

# Letting The People Take The Initiative: Is I&R Good For Texas?

by  
**Mike Ford**

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**O**n November 6, 2001, Texas voters will have the opportunity to vote on 19 constitutional propositions, but if history is any guide only about 10 percent will exercise this franchise. There are at least three reasons why voter turnout is generally low: one, the propositions arise only out of the legislature, not from grassroots efforts; two, these proposition are voted on in odd-numbered years when candidates are not running for office; and three, the electorate (sometimes falsely) perceives the propositions as representing mere technical changes to the constitution.

Yet in many states, elections held on constitutional amendments garner a 50 percent-plus turnout. Why the difference between Texas' turnout and that of states like South Dakota and California? The most likely answer is that most often changes to those state constitutions come not from the legislature, but from the people through a process called "initiative", and commonly referred to as "initiative and referendum" (I&R).

The purpose of this essay is to acquaint the reader with the political rationale for the I&R process, its national context, its history in Texas, and the essential elements for its successful implementation. For reference, the 19 propositions on this year's Texas statewide ballot are listed on pages 36 - 41.

## What Is I&R?

**Initiative** is a constitutional process through which citizens propose laws or constitutional amendments for approval or rejection by the voters. In conjunction with their attorneys and advisors, citizens may write up a proposal and present a final draft to a state government official (usually the Attorney General or Secretary of State). The state official develops a ballot title, summary and an estimate of the proposal's fiscal impact. Proponents print their petitions and circulate them for signatures of registered voters.

The number of signatures required to place the proposal on the ballot varies from state to state. If sufficient signatures are collected, turned in within the required time, and determined to be valid, the Secretary of State certifies the proposition and assigns a number for the ballot. The proposal is debated by the public and scrutinized by the media until Election Day when voters will reject or approve it.

**Referendum** is a process, similar to the initiative, in which citizens can force a binding vote of the people on legislation passed by the Legislature. Referendum is restricted to repealing a specific act, and the entire process (planning, educating, signature gathering) must be accomplished in a limited period of time.



It is also clear that more proposals are rejected than approved. It is hard to do a successful initiative because a proponent must satisfy several difficult steps just to place the proposal on the ballot. In 1998, citizens of the 24 states with I&R filed hundreds of proposals for the state ballots, but succeeded in gathering sufficient signatures for only 100. On Election Day, voters approved only 45.

In contrast, during 1996 the legislators of the 24 states proposed 71,979 new laws, of which they passed 14,753. For another perspective: in 2001, the Texas Legislature considered 5,544 bills and adopted 1,518. Thus, the Texas Legislature adopted more laws in one session than did the electorates of 24 states using the initiative process in 100 years.

The above contrasts establish that the initiative process is not a replacement for the legislature. It is, however, a helpful supplement and an important additional citizen check on those who are in power. The initiative process is particularly valuable in that it allows voters a means by which to address issues where legislators have a conflict of interest and where partisanship creates gridlock.

Between 1976 and 1996 in presidential and congressional election years, the average percent turnout of voting age population in states with I&R was 52 percent. In non-I&R states, average voter turnout was 46.5 percent.<sup>1</sup> This 5.5 percent difference means that turnout in states with I&R is over 11

<sup>1</sup> Direct Democracy: A Case for Citizen Lawmaking in New York State, a 31-page report by Michele Bonan, Russ Haven and Blair Horner, New York Public Interest Research Group, 107 Washington Avenue, Albany, New York 12210, (518) 436-0876.

percent higher than turnout in non-initiative states.

John G. Matsusaka of the University of Southern California conducted a study on the fiscal effects of voter initiative and concluded, "The main finding is that spending is significantly lower, on the order of 4 percent, in states with voter initiatives than in pure representative

states. It is also found that local spending is higher and state spending is lower in initiative states. On the revenue side, initiative states rely less on broad-based taxes and more on charges tied to

services. Taken together, the evidence indicates that the initiative leads to a reduction in the overall size of the government sector and suggests that it causes a decline in the level of redistributive activity."<sup>2</sup>

The power of the I&R process is dramatically illustrated by California's Proposition 13. In June 1978, after a decade of spiraling property taxes, voters went to the polls to approve by a two-to-one margin a constitutional amendment to require two-thirds majority vote of the electorate for any local government entity to raise property taxes. Proposition 13 was placed on the ballot by Howard Jarvis, Paul Gann, and over one million registered voters. It brought the initiative process to the attention of the nation and citizens in other states began exploring the possibility of imposing similar tax controls.

