



# League of Women Voters

League of Women Voters of  
Texas Education Fund  
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# VOTERS GUIDE

## CONSTITUTIONAL AMENDMENT ELECTION: September 13, 2003

This *Voters Guide* is funded and published by the League of Women Voters of Texas Education Fund, a 501(c)3 organization, to help citizens prepare to cast an informed vote. This educational organization, associated with the League of Women Voters of Texas, operates exclusively for educational purposes in the general areas of government and public policy, carrying out its objectives through research, publication of educational materials, and other appropriate projects. The League of Women Voters is a nonpartisan organization that works to promote political responsibility through active, informed participation of all citizens in their government. Neither the League nor the Education Fund supports or opposes any political party or candidate.

The *Voters Guide* and other helpful information are available online at the League's website: [www.lwvtexas.org](http://www.lwvtexas.org).

### COMMONLY ASKED Q&A

#### Where do I vote?\*

For early voting and election day voting locations, you will need to call the county clerk or elections administrator's office in the county in which you are registered. To find the number, check the blue pages of your local telephone directory or go to: <http://www.sos.state.tx.us/elections/voter/county.shtml> and scroll to your county. Your local newspaper may also list voting locations.

#### How do I register to vote?

You may register to vote at any time by going to your tax assessor or election administrator. Or register to vote online at: <http://www.sos.state.tx.us/elections/voter/reqvr.shtml>. It is also possible to register with a deputized voter registrar during a voter registration drive. To vote in a particular election, your application for registration must be postmarked or received by the registrar at least thirty days before that election. (August 14th is the deadline to register to vote in this election.)

#### How do I find out if I am registered to vote or if I am on the voter rolls in the county where I reside?

To inquire about the status of your voter registration, call the voter registrar's office in the county in which you reside.

#### I know that I'm registered to vote, but I can't find my voter certificate/card. Will I be able to vote without it?

If you are a registered voter and you have lost or misplaced your voter certificate, you may vote without your certificate by providing some form of identification (such as a drivers license) and signing an affidavit at the polls. This is the procedure to follow if your voter registration is still current and your name appears on the voter rolls in your county of residence.

\*A portion of this information was obtained from the Texas Secretary of State's website.

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# VOTE SEPTEMBER 13

### QUALIFICATIONS FOR VOTING

- You must be a citizen of the United States.
- You must be at least 18 years old on the day of the election.
- You must be registered to vote.
- You must not have been declared mentally incompetent by a court.
- You must not be on parole, probation, or in prison for a felony conviction.
- You may register to vote at any time. However, in order for you to vote in a particular election, your application for registration must be postmarked or received by the registrar at least 30 days before that election. (August 14th is the deadline to register to vote in this election.)

### EARLY VOTING

Once you are registered to vote in Texas, you can take advantage of early voting, which begins on August 27th and ends on September 9th, 2003. There are two types of early voting in Texas. You can vote early in person by casting your ballot at any early voting site convenient to you, regardless of your precinct. You may also vote early by mail by requesting an application to be mailed to you from your county clerk, or by filling out a form online at [www.sos.state.tx.us/elections/voter/reqabm.shtml](http://www.sos.state.tx.us/elections/voter/reqabm.shtml). Contact your county clerk or check your local newspaper for information on early voting locations.

**On September 13, polls are open  
7:00 a.m. to 7:00 p.m.**

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# PROPOSITION 1

**The constitutional amendment authorizing the Veterans' Land Board to use assets in certain veterans' land and veterans' housing assistance funds to provide veterans homes for the aged or infirm and to make principal, interest and bond enhancement payments on revenue bonds.**

## Explanation:

This proposed amendment would allow the Veterans' Land Board (VLB) to use excess assets and receipts, not needed to pay principal and interest on revenue bonds, to pay debt service on Texas veterans' homes. During the Texas republic, the VLB gave land as a reward to Texas veterans. Land is no longer given, but in its modern version the program provides veterans with low-interest loans for land, home purchases, and home-improvement loans. In 2001, voters approved a constitutional amendment to allow the use of excess funds to provide for veterans' cemeteries. This proposed amendment would allow the VLB to use assets from the fund to plan, design, operate, own, and maintain or improve homes for aged or infirm Texas veterans.

## Arguments For:

- Texas has more than 500,000 veterans over the age of 65, for whom long-term care is a high-priority issue. This proposed amendment would allow the VLB to use excess assets to build and maintain these needed facilities.
- The state would save money by not having to issue revenue bonds specifically to fund these homes. Using existing funds lowers bond transaction costs to the state and could result in lower fees to seniors who live in these nursing homes.

## Arguments Against:

- This proposed amendment grants the VLB sole discretion to determine its excess assets and how to distribute them fairly.
- The proposed amendment allows the VLB to direct money away from other worthy VLB programs such as low-interest home loans and home-improvement loans.

