

Voters Guide

EARLY VOTING • OCTOBER 19 – 30

ELECTION DAY • POLLS OPEN 7AM TO 7PM

Issues That Affect You:

HOMESTEAD EXEMPTION • HIGHWAY FUNDING • CHARITABLE RAFFLES • HUNTING & FISHING RIGHTS

About This Voters Guide

This *Voters Guide*, which presents the seven proposed Texas Constitutional Amendments on the November 3, 2015, ballot, is funded and published by the League of Women Voters of Texas Education Fund. For more than 95 years, helping voters cast an informed vote when they go to the polls has been the primary goal of the League of Women Voters. As an organization that encourages informed and active participation in government, the League believes that all of us are stakeholders in *Making Democracy Work*. Neither the League nor the Education Fund supports or opposes any political party or candidate.

This guide states the official ballot language for each proposed constitutional amendment, followed by an explanation of the amendment, the arguments for and the arguments against. The propositions were researched by trustees of the League of Women Voters of Texas Education Fund, who reviewed the legislative history and the opinions of those who supported and opposed the proposed amendments.

An interactive version of this *Voters Guide* is available online at VOTE411.org. Enter your address and zip code and view the constitutional amendments that appear on your ballot, as well as any local races or ballot propositions. You will be able to compare pros and cons of the amendments side-by-side and create a printout that you can take to the polls.

Check the League's website for other helpful information about elections, voting and issues: www.lwvtexas.org.

Check with your county election official to find out if there are additional propositions on the ballot in your area.

What to Take to the Polls

TEXAS REQUIRES VOTERS TO SHOW PHOTO ID

Texas now requires voters to show an acceptable photo ID at the polls. The only acceptable photo IDs are:

TEXAS DEPARTMENT OF PUBLIC SAFETY (DPS) ISSUED PHOTO IDS

- Driver license
- Personal identification card
- Concealed handgun license
- Election Identification Certificate

UNITED STATES GOVERNMENT ISSUED PHOTO IDS

- Passport
- Military identification card
- Citizenship certificate or naturalization certificate with photograph

Only the above photo IDs can be accepted at the polls. Other photo IDs including student IDs, employer IDs and out-of-state driver licenses cannot be accepted. See *PHOTO ID DETAILS AND EXCEPTIONS* on back page.

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texas 2015

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PROPOSITION 2 • HJR 75



CHECK YOUR CHOICE IN THE BOX BY EACH PROPOSED AMENDMENT IN THIS *VOTERS GUIDE* TO SAVE TIME WHEN YOU ARE CASTING YOUR BALLOT. IT IS LEGAL FOR YOU TO TAKE A PRINTED COPY OF THIS *VOTERS GUIDE* INTO THE POLLING PLACE.

OFFICIAL BALLOT LANGUAGE:

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 100 percent or totally disabled veteran who died before the law authorizing a residence homestead exemption for such a veteran took effect.

EXPLANATION:

Proposition 2 in conjunction with its enabling legislation, HB992, would amend the Texas Constitution, Art. 8, to extend the current homestead property tax exemption to include the surviving spouse of a totally disabled veteran who died on or before January 1, 2010, and who would have qualified for the full exemption on the homestead's entire value if it had been available at that time.

In 2011, voters approved a constitutional amendment to allow a surviving spouse of a 100 percent or totally disabled veteran an exemption from property taxation from all or part of the market value on the disabled veteran's residence homestead, as long as the surviving spouse had not remarried. The amendment passed in 2011, however, did not apply to surviving spouses of veterans who died before January 1, 2010. Proposition 2 would extend the homestead exemption to include these spouses.

According to estimates by the comptroller, extending the exemption would allow roughly 3,800 surviving spouses of totally disabled veterans to claim this exemption.

ARGUMENTS FOR:

- Proposition 2 would allow the Legislature to provide a valuable form of tax relief for families of deceased disabled veterans, and the fiscal impact on a single taxing district would be minimal.
- Current law unintentionally creates two classes of surviving spouses of totally disabled veterans: those whose spouses died before January 1, 2010, and those whose spouses died on or after that date. Proposition 2 would extend the homestead exemption to include those who are currently not receiving an exemption and thereby eliminate the two different classes of surviving spouses.

