

JCRV FACT SHEET FOR VOTERS:
Proposed Texas Constitutional Amendments
November 2, 2021 Election

Proposition 1 (HJR 143):

“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.”

Currently our state Constitution allows most professional sports teams such as baseball, basketball, NASCAR, PGA etc. to hold charitable raffles at their home venue, while professional rodeo teams are prohibited from doing so.

- A “**yes**” vote **supports** changing our constitution to include professional associated rodeos in the definition of “professional sports team” and to allow these rodeo professional sports teams to hold raffles for charity at their home venues.
- A “**no**” vote would **continue to prohibit** charitable raffles at rodeo venues.

Proposition 2 (HJR 99):

“The constitutional amendment authorizing a county to finance through issuance of Bonds the development or redevelopment of transportation or infrastructure in unproductive, underdeveloped, or blighted areas in the county.”

HJR 99 proposes allowing a county to issue bonds or notes to finance the development of an underdeveloped area within the county and to pledge for repayment of those bonds or notes by increases in property tax revenues imposed on property within the county. Our constitution currently allows a city or town to issue such bonds or notes but doesn’t expressly give the legislature the power to grant that same authority to counties. The proposed amendment also states that a county that issues bonds/notes for transportation improvements may not pledge for the repayment of them more than 65% of the increases in ad valorem tax revenues each year, and a county may not use bond/note proceeds to finance any portion of a toll road.

Advocates claim allowing counties this authorization is a logical extension of the authority to issue bonds or notes and argue this will not increase taxes but allows counties to redirect additional property tax revenue to reinvestment zones to finance transportation projects.

Critics state this amendment would expand taxpayer-backed debt by allowing counties to use tax increment financing **which would raise local property taxes**. Also, cities and towns already to issue bonds/notes to finance infrastructure projects in blighted areas, and the state has a role in this matter as well.

- A “**yes**” vote **supports** amending the state constitution to authorize counties to issue bonds via increases in property tax revenues on property in the county to fund transportation and infrastructure projects in undeveloped areas.
- A “**no**” vote **opposes** amending the state constitution, thereby maintaining that only cities and towns may issue bonds to fund transportation and infrastructure projects in blighted areas and less possible impact on property tax increases to pay for the bonds

Proposition 3 (SJR 27):

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

SJR27 proposes an amendment that would prevent the state or any other political subdivision from enacting, adopting, or issuing a statute, order, proclamation, decision, or rule that prohibits or limits religious services. The proposed amendment would apply to religious services including those conducted in churches, congregations, and places of worship by a religious organization established to support and serve the propagation of a sincerely held religious belief.

- **Advocate** Rep Scott Sanford (R) states, "Churches provide essential spiritual, mental and physical support in a time of crisis. Closing churches not only eliminated these critical ministries and services, but it violated their religious freedom, guaranteed by our laws and Constitution."
- **Critic** Rep. John Turner (D) stated that while a supporter of religious liberty he did question that there "could never be any restrictions on capacity."
- Some mention the 1st Amendment to the Constitution of the United States which reads as follows: Congress shall **make no law respecting an establishment of religion, or prohibiting the free exercise thereof**; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances. This amendment to the state constitution will further prevent state lawmakers from limiting the practice of religion by the citizens of this state, thereby upholding the Constitution during outbreak of a pandemic.
- A "yes" vote **supports** amending the state constitution to prohibit the state or any other political subdivision from enacting a law, rule, order, or proclamation that limits religious services or organizations.
- A "no" vote **opposes** amending the state constitution to prohibit the state or any political subdivision from enacting a law, rule, order, or proclamation that limits religious services or organizations. Meaning, the state could in future limit religious services.

Proposition 4 (SJR 47):

“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.”

Voting **YES** on this proposition amends Section 2(b), Article V of the Texas Constitution to add to eligibility requirements for Texas judges for **State District Court and higher**. Passage of this amendment would require a person to have a combined total of at least eight years practicing law while licensed in the State of Texas, or serving as a Texas judge, in order to be eligible to be appointed or elected to a **State District Court**. Currently the requirement is a combined total of four years.

Prop. 4 keeps the combined total for eligibility to serve as a **Chief Justice** or as a **judge on the Texas Supreme Court** at 10 years, but would require the entire ten-year qualifying period involve practice of law or judicial service in the State of Texas. Because the Texas Constitution elsewhere in Article 5 makes the same eligibility requirements for Chief Justices and Texas Supreme Court applicable to judges on the Court of Criminal Appeals and the Court of Appeals, Prop. 4 affects those offices as well. Prop. 4 would also add that, during those qualifying periods, the person’s law license could not have been revoked, suspended, or subject to a probated suspension.