<sup>2</sup> Fiscal Effects of the Voter Initiative: Evidence from the Last 30 Years, John G. Matsusaka, University of Southern California, Journal of Political Economy, 1995, vol. 103, no. 3.

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## Money Alone Doesn't Buy Success

While it is often asserted that the I&R process is a tool utilized by corporate interests and the rich, it is important to note that citizens of all political persuasions and economic status have successfully used it. The list of issues proposed and adopted by voters includes the following:

- ★ The right of women to vote
- ★ The legalization of yellow margarine
- ★ The requirement of voter approval of new tax increases
- ★ The institution of the eight-hour workday for government employees
- ★ The prohibition of racial preferences in government hiring and contracting
- ★ The right of movie theatres and stores to open on Sunday
- ★ The abolishment of poll taxes
- ★ The prohibition of state-funded abortions
- ★ The required notification of parents of a minor seeking an abortion
- ★ The legalized use of marijuana for medical purposes
- ★ The requirement of a super-majority vote of both houses of state legislatures to adopt a new tax increase
- ★ The requirement that campaign finances be disclosed
- ★ The placement of term limits on elected officials, and
- ★ The prohibition of gill nets in commercial fishing.

Studies show that when millions of dollars are spent on an initiative campaign by special interests, voter doubts increase – making a “no” vote more likely. Elisabeth R. Gerber, professor of political science at the University of California, San

Diego, says “money is not all that matters in initiative use.” After surveying 168 different direct legislation campaigns in eight states, Gerber found economic interest groups are “severely limited in their ability to pass

new laws by initiative.”<sup>1</sup> She continues, “Simply put, money is necessary but not sufficient for success at the ballot box. By contrast, citizen groups with broad-based support and important organizational resources have much more effectively used initiatives to pass new laws.”

**M**oney is perhaps the primary means by which the public is informed of the “pros” and “cons” of each issue. Therefore it would seem that such expenditures are positive and not something we need to worry about. The money spent on initiatives, large as it may be, is actually a tiny fraction of what we spend each year on cosmetics.

The I&R process is important for citizen involvement in self-government and a needed check on the legislature. Well-debated initiatives are seldom affected by big money to the extent that bills in the legislature are. Grover Norquist, president of Americans for Tax Reform, once made this observation: “One big difference between initiatives and elected

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<sup>1</sup> The Populist Paradox: Interest Group Influence and the Promise of Direct Legislation, 1999, Princeton University Press.

representatives is that initiatives do not change their minds once you vote them in."

**T**exans were almost granted the right of initiative in 1914. According David D. Schmidt "[I]n 1913 the [Texas] legislature passed a bill allowing I&R as an option for home rule cities, and a state constitutional amendment providing for statewide I&R. The latter amendment would have required more petition signatures to put an Initiative on the ballot than were needed in any other state: 20 percent of the number of ballots cast in the previous election. When the amendment was put on the ballot for voter ratification in 1914, voters rejected it (52 percent to 48 percent), to the delight of some I&R advocates, who believed that they could get the legislature to pass a better version. They were unable to do so."<sup>1</sup> This is the closest Texas has come to implementing I&R.

In 1978, Waggoner Carr, a former Attorney General and Speaker of the House, formed Texas 13 to bring the initiative process to Texas. That same year, William Clements incorporated I&R into his campaign for Governor. During this time the Republican Party of Texas added I&R to its party platform. Yet all these efforts were unable to garner the two-thirds majority vote of the Legislature required to place I&R on the statewide election ballot.

By 1995 the Republican Party of Texas had obtained control of the governor's office, and had a high expectancy for winning the other statewide elective offices, most of the seats on

<sup>1</sup> David D. Schmidt, *Citizen Lawmakers: The Ballot Initiative Revolution*, Temple University Press, October, 1991, p. 269.

the State Supreme Court, and control of the State Legislature. They removed I&R from the party platform and inserted an anti-I&R plank in its place.