ARGUMENTS AGAINST:

- The Legislative Budget Board's fiscal note on the enabling legislation, HB 992, indicates that school districts, municipalities, counties, and other special taxing districts such as hospitals would lose some tax revenue under the bill and proposed amendment. This increase in property tax exemptions might require local governments to increase taxes for other taxpayers.
- School districts would receive less revenue from property taxes so the State would have to cover this reduction by pulling it from the General Revenue Fund, creating a cost to the State.

PROPOSITION 3 • SJR 52

OFFICIAL BALLOT LANGUAGE:

The constitutional amendment repealing the requirement that state officers elected by voters statewide reside in the state capital.

EXPLANATION:

When the Texas Constitution was initially adopted in 1876, Article 4, Section 23 required the comptroller of public accounts, commissioner of the General Land Office, the attorney general, and any statutory state officer who was elected statewide to reside at the capital during their terms of office. Proposition 3 would amend the Constitution by removing the requirement.

ARGUMENTS FOR:

- The requirement mandating that specific elected state officers live in Austin during their terms made sense in 1876 when travel by buggy, wagon, or horseback created hardships. Today's advances both in transportation and technology make this requirement obsolete. State office holders, wherever they live in the state, have a variety of travel modes available to them to get to Austin quickly, and if unable to get to Austin to conduct business, they can manage their duties wherever they reside by way of email, Skype, or conference call.

- An elected officials' choice of where to live and/or establish their residences should not be limited. Considerations involving employment and school for an elected official's spouse and children could make permanent residence in Austin difficult and costly.
- Some officials elected statewide who had previously represented a legislative district might not want to lose their local residency in case they later decide to seek an office that requires them to reside in a certain district.

ARGUMENTS AGAINST:

- This provision in the Constitution has served Texans well. Those elected to guide large agencies like the comptroller's office, the land office, or the attorney general's office should be present at their respective agency headquarters in Austin on a daily basis.
- While technology has made it easier for workers to conduct business from home, such an arrangement is not appropriate for some officials who should be available to constituents, staff, and other state leaders at any time during the work day. Living away from Austin creates hardships on those who need to consult in person with the state officeholder.
- Being physically present in Austin ensures these officials are available to handle the important business of the state and not worry about when or how they can travel to Austin. It also means their staff members have better supervision.

PROPOSITION 4 • HJR 73



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OFFICIAL BALLOT LANGUAGE:

The constitutional amendment authorizing the legislature to permit professional sports team charitable foundations to conduct charitable raffles.

EXPLANATION:

The Texas constitution, Art. 3, Sec. 47 prohibits lotteries and gift enterprises, with a few exceptions. One exception is an amendment adopted in 1989 that permits charitable raffles conducted by a qualified religious society, a volunteer fire department, a volunteer emergency medical service or a non-profit organization. This provision requires that all proceeds from the sale of raffle tickets be spent for charitable purposes of the organization and that the charitable raffle be conducted and promoted exclusively by the members of the organization.

Proposition 4 proposes an amendment to Texas Constitution, Art. 3, sec. 47, to include another exception and allow a professional sports team charitable foundation to conduct charitable raffles under the terms and conditions imposed by the law. The law could authorize the charitable foundation to pay reasonable advertising, promotional and administrative expenses with the charitable proceeds. These raffles could only be conducted at games hosted at the home venue of the professional sports team associated with the charitable foundation.

i VOTER INFO

Registering
to Vote

You must register to vote at least 30 days before the election date. The last day you can register to vote in the 2015 General Election is October 5.

WHO CAN REGISTER?

- To register to vote, you must be
- a citizen of the United States,
 - a resident of the county, and
 - at least 18 years old on Election Day.

You must not have been declared mentally incapacitated by a court of law.

