

Dear Friend:

Early voting on the Proposed Constitutional Amendments begins today, Monday October 19th. Our State Constitution requires that any proposed amendments be passed by 2/3rds of members of the Texas House and 2/3rds of the members of the Texas Senate and then placed for a vote in a public election.

Here is the full list of proposed constitutional amendments for the **Nov. 3, 2015 Election** with the ballot language you will see in the voting booth and a summary of the amendment.

Amendment No. 1 (S.J.R. 1)

- 1. Ballot Language:** The constitutional amendment increasing the amount of the residence homestead exemption from ad valorem taxation for public school purposes from \$15,000 to \$25,000, providing for a reduction of the limitation on the total amount of ad valorem taxes that may be imposed for those purposes on the homestead of an elderly or disabled person to reflect the increased exemption amount, authorizing the legislature to prohibit a political subdivision that has adopted an optional residence homestead exemption from ad valorem taxation from reducing the amount of or repealing the exemption, and prohibiting the enactment of a law that imposes a transfer tax on a transaction that conveys fee simple title to real property.

Summary of Proposed Amendment. S.J.R. 1 proposes an amendment to the Texas Constitution to increase the portion of the market value of a residence homestead that is exempt from ad valorem taxation for public school purposes from \$15,000 to \$25,000. In addition, the proposed amendment provides for a reduction of the limitation on the total amount of ad valorem taxes

that may be imposed for those purposes on the homestead of an elderly or disabled person to reflect the increased exemption amount. The proposed amendment also authorizes the legislature to prohibit the governing body of a political subdivision that has adopted an exemption from ad valorem taxation of a percentage of the market value of a residence homestead from reducing the amount of or repealing the exemption. Finally, the proposed amendment prohibits the legislature from imposing a transfer tax on a transaction that conveys fee simple title to real property. The increase in the amount of the exemption to \$25,000 takes effect for the tax year beginning January 1, 2015.

Amendment No. 2 (H.J.R. 75)

1. 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.

Summary of Proposed Amendment. The constitutional amendment proposed by H.J.R. 75 allows the legislature to extend the residence homestead exemption to the surviving spouse of a disabled veteran who would have qualified for the exemption under the 2009 law but died before the law took effect under the same conditions as a surviving spouse of a disabled veteran who died after the 2009 law took effect. The proposed amendment also authorizes the legislature to provide

that a surviving spouse who receives an exemption and who subsequently qualifies a different property as the surviving spouse's residence homestead is entitled to an exemption from ad valorem taxation of the subsequently qualified residence homestead in an amount equal to the dollar amount of the exemption from ad valorem taxation of the former homestead in accordance with proposed Subsection (j-1) in the last year in which the surviving spouse received that exemption for that homestead if the surviving spouse has not remarried. The proposed amendment applies only to ad valorem taxes imposed for a tax year beginning on or after January 1, 2016.

Enacted in 2015 by the Texas Legislature, H.B. 992 is the enabling legislation for the proposed amendment. The bill provides that the surviving spouse of a disabled veteran who would have qualified for an exemption under that section if the section had been in effect on the date the disabled veteran died is entitled to receive the exemption provided by that section if the surviving spouse has not remarried since the death of the disabled veteran and the property was the residence homestead of the surviving spouse when the disabled veteran died and remains the residence homestead of the surviving spouse. The bill applies only to ad valorem taxes imposed for a tax year beginning on or after January 1, 2016, and takes effect only if the proposed amendment is approved by the voters.

Amendment No. 3 (S.J.R. 52)

1. Ballot Language: The constitutional amendment repealing the requirement that state officers elected by voters statewide

reside in the state capital.

Summary of Proposed Amendment. The Texas Constitution requires certain state officers elected by the voters statewide, including the comptroller of public accounts, commissioner of the General Land Office, attorney general, commissioner of agriculture, and railroad commissioners, to reside at the state capital while in office. The constitutional amendment proposed by S.J.R. 52 removes that residency requirement. The residence of the governor is addressed by Section 13, Article IV, Texas Constitution, and is not affected by this proposed amendment.