In January 1996, Lt. Governor Bob Bullock appointed the Senate Interim Committee on Initiative and Referendum to hold hearings around Texas and take testimony from citizens and expert witnesses from states with I&R. This committee, chaired by Senator Jane Nelson, held five hearings between August and November 1996. It voted 4 to 1 in favor of

granting Texans the right of I&R (Senators Teel Bivins, David Cain, Tom Haywood, and Jane Nelson in favor, Senator Frank Madla opposed). Despite the committee's favorable recommendation, the Legislature took no action.<sup>2</sup>

In a poll conducted in the late 1990s, Texans favored initiative and referendum (I&R) by a 3 to 1 margin.<sup>3</sup>

Even before that poll was taken, state government leaders like then-Governor George W. Bush and the late Lt. Governor Bob Bullock backed the process with unambiguous statements of support.

Bush said, "Initiative and referendum make government more responsive to its citizens, neutralize the power of the special interests and stimulate public involvement in state issues."<sup>4</sup>

<sup>2</sup> More on Texas and I & R can be found at <http://www.initiativefortexas.org/texashistory.htm>

<sup>3</sup> Rasmussen Research random survey of 500 adult Texans, July 15, 1998 [Online] Available at <http://www.initiativefortexas.org/whowants.htm>

<sup>4</sup> Houston Chronicle, Section D, "Your Turn: Reader Fred Hein asks the candidates for governor," October 10, 1994.

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**-- former Texas Governor George W. Bush**

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Bullock said, “I pledge to support and vote for a constitutional amendment to provide for Initiative and Referendum, assuming it is well crafted.”<sup>1</sup>

Given its success in other states and support from the former Governor and Lt. Governor of the state, the obvious question must be asked: Why don’t Texans have I&R? Let’s look at the reasons.

### Arguments Against I&R in Texas

An appropriate ideological framework for understanding opposition to I&R processes is an observation made by Thomas Jefferson: “Men by their makeup are naturally divided into two camps: those who fear and distrust the people and wish to draw all powers from them into the hands of higher classes; and those who identify themselves with the people, have confidence in them, cherish and consider them the safest and most honest, if not always the wisest repository of the public interest. These two camps exist in every country, and wherever men are free to think, speak, and write, they will identify themselves.”

For exposition of I&R opposition in Texas, it’s convenient to think of Jefferson’s first camp (i.e., “those who fear and distrust the people”) as being divided into two subgroups.

**Subgroup One:** For Subgroup One members, the operative paradigm seems to be that the rabble is kept at bay because 181 legislators, though popularly elected, nonetheless stand in defense. It is right and proper that these 181 individuals – and these alone – initiate and pass bills. The argument is made that I&R would violate the U.S. and Texas constitutions by establishing “the people” as a fourth branch of government. Thus our republican form of government would cease. It is difficult, however, to find a lawyer who believes that I&R violates either constitution. Simply put, “the people” cannot be a fourth branch of

<sup>1</sup> Response to Taxpayers for Accountability survey.

government because they are the *raison d’être* of all government, including the traditional three branches of government. Further, if the 120 million residents of the 24 states with I&R are any proof, I&R does not end the republican form of government. In these states, elected representatives still conduct 99 percent or more of all government business.

Subgroup One opponents have also raised several creative, but irrelevant objections to I&R processes. These include claims that:<sup>2</sup>

- ★ Petition circulators are paid too much
- ★ The number of initiatives in the I&R states is excessive
- ★ The electorate may be unable to understand certain initiatives
- ★ The amount spent promoting and opposing initiatives is excessive; and
- ★ Initiatives that are unconstitutional may be proposed

As a practical matter, the fact that statewide initiatives are costly and difficult for initiative proponents makes it highly improbable that initiatives would be about trivial issues. Statewide initiatives are almost always about issues that large numbers of people care about, usually deeply. Unlike bills in the Legislature, initiatives are filed, circulated, debated in the light of day and over an extended period of time. The very nature of the initiative process precludes last-minute deals that water down or radically change the stated original purpose.

**Subgroup Two:** Members of this subgroup believe they benefit from the present system or are protected by it. Under the status quo, during a 40-day period in April and May during the Texas legislative session, about

<sup>2</sup> See

<http://www.initiativefortexas.org/argumentsagainst.htm>

1,500 bills are passed, but few are subject to open and thorough debate in the media. Moreover, the system also allows legislation to be blocked in ways largely unseen by public or media.