If you have been convicted of a felony, you may register to vote only after you have completed the punishment phase of your conviction, including any terms of incarceration, parole, supervision, or period of probation ordered by the court.

WHERE DO I REGISTER?

- You can register
- in person at the voter registration office in your county, or
 - fill out an application that can be mailed (or faxed with follow-up by mail) or returned in person to the voter registrar in your county of residence.

Application forms are available at many libraries, government offices, and high schools. The application is available online at www.VoteTexas.org and www.VOTE411.org. These websites also allow you to search to see if you are already registered.

After you apply, a voter registration certificate will be mailed to you within 30 days. This certificate includes your precinct for voting on Election Day as well as your congressional, state legislative, county, and local districts.

☐ ARGUMENTS FOR:

- Proposition 4, along with its enabling legislation, HB 975, would increase philanthropic donations by allowing charitable foundations of Texas professional sports teams to hold charitable raffles and use proceeds to pay for reasonable operating expenses.
- The Proposition and its enabling legislation would permit charitable raffles for cash prizes at home games. Twenty-five states have laws that allow sports teams to hold charitable raffles and allow a type of raffle called a 50/50 raffle, in which half the proceeds go to charity and the other half is paid to the winner. Proposition 4 would make these types of charitable raffles possible by authorizing the Legislature to enact laws allowing them.
- This proposition would not create new forms of gambling; it would only authorize the Legislature to craft laws governing how professional sports team charitable foundations may conduct raffles, including using raffle proceeds to pay for reasonable operating expenses.

☐ ARGUMENTS AGAINST:

- Proposition 4 would increase the number of exceptions to the constitutional prohibition against lotteries and gift enterprises. It would be the first time in 24 years that the Texas Constitution was amended for gambling purposes, and only the fourth time since its adoption.
- This proposition could lead to forms of gambling more serious than charitable raffles. With every Amendment to the Constitution, new ways are found to push the limits of what is allowed under the law it authorizes. Opening the Constitution to even more interpretation and flexibility could allow the enactment of future legislation that was never intended by the proposal, such as electronic raffles at bingo halls and race tracks.
- Proposition 4 differs from the amendment adopted in 1989 in that it does not specify that all proceeds from the sale of raffle tickets be spent for charitable purposes and allows for proceeds to be used for operating expenses. This could lead to a misappropriation of funds and ultimately, less funds being ear-marked for charitable foundations and causes.

i More About Registering to Vote

FOR HOW LONG IS MY REGISTRATION EFFECTIVE? The registration will remain in effect until you move or change your name, and a new certificate will be sent to you every two years without further application on your part. If you move, however, your registration certificate will not be forwarded to your new address. If you move within the same county or change your name, you must notify your county clerk or election administrator in writing or online of your new address or your new name as soon as possible. Then a new certificate will be mailed to you. If you move to another county, you must re-register by applying to the election office in your new county.

PROPOSITION 5 • SJR 17

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OFFICIAL BALLOT LANGUAGE:

The constitutional amendment to authorize counties with a population of 7,500 or less to perform private road construction and maintenance.

EXPLANATION:

An amendment to the Texas Constitution was adopted in 1980, giving rural counties with less than 5,000 inhabitants the right to construct and maintain private roads if the county imposes a reasonable charge for the work. Proposition 5 would amend Texas Constitution, Art. 3, sec. 52f, to increase the statutory population cap to 7,500. It would update the Constitution to reflect the population growth in Texas counties over the past 35 years and include an additional 21 counties.

☐ ARGUMENTS FOR:

- Small counties rely on this provision to maintain roads, make them passable and improve mobility. In small counties there are rarely private contractors available, so private roads are often poorly maintained, creating safety hazards for citizens and emergency services.
- The population cap was enacted to prevent all counties in the state from competing with private industry; in the counties covered by Proposition 5, however, there is very little if any competition from private industries.
- Private landowners would have more flexibility to update poorly maintained roads. They would still be able to hire a private company instead of the county if they chose to do so.
- Revenue received from private road work may be used only for the construction, including right-of-way acquisition, or maintenance of public roads.