Amendment No. 4 (H.J.R. 73)

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

Summary of Proposed Amendment. The constitutional amendment proposed by H.J.R. 73 authorizes the legislature to permit a professional sports team charitable foundation to conduct charitable raffles under the terms and conditions imposed by the law and to use raffle proceeds to pay reasonable advertising, promotional, and administrative expenses. The provision limits the applicability of the law to an entity defined as a professional sports team charitable foundation on January 1, 2016, and limits the conduct of the raffles to games hosted at the home venue of the professional sports team associated with the foundation.

Section 47, Article III, Texas Constitution, as originally

adopted in 1876, required the legislature to pass laws prohibiting all lotteries and gift enterprises in the state. Section 47 has been interpreted to prohibit the state from authorizing most forms of gambling. However, Section 47 has been amended to provide several specific exceptions to the general prohibition. The constitutional amendment proposed by H.J.R. 73 adds another exception to the general prohibition.

Amendment No. 5 (S.J.R. 17)

1. Ballot Language: The constitutional amendment authorizing counties with a population of 7,500 or less to perform private road construction and maintenance.

Summary of Proposed Amendment. S.J.R. 17 proposes an amendment to the Texas Constitution to increase from 5,000 to 7,500 the maximum population threshold of a county that may construct and maintain private roads if the county imposes a reasonable charge for the work.

In 1980, voters approved a constitutional amendment adding Section 52f, Article III, Texas Constitution, authorizing counties with a population of 5,000 or less to perform private road construction and maintenance if the county imposed a reasonable charge for the work. Money collected by the county may be used only for the construction or maintenance of public roads. Section 52f authorizes the legislature to limit the counties' authority. S.J.R. 17 amends Section 52f, Article III, to expand the class of counties authorized to perform private road work to those with a population of 7,500 or less.

Amendment No. 6 (S.J.R. 22)

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

Summary of Proposed Amendment. S.J.R. 22 creates a new right for people to hunt, fish, and harvest wildlife and establishes hunting and fishing as preferred methods of managing and controlling wildlife. The proposed right includes the use of traditional methods of hunting, fishing, and harvesting, although those methods are not defined. Under the proposed amendment, laws or regulations that conserve and manage wildlife and preserve the future of hunting and fishing apply to the exercise of the right to hunt, fish, or harvest wildlife. The proposed amendment does not affect laws or regulations that relate to trespass, property rights, eminent domain, or the municipal regulation of the discharge of a weapon in a populated area in the interest of public safety.

Amendment No. 7 (S.J.R. 5)

1. **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.

Summary of Proposed Amendment. S.J.R. 5 proposes an amendment to the Texas Constitution directing the comptroller of public accounts to annually deposit to

the state highway fund, in each state fiscal year beginning with the 2018 state fiscal year, \$2.5 billion of state sales and use tax revenue that exceeds the first \$28 billion of those taxes collected during the fiscal year, and, in each state fiscal year beginning with the 2020 state fiscal year, 35 percent of the state motor vehicle sales, use, and rental tax revenue that exceeds the first \$5 billion of those taxes collected during the state fiscal year. The proposed amendment dedicates the tax revenue deposited to the state highway fund to constructing, maintaining, or acquiring rights-of-way for public roadways other than toll roads and to paying certain transportation-related bond debt.

The proposed amendment authorizes the legislature to make two types of modifications to the deposits to the state highway fund required by the amendment. First, the proposed amendment allows the legislature, by adoption of a resolution approved by a record vote of two-thirds of the members of both houses of the legislature, to reduce the amount of state sales and use tax revenue or motor vehicle sales, use, and rental tax revenue deposited to the state highway fund in the state fiscal year in which the resolution is adopted, or in either of the two following state fiscal years, by an amount or percentage that does not result in a reduction of more than 50 percent of the amount of tax revenue from either source that would otherwise be deposited to the state highway fund. In addition, although the proposed amendment provides that the duty of the comptroller of public accounts to deposit state sales and use tax revenue and state motor vehicle sales, use, and rental tax revenue to the state highway

fund ends on August 31, 2032, and August 31, 2029, respectively, it authorizes the legislature, by adoption of a resolution approved by a record vote of a majority of the members of each house of the legislature, to extend the duty to make those deposits in 10-year increments.

The full publication can be found online
at http://www.tlc.state.tx.us/const_amends.htm

For additional information on the election you can visit the Secretary of State's website:
<http://www.votetexas.gov/voting/who> , and you are welcome to contact our office at 512-463-0356.

For God and Texas,

Scott Sanford