

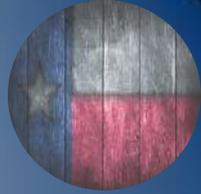
# THE TEXAS CONSTITUTION

## PART IV

Half the ballot items are ridiculous because they deal with doing away with a constable's position in Erath County or somewhere and the other half no one can understand because they involve bond financing or some arcane part of the Constitution that has to be fixed.

Former Texas Senator Bill Ratliff

# The Constitution of 1876: Change through Amendments



- A constitutional amendment is a formal, written change or addition to a state's governing document.
- Through the years, amendments have produced some major changes in the Texas constitution.

- Amendments have eliminated the constitutional prohibition against branch banking, allowed local governments to give tax breaks to businesses relocating to Texas, and provided money for the development and conservation of the state's water resources.

Vote Both Sides *Vote en Ambos Lados de la Página*

OFFICIAL BALLOT *BOLETA OFICIAL*  
Constitutional Amendment and Special Election  
*Elección de Enmiendas Constitucionales y Especial*  
KAUFMAN COUNTY TEXAS  
*CONDADO DE KAUFMAN TEXAS*  
November 03, 2015 - 3 de Noviembre de 2015  
*Precinct: unincluido 7*

PLEASE USE A BLACK OR BLUE PEN TO MARK YOUR BALLOT. TO VOTE FOR YOUR CHOICE IN EACH COLUMN, COMPLETELY FILL IN THE BOX PROVIDED TO THE LEFT OF YOUR CHOICE.  
*Por favor use una pluma de tinta negra o azul para marcar su boleta. Para votar por su candidato en cada columna, llene completamente el espacio provisto a la izquierda de su elección.*

**Constitutional Amendment**  
*Enmienda Constitucional*

**Proposition 1**  
The constitutional amendment increasing the amount of the residence homestead exemption from all valorem taxation for public school purposes from \$15,000 to \$25,000, providing for a reduction of the homestead exemption amount if valorem taxes are increased by more than 1% over the previous year, and authorizing the legislature to confer a general homestead exemption from all valorem taxation from reducing the amount of the homestead exemption, and providing the amendment a law that imposes a transfer tax on a transaction that otherwise has complete tax neutrality.  
*La enmienda constitucional que aumenta el monto de la exención de impuestos al valor sobre la vivienda residencial para propósitos de fines educativos de \$15,000 a \$25,000, estableciendo una reducción de la exención de valor sobre impuestos al valor que exceda un porcentaje que exceda el monto de los impuestos al valor del año anterior, y autorizando a la legislatura a conferir una exención general de impuestos al valor sobre la vivienda residencial reduciendo la cantidad o otorgue la exención, y brindando la promulgación de una ley que imponga impuestos de transferencia sobre transacciones que de otro modo tendrían un efecto de neutralidad fiscal completa.*

For *(A FAVOR)*  
 Against *(EN CONTRA)*

**Proposition 2**  
The constitutional amendment authorizing the legislature to provide for an exemption from all 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 has before the law authorizing a residence homestead exemption for such a veteran's book effect.  
*La enmienda constitucional que autoriza a la legislatura a proporcionar una exención de impuestos al valor de todo o parte del valor de mercado de la vivienda residencial del sobreviviente superviviente de un veterano de las fuerzas armadas 100 por ciento o totalmente discapacitado que haya muerto antes de que se le autorice una exención para la vivienda residencial de dicho veterano hubiera tenido efecto.*

For *(A FAVOR)*  
 Against *(EN CONTRA)*

**Proposition 3**  
The constitutional amendment requiring the requirement that state officers elected by voters appointee needs to be state capital.  
*La enmienda constitucional que requiere el requisito de que los funcionarios estatales electos por el electorado estatal residan en la capital del estado.*

For *(A FAVOR)*  
 Against *(EN CONTRA)*

**Proposition 4**  
The constitutional amendment authorizing the legislature to permit professional sports teams to establish foundations to conduct charitable relief.  
*La enmienda constitucional que autoriza a la legislatura a permitir que los equipos deportivos profesionales de equipos deportivos profesionales formen a cada una de ellas.*

