



Constitutional Amendments Election November 2, 2021 Analysis of Propositions

Proposition 1: Raffles

Authorizes professional sports team charitable organizations to conduct raffles at rodeo venues

Democrats voting for:*	78
Democrats voting against:	0
Democrats not voting:	4

Republicans voting for:	75
Republicans voting against:	19
Republicans not voting:	7

*Includes both Texas House and Texas Senate

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.

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.

For more details:

[https://ballotpedia.org/Texas_Proposition_1,_Authorize_Charitable_Raffles_at_Rodeo_Venues_Amendment_\(2021\)](https://ballotpedia.org/Texas_Proposition_1,_Authorize_Charitable_Raffles_at_Rodeo_Venues_Amendment_(2021))

<https://lwwtexas.org/Constitutional-Amendment-Election>

Proposition 2: County Government

Authorizes a county to issue bonds to fund infrastructure and transportation projects in undeveloped and blighted areas

Democrats voting for:	75
Democrats voting against:	0
Democrats not voting:	5

Republicans voting for:	78
Republicans voting against:	17
Republicans not voting:	6

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
- Use the bond proceeds to finance toll road construction, operation, maintenance or right-of-way acquisition.

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.
- Definitions of unproductive or blighted areas vary.

For more details, click here:

[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://lwwtexas.org/Constitutional-Amendment-Election>

Proposition 3: Religious Services

Amends the [Texas Constitution](#) to prohibit the state or any political subdivision from enacting a law, rule, order, or proclamation that limits religious services or organizations

Democrats voting for: 37

Democrats voting against: 35

Democrats not voting: 8

Republicans voting for: 99

Republicans voting against: 0
Republicans not voting: 2

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.”

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.

For more details, click here:

[https://ballotpedia.org/Texas Proposition 3, Prohibition on Limiting Religious Services or Organizations Amendment \(2021\)](https://ballotpedia.org/Texas_Proposition_3,_Prohibition_on_Limiting_Religious_Services_or_Organizations_Amendment_(2021))

<https://lwwtexas.org/Constitutional-Amendment-Election>

Proposition 4: Judges

Changes the eligibility requirements for the following judicial offices: 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](#)

Democrats voting for:	61
Democrats voting against:	15
Democrats not voting:	4

Republicans voting for:	89
Republicans voting against:	5
Republicans not voting:	7

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.

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.

For more details, click here:

[https://ballotpedia.org/Texas Proposition 4, Changes to Eligibility for Certain Judicial Offices Amendment \(2021\)](https://ballotpedia.org/Texas_Proposition_4,_Changes_to_Eligibility_for_Certain_Judicial_Offices_Amendment_(2021))

<https://lwwtexas.org/Constitutional-Amendment-Election>

Proposition 5: Judges

Authorizes the [Texas State Commission on Judicial Conduct](#) to accept and investigate complaints and reports against candidates running for state judicial office

Democrats voting for:	71
Democrats voting against:	0
Democrats not voting:	9

Republicans voting for:	97
Republicans voting against:	0
Republicans not voting:	4

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.

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.

For more details, click here:

[https://ballotpedia.org/Texas_Proposition_5,_State_Commission_on_Judicial_Conduct_Authority_Over_Candidates_for_Judicial_Office_Amendment_\(2021\)](https://ballotpedia.org/Texas_Proposition_5,_State_Commission_on_Judicial_Conduct_Authority_Over_Candidates_for_Judicial_Office_Amendment_(2021))

<https://lwwtexas.org/Constitutional-Amendment-Election>

Proposition 6: Caregiver Visits

Amends the [Texas Constitution](#) to state that residents of nursing facilities, assisted living facilities, or state-supported living centers have a right to designate an essential caregiver that may not be prohibited from visiting the resident

Democrats voting for:	75
Democrats voting against:	2
Democrats not voting:	3

Republicans voting for:	98
Republicans voting against:	0
Republicans not voting:	4

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.

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.

For more details, click here:

[https://ballotpedia.org/Texas Proposition 6, Right to Designated Essential Caregiver Amendment \(2021\)](https://ballotpedia.org/Texas_Proposition_6,_Right_to_Designated_Essential_Caregiver_Amen_dment_(2021))

<https://lwwtexas.org/Constitutional-Amendment-Election>

Proposition 7: Property Tax Exemption

Amends the [Texas Constitution](#) to allow the legislature to extend a homestead tax limit for surviving spouses of disabled individuals as long as the spouse is 55 years old and resides at the home

Democrats voting for:	80
Democrats voting against:	0
Democrats not voting:	0

Republicans voting for:	97
Republicans voting against:	0
Republicans not voting:	4

Explanation:

This proposition is needed to 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.

The proposed amendment is needed because 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.

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.

For more details, click here:

[https://ballotpedia.org/Texas_Proposition_7,_Homestead_Tax_Limit_for_Surviving_Spouses_of_Disabled_Individuals_Amendment_\(2021\)](https://ballotpedia.org/Texas_Proposition_7,_Homestead_Tax_Limit_for_Surviving_Spouses_of_Disabled_Individuals_Amendment_(2021))

<https://lwwtexas.org/Constitutional-Amendment-Election>

Proposition 8: Property Tax/Military

Amends the [Texas Constitution](#) to allow the legislature to apply a homestead tax exemption for surviving spouses of members of the military to those fatally injured in the line of duty

Democrats voting for:	66
Democrats voting against:	1
Democrats not voting:	3

Republicans voting for:	97
Republicans voting against:	0
Republicans not voting:	4

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.

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.

For more details, click here:

[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))

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