☐ ARGUMENTS AGAINST:

- Private landowners must pay for the improvements.
- Improved road surfaces increase traffic usage, commercial interest, and vehicle speed traveling the road.
- Improved property increases the taxable value of the property.
- Instead of increasing the maximum population, the population limit should be eliminated. All counties in the state should have the option to construct and maintain their roads as long as private land owners agree and pay the county for the cost of the work.

i VOTER INFO
When & Where
to Vote

EARLY VOTING: All registered voters may vote early by personal appearance at any early voting location in their county. Check with your local newspaper or the county clerk or election administrator for early voting times and locations. Early voting days for the November 3, 2015, General Election are October 19 – October 30.

ELECTION DAY VOTING: On Election Day you must vote in your precinct of residence (unless your area is participating in countywide vote centers). Your precinct is listed on your registration card, or you may find out where to vote by calling or going online with your county election administrator.

County elections addresses and fax numbers are available at www.VoteTexas.gov or at www.VOTE411.org. Voting places are also listed in most newspapers. If you report to the incorrect polling place, you will be redirected to the correct site or offered a provisional ballot. You can vote by provisional ballot, but if it is determined that you are not registered in the precinct where you vote, your ballot will not be counted by Texas law. More information on provisional voting appears on the Texas Secretary of State website www.VoteTexas.gov.

i More About When & Where to Vote

BALLOT-BY-MAIL VOTING: Only specific reasons entitle a person to vote by mail (no longer called absentee voting). You may request a ballot by mail if you

- will be away from your county on Election Day and during early voting.
- are sick or disabled.
- are 65 years of age or older on Election Day.
- are confined to jail.

You do not need a photo ID to vote by mail, but photo ID will be required of first time voters if a driver license or Social Security number was not included with the voter registration application.

Request an Application for Ballot by Mail from the early voting clerk in the county where you are registered, or download the form from www.VoteTexas.gov. The completed form must be received by mail, fax or email between September 4 and October 23, 2015. Note: postmarks don't count.

A ballot will be mailed to you, and you must return your completed ballot to your county elections department by 7 p.m. on Election Day, November 3. The ballot must be received, not just postmarked, by that date. If you are mailing your ballot from outside the United States, the early voting clerk must receive your ballot by the fifth day after Election Day. (You must mail it no later than 7 p.m. on Election Day.)

PROPOSITION 6 • SJR 22

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OFFICIAL BALLOT LANGUAGE:

The constitutional amendment recognizing the right of the people to hunt, fish, and harvest wildlife subject to laws that promote wildlife conservation.

EXPLANATION:

Proposition 6 would change Article 1 of the Texas constitution by adding the right to hunt, fish, and harvest wildlife using traditional methods. The proposed amendment maintains that this right is subject to regulations that conserve and manage wildlife. The proposed amendment is not intended to affect existing laws relating to trespass, property rights, eminent domain, and municipalities' right to prevent hunters from using their guns to hunt in populated areas.

Proposition 6 would also change the constitution by endorsing hunting and fishing as the preferred method for managing and controlling fish and wildlife populations.



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VOTER INFO

What is Provisional Voting?

The Federal Help America Vote Act (HAVA) of 2002 provides for provisional voting if a voter's name does not appear on the list of registered voters due to an administrative error. If your name is not on the rolls of registered voters in your precinct, but you believe you are registered, the election judge will attempt to determine if you are registered somewhere in your county. If your registration cannot be found, you may cast a provisional vote by filling out an affidavit and a paper ballot. This ballot is kept separate from the regular ballots, and the case will be reviewed by the provisional voting ballot board. The ballot will be counted only if the voter is determined to be a registered voter in that precinct. Provisional voters will receive a notice in the mail by the tenth day after the local canvass advising them if their provisional ballots were counted and, if they were not counted, the reason why.