For *(A FAVOR)*  
 Against *(EN CONTRA)*

**Proposition 5**  
The constitutional amendment to authorize counties with a population of 7,500 or less to perform private road construction and maintenance.  
*La enmienda constitucional que autoriza a los condados con una población de 7,500 o menos, a formar o hacer mantenimiento y construcción de carreteras privadas.*

For *(A FAVOR)*  
 Against *(EN CONTRA)*

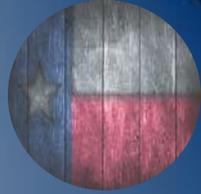
**Proposition 6**  
The constitutional amendment regarding the right of the people to hunt, fish, and harvest wildlife subject to laws that promote wildlife conservation.  
*La enmienda constitucional que reconoce el derecho de la población a cazar, a pescar, y a recolectar de vida silvestre sujeta a las leyes que promuevan la conservación de la fauna silvestre.*

For *(A FAVOR)*  
 Against *(EN CONTRA)*

Sample Ballot *2000030110052* *Sample Ballot* *0923031146*

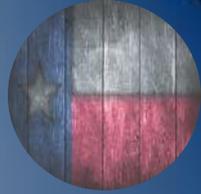
Vote Both Sides *Vote en Ambos Lados de la Página*

# The Constitution of 1876: Change through Amendments



- Since 1876, Texas has averaged more than 10 amendments proposed and 7 amendments ratified for each two-year legislative session.
- The 491 amendments to the Constitution of 1876 suggest that the amending process has occupied considerable legislative time and that it is increasingly relied upon to get something done in government.
- Although some streamlining of the state constitution should ensue from a 1997 amendment that called for the elimination of obsolete provisions and duplicate numbers, most observers believe that more clean-up will be needed.

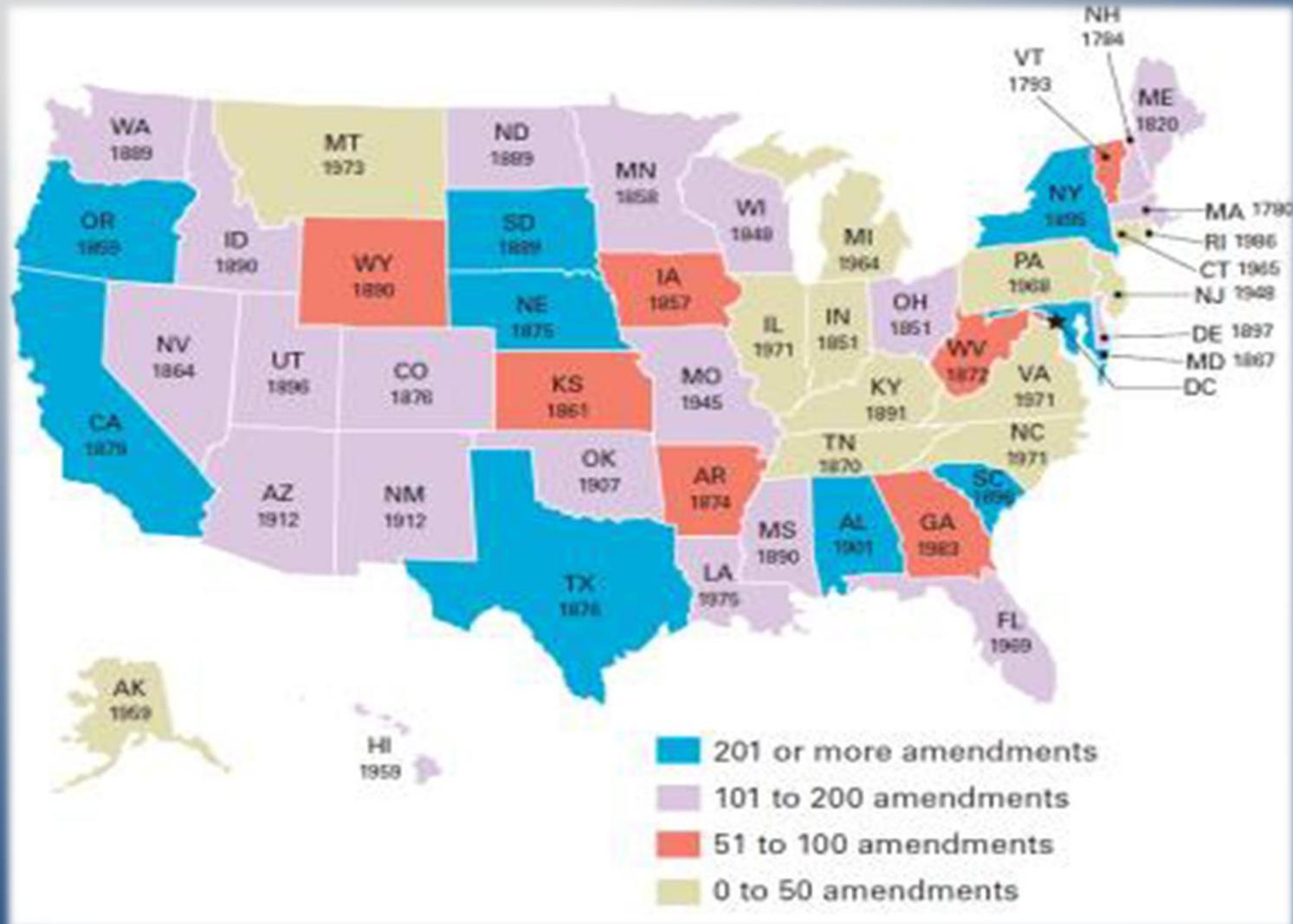
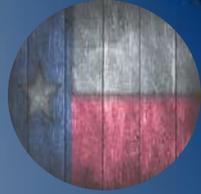
# The Constitution of 1876: Change through Amendments



