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Texas Ballot Integrity Act, SB 488, by Senator Bettencourt Headed to Texas Senate
Senate Intergovernmental Relations Committee approves SB 488 in response to cities' mishaps on ballot petitions

AUSTIN – The Senate Committee on Intergovernmental Relations unanimously approved Senate Bill 488, the Texas Ballot Integrity Act, by Senator Paul Bettencourt (R-Houston), to prevent local governments from misleading voters at the polls with deceptive ballot language, spending taxpayer money to ignore lawfully collected petition signatures, and suppressing petitions signed by those they are sworn to represent. **“After hearing testimony from taxpayers across the state on problems leading to multiple Supreme Court rulings, it became clear that we need this bill,”** Senator Bettencourt said. **“The Texas Supreme Court recognized that voters are being misled by ballot language, and the Ballot Integrity Act will establish safeguards against deceptive ballot language.”**

Among its provisions, SB 488 would do the following things:

- Requires clear ballot language that accurately defines the proposition being placed before voters;
- Creates a standard form for use by residents for referendum or recall petitions;
- Removes overly broad and unfair restrictions on who may collect signatures;
- Creates a "rocket docket" for expedited court review of ballot language to prevent the delay of local initiatives and allows a court to rewrite ballot language if the court finds that the language is inaccurate;
- Instills a "loser pay" measure to ensure that prevailing parties have access to legal fees; and
- Provides a "bad actor" provision by removing home-rule municipalities' authority to write their own ballot language for a period of four years if they have been found in the past to continuously act in bad faith.
- Instills a "three strikes, you're out" provision that allows a registered voter to challenge ballot language if, following a Secretary of State (SOS) review, a city is still not writing language objectively. After the third strike, the ballot language will be drafted by the SOS.

Election lawyer Andy Taylor, who handled three cases in Houston involving ballot integrity, testified that SB 488 **“does a good job balancing the equities between the government and the citizens.”** The bill's **“three strikes, you're out”** provision **“empowers citizens”** to challenge ballot language, he emphasized.

“It's needed, it's needed,” said Senator Donna Campbell (R-New Braunfels), expressing her support of SB 488.

During the interim, the Senate Intergovernmental Affairs Committee heard testimony that outlined instances in which the Texas Supreme Court was required to step in and reprimand certain cities concerning their inability to correctly draft ballot language and inability to follow established procedures concerning ballot petitions. **The city of Houston, for example, was reprimanded three times by the Texas Supreme Court over the city's use of misleading ballot language or erroring on proper procedures when responding to a petition process.** Dozens of mistreated petitioners statewide have personally incurred legal expenses to enact petitions when home-rule city councils ignored state guidelines regarding ballot initiatives. Petitioners in San Marcos, for example, were sued by the city for trying to use their right to initiative and referendum. Residents in San Antonio, Richmond, Sugar Land and Bastrop all faced challenges with ballot referendums in their respective voting jurisdictions.

“SB 488 will ensure that the ballot language a voter sees in the voting booth is clear in order to guarantee citizens uniform and fair elections,” Senator Bettencourt said. **“The Texas Ballot Integrity Act is good public policy and voter protection legislation,”** he added.

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