# PROPOSITION 2

**The constitutional amendment to establish a two-year period for the redemption of a mineral interest sold for unpaid ad valorem taxes at a tax sale.**

## Explanation

This proposition would lengthen the current six-month redemption period after a mineral interest is sold at a tax sale, to correspond with the two-year redemption period that currently applies to residence homesteads and land designated for agricultural use. The proposed amendment allows the legislature to limit the application of the extended two-year redemption period to residence homesteads and agricultural land if a mineral interest is sold pursuant to a lawsuit brought to enforce collection of delinquent taxes.

Texas collects taxes on mineral interests from each individual mineral interest owner. Because Texas is large in area and a large producer of oil and gas, there are many individual mineral interest owners. Mineral interest tax rolls are maintained by private oil and gas companies, and often only those individuals with holdings above a certain value receive tax notices. Private company records, the basis for sending out the notices, can be incomplete or out of date. School districts by law must collect 96% of their tax revenue due or face the loss of state funding. As a result, mineral interests are more often foreclosed for back taxes.

## Proposition 2 continued

## Arguments For

- The proposed amendment would make the redemption period for mineral interests uniform with the one for residence homesteads and land designated for agricultural use.
- This amendment would offer some protection to mineral interest owners from the possible consequences of inaccurate or incomplete private company records.

## Arguments Against

- Extending the redemption period on mineral interests to two years may further burden school districts already struggling to collect their mandated 96% of taxes due in oil and gas-rich counties.
- The proposed amendment is only a stopgap measure to provide limited relief to mineral interest owners, instead of addressing the real need to properly maintain the mineral interest tax rolls, and create a structure to efficiently collect the mineral interest taxes due.

# PROPOSITION 3

**A constitutional amendment to authorize the legislature to exempt from ad valorem taxation property owned by a religious organization that is leased for use as a school or that is owned with the intent of expanding or constructing a religious facility.**

## Explanation

This proposition would amend Section 2(a), Article VIII, of the Texas Constitution to add to the list of properties the legislature may exempt from taxation by general laws, under certain conditions: 1) property owned by a religious organization for the purpose of expanding the place of religious worship it owns, as long as the property does not produce any revenue whatsoever for the organization; and 2) property owned by a religious organization and leased by that organization to a person and used by that person as a school or for educational purposes.

Religious organizations are currently exempt from ad valorem taxes on their places of worship, adjoining parking lots, and property owned for the purpose of housing clergy. Property that a church may acquire for the purpose of expanding or re-locating is taxed until used for one of the exempt purposes. A public policy shift toward faith-based initiatives may open up new possibilities for the utilization of church property for public purposes.

## Arguments For

- This proposition might encourage development of unused land for socially desirable purposes.
- Adding this exemption may offer relief to growing congregations that must continue to maintain their principal place of worship while building up funds for expansion or relocation. Paying ad valorem taxes on property that yields a church no revenue may be an unfair burden.

## Arguments Against

- The proposed constitutional amendment will deprive cities, counties, and school districts of needed revenue.
- Exempting property leased by churches for schools may hurt public school districts by not only depriving them of property tax revenue, but also creating a competitive advantage for private schools that compete for the same pool of students and the state monies that are distributed.

## HELPFUL WEBSITES

**League of Women Voters of Texas**  
[www.lwvtexas.org](http://www.lwvtexas.org)

**League of Women Voters of United States**  
[www.lwv.org](http://www.lwv.org)

**Texas Secretary of State**  
[www.sos.state.tx.us](http://www.sos.state.tx.us)

**Texas Legislative Reference Library**  
[www.lrl.state.tx.us](http://www.lrl.state.tx.us)

**Texas Legislature Online**  
[www.capitol.state.tx.us](http://www.capitol.state.tx.us)

*(with links to the Texas House and Senate, legislation, and other state resources)*

## PROPOSITION 4

**A constitutional amendment relating to the provision of parks and recreational facilities by certain conservation and reclamation districts.**

### Explanation

This amendment would permit the legislature to authorize certain conservation and reclamation districts to issue bonds for development and maintenance of recreational facilities and to collect taxes to pay for the bonds and maintenance of these facilities. The proposed amendment would apply only to a conservation and reclamation district located all or in part in Bastrop, Bexar, Brazoria, Fort Bend, Galveston, Harris, Montgomery, Travis, Waller or Williamson county, or to the Tarrant Regional Water District. The bonds could not be issued unless a proposition was first submitted to the qualified voters of the district and the proposition adopted.

Currently, water district tax receipts may not be used for the development of parks and recreational facilities, but many counties do not have the necessary funds to use for this purpose. If this amendment passes, the development of parks and recreational facilities would be recognized as a constitutionally authorized power of conservation and reclamation districts, and therefore eligible for tax-backed bond financing.