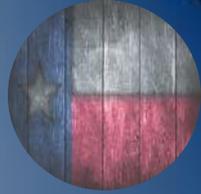
years	proposed	adopted	average changes/year
1879-1900	31	17	1.09
1901-1920	56	21	1.05
1921-1940	71	47	2.35
1941-1960	79	59	2.95
1961-1980	151	98	4.90
1981-2000	200	148	7.40
2001-2015	106	101	6.80
total	694*	491	3.64

\*2 or more proposals are often combined on the ballot so this number is higher than the number actually voted on

# The Constitution of 1876: Change through Amendments



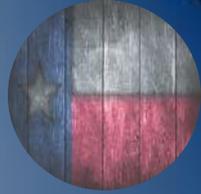
# The Constitution of 1876: Change through Amendments



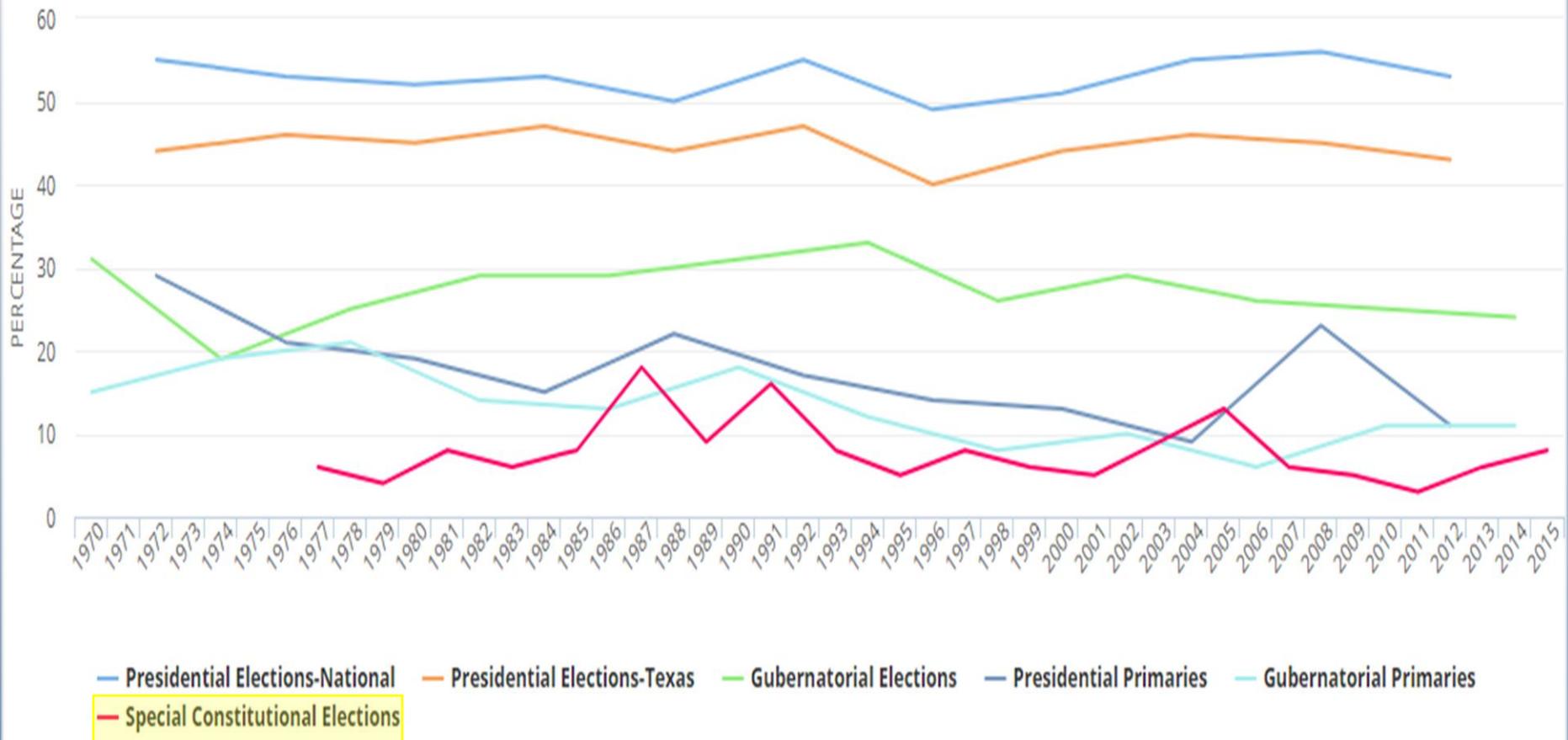
- The process of amending the Texas Constitution is fairly straightforward.
- First, an amendment must be proposed by an absolute two-thirds majority vote in both houses of the legislature.
- Second, it must be ratified by a simple majority vote in a statewide election.
- But while it may be simple, the amendment process is time-consuming, expensive and generates relatively little voter interest.



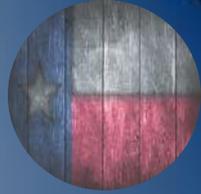
# The Constitution of 1876: Change through Amendments



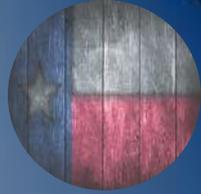
TURNOUT AS A PERCENTAGE OF VOTING-AGE POPULATION IN FIVE TYPES OF TEXAS ELECTIONS AND PRESIDENTIAL ELECTIONS NATIONWIDE, 1970-2015



# The Constitution of 1876: Change through Amendments

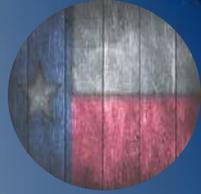


# The Constitution of 1876: Change through Practice and Experience



- Not all constitutional changes come from formal constitutional amendments.
- Some changes in the fundamental features of the US national government have occurred through informal processes of practice and experience.
- The Texas constitution has not grown as much through practice and experience, given its detail and specificity, but there have been some changes.
  - example: The office of lieutenant governor is outlined in the Texas constitution to resemble the relatively weak US vice president. In practice, however, the lieutenant governor has become one of the most important policy leaders in the state.

