may deem necessary.

(e) The Legislature shall also provide for the holding of

District Court when the Judge thereof is absent, or is from any cause disabled or disqualified from presiding.

SECTION 3. The following temporary provision is added to the Texas Constitution:

TEMPORARY PROVISION. (a) This temporary provision applies to the constitutional amendment proposed by the 87th Legislature, Regular Session, 2021, changing the eligibility requirements for a justice of the supreme court, a judge of the court of criminal appeals, a justice of a court of appeals, and a district judge.

(b) The amendment to Section 2(b), Article V, of this constitution takes effect January 1, 2022, and applies only to a chief justice or other justice of the supreme court, a presiding judge or other judge of the court of criminal appeals, or a chief justice or other justice of a court of appeals who is first elected for a term that begins on or after January 1, 2025, or who is appointed on or after that date.

(c) The amendment to Section 7, Article V, of this constitution takes effect January 1, 2022, and applies only to a district judge who is first elected for a term that begins on or after January 1, 2025, or who is appointed on or after that date.

(d) This temporary provision expires January 1, 2026.

SECTION 4. This proposed constitutional amendment shall be submitted to the voters at an election to be held November 2, 2021. The ballot shall be printed to provide for voting for or against the proposition: "The constitutional amendment changing the eligibility requirements for a justice of the supreme court, a judge of the court of criminal appeals, a justice of a court of appeals, and a district judge."

A JOINT RESOLUTION

proposing a constitutional amendment providing additional powers to the State Commission on Judicial Conduct with respect to candidates for judicial office.

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

SECTION 1. Section 1-a, Article V, Texas Constitution, is amended by adding Subsection (13-a) to read as follows:

(13-a) The Commission may accept complaints or reports, conduct investigations, and take any other action authorized by this section with respect to a candidate for an office named in Subsection (6) (A) of this section in the same manner the Commission is authorized to take those actions with respect to a person holding that office.

SECTION 2. This proposed constitutional amendment shall be submitted to the voters at an election to be held November 2, 2021. The ballot shall be printed to permit voting for or against the proposition: "The constitutional amendment providing additional powers to the State Commission on Judicial Conduct with respect to candidates for judicial office."

SENATE JOINT RESOLUTION

proposing a constitutional amendment establishing a right for residents of certain facilities to designate an essential caregiver for in-person visitation.

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

SECTION 1. Article I, Texas Constitution, is amended by adding Section 35 to read as follows:

Sec. 35. (a) A resident of a nursing facility, assisted living facility, intermediate care facility for individuals with an intellectual disability, residence providing home and community-based services, or state supported living center, as those terms are defined by general law, has the right to designate an essential caregiver with whom the facility, residence, or center may not prohibit in-person visitation.

(b) Notwithstanding Subsection (a) of this section, the legislature by general law may provide guidelines for a facility, residence, or center described by Subsection (a) of this section to follow in establishing essential caregiver visitation policies and procedures.

SECTION 2. This proposed constitutional amendment shall be submitted to the voters at an election to be held November 2, 2021. The ballot shall be printed to permit voting for or against the proposition: "The constitutional amendment establishing a right for residents of certain facilities to designate an essential caregiver for in-person visitation."

A JOINT RESOLUTION

proposing a constitutional amendment to allow the surviving spouse of a person who is disabled to receive a limitation on the school district ad valorem taxes on the spouse's residence homestead if the spouse is 55 years of age or older at the time of the person's death.

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

SECTION 1. Section 1-b(d), Article VIII, Texas Constitution, is amended to read as follows:

