

# NONPARTISAN VOTERS GUIDE

CONSTITUTIONAL AMENDMENT ELECTION » NOVEMBER 2, 2021

County Government » Property Tax Exemption » Raffles » Judges »  
Caregiver Visits » Religious Services » Property Tax/Military

EARLY VOTING: Oct. 18–29, 2021 » ELECTION DAY: Nov. 2, 2021. Polls open 7 a.m. to 7 p.m.

## » THE TEXAS CONSTITUTION

The current Texas Constitution was written in 1876 and has been amended over 500 times. Compare that to the United States Constitution, which has only 27 amendments.

Why does the Texas Constitution have so many amendments? Rules for how state and local governments should run are very specific in the Texas Constitution, unlike in the US Constitution. Therefore our state lawmakers often have little freedom to make changes to laws without amending the state constitution. In order to amend the Texas Constitution, the proposed amendments must pass both houses of the Legislature by a 2/3 majority, and then be approved by a majority of Texas voters.

All potential amendments that appear on your ballot must originate in the Legislature. The Texas Constitution cannot be amended by citizen-led ballot initiatives, referendums, or petitions, as in some other states.

We vote on a slate of amendments in the fall of odd-numbered years, following the spring Legislative session. Topics vary, and can cover a wide range of topics, and some may affect only a few counties.

Voting on amendments fulfills your right and duty as a Texas citizen. This approval or disapproval of changes to our Constitution gives you a direct voice in our state government.

Watch a short YouTube on the history of the Texas Constitution:  
<https://youtu.be/wm7RUtNssFU>

## » ABOUT THIS VOTERS GUIDE

This *Voters Guide* is funded and published by the League of Women Voters of Texas. The League never supports or opposes political candidates or political parties.

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## » EMPOWERING VOTERS. DEFENDING DEMOCRACY.

### » VOTING IN TEXAS—WHAT COULD CHANGE

As we write this *Voters Guide*, the Texas Legislature is in special session and is considering bills that will impact voting and elections in Texas. Go to [VOTE411.org](http://VOTE411.org) or [lwvtexas.org](http://lwvtexas.org) for the most up-to-date voting information.

### » ONLINE VOTERS GUIDE

The *Voters Guide* is available online at [VOTE411.org](http://VOTE411.org). By entering your address and zip code, you can view the ballot propositions, with explanations and arguments for and against. If there is a local League in your community, you may also find information on local elections. You can even find out where to vote!



### » VOTERS GUIDE CONTENTS

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## » BE A SAFE TEXAS VOTER!

The League of Women Voters of Texas fights for the right of ALL Texas voters to participate in our democracy while protecting their health. Your vote is important in this and every election. Share these tips for voting safely.

### » VOTE BY MAIL

#### If you are voting by mail . . .

- Ballots are mailed out 30–45 days before an election or 7 days after the county election office receives an application.
- Mail in your ballot as soon as possible.
- Use a blue or black pen, not a pencil, to fill out the ballot.
- Be sure to fill out every required field, then sign the ballot and the envelope with the same signature you used on your application.
- Ballots may need two stamps.

#### To hand deliver your vote by mail ballot

- The voter may hand deliver their marked ballot in-person to the county election office on election day while polls are open. Check with your county election office for times and locations.
- The voter must show an ID when delivering the ballot, and sign a signature roster.

### » VOTE IN PERSON

#### To safely vote in person, voters are encouraged to:

- wear a mask
- practice social distancing by spacing themselves at least six feet apart
- bring a pen and hand sanitizer.

### » VOTE EARLY

- Voters may vote early at any voting location in their county.
- Find your polling site at [VOTE411.org](https://www.vote411.org) or your county election website.
- A voter with a disability and their helper who are in line to vote in person may request to move ahead of other voters in line.

### » CURBSIDE VOTING

- Available for voters who are physically unable to enter the polling place without personal assistance or likelihood of injuring their health.
- Voters who meet these qualifications may ask an election officer to bring a ballot to their car.

### » VOTE DURING NON-PEAK HOURS!

During early voting and especially on Election Day, vote during non-peak hours such as mid-morning or mid-afternoon. Avoid the busiest periods of early morning, lunchtime and after work.

### » SUSPENDED VOTER

You can still vote if your voter registration is in suspense! “Suspense” means that your county voter registrar needs to confirm your address.

### » VOTING A LIMITED BALLOT

During early voting, a registered voter who has moved from the county in which they are registered to a new county of residence in Texas, and who will not be registered to vote in the new county before Election Day, may be eligible to vote a “limited ballot.” A limited ballot allows you to vote on state and national races.