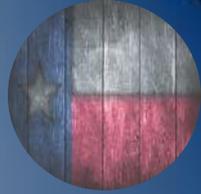
# The Constitution of 1876: Change through Judicial Interpretation



- An important mechanism through which the US Constitution has changed has been through judicial interpretation.
- National court rulings have defined constitutional principles in such key policy areas as school integration, voting rights, freedom of expression, freedom of religion and the rights of persons accused of crimes.
- Given its detail and specificity, the Texas constitution does not often lend itself to judicial interpretation but the Texas state courts have begun to play an increasingly important policy making role through interpretation.

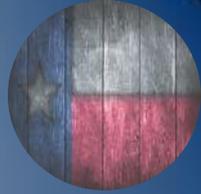


# The Constitution of 1876: Changing for the Times



- The Texas constitution reflects measures that were popular in the 1870s. Unfortunately, the constitution is time-bound to that era.
- Bringing Texas into the 20th and 21st centuries falls on the amending process rather than the legislative process.
- The fundamental law for the state is kept up to date not by custom, usage and interpretation, but by amendment.
- Texas is not alone in having a proliferation of constitutional amendments, but the method of amendment is less likely to affect the frequency of amendment as much as the quality of the basic document.

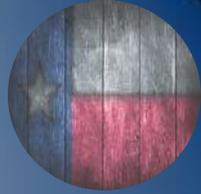
# The Constitution of 1876: Criticisms



- too long and disorganized
- amendments poorly written
- restrictions on local government
- executive branch
  - excessively limited executive power
  - fragmented responsibility and authority
  - difficult for governor to set policy priorities
- legislative branch
  - created a part-time legislature
  - limited ability to meet needs of a modern state
- judicial branch
  - elected local judges could develop autonomy and power through local constituencies
  - could be elected for reasons other than ability, such as partisanship

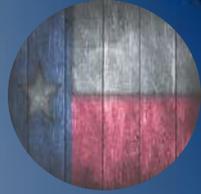


# The Constitution of 1876: Criticisms



- public education
  - local control led to disparities in funding and quality
- budgeting and finances
  - balanced-budget requirements restricted choices in state spending
- individual rights
  - restrictive voting laws limited democratic development and disenfranchised voters
- excessive details
  - restricted state and local governments
  - had obsolete and contradictory language
  - 491 amendments due to changing needs
- the amendment process
  - amendments needed for government to adapt to social, economic and political changes

# Texas Constitutional Reform: Overview of the Need for Reform

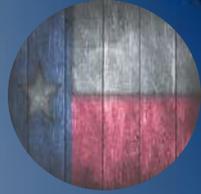


- While the framers of the US constitution provided only the essential structure of national government and broad powers to insure flexibility, the Texas constitution is long, restrictive, confusing, protects the concerns of vested interests and requires frequent amending.



- State constitutions which were ratified more recently tend to have sound, workable constitutions while those, like Texas, which are older tend to be more problematic.

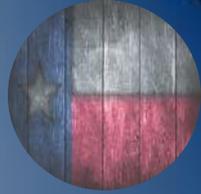
# Texas Constitutional Reform: Overview of the Need for Reform



- Critics of the Texas constitution charge that it is loaded with provisions that hinder the operation of efficient government. For example, the governor has insufficient power to manage the bureaucracy, the legislature meets infrequently to solve the state's policy problems and the election of judges creates a judiciary excessively dependent on interest-group contributions.
- The Texas constitution hinders the formulation, adoption and implementation of sound public policy.