(d) Except as otherwise provided by this subsection, if a person receives a residence homestead exemption prescribed by Subsection (c) of this section for homesteads of persons who are 65 years of age or older or who are disabled, the total amount of ad valorem taxes imposed on that homestead for general elementary and secondary public school purposes may not be increased while it remains the residence homestead of that person or that person's spouse who receives the exemption. If a person who is 65 years of age or older or who is disabled dies in a year in which the person received the exemption, the total amount of ad valorem taxes imposed on the homestead for general elementary and secondary public school purposes may not be increased while it remains the residence homestead of that person's surviving spouse if the spouse is 55 years of age or older at the time of the person's death, subject to any exceptions provided by general law. The legislature, by general law, may provide for the transfer of all or a proportionate amount of a limitation provided by this subsection for a person who qualifies for the limitation and establishes a different residence homestead. However, taxes otherwise limited by this subsection may be increased to the extent the value of the homestead is increased by improvements other than repairs or improvements made to comply with governmental requirements and except as may be consistent with the transfer of a limitation under this subsection. For a residence homestead subject to the limitation provided by this subsection in the 1996 tax year or an earlier tax year, the legislature shall provide for a reduction in the amount of the limitation for the 1997 tax year and subsequent tax years in an amount equal to \$10,000 multiplied by the 1997 tax rate for general elementary and secondary public school purposes applicable to the residence homestead. For a residence homestead subject to the limitation provided by this subsection in the 2014 tax year or an earlier tax year, the legislature shall provide for a reduction in the amount of the limitation for the 2015 tax year and subsequent tax years in an amount equal to \$10,000 multiplied by the 2015 tax rate for general elementary and secondary public school purposes applicable to the residence homestead.

SECTION 2. The following temporary provision is added to the Texas Constitution:

TEMPORARY PROVISION. (a) The changes to the law made by Section 1, Chapter 1284 (H.B. 1313), Acts of the 86th Legislature, Regular Session, 2019, are validated.

(b) An action taken by a tax official in reliance on Section 1, Chapter 1284 (H.B. 1313), Acts of the 86th Legislature, Regular Session, 2019, is validated.

(c) A collector who collected school district ad valorem taxes from a surviving spouse who, under the law as amended by Section 1, Chapter 1284 (H.B. 1313), Acts of the 86th Legislature,

Regular Session, 2019, was entitled to receive a limitation on school district taxes on the spouse's residence homestead shall calculate the school district taxes that should have been imposed for the 2020 and 2021 tax years taking into account the change in law made by that Act and, if the taxes collected by the collector for those tax years exceed the taxes that should have been imposed as calculated under this subsection, the collector shall refund to the surviving spouse the difference between the taxes collected and the taxes that should have been imposed as calculated under this subsection.

(d) This temporary provision expires January 1, 2023.

SECTION 3. This proposed constitutional amendment shall be submitted to the voters at an election to be held November 2, 2021. The ballot shall be printed to provide for voting for or against the proposition: "The constitutional amendment to allow the surviving spouse of a person who is disabled to receive a limitation on the school district ad valorem taxes on the spouse's residence homestead if the spouse is 55 years of age or older at the time of the person's death."

SENATE JOINT RESOLUTION

proposing a constitutional amendment authorizing the legislature to provide for an exemption from ad valorem taxation of all or part of the market value of the residence homestead of the surviving spouse of a member of the armed services of the United States who is killed or fatally injured in the line of duty.

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

SECTION 1. Section 1-b(m), Article VIII, Texas Constitution, is amended to read as follows:

(m) The legislature by general law may provide that the surviving spouse of a member of the armed services of the United States who is killed or fatally injured in the line of duty [~~in action~~] is entitled to an exemption from ad valorem taxation of all or part of the market value of the surviving spouse's residence homestead if the surviving spouse has not remarried since the death of the member of the armed services.

SECTION 2. The following temporary provision is added to the Texas Constitution:

TEMPORARY PROVISION. (a) This temporary provision applies to the constitutional amendment proposed by the 87th Legislature, Regular Session, 2021, authorizing the legislature to provide for an exemption from ad valorem taxation of all or part of the market value of the residence homestead of the surviving spouse of a member of the armed services of the United States who is killed or fatally injured in the line of duty.

(b) The amendment to Section 1-b(m), Article VIII, of this constitution takes effect January 1, 2022, and applies only to a tax year beginning on or after that date.

(c) This temporary provision expires January 1, 2023.

SECTION 3. This proposed constitutional amendment shall be submitted to the voters at an election to be held November 2, 2021. The ballot shall be printed to permit voting for or against the proposition: "The constitutional amendment authorizing the legislature to provide for an exemption from ad valorem taxation of all or part of the market value of the residence homestead of the surviving spouse of a member of the armed services of the United States who is killed or fatally injured in the line of duty."