## » VOTER ID: WHAT TO TAKE TO THE POLLS

In order to vote, citizens must be on the official list of registered voters. Check registration status at [votetexas.gov](https://www.votetexas.gov).

Voters may use one of seven forms of photo ID, listed below.

- Texas driver license
- Texas Election Identification Certificate
- Texas Personal Identification Card issued by the Department of Public Safety (DPS)
- Texas license to carry a handgun issued by DPS
- US military identification card containing the person’s photograph
- US citizenship certificate containing the person’s photograph
- US passport (book or card)

Note:

- IDs may have expired up to four years.
- Persons 70 years or older may use an expired ID.
- ID address does not have to match the voter registration address.
- The name on the photo ID should match the voter registration card or be “substantially similar.” If the names don’t match exactly but are substantially similar, the voter will initial a box for a similar name when signing in to vote.

Registered voters without photo ID, who cannot reasonably obtain one, may sign a form (described below) and present the original or a copy of one of the following documents with the voter’s name and address to vote a regular ballot:

- Texas voter registration card
- Certified birth certificate
- Current utility bill
- Bank statement
- Government check
- Paycheck
- Any other government document such as an out of state driver’s license or expired Texas driver’s license.

The form to be filled out by registered voters without a photo ID is a “Voter’s Declaration of Reasonable Impediment or Difficulty.” The voter must mark on the form one of the following reasons for not providing a photo ID:

- Lack of transportation
- Disability or illness
- Lack of birth certificate or other documents needed to obtain an acceptable form of photo ID
- Work schedule
- Family responsibilities
- Lost or stolen identification
- Acceptable form of photo ID applied for but not received.

#### Voter Harassment

- Election officials cannot question a voter about the use of an ID type.
- Poll watchers may never question a voter about Voter ID issues.
- If you are harassed, call the Election Protection Voter Hotline!

# PROPOSED AMENDMENTS TO THE TEXAS CONSTITUTION

## PROPOSITION 1 RAFFLES

“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.”

### » EXPLANATION:

This amendment would add professional rodeo charitable foundations that are sanctioned by the Professional Rodeo Cowboys Association or the Women’s Professional Rodeo Association to the list of similar foundations for other professional sports associations that are authorized to hold raffles. These raffles may be held at rodeos in the state of Texas.

Watch a short video on Proposition 1: <https://youtu.be/cOmWA1pDfq0>

For more information: <https://hro.house.texas.gov/pdf/ba87R/HJR0143.PDF>

### » ARGUMENTS FOR:

- 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.
- Raffles of this type generate revenue for charities such as youth scholarship programs, the YMCA, and the American Cancer Society, among others.

### » ARGUMENTS AGAINST:

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

## PROPOSITION 2 COUNTY GOVERNMENT

“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.”

### » EXPLANATION:

The Texas Constitution allows the legislature to authorize cities to issue bonds or notes to finance development or redevelopment of transportation or infrastructure in “unproductive, underdeveloped or blighted areas”. Proposition 2 would amend the Texas Constitution to add counties to the political entities that can issue bonds or notes for that purpose, and to pledge increases in property tax revenues to repay the bonds or notes.

If the county issues bonds for transportation improvements, the county *may not*:

- Allocate more than 65% of the property tax increases annually to repay the bonds;
- Use the bond proceeds to finance toll road construction, operation, maintenance or right-of-way acquisition.

Watch a short video on Proposition 2: <https://youtu.be/mWn3GnqGE2o>

For more information: <https://hro.house.texas.gov/pdf/ba87R/HJR0099.PDF>

### » ARGUMENTS FOR:

- Cities and towns can already finance infrastructure and transportation projects using bonds and notes. Counties also need the ability to address infrastructure issues.
- 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.
- 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:

- This proposition could expand debt, which may raise local property taxes.
- 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.
- These transportation and infrastructure projects could divert revenues that may go to other government services or projects.

## PROPOSITION 3 RELIGIOUS SERVICES

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

### » EXPLANATION:

The proposed amendment would add a new section to Article 1 of the Texas Constitution, the Texas “Bill of Rights.” It would prohibit state or local governments from prohibiting or limiting religious services.

This proposed amendment is a reaction to restrictions put in place by the governor and some local governments during the COVID-19 pandemic. The restrictions required religious services to be held remotely or limited the number of people who could attend in person. The governor’s restrictions were only in place for twelve days. He then declared that religious services are essential services and issued guidelines that said, “Houses of worship should conduct as many activities as possible remotely, and should follow federal guidelines when providing services in person.”