# Texas Constitutional Reform

## Overview of the Need for Reform

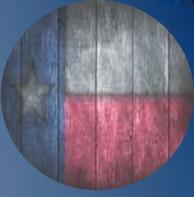


○ *Constitutions should consist only of general provisions; the reason is that they must necessarily be permanent, and that they cannot calculate for the possible change of things.*

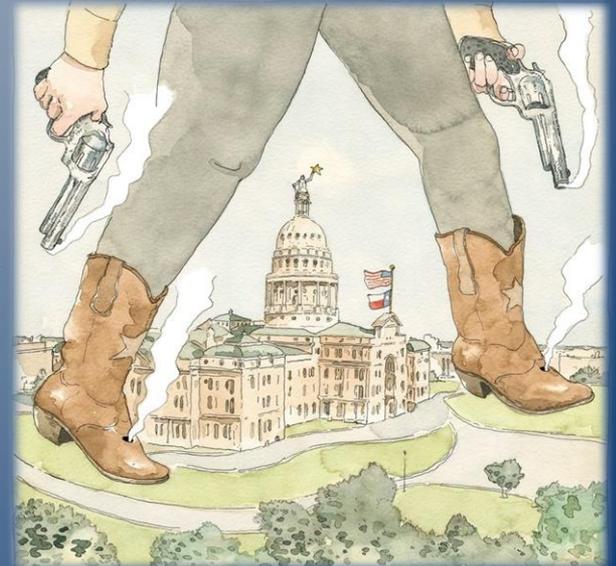
○ Reform advocates urge Texas to follow Alexander Hamilton's prescription by adopting a new document that is **general, flexible and streamlined.**



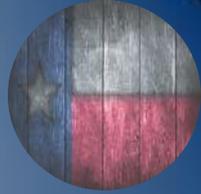
# Texas Constitutional Reform



- Proposals for reform focus on the following problems.
  - biennial legislative sessions
  - organization of the judicial system
  - election of judges
  - the plural executive branch
  - the weakness of county governments
  - excessive detail

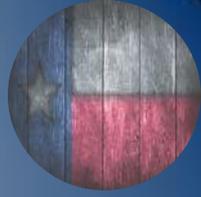


# Texas Constitutional Reform: Recent Efforts



- Calls to revise the constitution began fairly soon after its ratification but efforts at constitutional revision (the process of drafting a new constitution) failed.
- From 1971 to 1974, a major effort to revise the constitution was mounted as the legislature convened itself as a constitutional convention.
- The 1974 constitutional convention (the "Con-Con") was the product of a constitutional amendment authorizing the legislature to act.
- The Texas Constitutional Revision Commission, created by the same amendment, provided a detailed study that served as the basis for new constitutions proposed in 1974 and 1975.

# Texas Constitutional Reform: Recent Efforts

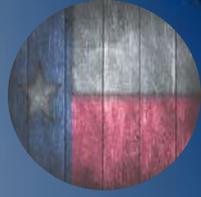


- However, the proposal drafted by the constitutional convention was defeated in convention and never made it to the voters.
- Why did it fail?
  - Opponents were able to focus attention on controversial pari-mutuel betting and right-to-work provisions.
  - Members of the legislature were the delegates and were afraid of alienating the major benefactors in their districts.



final days of the 1974  
convention

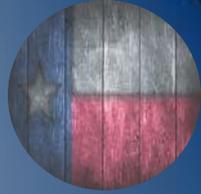
# Texas Constitutional Reform: Recent Efforts



- Why did it fail?
  - Special interest groups that were protected by the Constitution of 1876 were afraid of losing their protected status.
  - Justices of the Peace feared the requirement that all state judges be attorneys.
  - Texas A&M and UT-Austin were worried about protecting the Permanent University Fund.
  - The highway lobby was worried about the Highway Trust Fund.
  - Right-to-work angered labor leaders.

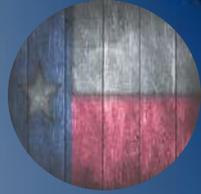


# Texas Constitutional Reform: Recent Efforts



- In 1975, legislators voted to present the failed constitutional proposal to the voters as a series of eight constitutional amendments.
- Voters in 250 of the 254 counties rejected all eight amendments. Overall, it was rejected by a 4 to 1 margin due to fears that the new document might promote more spending and allow greater governmental power.
- From 1976 to 1991, little interest was shown in constitutional revision. The legislature was too concerned with more pressing problems and the many groups with interests protected by the current constitution were not supportive of change.