### Arguments For

- This amendment would allow the creation of needed recreational facilities in areas unable to develop them currently.
- This amendment would not allow a conservation and reclamation district to incur indebtedness unless the district's voters adopt a proposition.

### Arguments Against

- Existing state, county, and city mechanisms should be adequate to meet public recreational needs without granting the same authority to municipal utility districts.
- This amendment would allow another taxing authority to increase the tax burden on the district's taxpayers.

## PROPOSITION 5

**The constitutional amendment to authorize the legislature to exempt from ad valorem taxation travel trailers not held or used for the production of income.**

### Explanation

Proposition 14, a constitutional amendment passed in 2001, was to have exempted certain travel trailers from ad valorem taxation. However it had an unintended consequence. Many school districts were not taxing travel trailers before 2001 and have since started taxing them because that amendment said they could not exempt them.

This amendment clarifies that all taxing entities can exempt travel trailers which are not residential dwellings substantially affixed to real estate, or held or used for the production of income.

### Arguments For

- This amendment clarifies the intent of the legislature and voters in 2001. It continues Texas' practice of not taxing personal property not used in the production of income.
- The proposed amendment promotes tourism and economic development in areas of the state where travel trailers can become temporary homes during the winter months.

### Arguments Against

- Governmental entities that tax travel trailers will lose needed revenue. To make up the shortfall, they may raise taxes for other property owners.
- Persons who live in travel trailers should pay property taxes just like other homeowners, including those who live in manufactured homes.

## PROPOSITION 6

**The constitutional amendment permitting refinancing of a home equity loan with a reverse mortgage.**

### Explanation

Reverse mortgages, which allow a senior citizen (age 62 or older) to obtain an extension of credit against his home equity, have been available since 2001, due to a constitutional amendment passed in 1999. The homeowner receives cash advances, and repayments are not due until the homeowner moves, sells the property, or dies. This proposition would reverse the constitutional consumer protections that have prevented a home equity loan from being converted into a reverse mortgage, and would not change the homestead protections that limit the ability of a lender to foreclose.

### Arguments For

- The proposition would allow senior citizens more flexibility in obtaining income from the equity in their home, without giving up their homestead protections.

### Arguments Against

- Refinancing a mortgage accrues principal and interest debt that must be repaid after the home is sold or the borrower dies.

## PROPOSITION 7

**The constitutional amendment to permit a six-person jury in a district court misdemeanor trial.**

### Explanation

Currently the Texas Constitution and the Texas Code of Criminal Procedure require that all cases tried in a district court have a jury of 12 persons, regardless of the class of the alleged offense. At the same time the Constitution permits juries of six members for misdemeanors. This amendment is described as a cleanup or technical correction and would provide for the size of juries to relate the severity of the crime.

### Arguments For

- This amendment would make it possible for rural/small community district courts to have six person juries to try misdemeanors, putting them on a par with larger communities that have specialized courts already using six-person juries for such cases.
- Passage of this amendment would save money in smaller communities and make it easier to empanel juries for misdemeanor trials.

### Arguments Against

- All district court defendants should be entitled to a 12-person jury no matter what the offense.
- Cost savings is not an acceptable reason for changing the current system.

## PROPOSITION 8

**The constitutional amendment authorizing the legislature to permit a person to take office without an election if the person is the only candidate to qualify in an election for that office.**

### Explanation

This amendment would allow a qualified candidate who is running unopposed in any statewide, district, county, or precinct election, to take the office if there are no declared write-in candidates. The Texas Constitution determines which offices require an election. Therefore an amendment is needed to cancel an election and make the required change in the Election Code. This proposition applies to state, district, county, and precinct elections, while Proposition 18 applies local political subdivisions.

## *Proposition 8 continued*

### **Arguments For**

- This amendment would promote efficiency in election administration and reduce the cost of elections. This amendment would not interfere with voter's rights, since anyone who is running unopposed in an election wins by virtue of being the only candidate for that office.

### **Arguments Against**

- A voter has a right to vote for the candidate of his choice, and the candidate has a right to campaign and gain visibility. Voters have a right to know the positions of their elected officials.

## **PROPOSITION 9**

**The constitutional amendment relating to the use of income and appreciation of the permanent school fund.**

### **Explanation:**

This proposed amendment would allow the state to access some of the capital gains realized in the Permanent School Fund (PSF) to be transferred to the Available School Fund (ASF) to provide textbooks and technology to Texas school districts. Currently, capital gains are put back into the fund for growth; only stock dividends and interest are used for the ASF. The proposed amendment would be a shift from an income-based approach to a total-return strategy.

In 1876, the Texas legislature created the PSF. The trust fund, consisting of stocks, bonds, and oil and gas royalties from state-owned lands, was set up to grow income into perpetuity to provide funds for Texas' schoolchildren. The fund generates nearly \$700 million a year in earnings.

