

## Texas Constitutional Amendments on the 2021 Ballot

Texas requires voters to ratify proposed state [constitutional amendments](#)—changes to a state's constitution. .

Texans will have the opportunity to vote on the following eight proposed Texas constitutional amendments in the November 2, 2021 election.

During the 2021 regular and first special legislative sessions, 251 constitutional amendments were filed, eight of the 251 proposed constitutional amendments proposed were certified for the ballot, meaning the rate of certification was 3.7%, down from 4.6% in 2019.

### **On August 13, 2021 Governor Abbott Issued a Proclamation Calling a Special Election For Constitutional Propositions On November 2, 2021**

To put a legislatively referred constitutional amendment before voters, a two-thirds (66.67 percent) supermajority vote is required in both the Texas State Senate and the Texas House of Representatives.

## STATE OF TEXAS PROPOSITION 1

“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.”

Proposition 1 would amend the Texas Constitution to authorize professional sports team charitable foundations to conduct raffles at rodeo venues. The amendment would also include "an organization sanctioned by the Professional Rodeo Cowboys Association or the Women’s Professional Rodeo Association" when defining professional sports team.

### Arguments for Proposition 1 include:

- First, many other professional sports charitable foundations (such as those for the NFL, MLB, NBA) are allowed to hold raffles. This proposed amendment broadens the field to include charitable rodeo foundations.
- Second, raffles of this type generate revenue for charities such as youth scholarship programs, the YWCA, and the American Cancer Society, among others.

### But there are also arguments against Proposition 1:

- Raffles are another form of gambling, which has negatively affected some Texas families.
- Also, this form of gambling could eventually be extended beyond professional sports to many other organizations.

<u>Texas Proposition 1, Authorize Charitable Raffles at Rodeo Venues Amendment</u>				Democrats	Republicans
				Democrats	Republicans
<b>Senate:</b>	Required: 21	Yes votes: 28 (90.32%)	No votes: 2 (6.45%)	Yes: 12; No: 0	Yes: 16; No: 2
<b>House:</b>	Required: 100	Yes votes: 123 (82.0%)	No votes: 17 (11.3%)	Yes: 64; No: 0	Yes: 59; No: 17

The implementing legislation is House Bill 3012, which takes effect on December 1, 2021, if the amendment is approved.

## STATE OF TEXAS PROPOSITION 2

“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.”

Proposition 2 would amend the Texas Constitution to authorize counties to issue bonds to fund the development of transportation and infrastructure projects in blighted areas. The amendment prohibits counties that issue bonds for such purposes from pledging more than 65% of the increase in ad valorem tax revenues to repay the bonds. It would also prohibit the funds from the bond issue to be used for constructing, operating, maintaining, or acquiring a toll road.

### Arguments For Proposition 2 include:

- First, cities and towns can already finance infrastructure and transportation projects using bonds and notes. Counties also need the ability to address infrastructure issues.
- Also, the development or redevelopment of infrastructure or transportation is expected to increase property values. Higher property values would result in higher tax revenues to repay these bonds.
- Third, Texas is growing, and infrastructure and transportation development is needed for our future economic prosperity. The proposition would allow counties to use bonds to finance much needed infrastructure projects.

### Arguments Against the proposition are:

- First, this proposition could expand debt, which may raise local property taxes.
- Second, opponents say that Texas’s local debt ratio per person is too high, and issuing these bonds ties up future funds for debt service payments.
- Also, these transportation and infrastructure projects could divert revenues that may go to other government services or projects.

<b><u>Texas Proposition 2, Authorize Counties to Issue Infrastructure Bonds in Blighted Areas Amendment</u></b>				Democrats	Republicans
				Democrats	Republicans
<b>Senate:</b>	Required: 21	Yes votes: 27 (87.1%)	No votes: 4 (12.9%)	Yes: 13; No: 0	Yes: 14; No: 4
<b>House:</b>	Required: 100	Yes votes: 126 (84.0%)	No votes: 13 (0.7%)	Yes: 62; No: 0	Yes: 64; No: 13

### STATE OF TEXAS PROPOSITION 3

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

At the outset of the coronavirus (COVID-19) pandemic in March and April of 2020, the following counties that encompass the states most populous cities issued executive orders limiting religious service gatherings in response the pandemic:

The measure would amend Article 1 of the state constitution by adding a new section. The following underlined text would be added:

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.

#### Arguments For this amendment include):

- Churches provide important support in a time of crisis. Closing churches reduces access to their services.
- Second, proponents say that closing churches violates religious freedom guaranteed by the Constitution.
- Lastly, a government official should not be able to keep anyone from attending religious services.

#### Arguments Against this amendment are:

- It could prevent local governments from enforcing safety measures during natural disasters such as tornadoes, hurricanes or another pandemic.
- Also, no faith group should have an unqualified right to spread a communicable disease.
- And, existing law and the Texas Constitution adequately protect religious organizations.