# Texas Constitutional Reform: Recent Efforts



- A constitutional reform proposal prepared by Senator John Montford for introduction in the 1993 legislative session included the following provisions.
- 6-year Senate and 4-year House terms with limits of 2 and 3 consecutive terms, respectively.
- A 60-day budget session of the legislature in even-numbered years.
- Authority for the legislature to meet to reconsider bills that were vetoed.



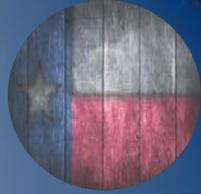
Montford

# Texas Constitutional Reform: Recent Efforts



- Montford proposal provisions
  - The governor, lieutenant governor and comptroller would be the only elected executive officials, each with a limit of two terms.
  - Simplification of the judiciary and nonpartisan judicial elections.
  - Creation of five regional university systems with each sharing in the Permanent University Fund (PUF).
  - Ordinance power for counties, subject to local voter approval.

# Texas Constitutional Reform: Recent Efforts

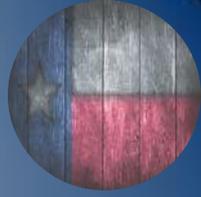


- More immediate problems crowded out constitutional revision in 1993 and 1995 and, after Montford left the legislature, revision was not even considered.
- In 1997 Representative Rob Junell was joined by Senator Bill Ratliff in proposing constitutional reforms that were similar to Montford's.
  - They proposed a new constitution of only 19,000 words, which would be a more fundamental statement of law than the document it would replace.
- Junell's and Ratliff's proposal never even came to a vote in the legislature.

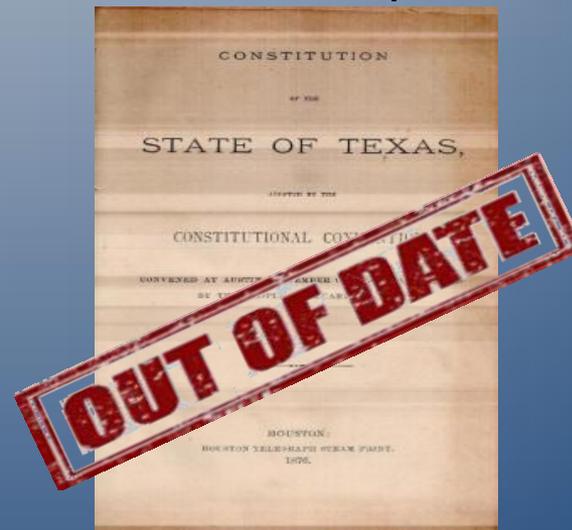


Junell and Ratliff

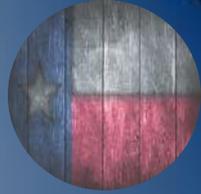
# Texas Constitutional Reform: Recent Efforts



- Although three powerful legislators in recent years have taken an interest in constitutional reform, nothing has come of their efforts due to lack of interest and the political conservatism of the state's citizens.
- It is likely that constitutional amendments will continue to be the primary approach used to patch a creaky Texas constitution.

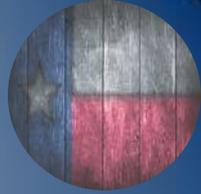


# Texas Constitutional Politics: Something for Everyone



- Special interests view the constitution as a durable vehicle for their own policy concerns and therefore attempt to influence its content.
- One strategy is to seek to include in the constitution provisions that will result in economic benefits for the group.
- Using the constitution to prevent the state from acting is another method special interests employ (as with pari-mutuel betting before 1987 or with a state income tax more recently).

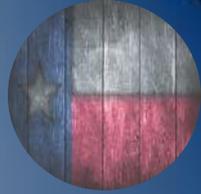
# Texas Constitutional Politics: Something for Everyone



- Altering existing constitutional provisions is another means of advancing some special interests (such as the authorization of bond sales to purchase land and provide home loans for veterans, limitations on welfare spending, restrictions on branch banking).
- Elected officials may also either support constitutional change in hopes of augmenting their powers or oppose it in order to avoid losing powers.