### **Arguments For**

- The income-based strategy is not keeping up with the needs of Texas' schoolchildren. Between 1990 and 2001, distributions from the PSF to the ASF rose by only 3%. In that same time period, capital gains in the PSF increased by 806%.
- Using the current income-based strategy encourages the adoption of riskier investments to produce the income needed by ASF. Only 2.5% of funds report using an income-based strategy. No college or university endowment fund with assets over \$500 million uses an income-based strategy.

### **Arguments Against**

- Since 1876, the basic guidelines of the fund have not changed. Even during the depression, Texans did not "eat their seed corn." During this temporary budget crunch, there is a temptation to raid this large fund to ease existing budget woes.
- The proposed amendment would allow the state to take up to 6% of the average market value of the fund each year and distribute the proceeds to Texas school districts. This strategy has the potential of decreasing the fund's principal, thus in the long term reducing the fund's overall value.

## **PROPOSITION 10**

**The constitutional amendment authorizing municipalities to donate surplus fire-fighting equipment or supplies for the benefit of rural volunteer fire departments.**

### **Explanation**

The Texas Constitution prohibits the legislature from authorizing any county, city, or other political subdivision from lending or granting public money or anything of value to any individual or corporation. However, in recent years the Texas A&M System has been authorized to make available used or obsolete fire-fighting equipment to the Texas Forest Service for its use or for distribution to volunteer fire departments. Also, the Constitution was amended to allow municipalities to donate similar fire-fighting equipment and supplies to underdeveloped countries, such as Mexico. This proposition would authorize municipalities to donate surplus fire-fighting equipment, supplies, or other materials to the Texas Forest Service, which would then certify the equipment and donate it for the benefit of rural volunteer fire departments.

## *Proposition 10 continued*

### **Arguments For**

- This proposed amendment would enable fire departments to donate their equipment to volunteer fire departments that operate with minimal funds. The Texas Forest Service would collect, evaluate, and distribute the donated equipment, insuring its distribution to those most in need.
- Passage of this amendment would not affect the continued donation of surplus equipment to Mexico, because volunteer fire departments often have higher standards than fire departments in Mexico. Municipalities would still be able to choose where their donated equipment would go. For example, Texas cities on the border could donate their excess equipment to Mexico if such an action was deemed in the municipality's best interest.

### **Arguments Against**

- The Texas Constitution currently protects taxpayers by requiring compensation for any transfer of public property. This amendment would undermine this safeguard.
- Current law allows cities and towns to sell the equipment, but does not provide for reduced-cost sales. Texas municipalities should not be allowed to donate equipment outright, but should be allowed to sell it at a reduced cost to volunteer departments. Such sales of equipment to volunteer fire departments would provide support to these organizations while allowing communities to recoup part of their fire-fighting investment.

## **PROPOSITION 11**

**The constitutional amendment to allow the legislature to enact laws authorizing and governing the operation of wineries in this state.**

### **Explanation**

Under present provisions of the Constitution, the Texas wine industry is controlled by a combination of state and local laws. The legislature is authorized to regulate the manufacture, sale, possession, and transportation of intoxicating liquors. It is also required to provide local options to qualified voters in various governmental entities concerning the sale of alcohol.

This proposed amendment would enable the legislature to enact laws and direct the Alcoholic Beverage Commission or its successor to set policies for all wineries in the state, regardless of whether the winery is located in an area in which the sale of wine has or has not been authorized by local option.

The proposed amendment would authorize properly permitted wineries to manufacture and sell wine for consumption on or off the winery premises. Wineries could also offer free wine for tasting on the premises. The enabling legislation requires that the wine must be manufactured in Texas and contain at least 75% by volume of fermented juice of grapes or other fruit grown in Texas.

### **Arguments For**

- This proposed amendment would bring uniformity to the laws and regulations affecting wineries across the state. Presently, winemaking is permitted in several "dry" areas, but not all. Some wineries are allowed to offer wine sampling on their premises. Some can sell wine on their premises under specified conditions. This amendment would address the confusion and complication that now exists.
- By encouraging the wine producing industry, tourism and the Texas economy would benefit.

### **Arguments Against**

- This amendment would take away rights currently granted to citizens to make decisions concerning the sale of alcoholic beverages in their communities. Over 50 counties and some precincts and municipalities choose not to permit such sale. Under current law wineries are not prohibited from expanding in Texas. They can locate in areas without restrictions or export their wine to other markets.
- The state of Texas has consistently been near the top in alcohol-related traffic deaths in this country. Consuming wine on the premises could lead to even higher death rates.