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Subgroup Two members consist of Austin-based representatives of corporations, labor unions, and other organizations with full-time staff and lobbyists on retainer. One of their most effective techniques against I&R is exploiting the fear of change. Examples of this include the arguments that “special interests would gain an advantage,” and that “I&R would be the end of agricultural Texas.” The truth of the matter is that these political professionals are themselves the very same special interest representatives they caution against. As such, they oppose I&R because they believe that the \$90 million or more invested in lobbying each session buys more influence with 181 legislators than it would with 10 million Texas voters. To refute the scare tactic regarding agriculture, one has only to look at the I&R states most of which have strong agricultural sectors: none has ever even proposed repealing the I&R process.<sup>1</sup>

Subgroup One is very visible in its opposition, but it is Subgroup Two that has blocked all attempts at I&R in Texas.

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<sup>1</sup> For a detailed discussion of Subgroup Two arguments, see *The Case Against Initiative and Referendum: Legislative Lawmaking vs. Ballot Box Lawmaking*, 206 pages, by James K. Nance, Baker & Botts, December 15, 1980.

## **Essential Elements of a Citizen-Friendly Initiative Process**

The Texas Constitution contains the words “All political power is inherent in the people, and all free governments are founded on their authority, and instituted for their benefit.” If these words are to have any substance, we need to implement a statewide initiative process.

**A**s mentioned previously, Americans in 24 states enjoy the right of initiative on a statewide basis. This is true only in a strict sense. In some states, initiative rights are so limited, so difficult to use, and so subject to undermining by the branches of government that citizens cannot effectively use the process. This raises the question: what elements make a statewide initiative usable? Understanding this will enable Texans to work toward implementation of a usable initiative process.

This article does not attempt to frame the specific initiative amendment wording. Instead, its purpose is to itemize the minimum essential elements of an effective statewide initiative process. The implementation will be seriously flawed if any of the following 17 elements are missing:

1. The people have delegated the law-making powers of the legislature to it. The amendment establishing an initiative process must provide voters with the power to propose and enact laws and resolutions that have the same force and effect as those enacted by the legislature.
2. Except for amendments that would in any way reduce our unalienable rights enumerated in the Bill of Rights, voters must have the power to propose and enact constitutional amendments. More signatures should be required for amendment proposals than for statutory proposals; otherwise most initiatives would be circulated as amendments.

3. The information required on the petition should be only that necessary for voter understanding and for signature verification -- that is, the initiative proposal summary, full text, voter name printed, voter signature, home address, city, zip code, and county. Additional information is not necessary and would unduly burden the process of collecting signatures.

4. The title or summary for the initiative prepared by the appropriate government employee must be agreeable to the initiative proponent(s). This is to minimize the natural tendency of government to undermine the initiative process.

5. The number of signatures required should be substantial enough to demonstrate public interest, yet low enough to possibly be collectable by volunteers (e.g., 4 percent of the total voting for governor in the last gubernatorial race for proposed laws and 6 percent for proposed constitutional amendments).

6. A two-year period for gathering signatures permits citizen groups lacking money to propose an initiative and have a prospect of actually collecting the signatures needed. When signatures are turned in to the Secretary of State, more are usually unverifiable than anticipated. An additional 60-day remedy period should be provided. This would prevent groups from having to spend additional money to go way over the number of signatures needed "to be safe." This also would reduce the amount of extra work for Secretary of State personnel, county clerks and local election workers.

7. Once the Secretary of State has certified that the required number of voters signatures have been turned in, challenges to the initiative shall not deprive voters of the opportunity to vote on it.

8. Petition turn-in deadlines should be at least five months prior to statewide general and

primary elections to allow ample public debate of the issue to take place.

9. The Initiative title and summary wording that appears on the ballot should be the same as the initiative title and summary wording on the petition. This and the elements that follow minimize the tendencies of government to undermine the process.

10. A proposal approved by the majority of those voting on the issue becomes binding within one year of passage (unless specified otherwise in the proposal).

11. Changes to any Initiative approved by the voters should require approval by the voters.

12. The amendment establishing the initiative process must include a 'self-executing' clause to ensure that the Initiative process takes effect without any further action by the legislature. In 1906, the people of Delaware overwhelmingly voted in favor of the initiative process, but the legislature never implemented it.

13. Proponents of initiatives must have legal standing to defend their proposals, both before and after enactment. Such standing should include a direct expedited path to the state Supreme Court and reimbursement of all legal costs. All challenges to initiatives approved by the voters must be made within 12 months of such approval.

