

REPRESENTATIVE ANA HERNANDEZ

Proposed Constitutional Amendments • District 143 • Fall 2021



TEXAS HOUSE OF REPRESENTATIVES **Ana Hernandez**

State Representative • District 143

Dear Friend,

Each legislative session, the Texas Legislature considers dozens of amendments to the Texas Constitution. Unlike the United States Constitution, which has only been amended 27 times in 230 years, the Texas Constitution has been amended by voters 507 times since the current constitution was adopted in 1876.

For the state constitution to be amended, both the Texas House and Texas Senate must approve a proposed amendment by at least a 2/3 majority vote. Once these propositions are approved by the Legislature, Texas voters must approve them through a statewide election. Voters will consider eight constitutional amendments during the November 2, 2021 General Election.

This newsletter provides a brief summary of the eight constitutional amendments for you to review and to help you make an informed decision before heading to the polls.

Kind regards,

A handwritten signature in black ink that reads "Ana Hernandez".

Ana Hernandez



State Representative Ana Hernandez with Judge Victor Treviño III, family, and staff registering voters at the Jacino City - Galena Park Fourth of July Fireworks Celebration.



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PROPOSED CONSTITUTIONAL AMENDMENTS

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."

SUMMARY ANALYSIS: The proposed constitutional amendment expands the events for which the general law enacted under Section 47(d-1), Article III, Texas Constitution, may permit a professional sports team charitable foundation to conduct a charitable raffle at the home venue of the professional sports team associated with the foundation by authorizing the conduct of charitable raffles at rodeo events and expands the definition of "professional sports team" to include an organization sanctioned by the Professional Rodeo Cowboys Association or the Women's Professional Rodeo Association.

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."

SUMMARY ANALYSIS: Section 1-g(b), Article VIII, Texas Constitution, authorizes the legislature to establish by general law the authority of a municipality to issue bonds or notes to finance the development or redevelopment of an unproductive, underdeveloped, or blighted area in the municipality and to pledge for the repayment of those bonds or notes increases in revenue from ad valorem taxes imposed on properties located in the area. This type of financing for public projects is referred to as tax increment finance. The constitutional amendment proposed by H.J.R. 99 amends Section 1 g(b) by extending the authority to use tax increment finance to counties and imposing limitations on bonds or notes issued by counties for transportation projects under that 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."

SUMMARY ANALYSIS: The proposed amendment adds Section 6-a, Article I, Texas Constitution, prohibiting this state or a political subdivision of this state from enacting, adopting, or issuing a statute, order, proclamation, decision, or rule that prohibits or limits religious services, including religious services conducted in churches, congregations, and places of worship, in this state by a religious organization established to support and serve the propagation of a sincerely held religious belief.

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."

SUMMARY ANALYSIS: The proposed constitutional amendment amends Section 2(b), Article V, Texas Constitution, to change the eligibility requirements for serving as the chief justice or a justice on the Texas Supreme Court. Section 2(b) as amended requires a person serving on the supreme court to be at least 35 years of age, licensed to practice law in Texas, a citizen of the United States and a resident of this state at the time of election, and either a practicing lawyer in this state for not less than 10 years or a practicing lawyer and state court or county court judge for not less than 10 years and that during those years the person's state license has not been revoked, suspended, or subject to probated suspension. Sections 4 and 6, Article V, Texas Constitution, provide that any eligibility requirement for serving as the chief justice or a justice on the supreme court also applies to a person serving as a judge on the court of criminal appeals or a justice of a court of appeals in this state. The proposed amendment also amends Section 7, Article V, Texas Constitution, changing the eligibility requirements for serving as a state district judge. Section 7(b) as amended requires that for election or appointment to serve as a district judge in this state, a person must be licensed to practice law in Texas, be a citizen of the United States, be a resident of this state, for the two years preceding the election and during the term of office be a resident of the district, and have been a practicing lawyer, a judge or justice of a court of this state, or a combination of both for not less than eight years and that during those years the person's state license has not been revoked, suspended, or subject to probated suspension.

PROPOSED CONSTITUTIONAL AMENDMENTS

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.”

SUMMARY ANALYSIS: The proposed constitutional amendment adds Section 1-a(13-a), Article V, Texas Constitution, to give the State Commission on Judicial Conduct the authority to accept complaints and reports and conduct investigations regarding the conduct of, and to take certain disciplinary actions against, candidates for judicial offices in the same manner as Section 1-a, Article V, Texas Constitution, authorizes the commission to take those actions with respect to persons already holding those judicial offices.

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.”

SUMMARY ANALYSIS: The proposed constitutional amendment adds Section 35 to Article I, Texas Constitution, to establish the right of residents of certain facilities, residences, and living centers to designate an essential caregiver with whom the facility, residence, or center may not prohibit in-person visitation. The amendment also authorizes the legislature by law to provide guidelines for a facility, residence, or center to follow in establishing essential caregiver visitation policies and procedures.

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.”

SUMMARY ANALYSIS: Section 1-b(d), Article VIII, Texas Constitution, provides for a limitation on the total amount of ad valorem taxes that a school district may impose on the residence homestead of a person who is 65 years of age or older or who is disabled. In addition, that subsection provides that if a person who is 65 years of age or older dies, the surviving spouse of the person is entitled to continue to receive the limitation if the surviving spouse is 55 years of age or older. The constitutional amendment proposed by H.J.R. 125 amends Section 1-b(d) to provide that the surviving spouse of a person who is disabled is also entitled to continue to receive the homestead school tax limitation provided by that subsection if the surviving spouse is 55 years of age or older when the disabled person dies.

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.”

SUMMARY ANALYSIS: Section 1-b(m), Article VIII, Texas Constitution, authorizes the legislature to provide that the surviving spouse of a member of the armed services of the United States who is “killed in action” is entitled to an exemption from ad valorem taxation of all or part of the market value of the surviving spouse’s residence homestead if the surviving spouse has not remarried since the death of the member. The constitutional amendment proposed by S.J.R. 35 amends Section 1-b(m) to substitute for the requirement that the member of the armed services have been “killed in action” in order for the surviving spouse to be entitled to the exemption a requirement that the member have been “killed or fatally injured in the line of duty.”

*At time of publication, additional amendments were pending before the Texas legislature.
Please check the Texas Secretary of State website for any recent ballot additions.*



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Ana Hernandez
State Representative



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ELECTION SCHEDULE

Early voting is from
October 18 - October 29
Polling location hours vary.

Election Day is Tuesday, November 2
Polls are open from 7:00 a.m. to 7:00 p.m.

Voting Locations:

A complete list of polling locations may be found at www.votetexas.gov

Voter Registration Information

To vote in any election in the State of Texas, you must be registered to vote at least 30 days before the election date. Remember, if you have recently moved or have changed your name, you will need to update your registration. You may check your voter registration information at: www.votetexas.gov

Last Day to Register to Vote:
October 4, 2021

Last Day to Apply for Ballot By Mail:
October 22, 2021

Last Day to Receive Ballot By Mail:
November 2, 2021