## PROPOSITION 12

**The constitutional amendment concerning civil lawsuits against doctors and health care providers, and other actions, authorizing the legislature to determine limitations on non-economic damages.**

### Explanation

The Medical Liability and Insurance Improvement Act of Texas was passed in 1977. This act included a \$500,000 cap on all damages except medical expenses for health care liability claims. However in 1988, the Texas Supreme Court held that the limitation on damages was unconstitutional. This proposition is an attempt to ensure that damage caps do not violate the “open courts” provision of the Texas Constitution. Non-economic damages are those for pain, suffering, disfigurement, and loss of loved one. Economic damages, which are the actual costs of medical care and loss of income during recuperation, would not be limited.

A separate piece of legislation, House Bill 4, was signed into law, placing a \$250,000 cap on non-economic damages from all physicians and health care providers and a separate \$250,000 cap on non-economic damages from each health care institution. This law will probably be tested in the courts, whether or not voters pass Proposition 12. Currently, seventeen states cap non-economic damage awards and five cap total damages.

This amendment also authorizes the legislature, after January 1, 2005, to determine the limit of liability for all non-economic damages in actions other than those relating to medical malpractice.

### Arguments For

- Because economic damages would not be capped, a limit on non-economic damages would give plaintiffs the compensation that they deserve instead of a windfall of cash.
- Unlimited damages undermine the state’s health care system, because when liability insurance premiums rise too high, doctors may stop practicing or move to states with lower insurance premiums.
- Eleven insurance carriers have announced their withdrawal from the Texas liability insurance market. This proposition could encourage more insurers to do business in the state.

### Arguments Against

- This proposition gives the legislature the authority to limit non-economic damages in all civil lawsuits, not just medical malpractice cases, in 2005.
- Limits on non-economic damages would disproportionately reduce suits on behalf of children, retirees, and other unemployed people who could claim no loss of income.
- Opponents claim that insurance companies increased premiums to offset investment losses in a falling stock market, not because of losses from non-economic damages. They further claim insurance premiums will not fall until insurance companies are regulated.

## PROPOSITION 13

**The constitutional amendment to permit counties, cities and towns, and junior college districts to establish an ad valorem tax freeze on residence homesteads of the disabled and of the elderly and their spouses.**

### Explanation

Since 1978, the amount of ad valorem (property) taxes imposed by school districts on homesteads of the elderly has been frozen when the homeowner reached age 65. In 1988, this freeze was extended to the surviving spouses of the elderly. In addition, the elderly and their surviving spouses could transfer their ad valorem tax freeze from one taxing jurisdiction to another.

This amendment would provide a local option for a county, city, or junior college district to adopt an ad valorem tax limitation on homesteads of the elderly and/or disabled and their spouses, in addition to the freeze on ad valorem taxes levied by school districts. Implementation of this freeze would require an affirmative vote by the governing body of the city, county, or junior college district, or a majority vote in an election that is called by a petition signed by 5% of the registered voters.

### *Proposition 13 continued*

Property taxes may still be raised if significant improvements other than repairs or changes needed to meet government building codes are made that increase the value of the house.

This tax freeze would be wholly or proportionately transferable if the qualifying person establishes a different residence homestead within the same city, county, or junior college district.

### Arguments For

- Seniors and disabled persons on fixed incomes have been adversely impacted by rapidly rising property taxes throughout the state.
- This amendment would prevent elderly or disabled homeowners from having to leave their homes because of rising property taxes.

### Arguments Against

- This amendment places too much restriction on cities, counties, and junior college districts and prevents them from raising needed revenue when property values rise. As a result, the tax burden would be shifted to the remaining taxpayers.
- Property tax rates for seniors should be means-tested to assure that wealthy seniors contribute to the tax base.

## PROPOSITION 14

**The constitutional amendment providing for authorization of the issuing of notes or the borrowing of money on a short term basis by a state transportation agency for transportation-related projects, and the issuance of bonds and other public securities secured by the state highway fund.**

### Explanation

The state comptroller’s review of the Texas Department of Transportation (TxDOT) in January 2001 recommended that TxDOT be given the authority to borrow funds on a short-term basis for the purposes of cash flow management. This proposed amendment would authorize the legislature, by law, to authorize the Texas Transportation Commission to authorize TxDOT to issue notes or borrow money from any sources to carry out the agency’s functions. Loans or notes would be prohibited from having a term of more than two years, and the legislature would appropriate money for the purpose of paying debt created by the notes.

This amendment would also allow TxDOT to issue bonds and other securities to fund transportation related projects. These bonds would be repaid through state highway fund revenue.

The enabling legislation, CSHB 471, determines the limits and amounts of future bonded indebtedness. This law and the Legislative Budget Board fiscal analysis lay out the sum of bond limits to be \$10 billion dollars.