14. Restricting initiative proposals to a single subject has long been viewed as a good idea. However, recent interpretations by courts in Florida, Colorado and Oregon have narrowed the meaning of "single subject" beyond all recognition. In Florida, the state Supreme Court ruled that a proposal to end racial preferences in public education, contracting and employment is a multiple subject (whereas identical measures in California and Washington passed judicial scrutiny. In Colorado, the court ruled that voter approval for taxes is a multiple subject. In Oregon, the

court ruled that term limitation on the state officers and on the Oregon delegation to Congress is a multiple subject. Unless a constitutional way to protect against this type of gross judicial abuse can be found, it may be necessary to abandon the single subject requirement.

15. Statewide initiatives are so difficult to place on the ballot that there is no need to limit how many can be on a ballot. Any limitation on the number of initiatives on a ballot permits the process to be disproportionately controlled by the organized money interests.

16. The health of our republic depends upon an informed and involved electorate. For all elections where propositions are on the ballot, the Secretary of State must prepare and mail to every registered voter a voter pamphlet 30 days prior to election. The pamphlet shall contain the complete wording of each initiative on the ballot, a summary of each initiative, and the arguments for and against and rebuttals thereto.

17. After the Secretary of State declares the initiative proposal to have gathered sufficient signatures to be on the ballot, public disclosure of funding for and against the initiative should be reported completely and promptly.

**A**n amendment that includes the above elements will be a citizen-friendly initiative process. While it will not provide for the right of referendum, it will be an initiative process that could be used to propose referendum – if citizens want it.

### **Texas Already Has Local I&R**

In Texas, any city with a population of 5,000 or more may decide to become a home-rule city by creating its own charter and submitting it to the voters for approval. So far, 303 cities have elected to operate under their own home-rule charters. These charters provide for citizens to initiate amendments to the charter

via a process similar to the initiative. And 263 of these cities have charter sections specifically providing for initiative and/or referendum for local issues. A listing of these Texas cities can be found at

<http://www.initiativefortexas.org/texascities.htm>

**D**espite the initiative provisions for local issues in these 263 charters, the process has not been exercised in many Texas cities. However, some cities have considerable activity with petitions frequently circulating for charter amendments or initiatives or referenda.

Currently, Houston has two charter amendment proposals circulating: 1) to require voter approval before the city can increase total revenues more than the combined rates of increase of inflation and population, and 2) to require a vote on the present and future light rail projects. These petitions and complete background information may be found at: <http://www.letthepeoplevote.com/>

In May 2000, citizens in Seguin used the referendum process in their city charter with the intent to force an issue (the city council's sale of city property to a specific buyer on an expedited basis) onto the ballot. When the city council refused obey the charter and put the issue on the ballot, citizens took the issue to court. The court directed the city council to follow the charter. Citizens will decide the issue on November 6.

Last year, citizens in Austin circulated a charter amendment proposal regarding civilian control of the police. They failed to gather enough signatures so it never appeared on the ballot. However, petitioners have collected the requisite number of valid signatures in support of a charter amendment proposal to provide for public financing of city elections. The proposal is likely to appear on the May 2002 ballot.

San Antonio is home to numerous effective citizen activists who have used the charter

amendment, initiative and referendum provisions of the city charter to successfully place taxes, term limits, light rail, water fluoridation and other issues on the ballot.

John Talley, a former Tyler City Council member, sums up the issue of I&R best by saying, "There are those occasions under our form of government when the interests of the represented and the interests of the representatives are at odds. The Initiative is the means by which the represented assure that their interests ultimately prevail."

Until the State Legislature proposes a constitutional amendment providing Texans with the initiative process for state issues,

Texans will continue to be limited to having a meaningful say only on local issues – and then only if they live in a home-rule city with the process for local issues.

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**“Men by their makeup are naturally divided into two camps: those who fear and distrust the people and wish to draw all powers from them into the hands of higher classes; and those who identify themselves with the people, have confidence in them, cherish and consider them the safest and most honest, if not always the wisest repository of the public interest. These two camps exist in every country, and wherever men are free to think, speak, and write, they will identify themselves.”**

**-- Thomas Jefferson**

# What's on the November 6 Ballot in Texas?



Texans will decide the fate of 19 constitutional amendments on November 6. The following is a list of the propositions in the order in which they will appear on the statewide ballot.<sup>1</sup> A brief explanation follows each.

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## ➤ Proposition 1:

“The constitutional amendment providing for clearing of land titles by the release of a state claim of its interest to the owners of certain land in Bastrop County.”