Watch a short video on Proposition 3: <https://youtu.be/ncFEnVq6sTs>

For more information: <https://hro.house.texas.gov/pdf/ba87R/HJR0072.PDF>

### » ARGUMENTS FOR:

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

### » ARGUMENTS AGAINST:

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

## PROPOSITION 4 JUDGES

“The constitutional amendment changing the eligibility requirements for a justice of the supreme court, a judge of the criminal court of appeals, a justice of the court of appeals, and a district judge.”

### » EXPLANATION:

The proposed amendment would change the eligibility requirements for judges to run for office for the following:

- *Supreme Court, Court of Criminal Appeals, and the regional Courts of Appeals:* Currently, the candidate for these courts must have been a practicing lawyer for at least ten years, or a practicing lawyer or judge of a court of record for a combined total of at least ten years.  
The proposed amendment would add the requirement that the candidate be licensed in the state of Texas for at least ten years, and defines the court of record as a state court or county court established by the Legislature. Also, during the ten-year period, the candidate’s license to practice law must not have been revoked or suspended.
- *State District Judge:* Currently, the candidate must be a U.S. citizen licensed to practice law in Texas and have been a practicing lawyer for at least four years, or a practicing lawyer or judge of a Texas court for a combined total of four years.  
The proposed amendment would add the requirement that a district judge candidate be a Texas resident, and would change the four-year requirement to eight years. Also, during the specified eight-year period, the candidate’s license to practice law must not have been revoked or suspended.

Watch a short video on Proposition 4: <https://youtu.be/tm1zHQMscz8>

For more information: <https://hro.house.texas.gov/pdf/ba87R/SJR0047.PDF>

### » ARGUMENTS FOR:

- Increasing the required number of years of legal experience for district court judges could result in a better qualified Texas judiciary.
- 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.

### » ARGUMENTS AGAINST:

- The requirement of additional years of experience as an attorney could adversely impact the diversity (age, race, gender, etc.) of judicial candidates and judges.
- The amendment would 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.



# PROPOSITION 5 JUDGES

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

## » EXPLANATION:

The State Commission on Judicial Conduct now accepts complaints against, and investigates and takes actions concerning, alleged misconduct by judges currently in office. This proposed amendment would extend the Commission’s power to judicial candidates.

Watch a short video on Proposition 5: <http://www.youtube.com/watch?v=yHIJ6v98dSU>

For more information: <https://hro.house.texas.gov/pdf/ba87R/HJR0165.PDF>

## » ARGUMENTS FOR:

- 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.
- 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.

## » ARGUMENTS AGAINST:

- 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.
- Adding complaints against judicial candidates to the Commission on Judicial Conduct could overburden the Commission and its staff with new cases.

# PROPOSITION 6 CAREGIVER VISITS

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

## » EXPLANATION:

During the COVID-19 pandemic, family and other caregivers were restricted from access to nursing homes and other group facilities. This proposed constitutional amendment would allow a resident to name a person to be their essential caregiver, and visits from their essential caregiver would become a resident’s constitutional right. The Legislature may provide guidelines for caregiver visitation policies and procedures.

Watch a short video on Proposition 6: <https://youtu.be/jCJGSS1EQgk>

For more information: <https://hro.house.texas.gov/pdf/ba87R/SJR0019.PDF>

## » ARGUMENTS FOR:

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

## » ARGUMENTS AGAINST:

- 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.
- Even if health and safety protocols are in place, visitation by outsiders could expose other residents and the staff to disease.



# PROPOSITION 7

## PROPERTY TAX EXEMPTION

**“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.”**

### » EXPLANATION:

This proposition would update the Constitution to allow surviving spouses of disabled persons a limit on school district property taxes. Currently, this limitation is provided to homeowners over 65 years old and to disabled persons. To be eligible for this limit, the spouse must be at least 55 years old when the disabled person died and still live in the home.

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.

**Watch a short video on Proposition 7:** <https://www.youtube.com/watch?v=lziZRjGi2PQ>

**For more information:** <https://hro.house.texas.gov/pdf/ba87R/HJR0125.PDF>

### » ARGUMENTS FOR:

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

### » ARGUMENTS AGAINST:

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

# PROPOSITION 8

## PROPERTY TAX/MILITARY

**“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.”**

### » EXPLANATION:

Currently the surviving spouse of a member of the military who is killed “in action” is entitled to an exemption from property taxes. This exemption is for the property tax on the market value of the spouse’s residence homestead if the spouse has not remarried.