### Arguments For

- Increased population and increased highway travel is stretching road capacity in Texas to the limit. This bonding authority will help reduce and/or eliminate the large backlog of projects, fund and build projects faster, and save on inflation related costs.
- The state borrows money for all other major capital projects and should do so to fund highway improvement projects. Road projects at the local level are funded with bonds. The state should take advantage of this sound financing tool, subject to appropriate constraints.

### Arguments Against

- Debt service, underwriting, and costs of issuing bonds would add to the cost of highway projects funded in this manner.
- Bonds borrow against the future by creating debt. Unlike voters at the local level who vote on local bond issues, state voters would not be able to have the same participation and oversight.

## PROPOSITION 15

**The constitutional amendment providing that certain benefits under certain local public retirement systems may not be reduced or impaired.**

### Explanation

The proposed amendment applies ONLY to public retirement systems created by local governments (except the City of San Antonio) for local government employees.

Unlike private sector pension plans, there is no Texas or federal law that guarantees public employees that they will receive the benefits they have accrued (earned) in their plan. Currently, even if a public employee has completed the requirements to receive a benefit, a law can be passed to reduce the benefit. Under this amendment, accrued benefits could not be “reduced or impaired” for retirees (and plan members who have enough years of service to receive a benefit) when plan benefits are changed.

Some plans currently have provisions to automatically reduce benefits if assets are insufficient. Other plans, including Dallas and El Paso, have agreements to increase both plan sponsor and member (employee) contributions when the required contribution rate increases. Both types of plan provisions are or may be prohibited under the proposed amendment.

The Legislative Budget Board analyzed the fiscal implications of the amendment for some major municipal plans under several scenarios. The Austin retirement systems have a current annual contribution of \$45 million, which could increase by as much as \$90 million. Dallas’ current contributions are \$110 million, which could increase by as much as \$310 million. El Paso, Fort Worth, and Houston show similar potential increases in contributions.

Municipalities may hold an election in May 2004 to be exempt from the requirements of this amendment.

### Arguments For

- The amendment guarantees that accrued benefits could not be reduced for public employees who have completed the service requirements to receive the benefit.
- Many public employees are not covered by Social Security and could be left with little or no income if their pension benefits were reduced or eliminated.

### Arguments Against

- The amendment would require significant increases in funding for many public plans. These costs will put an added burden on taxpayers at a time when many municipalities already are under financial stress.
- The proposed amendment does not specify what is included in accrued benefits, a complex determination, and does not delegate that responsibility to the legislature or any agency.

## PROPOSITION 16

**The constitutional amendment authorizing a home equity line of credit, providing for administrative interpretation of home equity lending law, and otherwise relating to the making, refinancing, repayment, and enforcement of home equity loans.**

### Explanation

Home equity loans were approved in a constitutional amendment in 1997. Home equity loans are usually a lump sum with monthly loan repayments. Failure to make repayments can result in foreclosure on the home.

The amendment would allow home equity lines of credit. A homeowner could borrow against the line of credit from time to time, repay the debt, and borrow again. Each advance is required to be at least \$4,000 and could not be made through a credit or debit card. Repayments of a home equity loan or a home equity line of credit advance must be in equal installments that are bi-weekly (every two weeks) or monthly. The line of credit would be limited to 50% of the home’s fair market value and 80% when combined with any other debt on the home.

### *Proposition 16 continued*

The amendment would allow refinancing of a home equity loan with a reverse mortgage loan. A reverse mortgage loan is available to homeowners who are at least 62 years old. Repayments do not begin until the homeowner either no longer occupies the property or transfers it to another owner. (See Proposition 6 for more explanation of reverse mortgages.)

The amendment also defines how a lender can correct its failure to comply with its obligations and permits the legislature to authorize state agencies to interpret the home equity loan provisions.

### Arguments For

- The amendment makes home equity loans more flexible and will better meet the needs of individual homeowners.
- Because interest on home equity loans is tax-deductible and interest rates are generally lower than interest on other loans, borrowing through either a traditional home equity loan or a home equity line of credit provides a potential savings over other kinds of loans.
- Allowing refinancing as a reverse mortgage benefits older adults by not requiring repayment for the duration of the reverse mortgage and providing an income from the loan.
- Allowing the legislature to let state agencies interpret home equity loan provisions prevents the necessity of further amending the constitution to define this issue.

### Arguments Against

- Home equity lines of credit allow homeowners to risk their homestead for consumer spending.
- Many borrowers do not understand that they can lose their home if they do not make home equity loan repayments.
- Consumers need more protections such as easily understandable information about fees, charges, and other terms of the home equity loan or line of credit.
- Homeowners should be allowed to borrow all of the equity in their home, not an arbitrary portion of it.

## PROPOSITION 17

**The constitutional amendment to prohibit an increase in the total amount of school district ad valorem taxes that may be imposed on the residence homestead of a disabled person.**

### Explanation

The Texas Tax Code has several provisions that benefit homeowners who are over 65 years of age and/or are disabled and who declare the home they occupy as their principal residence or homestead. However, not all of the provisions apply to both over-65 and disabled homeowners.