### Explanation:

This amendment would relinquish the state’s claim to certain disputed land in Bastrop County and confirm legal title to that land, excluding any mineral interests, to the individuals who hold a disputed title to the land. The amendment would prevent a loss of title by people who bought and paid for property that was never transferred by the state because of faulty surveys.

## ➤ Proposition 2:

“The constitutional amendment authorizing the issuance of state general obligation bonds and notes to provide financial assistance to counties for roadway projects to serve border colonias.”

### Explanation:

This amendment would establish the process for issuing up to \$175 million of state bonds and notes to help financially-strapped counties fund road construction and maintenance projects in economically distressed border communities.

## ➤ Proposition 3:

“The constitutional amendment to authorize the legislature to exempt from ad valorem taxation raw cocoa and green coffee that is held in Harris County.”

### Explanation:

This amendment would allow the legislature to exempt green coffee and raw cocoa held in Harris County from property taxes, thereby enabling Harris County to qualify as an exchange port for coffee by the New York Board of Trade.

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<sup>1</sup> Texas Secretary of State Henry Cuellar. Secretary of State Cuellar draws ballot order of constitutional amendments. Press Release [Online] Available at <http://www.sos.state.tx.us/elections/voter/constitutionalamendments.shtml>. Accessed September 10, 2001.

➤ **Proposition 4:**

“The constitutional amendment providing for a four-year term of office for the fire fighters’ pension commissioner.”

**Explanation:**

This amendment would change the term of the office of fire fighters’ pension commissioner from two to four years. The constitution currently provides that the duration of all offices not otherwise fixed by the constitution may not exceed two years.

➤ **Proposition 5:**

“The constitutional amendment authorizing municipalities to donate outdated or surplus firefighting equipment or supplies to underdeveloped counties.”

**Explanation:**

This amendment would repeal a state law that prohibits anything of value belonging to the state or its political subdivisions to be donated to another nation.

➤ **Proposition 6:**

“The constitutional amendment requiring the governor to call a special session for the appointment of presidential electors under certain circumstances.”

**Explanation:**

This amendment would allow the governor to call a special legislative session to appoint presidential electors when the governor determines that it is reasonably likely that the outcome of the election for a presidential candidate’s electors will not be determined in time for the appropriate electors to meet before the federal deadline to cast their votes.

➤ **Proposition 7:**

“The constitutional amendment authorizing the Veterans’ Land Board to issue up to \$500 million in general obligation bonds payable from the general revenues of the state for veterans’ housing assistance and to use assets in certain veterans’ land and veterans’ housing assistance funds to provide for veterans’ cemeteries.”

**Explanation:**

This amendment would enable the Veterans’ Land Board to sell up to \$500 million in bonds to finance additional home mortgage loans to veterans. It would also authorize the Veterans’ Land Board to use its land and housing fund assets to establish and maintain veterans’ cemeteries.

➤ **Proposition 8:**

“The constitutional amendment authorizing the issuance of up to \$850 million in bonds payable from the general revenues of the state for construction and repair projects and for the purchase of needed equipment.”

**Explanation:**

This amendment would provide for the issuance and sale of up to \$850 million of general obligation bonds by the Texas Public Finance Authority. Proceeds from the bond sale would pay for construction and repair projects or purchase equipment needed by the General Services Commission, the Texas Youth Commission, the Texas Department of Criminal Justice, the Texas Department of Mental Health and Mental Retardation, the Parks and Wildlife Department, the adjutant general’s department, the Texas School for the Deaf, the Department of Agriculture, the Department of Public Safety, the State Preservation Board, the Texas Department of Health, the Texas Historical Commission, or the Texas School for the Blind and Visually Impaired.

➤ **Proposition 9:**

“The constitutional amendment authorizing the filling of a vacancy in the legislature without an election if a candidate is running unopposed in an election to fill the vacancy.”

**Explanation:**

This amendment would allow the legislature to provide for filling vacancies in the legislature without an election if only one person is a qualified candidate in the election to fill the vacancy. Under current law, a special election must be held to fill a vacancy in the Texas House of Representatives or Senate, even if there is only one qualified candidate.

➤ **Proposition 10:**

“The constitutional amendment to promote equal tax treatment for products produced, acquired, and distributed in the State of Texas by authorizing the legislature to exempt from ad valorem taxation tangible personal property held at certain locations only temporarily for assembling, manufacturing, processing, or other commercial purposes.”

