

1-1 By: Bettencourt, et al. S.B. No. 506
 1-2 (In the Senate - Filed November 25, 2024; February 3, 2025,
 1-3 read first time and referred to Committee on State Affairs;
 1-4 April 22, 2025, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 10, Nays 0; April 22, 2025,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17			X	
1-18	X			
1-19	X			

1-20 COMMITTEE SUBSTITUTE FOR S.B. No. 506 By: Bettencourt

1-21 A BILL TO BE ENTITLED
 1-22 AN ACT

1-23 relating to requirements for certain petitions requesting an
 1-24 election and ballot propositions and to related procedures and
 1-25 provisions.

1-26 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-27 SECTION 1. Section 52.072, Election Code, is amended by
 1-28 adding Subsection (g) to read as follows:

1-29 (g) A proposition must substantially submit the question
 1-30 with such definiteness, certainty, and facial neutrality that the
 1-31 voters are not misled.

1-32 SECTION 2. Chapter 233, Election Code, is amended by adding
 1-33 Section 233.0115 to read as follows:

1-34 Sec. 233.0115. BALLOT LANGUAGE MANDAMUS ACTION. If a court
 1-35 orders a new election under Section 233.011, a person may seek from
 1-36 the court a writ of mandamus to compel the governing body of a city
 1-37 to comply with the requirement that a ballot proposition must
 1-38 substantially submit the question with such definiteness,
 1-39 certainty, and facial neutrality that the voters are not misled, as
 1-40 provided by Section 273.102.

1-41 SECTION 3. Section 253.094(b), Election Code, is amended to
 1-42 read as follows:

1-43 (b) A corporation or labor organization may not make a
 1-44 political contribution in connection with a recall election,
 1-45 including the circulation and submission of a petition to call an
 1-46 election. This subsection does not prohibit a religious
 1-47 organization from circulating or submitting a petition in
 1-48 connection with a recall election.

1-49 SECTION 4. Chapter 273, Election Code, is amended by adding
 1-50 Subchapter F to read as follows:

1-51 SUBCHAPTER F. BALLOT PROPOSITION LANGUAGE ENFORCEMENT PROVISIONS

1-52 Sec. 273.101. REVIEW BY SECRETARY OF STATE. (a) Not later
 1-53 than the seventh day after the date on which a home-rule city
 1-54 publishes in the election order or by other means ballot
 1-55 proposition language proposing an amendment to the city charter or
 1-56 a voter-initiated initiative or referendum as requested by
 1-57 petition, a registered voter eligible to vote in the election may
 1-58 submit the proposition for review by the secretary of state.

1-59 (b) The secretary of state shall review the proposition not
 1-60 later than the seventh day after the date the secretary receives the

2-1 submission to determine whether the proposition is misleading,
2-2 inaccurate, or prejudicial.

2-3 (c) If the secretary of state determines that the
2-4 proposition is misleading, inaccurate, or prejudicial, the city
2-5 shall draft a proposition to cure the defects and give notice of the
2-6 new proposition using the method of giving notice prescribed for
2-7 notice of an election under Section 4.003.

2-8 (d) A proposition drafted by a city under Subsection (c) to
2-9 cure the defects may be submitted to the secretary of state under
2-10 Subsection (a). If the secretary of state determines that the city
2-11 has drafted a proposition under Subsection (c) that is misleading,
2-12 inaccurate, or prejudicial, the secretary of state shall draft the
2-13 ballot proposition.

2-14 Sec. 273.102. MANDAMUS ACTIONS. (a) In an action in a
2-15 court of competent jurisdiction seeking a writ of mandamus to
2-16 compel the city's governing body to comply with the requirement
2-17 that a ballot proposition must substantially submit the question
2-18 with such definiteness, certainty, and facial neutrality that the
2-19 voters are not misled, the court shall make its determination
2-20 without delay and may order the city to use ballot proposition
2-21 language drafted by the court.

2-22 (b) The court may award a plaintiff or relator who
2-23 substantially prevails in a mandamus action described by Subsection
2-24 (a) the party's reasonable attorney's fees, expenses, and court
2-25 costs.

2-26 (c) Governmental immunity to suit is waived and abolished
2-27 only to the extent of the liability created by Subsection (b).

2-28 Sec. 273.103. MANDATORY SUBMISSION TO SECRETARY OF STATE.
2-29 Following a final nonappealable judgment containing a finding by a
2-30 court that a ballot proposition drafted by a city failed to
2-31 substantially submit the question with such definiteness,
2-32 certainty, and facial neutrality that the voters are not misled,
2-33 the city shall submit to the secretary of state for approval any
2-34 proposition to be voted on at an election held by the city before
2-35 the fourth anniversary of the court's finding.

2-36 Sec. 273.104. CITY REQUIRED TO PAY FOR LEGAL SERVICES.
2-37 Notwithstanding a home-rule city charter provision to the contrary,
2-38 a city may not accept legal services relating to a proceeding under
2-39 this subchapter without paying fair market value for those
2-40 services.

2-41 SECTION 5. Chapter 277, Election Code, is amended by adding
2-42 Section 277.005 to read as follows:

2-43 Sec. 277.005. OBSTRUCTION OF PETITION-INITIATED ELECTION
2-44 PROHIBITED. (a) A political subdivision may not propose a measure,
2-45 including a charter amendment, that will appear on the same ballot
2-46 as a petition-initiated measure if:

2-47 (1) the two measures generally address the same
2-48 subject matter; or

2-49 (2) a provision of a proposed measure would invalidate
2-50 or conflict with any portion of a petition-initiated measure.

2-51 (b) A measure proposed by a political subdivision in
2-52 violation of this section is void if the measure is proposed not
2-53 earlier than the 180th day before the date the political
2-54 subdivision's secretary receives the petition under this chapter.
2-55 A political subdivision may be enjoined from proposing the measure.

2-56 SECTION 6. The changes in law made by this Act apply only to
2-57 a petition submitted on or after January 1, 2026.

2-58 SECTION 7. This Act takes effect September 1, 2025.

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