☐ ARGUMENTS FOR:

- Hunting and fishing are very popular sports in Texas, and many Texans feel the need to protect their right to hunt and fish. Proposition 6 would ensure that no laws could be made to take away that right without another amendment proposed by the legislature and voted on by Texans.
- Revenue from hunting and fishing helps support rural communities and ranch and farm families.
- Licenses for hunting and fishing provide revenue for wildlife conservation projects by the Texas Parks and Wildlife department.
- One method of controlling the over population of wildlife such as deer and geese is through hunting.

☐ ARGUMENTS AGAINST:

- The right to hunt and fish does not need to be in the Texas constitution. Hunting and fishing are already protected by laws in place today that are regulated by the Texas Parks and Wildlife Code, Ch. 1, which provides that the fish and wildlife of Texas are held in trust by the state for the benefit of all Texans.
- Hunting and fishing is one wildlife management technique used for specific species, but should not be in the Texas constitution as the "preferred" method as other methods might be more appropriate in certain situations.
- There are many types of wildlife other than those that are hunted, including endangered species. Although Proposition 6 is subject to laws that promote conservation, there could be misinterpretation, further endangering these species.
- Traditional methods are not defined so there is concern that traditional may include methods of hunting that many Texans find cruel such as snares or leg/foot traps.

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Student Voters

Students may use either their parents' address or their college address for voter registration, whichever they consider to be their permanent address. Students cannot be registered at both places. The general rule of thumb is that wherever students claim residency is the place where they should be registered to vote. Students who will be away from their address on Election Day and during early voting may request ballots by mail. Student IDs are not adequate photo IDs for voting and will not be accepted at the polls.

CONSTITUTIONAL
AMENDMENT
ELECTION



PROPOSITION 7 • SJR 5



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OFFICIAL BALLOT LANGUAGE:

The constitutional amendment dedicating certain sales and use tax revenue and motor vehicle sales, use, and rental tax revenue to the state highway fund to provide funding for nontolled roads and the reduction of certain transportation-related debt.

EXPLANATION:

Proposition 7 proposes an amendment to the state constitution to dedicate a portion of the revenue derived from the state sales and use tax and the tax imposed on the sale, use, or rental of a motor vehicle to the state highway fund. Under current law, these funds are deposited to the General Revenue Fund.

The amendment would dedicate \$2.5 billion of revenue from the sales and use tax annually to the State Highway Fund starting on September 1, 2017. This allocation would expire on September 1, 2032. Beginning September 1, 2019, 35 percent of revenue from the sales and use tax on motor vehicles exceeding \$5 billion would be dedicated to the State Highway Fund annually. For example, if \$6 billion came in from this tax, then 35 percent of \$1 billion, or \$350 million would be dedicated to the State Highway Fund. Currently, this tax is about \$4 billion, and it goes directly to the General Revenue Fund.

The new revenue for the State Highway Fund would be used only to construct, maintain or acquire rights-of-way for public roadways, but not toll roadways, or to make payments on general obligation bonds issued by the Texas Transportation Commission.

The Texas Legislature would be allowed to reduce the amount of sales and use tax revenue allocated to the State Highway Fund if two-thirds of legislators agree to do so. The legislature would also be permitted to extend these revenue allocations beyond their expiration dates for 10-year periods if a simple majority of legislators agree to do so.

ARGUMENTS FOR:

- The population of Texas is growing rapidly, at almost 1,000 new Texans per day, which is good for the economy. All these people, however, need safe roads, highways and bridges to drive on. Investment in the Texas transportation system is vital to sustaining our quality of life and continuing the state's strong economic position.
- The proposed amendment is necessary to fund transportation infrastructure in Texas. Proposition 7 would present a politically viable means to secure a portion of the funding Texas needs to maintain roadway congestion at current levels, given population and economic growth.
- Texas voters passed Proposition 1 in November 2014, which was a critical first step in providing funding for the transportation infrastructure in Texas, but it did not provide for all our transportation needs. Proposition 7 is a sustainable funding solution to our highway infrastructure needs that does not increase taxes and dedicates existing tax revenue toward transportation projects.