In the case of the school district ad valorem (property) taxes, the amount that can be assessed on a residence that is an over-65 person’s homestead is limited to the amount that the homeowner paid in the first year in which the homeowner qualifies for the over-65 exemption. This proposition would apply the same limitation to the amount of school district ad valorem taxes paid by a disabled homeowner.

### Arguments For

- This proposition would prohibit rising property values and concurrent increases in property taxes from causing disabled homeowners to leave their homes because they cannot pay the property taxes.

### Arguments Against

- This proposition would reduce funding to school districts that are already financially strapped.

## PROPOSITION 18

**The constitutional amendment authorizing the legislature to permit a person to assume an office of a political subdivision without an election if the person is the only candidate to qualify in an election for that office.**

### Explanation

This constitutional amendment would allow a qualified candidate who is running unopposed to assume the office of a political subdivision, such as a city or school district, if there are no declared write-in candidates. This amendment also would pertain to any special elections to fill a vacancy. The Texas Constitution determines which offices require an election. Therefore, an amendment is needed to cancel an election and make the required change in the Election Code. This proposition applies to local political subdivisions, while Proposition 8 applies to state, county, district, and precinct elections.

### Arguments For

- This amendment would promote efficiency in election administration and reduce the cost of elections. This amendment would not interfere with the voter's rights, because anyone who is running unopposed in an election wins by virtue of being the only candidate for that office.

### Arguments Against

- A voter has a right to vote for the candidate of his choice, and the candidate has a right to campaign and gain visibility. Voters have a right to know the positions of their elected officials.

## PROPOSITION 19

**The constitutional amendment to repeal the authority of the legislature to provide for the creation of rural fire prevention districts.**

### Explanation

Currently there are two types of special districts that provide services to residents within their boundaries: rural fire prevention districts (RFPD) and emergency services districts (ESD). RFPD's are prohibited from offering emergency medical services and have an ad valorem tax cap of three cents. ESD's can offer fire and emergency services and, with voter approval, can assess an ad valorem tax up to ten cents per \$1000 of evaluation.

Senate Bill 1021, passed this session and signed by the governor, provides for the conversion of the remaining rural fire prevention districts to emergency services districts, and this proposed amendment would repeal the authority of the legislature to create rural fire prevention districts.

### Arguments For

- Approval of the amendment will allow approximately 75 RFPD's (of a total of approximately 176) to convert to ESD's so that emergency medical services and fire prevention services may be provided by the same authority.

### Arguments Against

- Ad valorem taxing ability is becoming limited in communities with little or no economic development to support increasing property taxes.

## PROPOSITION 20

**The constitutional amendment authorizing the issuance of general obligation bonds or notes not to exceed \$250 million payable from the general revenues of the state to provide loans to defense-related communities, that will be repaid by the defense-related community for economic development projects, including projects that enhance the military value of military installations.**

### *Proposition 20 continued*

### Explanation

In 2005, the U.S. Department of Defense (DOD) Base Realignment and Closure (BRAC) committee will review and evaluate all military installations. Texas bases will need to justify the military reasons for their existence and demonstrate that the surrounding area can support the military mission. Bases will be evaluated on adequacy of infrastructure, such as water availability, roadways, and railways.

This amendment would authorize the Texas Military Value revolving loan account to issue general obligation bonds, not to exceed \$250 million total, to provide low-interest, long-term loans for economic development projects in defense-related communities in Texas. SB 652 established the "Military Preparedness Committee" in the Governor's Office to oversee the fund. This fund will allow construction or reconstruction of infrastructure to meet DOD requirements or as a development project. Terms of loans would be considered individually by the Military Preparedness Committee, the State Financing Authority, and the community applying for the loan.

### Arguments For

- Military installations are the major economic force in many communities and contribute \$43.4 billion to the state economy. Texas communities need every tool available to ensure their military facilities are not closed.

### Arguments Against

- Receiving the loan will not guarantee the military base will not be closed if DOD decides to do so. The community must repay the loan even if the base closes.

## PROPOSITION 21

**The constitutional amendment to permit a current or retired faculty member of a public college or university to receive compensation for service on the governing body of a water district.**

### Explanation

In 2001, Texas voters passed a constitutional amendment that permitted school teachers, retired school teachers, or retired school administrators to be paid for serving on local governing bodies, including water district boards. Active or retired faculty members of public colleges or universities were not mentioned. This amendment specifically permits active or retired college or university teachers to receive compensation for serving on the board of a water district.

### Arguments For

- This proposition would give college or university teachers equal treatment in regard to serving on water district boards. A faculty member serving on a water district board would be no different from any other citizen serving in this capacity.
- There may be college or university teachers serving voluntarily on water boards now. Compensation would not affect their commitment to the work.