Proposition 5 (HJR 165):

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

Voting **YES** on this proposition adds Subsection 13-a to Section 1-a, Article V of the Texas Constitution in order to make judicial candidates who are not in office subject to the same standards to which sitting judges are subject, if they’re going to comment on current cases and issues. While all candidates for judicial office are supposed to observe certain ethics restrictions in commenting on cases, mechanisms have been lacking for making complaints, conducting investigations, and imposing sanctions on judicial candidates who are not sitting judges. Prop. 5 is intended to level the playing field and make candidates and judges equally accountable under the law.

Proposition 6 (SJR 19):

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

In March of 2020 Texas HHS ordered nursing and assisted living homes to prohibit “non-essential” visitors, preventing over 92,000 residents in these facilities from seeing loved ones. This proposed amendment establishes the right of residents of certain facilities, residences, and living centers to choose an essential caregiver who cannot be prohibited from in-person visitation. The amendment also authorizes Texas legislature to provide guidelines for these facilities to follow in establishing visitation policies and procedures for essential caregivers. Per Texas Sen. Lois Kolkhorst (R), “Visiting a loved one in a nursing home should be a right, not a privilege. If another health emergency occurs, our state’s caregivers will always have a way to safely go inside a facility for scheduled visits and ensure that their loved one’s physical, social, and emotional needs are being met.”

- A **“yes”** vote is **in favor** of amending our constitution to protect the right of nursing home and assisted living residents to choose one person as an essential caregiver who cannot be prohibited from visiting them.
- A **“no”** vote is **against** amending our constitution to establish the right for residents of nursing or assisted living facilities to choose an essential caregiver who can’t be denied visitation.

Proposition 7 (HJR 125):

“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.”

The language of this proposition became Texas law under HB 1313 which took effect in 2020. This proposed amendment will help surviving spouses aged 55 or older of the deceased aged 65 or older at time of death, to receive a \$10,000 property tax exemption from the school district each year. Although it would not completely protect surviving spouses from appraised value increases should inequality be determined by the appraiser’s office, it would help surviving spouse homeowners not be prevented from keeping their residence due to ad valorem taxation. The move to amend our constitution is to protect the impact of HB 1313 for the surviving spouse homestead exemption without state legislative intervention through law making changes.

- A “**yes**” vote **supports** amending our constitution to 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.
- A “**no**” vote **opposes** amending our constitution, thus not allowing the surviving spouse aged 55 years or older of a disabled aged 65 or older at time of death, to maintain the \$10,000 property tax exemption from the school district.

Proposition 8 (SJR 35):

“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.”

The measure would amend our constitution to authorize a total residence homestead property tax exemption for a surviving spouse of a member of the armed services "who is killed or fatally injured in the line of duty." Currently, our constitution grants this exemption to the surviving spouse of a military member only if they were "killed in action;" the amended language would be expanded to include service members who are killed or fatally injured during military training or other military duties.

- A “**yes**” vote **supports** changing our constitution to allow legislature to provide a homestead property tax exemption for the surviving spouse of a military member “killed or fatally injured in the line of duty.”
- A “**no**” vote **opposes** amending our constitution, meaning that the tax exemption is available only to the spouse of a military member “killed in action,” but not if their military spouse were killed or fatally injured in the line of duty.

Citations:

https://tlic.texas.gov/docs/amendments/analyses21_condensed.pdf

[https://ballotpedia.org/Texas_Proposition_2,_Authorize_Counties_to_Issue_Infrastructure_Bonds_in_Blighted_Areas_Amendment_\(2021\)](https://ballotpedia.org/Texas_Proposition_2,_Authorize_Counties_to_Issue_Infrastructure_Bonds_in_Blighted_Areas_Amendment_(2021))

[https://ballotpedia.org/Texas_Proposition_8,_Homestead_Tax_Exemption_for_Surviving_Spouses_of_Military_Fatally_Injured_in_the_Line_of_Duty_Amendment_\(2021\)](https://ballotpedia.org/Texas_Proposition_8,_Homestead_Tax_Exemption_for_Surviving_Spouses_of_Military_Fatally_Injured_in_the_Line_of_Duty_Amendment_(2021))