This amendment would expand eligibility for the same exemption from property taxes for spouses of members of the military who are killed “in the line of duty,” rather than “in action (or combat).” This means that if their death was due to injuries that are not combat related (such as in a training exercise), it was still as a result of their duties in the military.

**Watch a short video on Proposition 8:** <https://youtu.be/-QaJnSpny9g>

**For more information:** <https://hro.house.texas.gov/pdf/ba87R/SJR0035.PDF>

### » ARGUMENTS FOR:

- 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.
- These additional surviving spouses have suffered the loss of their partner because of their military service, and should be provided the same benefit.
- 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.

### » ARGUMENTS AGAINST:

- 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.
- Any lower property values could decrease revenue and affect the state school funding formula.
- This amendment would expand property tax exemption to another group of people, which could increase the tax burden for other property owners.





» **HELPFUL CONTACTS AND WEBSITES**

**League of Women Voters of Texas**

[lwvtexas.org](http://lwvtexas.org)

**Secretary of State**

[VoteTexas.gov](http://VoteTexas.gov)

**Your County Election Website**

<https://www.sos.texas.gov/elections/voter/links.shtml#County>

**Election Protection**

[866OURVOTE.org](http://866OURVOTE.org)

**Voter Hotlines!**

- English: 866-OUR-VOTE or 866-687-8683
- Spanish: 888-Ve-Y-Vota or 888-839-8682
- Asian: 888-API-VOTE or 888-274-8683
- Arabic: 844-YALLA-US or 844-925-5287
- Disability Rights TX: 888-796-VOTE or 888-796-8683

**Republican Party**

[texasgop.org](http://texasgop.org)

**Libertarian Party**

[lptexas.org](http://lptexas.org)

**Democratic Party**

[txdemocrats.org](http://txdemocrats.org)

**Green Party**

[txgreens.org](http://txgreens.org)

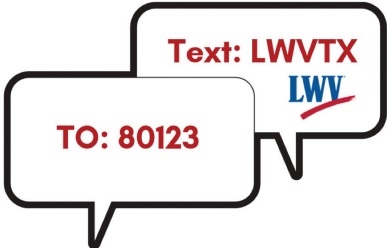
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To create this Constitutional Amendment *Voters Guide*, each ballot proposition is researched and written by League volunteers. We strive to:

- Create fair and balanced coverage of the proposed amendments by reviewing enabling legislation, using a variety of resources and reaching out to authors and/or sponsors, supporters and opponents; and
- Use understandable and unbiased language.

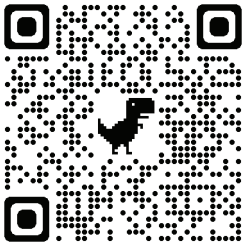
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To get voting reminders on your phone, text LWVTX to 80123 or sign up at [my.lwv.org/Texas/get-voting-reminders](http://my.lwv.org/Texas/get-voting-reminders)



» **SUPPORT THE VOTERS GUIDE**

Help us fund the cost of this valuable resource for Texas voters by making a secure donation online at [lwvtexas.org](http://lwvtexas.org) or by mailing the payment to the League of Women Voters of Texas, 1212 Guadalupe #107, Austin, TX 78701.



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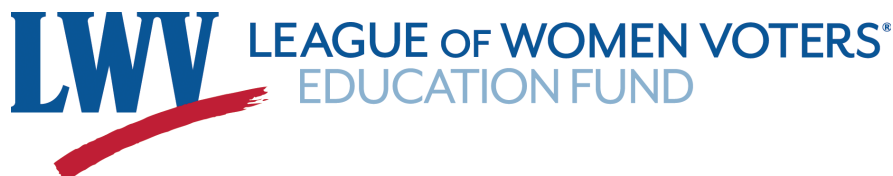
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The LWV is a nonpartisan political organization and is one of America’s most trusted grassroots organizations! We actively:

- Encourage and facilitate active participation in government
- Work to increase understanding of major public policy issues
- Influence public policy through education and advocacy
- Make democracy work!

### » TEXAS LOCAL LEAGUES

Learn more about our local Texas Leagues and how they help shape today’s important issues by visiting [lwvtexas.org](http://lwvtexas.org).

Amarillo	Corpus Christi	Midland
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Baytown	El Paso	Rio Grande Valley
Beaumont	Fort Bend County	San Antonio Area
Bell County	Hays County	Tarrant County
Brazoria	Hill Country	Tyler/Smith County
Cy-Fair	Houston Area	Victoria
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