

## **BILL ANALYSIS**

Senate Research Center

S.B. 713  
By: Nelson  
State Affairs  
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As Filed

### **DIGEST**

Currently, the 75th Legislature is considering a constitutional amendment authorizing the use of initiative and referendum by the public. The initiative enables citizens to bypass the legislature by placing proposed statutes and constitutional amendments on the ballot. The referendum provides for a popular vote on laws that have been enacted by the legislature. This bill sets forth the enabling legislation for the power of initiative and referendum upon the condition of such a constitutional amendment being approved by the people of the State of Texas.

### **PURPOSE**

As proposed, S.B. 713 sets forth the enabling legislation for the power of initiative and referendum.

### **RULEMAKING AUTHORITY**

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Title 16, Election Code, by adding Chapter 278, as follows:

#### **CHAPTER 278. INITIATIVE AND REFERENDUM**

Sec. 278.001. **APPLICABILITY.** Provides that this chapter applies only to a statutory or constitutional measure proposed under Section 1A, Article III, Texas Constitution, or a referendum to repeal a bill under Section 1B, Article III, Texas Constitution.

Sec. 278.002. **FILING FEES.** Provides that the filing fee for a proposed statutory or constitutional measure is \$500. Provides that the filing fee for a referendum to repeal a bill is \$250.

Sec. 278.003. **ACTION ON PROPOSED STATUTORY OR CONSTITUTIONAL MEASURE.** Requires the attorney general to make a determination on the constitutionality of a proposed statutory measure by the 30th day after the date the measure is submitted. Requires the attorney general to submit a proposed measure that is not unconstitutional to the comptroller or the secretary of state by the 30th day after the date the measure is submitted. Requires the comptroller to submit a proposed measure and a fiscal note required for the measure to the secretary of state by the 15th day after the date the comptroller receives the measure from the attorney general. Requires the secretary of state to issue approved copies of an initiative by the 10th day after the date the secretary receives a proposed measure from the attorney general or the comptroller.

Sec. 278.004. **ACTION ON REFERENDUM TO REPEAL BILL.** Requires the secretary of state to issue copies of a petition proposing repeal of a bill by the 10th day after the date a request for a petition is received.

Sec. 278.005. **VERIFYING SIGNATURES BY STATISTICAL SAMPLE.** Provides that the sample prescribed by Section 141.069, Election Code, applies to a petition for a measure or referendum.

Sec. 278.006. PUBLIC HEARING. Requires the secretary of state to hold a public hearing in Austin to publicize each measure or referendum that is to be decided in an election. Requires the secretary of state to allow the sponsors of a measure or referendum to make a presentation and to allow other interested persons to comment on the proposed measure or referendum. Prohibits the hearing from being held earlier than the 150th day or later than the 65th day before the election date.

SECTION 2. Effective date: pending voter approval.

SECTION 3. Emergency clause.