**Explanation:**

This amendment would authorize the legislature to exempt certain items of personal property from local property taxation if the property is warehoused temporarily in a location in Texas to be assembled, stored, manufactured, processed, fabricated, or repaired and then forwarded to another location inside or outside of Texas. The locality that imposes ad valorem taxes would have the option to tax this type of property after conducting a public hearing on the matter.

➤ **Proposition 11:**

“The constitutional amendment to allow current and retired public school teachers and retired public school administrators to receive compensation for serving on the governing bodies of school districts, cities, towns, or other local governmental districts, including water districts.”

**Explanation:**

This amendment would allow current and retired public employees to receive a salary for serving as a member of a municipal or school district governing body.

➤ **Proposition 12:**

“The constitutional amendment to eliminate obsolete, archaic, redundant, and unnecessary provisions and to clarify, update, and harmonize certain provisions of the Texas Constitution.”

**Explanation:**

This amendment would amend, repeal, or relocate several sections of the current constitution to improve its clarity, organization, and consistency.

➤ **Proposition 13:**

“The constitutional amendment authorizing the legislature to authorize the board of trustees of an independent school district to donate certain surplus district property of historical significance in order to preserve the property.”

**Explanation:**

This amendment would allow an independent school district board to donate real property if it determines that the property has historical significance, that the donation will help to preserve the property, and that the school district no longer needs the property for educational purposes.

➤ **Proposition 14:**

“The constitutional amendment to authorize the legislature to authorize taxing units other than school district to exempt from ad valorem taxation travel trailers that are not held or used for the production of income.”

**Explanation:**

This amendment would exempt travel trailers from property taxes as long as they are legally registered with the state and are not held or used for the production of income.

➤ **Proposition 15:**

“The constitutional amendment creating the Texas Mobility Fund and authorizing grants and loans of money and issuance of obligations for financing the construction, reconstruction, acquisition,

operation, and expansion of state highways, turnpikes, toll roads, toll bridges, and other mobility projects.”

**Explanation:**

This amendment would establish the Texas Mobility Fund to be administered by the Texas Transportation Commission to pay for highways, a portion of the costs of toll roads and other public transportation projects. The legislature would be allowed to reserve specific sources of state revenue for the Fund and authorize the Commission to guarantee payment of any obligations or credit agreements with the full faith and credit of the state. The attorney general would determine the legality of such obligations or agreements.

➤ **Proposition 16:**

“The constitutional amendment prescribing requirements for imposing a lien for work and material used in the construction, repair, or renovation of improvements on residential homestead property and including the conversion and refinance of a personal property lien secured by a manufactured home to a lien on real property as a debt on homestead property protected from a forced sale.”

**Explanation:**

This amendment would reduce the waiting period required for a valid home improvement lien on a homestead from 12 days to five days. It would authorize the conversion and refinance of a personal property lien secured by a manufactured home to a lien on a homestead. Currently, a lien may not attach to a homestead for a home improvement loan if the homeowner executed a contract for the improvements less than 12 days after applying for the loan.

➤ **Proposition 17:**

“The constitutional amendment authorizing the legislature to settle land title disputes between the state and a private party.”

**Explanation:**

This amendment would allow the state to relinquish claim to certain state land and to clear title defects for persons who claim title to those lands. It would apply to land whose owners have disputed title to the land, but for which no patent from the state, giving clear title to the land, was ever issued. Among other requirements, all taxes due on the land would have to be paid. Under current law, there is no procedure allowing the state to settle title disputes without a constitutional amendment for each piece of land in dispute.

➤ **Proposition 18:**

“The constitutional amendment to promote uniformity in the collection, deposit, reporting, and remitting of civil and criminal fees.”

**Explanation:**

This amendment would allow the legislature to create a program to consolidate and standardize the collection, deposit, reporting, and payment of criminal and civil court fees.

➤ **Proposition 19:**

“The constitutional amendment providing for the issuance of additional general obligation bonds by the Texas Water Development Board in an amount not to exceed \$2 billion.”

**Explanation:**

This amendment would allow the Texas Water Development Board to issue up to \$2 billion in general obligation bonds to pay for water supply projects, water quality enhancement projects, flood control projects, state participation in water and wastewater facilities, and projects for economically distressed areas. Current law limits the amount of bonds that the Board can issue.

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