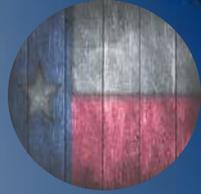


# Texas Constitutional Politics: An Example



- The politics of constitutional change are much like the politics involved in other areas of public policy.
- The issue of how building projects at state universities are to be funded, resolved by a constitutional amendment adopted in 1984, provides an illustration of the process.
- The University of Texas at Austin and Texas A&M University at College Station were, constitutionally, the sole beneficiaries of the \$10 billion Permanent University Fund (PUF).

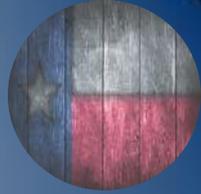
# Texas Constitutional Politics: An Example



- After the state property tax, the primary source of funds for construction at other state universities, was abolished in 1982, the legislature was forced to come up with an alternative source of funds.
- Ultimately, the various interests involved (including university alumni, taxpayers, business and industrial interests, minority interests, the House and Senate, the governor, and the Texas Higher Education Coordinating Board) settled on a plan whereby PUF coverage would continue for institutions in the UT and A&M systems and a separate capital fund would be established to cover other state institutions.

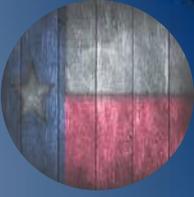


# Texas Constitutional Politics: An Example



- In 2001 the legislature changed the system to begin reducing the amount of appropriated funds that went into the Higher Education Fund and additional changes were made in 2003 that eliminated this special pot for construction dollars at non-PUF schools and shifted emphasis to research-only funding.
- Consequently, university students outside the UT and A&M systems have faced higher fees and tuition that are in part pledged to construction bonds.

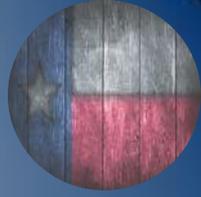
# A Texas Tragedy



- The Texas constitution is an important part of the policymaking environment for state and local governments. It influences agenda building, policy formulation and adoption, and policy implementation and evaluation.
- It limits government severely ... even in those times when Texans want/need the government to act.
- And it does a poor job of giving legitimacy to and organizing state government.

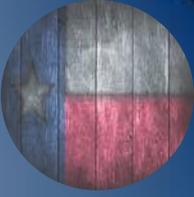


# A Texas Tragedy

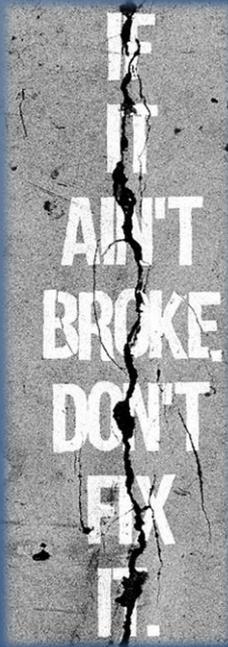


- The detail of the Texas constitution causes it to be time-bound to the era in which it was written ... and increasingly less relevant to modern Texas.
- More and more amendments are needed to solve its inadequacies.
- Texas state courts must play an increasingly important role as referee between 19th century constitutional law and 21st century needs.
- Over time powerful special interests have ensured that their benefits and protections were included in the constitution, making them more powerful as well as determined opponents to constitutional revision.

# A Texas Tragedy



- When it comes to constitutional revision, average Texans have a habit of saying, *If it ain't broke don't fix it*. The problem is, it *is* broke.
- Senator Bill Ratliff: *Voters know that any document that you have to amend 20 times every other year is broke. It's sort of a Texas tragedy, actually, that we can't seem to come to grips with the fact that we need a new basic document going into the next millennium.*
- This is Texas. It ought to have the *best* constitution, not the worst.



The End