ARGUMENTS AGAINST:

- If Proposition 7 is passed, this would be the largest single increase in transportation funding in Texas history. It is the second time in two years that Texan voters have been asked to divert existing revenue to the State Highway Fund. Proposition 7 does not provide a new source of funding; it is just taking funds and renaming them, and it ties the hands of future lawmakers.
- The shift of sales tax money to roads rather than to the General Revenue Fund will mean less money in the budget for other necessary items. The two-year impact for 2019 would be \$5 billion; a \$5 billion decrease in public and higher education funding or investment in the general government, for example, is very significant.
- Most of the new money could not be used on projects that include toll roads. This means it cannot be used for the proposed rebuilding of the third and final phase of the Dallas LBJ East Freeway Project as a hybrid part-free, part-tolled road. Urban mega-projects like the LBJ East Freeway may face needless delays because of the limits imposed on funding.

VOTER INFO

Constitutional
Amendment
Process

The Texas constitution is among the longest of state constitutions in the United States. Since its adoption in 1876, the legislature has proposed 666 constitutional amendments, and 662 have gone before Texas voters; 483 have been approved by the electorate and 179 have been defeated.

An amendment is proposed in a joint resolution that can originate in either house of the state legislature during a regular or special session. A joint resolution specifies the election date and may contain more than one amendment. The joint resolution must receive a vote of two-thirds of each house before it is presented to the voters. The governor cannot veto a joint resolution.

The governor can, however, veto the enabling legislation, the bill to enact the amendment if it is passed by voters. Not all amendments require enabling legislation. If the voters reject an amendment, the enabling legislation does not take effect. If the amendment fails, the legislature may resubmit it in a future legislative session. Amendments take effect when the official vote canvass confirms statewide voter approval, unless a later date is specified in the joint resolution.

The only method of amending the constitution prescribed by Article 17 is through the legislature, subject to voter approval. The constitution does not provide for amendment by initiative, constitutional convention, or any other means. Once an amendment passes it is compiled into the existing framework, text is either added or deleted, unlike the United States Constitution.

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i VOTER INFO

Photo ID Details & Exceptions

See "What to Take to the Polls" on the front page for a list of accepted photo IDs. This section provides additional information about the photo ID requirements.

- The photo ID needs to be current or have expired no more than 60 days before voting (citizenship and naturalization certificates have no expiration date).
- The name on the photo ID should match the voter registration card. If names don't match, a voter may be accepted if names are "substantially similar." If names match, addresses don't need to match.
 - *If the names don't match exactly, the voter can be accepted if names are substantially similar; poll workers will look at address, date of birth, and the photo. If names are substantially similar, the voter will initial a box for similar name when signing in to vote.*
 - *To avoid confusion, you can change the name on your voter registration to match that on your photo ID at least 30 days prior to the election.*
- Voters with a documented disability from Social Security or Veterans Affairs can apply for a voter registration certificate exempting them from the photo ID requirement.
- Voters without acceptable ID can obtain an Election Identification Certificate (EIC) from Texas DPS at no cost by providing proof of citizenship and identity and registering to vote at DPS or showing a voter registration card. Requirements for the EIC can be found at <http://www.txdps.state.tx.us/DriverLicense/electionID.htm>. There is no charge for the EIC but the necessary documentation may have a cost.
- Photo ID is not required to vote by mail. Voters may apply for a mail ballot if 65 or older, ill or disabled, or absent from their county during early voting and on Election Day. Note: Photo ID will be required of first time voters if a driver license or Social Security number was not included with the voter registration application.
- Voters who do not show an acceptable ID at the polls can vote a provisional ballot and have six days to show the required photo ID.
- Those who lack a photo ID because of a religious objection to being photographed or because of a natural disaster declared by the president will be allowed to vote a provisional ballot and complete an affidavit within six days of the election.

Check the League's website for other helpful information about elections, voting and issues: www.lwvtexas.org.



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WWW.LWVTEXAS.ORG.