<b><u>Texas Proposition 3, Prohibition on Limiting Religious Services or Organizations Amendment</u></b>				Democrats	Republicans
				Democrats	Republicans
<b>Senate:</b>	Required: 21	Yes votes: 28 (90.3%)	No votes: 2 (6.5%)	Yes: 10; No: 2	Yes: 18; No: 0
<b>House:</b>	Required: 100	Yes votes: 108 (72.0%)	No votes: 33 (22.0%)	Yes: 27; No: 33	Yes: 81; No: 0

## STATE OF TEXAS PROPOSITION 4

“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.”

Proposition 4 would change the eligibility requirement for a justice of the supreme court, a judge of the court of criminal appeals, a justice of a court of appeals from 10 years of experience as a lawyer or judge to 10 years licensed in Texas as a lawyer or judge on a state or county court. The amendment would also change the eligibility for a judge of a district court from four years of experience as a practicing lawyer or judge to eight years.

The amendment also specifies that in addition to being a citizen of the United States candidates must also be residents of Texas. The amendment would take effect in January 2022 for candidates first elected for a term that begins on or after January 1, 2025

### Supporters of the proposed amendment say that:

- Increasing the required number of years of legal experience for district court judges could result in a better qualified Texas judiciary.
- Also, the quality and reputation of the Texas judiciary could be enhanced by the requirement that a judge’s license cannot have been revoked or suspended.
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### Arguments against this proposition include:

- The requirement of additional years of experience as an attorney could adversely impact the diversity (age, race, gender, etc.) of judicial candidates and judges.
- Also, the amendment could restrict the size of the pool of candidates eligible to run for the judicial positions, which could result in a judiciary that does not reflect the population.

<b><u>Texas Proposition 4, Changes to Eligibility for Certain Judicial Offices Amendment</u></b>				Democrats	Republicans
<b>Senate:</b>	Required: 21	Yes votes: 30 (96.8%)	No votes: 1 (3.2%)	Yes: 12; No: 1	Yes: 18; No: 0
<b>House:</b>	Required: 100	Yes votes: 120 (80.00%)	No votes: 19 (12.67%)	Yes: 49; No: 14	Yes: 71; No: 5

## STATE OF TEXAS PROPOSITION 5

“The constitutional amendment providing additional powers to the State Commission on Judicial Conduct with respect to candidates for judicial office.”

Proposition 5 would authorize the Texas Commission on Judicial Conduct to accept complaints regarding the conduct of candidates seeking judicial office and discipline candidates in the same manner the commission is currently authorized to do so with judicial officeholders. Currently, the Texas Constitution authorizes the commission to discipline sitting judges through letters of caution, private sanctions, public sanctions, resignation instead of discipline, suspensions, public admonition, public warning, or public reprimand.

### Arguments in favor of Proposition 5 include:

- Allowing misconduct charges against judicial candidates could result in fairer judicial campaigns. Under current law, misconduct charges can be brought against judges currently in office, but not against candidates running for judicial office.
- Second, bringing complaints about judicial candidates, as well as judges in office, to the Commission on Judicial Conduct could ensure that complaints against both candidates and judges are heard and acted on. This could result in better screening of both candidates and judges.

### But there are also arguments against Proposition 5:

- Opponents say this amendment is unnecessary. Those who have complaints of misconduct against judicial candidates can file them with other authorities, such as the State Bar, the Attorney General, or the appropriate District Attorney for investigation and action.
- Also, adding complaints against judicial candidates to the Commission on Judicial Conduct could overburden the Commission and its staff with new cases.

<b><u>Texas Proposition 5, State Commission on Judicial Conduct Authority Over Candidates for Judicial Office Amendment</u></b>				Democrats	Republicans
				Democrats	Republicans
<b>Senate:</b>	Required: 21	Yes votes: 31 (100.0%)	No votes: 0 (0.0%)	Yes: 13; No: 0	Yes: 18; No: 0
<b>House:</b>	Required: 100	Yes votes: 137 (91.33%)	No votes: 0 (0.00%)	Yes: 58; No: 0	Yes: 79; No: 0

## STATE OF TEXAS PROPOSITION 6

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

Proposition 6 would amend the Texas Constitution to state that residents of nursing facilities, assisted living facilities, or state-supported living centers have a right to designate an essential caregiver that may not be prohibited from visiting the resident. It would also authorize the Texas State Legislature to pass guidelines for facilities to establish visitation policies and procedures for essential caregivers.

The state legislature passed implementing legislation during the 2021 legislative session. Senate Bill 25 requires the executive commissioner of the Health and Human Services Commission to develop guidelines for the visitation policy of designated essential caregivers.

