

On **November 2, 2021**, Texas has an election to approve Amendments to the Texas Constitution and vote for judges. **Early voting starts October 18**. If you vote by mail, you should have your vote by mail ballots now. Send them in as soon as possible to avoid delays in the mail and so you will have time to fix problems that may arise if you made a mistake on your ballot.

The language of propositions on the ballots is deceptively simple. What you will see on your ballot is highlighted below in bold. If you read a bit more, you may discover that the proposition as presented on the ballot omits critical details.

The analyses come from material printed by the State of Texas. The recommendations to vote FOR or AGAINST come from an informal group of Bexar County voters who reviewed the propositions and prepared the comments. For more information, go to www.nebcd.org and click Hot Topics.

Proposition #1 (H.J.R. 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.

FOR – This proposition allows a professional sports team charitable foundation to conduct charitable raffles at the home venue of the professional sports team. State law already allows charitable raffles to be held at many professional sporting events, including NASCAR races, PGA events, and games hosted by professional baseball, basketball, hockey, soccer, and football teams; this amendment would expand the amendment to cover professional rodeo events and other professional sports organizations. The proposed amendment is limited to charitable raffles and does not authorize any other type of game of chance.

Proposition #2 – (H.J.R. 99) 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.

FOR – This proposition does not apply to Bexar County. It does give authority to other counties to use *ad valorem** taxes to repay bonds and notes for improvements in designated areas. Cities, towns, and other political subdivisions already have this authority.

Proposition #3 (S.J.R. 27) The constitutional amendment to prohibit this state or a political subdivision of this state from prohibiting or limiting religious services of religious organizations.

AGAINST – The supporters of this bill specifically address COVID as not being a reason to modify religious services. Religious organizations are part of society at large, by choice. Having chosen to exist in a larger society, they are obliged to comply with certain rules for the safety and welfare of the society. The ability of state and local officials to balance public safety with religious freedom is recognized in other areas, such as fire and building safety codes, zoning codes, transportation, and child protection, that churches must follow, and should not be curtailed when it comes to protecting public health. This proposition could be used to challenge other regulations.

Proposition #4 (S.J.R. 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.

AGAINST – There is no evidence of a problem resulting from current requirements. Currently, a supreme court justice must have 10 years of experience as a lawyer or judge. The proposed amendment still requires 10 years of experience, but all that experience must be in Texas. To run for judge in a lower court, a candidate must have four years of experience as a lawyer or judge. The amendment would change that to eight years. The added requirements would increase job security for sitting judges. In recent years, Texas has seen increasing diversity among judges, including women and minorities, who often are younger lawyers: This amendment could exclude younger lawyers with diverse backgrounds from becoming judges, and deny the increasingly diverse population of Texans from seeing judges like them.

Proposition #5 (H.J.R. 165) The constitutional amendment providing additional powers to the State Commission on Judicial Conduct with respect to candidates for judicial office.

AGAINST – The State Commission on Judicial Conduct (SCJC) receives complaints about judges and reviews whether the judge has committed misconduct. This amendment proposes giving SCJC authority to review complaints about candidates for judicial offices. All candidates for judicial office already are subject to certain ethics restrictions established by the Code of Judicial Conduct intended to preserve the impartiality and integrity of the courts. Evaluating candidate behavior by the standards used to review judges is an apples and oranges comparison that is outside the mission and experience of the SCJC.

Proposition #6 (S.J.R. 19) The constitutional amendment establishing a right for residents of certain facilities to designate an essential caregiver for in-person visitation.

AGAINST – Residents of facilities already have the right to designate an essential caregiver for in-person visitation. The supporters of this bill specifically address COVID as not being a reason to restrict access to residents in facilities. Residents of care facilities have serious and complex health problems that make them highly vulnerable to COVID and other diseases. That is why death and infection rates in this population has been high during COVID. This bill would override the duty and authority of Health and Human Services as well as care facilities to apply best practices and existing administrative controls to the care of a vulnerable population. Given that Texas does not have a mask or vaccination mandate, it is highly likely that caregivers entering these facilities would not practice public health protocols, which would pose a threat not only to their family member but also to other residents and staff—and could create chaos for the management of the facility, such as we have seen in schools and public meetings.

Proposition #7 (H.J.R. 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.

FOR – The proposed amendment was originally intended to accompany legislation already passed by the 86th Legislature in 2019 providing for a property tax limitation, or “tax freeze,” on school district taxes on the homesteads of eligible surviving spouses of disabled individuals. This limitation protects these surviving spouses from a large increase in their school district tax liability soon after losing their loved one.

Proposition #8 (S.J.R. 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.

FOR – This benefit exists for members of the U.S. armed forces who are killed in combat. This amendment would extend the benefit to members of the U.S. armed forces who are not killed in combat but are killed in accidents in the line of duty. The surviving spouse would receive a property tax benefit. Comments by Opponents: Authorizing an additional property tax exemption for one group of people will increase the tax burden on other property owners.

*Property taxes-also called *ad valorem* taxes-are locally assessed taxes. The county appraisal district appraises property located in the county, while local taxing units set tax rates and collect property taxes based on those values. Property taxes provide more tax dollars for local services in Texas than any other source-they help pay for public schools, libraries, playgrounds, city streets, county roads, police, fire protection, emergency medical service and many other services.