### Arguments Against

- Faculty members, especially those who are still active and whose salaries are paid by the public, should not be encouraged to hold two such positions. The public should have the right to expect dedication to the full-time job. Inevitably, there would be conflicts between the two responsibilities.
- This proposition should have included all state employees who hold positions that are not elected or appointed. They should all be free to receive compensation for serving on local governing boards. Furthermore, if active and retired college and university teachers are allowed to serve with pay on water district boards, they should also be allowed to serve with pay on the board of any local governing body.

# PROPOSITION 22

**The constitutional amendment authorizing the appointment of a temporary replacement officer to fill a vacancy created when a public officer enters active duty in the United States armed forces.**

## Explanation

The Texas Constitution requires the governor to call an election to fill a vacancy in either house of the legislature, and stipulates that other vacancies in state or district offices shall be filled by appointment of the governor. The proposed amendment would stipulate that elected or appointed officeholders who entered active duty in the U.S. Armed Forces because they were called to duty, drafted, or activated, would not have to vacate their offices. If the officer will be on active duty for longer than 30 days, a temporary replacement could be appointed.

If the vacancy normally would be filled by special election, the governor could make appointments for a state or district office. For a legislator, the state political party's executive committee could appoint a temporary replacement. Within political subdivisions, the governing body could appoint a temporary acting officer. For other officeholders, the local authority could appoint a temporary replacement. The officer being replaced could also make recommendations to the appropriate officials.

The temporary officer would begin service no later than 30 days after the officeholder entered active duty, and would have all the powers, privileges, compensation, and duties of the office.

## Arguments For

- Current law is not clear on how to handle temporary vacancies. The proposed amendment would allow for the needs of constituents to continue being served without the necessity of an election and would provide for a transition back into public office for the officeholder upon the completion of military service.
- Public officials who are members of the military have sworn to serve the constituents they represent in office and to defend the American people in time of war. This resolution would establish a process to allow them to honor both obligations.
- The procedures established by this amendment would be helpful to smaller governing bodies, such as three-member commissions, which may find it impossible to function without filling the vacancy.

## Arguments Against

- Thirty days probably would not be long enough for the appropriate authority to make an appointment to an office. The proposal should set the more practical time period of 60 days.
- The voters should be allowed to choose their own representative in the case of a vacancy.
- This amendment allows the temporary appointee to serve as long as the officeholder is on duty. Opponents feel there should be a time limit on this appointment.

**For more voting resources, go to the voter information section of [www.lwvtexas.org](http://www.lwvtexas.org).**

## CONSTITUTIONAL AMENDMENT PROCESS

Texas voters have approved 410 amendments to the Texas Constitution since its adoption in 1876. 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, although he may veto the enabling legislation, a bill to enact the amendment if it is passed by voters. Not all joint resolutions require enabling legislation. If the voters reject an amendment, the legislature may resubmit it.

The legislature prescribes the ballot language, and it is contained in the joint resolution. Once the amendment is approved by both houses of the legislature, the Secretary of State writes the brief explanatory statement, which is approved by the Attorney General. The Secretary of State also conducts a random drawing to assign each proposition a ballot number. The constitution specifies that these statements be published twice in each newspaper in the state that prints official notices; the first 50 to 60 days before the election, and the second the following week.

Amendments take effect when the official vote canvass confirms statewide voter approval, unless a later date is specified.

**LAST DAY TO REGISTER TO VOTE: August 14  
EARLY VOTING: August 27 to September 9**

## VOTER INFORMATION

### Voting Certificate

- After you register, you receive a voter registration certificate which you should present at the polling place in order to vote.
- If you have lost or misplaced your certificate, notify the voter registrar of your county in writing, and he or she will issue a replacement certificate.
- The current voter registration certificate is orange.
- You must vote in the precinct of residence designated on your voter registration certificate, if you vote on election day. (During early voting, you may vote at any early voting site convenient to you.)
- You will receive a new certificate every two years as long as your registration is not canceled.

### Moving Within the County

- After moving, notify the county voter registrar in writing of your new address. You should transfer your registration to your new address as soon as possible.
- You may vote at your previous precinct for one year after you move (or until your registration is transferred, whichever comes first).

### Moving from One County to Another

- If you move from one Texas county to another, you must re-register in the county of your new residence.
- You may be eligible to vote a limited ballot for 90 days after you move if your new registration is not yet effective. However, the limited ballot is available only during early voting, not on election day.
- Contact the county clerk or elections administrator in your new county for information.

**You may bring this *Voters Guide* into the voting booth!** In 1995, the Texas law prohibiting use of printed materials, such as this *Voters Guide*, in the polling place was ruled unconstitutional.