The amendment was introduced in response to restrictions put in place in March 2020 as a response to the coronavirus pandemic. On March 15, 2020, Texas Health and Human Services Commission ordered nursing facilities to prohibit non-essential visitors from accessing facilities. At that time, the order applied to 1,222 licensed and regulated nursing facilities serving about 90,000 residents and an additional 2,000 assisted living facilities in Texas.

State Sen. Lois Kolkhorst (R) wrote in the amendment's "Statement of Intent" that "these restrictions had a significant impact on the physical and mental well-being of many residents, especially those with memory or cognitive challenges."

### Supporters of the proposition say that:

- For Texans in group care, visitation by a loved one can help combat loneliness, anxiety, and depression, and can provide advocacy and emotional support.
- Also, for residents with no remaining connections, there is comfort in having outside visitors in the facility.

### Arguments Against the proposed amendment include that:

- This amendment takes away the ability of public health and certain government officials to restrict access by outsiders to group care facilities in order to protect the residents and the staff.
- Second, even if health and safety protocols are in place, visitation by outsiders could expose other residents and the staff to disease.

<b>Texas Proposition 6, Right to Designated Essential Caregiver Amendment</b>				Democrats	Republicans
<b>Senate:</b>	Required: 21	Yes votes: 30 (96.77%)	No votes: 1 (3.23%)	Yes: 12; No: 1	Yes: 18; No: 0
<b>House:</b>	Required: 100	Yes votes: 142 (94.67%)	No votes: 1 (0.67%)	Yes: 63; No: 1	Yes: 79; No: 0

## STATE OF TEXAS PROPOSITION 7

“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.”

Proposition 7 would allow the surviving spouse of a disabled individual to maintain a homestead property tax limit if the spouse is 55 years of age or older at the time of the death and remains at the homestead.

The proposed amendment is needed because in 2019, the Tax Code was updated to allow this tax limitation for surviving spouses of disabled persons, but the Legislature failed to authorize a proposed constitutional amendment. Some counties followed the Tax Code and some did not. For those that did not, eligible surviving spouses may be due a refund.

### Arguments for this proposed amendment are:

- First, this amendment would protect the surviving spouse of a disabled person from losing an important benefit.
- Also, the proposition validates a state law already passed and clarifies that the law is to be enforced.
- Third, the proposed amendment passed with zero “no” votes in both the Texas House and the Texas Senate, indicating broad bipartisan support.

### Opponents of the amendment also have arguments.

- The passage could reduce tax revenues for school districts and other local taxing authorities.
- Second, any lower property values could decrease revenue and affect the state school funding formulas.
- Also, this amendment could lead to further property tax exemptions, which could have future negative effects on school and other local finances.

<b><u>Texas Proposition 7, Homestead Tax Limit for Surviving Spouses of Disabled Individuals Amendment</u></b>				Democrats	Republicans
<b>Senate:</b>	Required: 21	Yes votes: 30 (96.77%)	No votes: 0 (0.00%)	Yes: 13; No: 0	Yes: 17; No: 0
<b>House:</b>	Required: 100	Yes votes: 147 (98.0%)	No votes: 0 (0.0%)	Yes: 67; No: 0	Yes: 80; No: 0

## STATE OF TEXAS PROPOSITION 8

“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.”

Proposition 8 would expand eligibility so that surviving spouses of members of the military who are killed in the line of duty benefit from the same exemption from property taxes that is currently given to spouses of military members killed in action. So, if their death was due to injuries that are not combat related (such as in a training exercise), it would still be considered a result of their military duties. This exemption is for the property tax on the market value of the spouse’s residence homestead if the spouse has not remarried.

### Arguments For this amendment are that:

- First, this amendment would correct an oversight in current law to include surviving spouses of the military who were killed in the line of duty, rather than in action.
- Also, these additional surviving spouses have suffered the loss of their partner because of their military service, and should be provided the same benefit.
- Third, death in combat for our country’s soldiers should not be the determining factor on whether we honor their military service by providing relief for their spouse.

### Opponents say:

- This amendment will reduce tax revenues to school districts, counties, cities and special districts by lowering property value. Many more military are killed in the line of duty than are killed in action. The estimated potential loss of tax revenue could be significant.
- Second, any lower property values could decrease revenue and affect the state school funding formula. Also, this amendment would expand property tax exemption to another group of people, which could increase the tax burden for other property owners.

<b><u>Texas Proposition 8, Homestead Tax Exemption for Surviving Spouses of Military Fatally Injured in the Line of Duty Amendment (2021)</u></b>				Democrats	Republicans
<b>Senate:</b>	Required: 21	Yes votes: 29 (93.5%)	No votes: 1 (3.2%)	Yes: 11; No: 1	Yes: 18; No: 0
<b>House:</b>	Required: 100	Yes votes: 144 (96.0%)	No votes: 0 (0.0%)	Yes: 65; No: 0	Yes: 79; No: 0