

Texas Constitutional Amendments May 7, 2022

WHY AMEND THE TEXAS CONSTITUTION?

The current Texas Constitution was written in 1876 and has been amended over 500 times. Compare that to the United States Constitution, which has only 27 amendments.

Why does the Texas Constitution have so many amendments? Rules for how state and local governments should run are very specific in the Texas Constitution, unlike in the US Constitution. Therefore, our state lawmakers often have little freedom to make changes to laws without amending the state constitution. In order to change the Texas Constitution, a proposed amendment must pass both houses of the Legislature by a $\frac{2}{3}$ majority, and then be approved by a majority of Texas voters.

All propositions that appear on your ballot must originate in the Legislature. Unlike some other states, the Texas Constitution cannot be amended by citizen-led ballot initiatives, referendums, or petitions.

We typically vote on a slate of amendments in the fall of odd-numbered years, following the spring Legislative session. For 2022, this special election was called to consider two proposed amendments approved by the Texas Legislature in special summer sessions, which occurred too late to be included in the November 2021 election. Most constitutional amendment elections cover a wide range of topics, but this election focuses on property taxes.

Voting on amendments is your right and fulfills your duty as a Texas citizen, giving you a direct voice in our state government.

Watch a short YouTube on the history of the Texas Constitution: [The Texas Constitution](#)

State of Texas Proposition 1

“The constitutional amendment authorizing the legislature to provide for the reduction of the amount of a limitation on the total amount of ad valorem taxes that may be imposed for general elementary and secondary public school purposes on the resident homestead of a person who is elderly or disabled to reflect any statutory reduction from the preceding tax year in the maximum compressed rate of maintenance and operations taxes imposed for those purposes on a homestead.”

Explanation:

The Texas Constitution puts a ceiling on school property taxes paid by homeowners who are disabled or at least 65 years old. This means that for disabled and elderly homeowners, certain property tax rates cannot be higher than what they were the year they first qualified for this exemption. Since school property taxes make up most of a homeowner’s tax bill, their tax bills are essentially frozen unless improvements are made to their residence or they move.

In 2019, the Texas State Legislature passed a law which provided a property tax reduction to many homeowners. However, this reduction did not apply to disabled or elderly homeowners because under the Texas Constitution, their tax rate is frozen.

Proposition 1 would amend the Constitution to allow disabled and elderly homeowners to receive the benefits from the 2019 property tax reduction that other homeowners received. This amendment would result in freezing their tax rate at a lower rate. This will allow all homeowners to benefit from the lower tax rates passed in 2019.

The law related to this proposed amendment requires that the state reimburse school districts for revenues lost due to this proposition.

Arguments For:

- The proposed amendment would provide significant property tax relief to disabled and elderly homeowners.
- This amendment would allow more people to benefit from lower tax rates passed in 2019.
- Many individuals who are disabled or elderly live on fixed incomes. The proposed amendment would provide them with financial relief as well as budget certainty.

Arguments Against:

- Opponents argue that this proposition does not resolve the problem of relying on property taxes to fund public schools.
- While school districts are to be reimbursed by the state for any revenues lost, the proposed amendment could reduce funds for public schools if proper formulas are not put in place.
- There could be other Texans more in need of tax relief, and some homeowners in the groups given tax relief by this proposition may not be in need.

State of Texas Proposition 2

“The constitutional amendment increasing the amount of the residence homestead exemption from ad valorem taxes for public school purposes from \$25,000 to \$40,000.”

Explanation:

Currently, homeowners are able to reduce the market value of their primary residence by \$25,000 when calculating their annual school property taxes. The proposed amendment would increase the amount of that reduction to \$40,000. This could lower homeowners’ annual property tax bills.

The law related to this proposed amendment requires that the state reimburse school districts for revenues lost due to this proposition.

Arguments For:

- This amendment would save homeowners money in the form of property tax relief.

- This proposition should not impact public school revenues because the state would be required to make up any shortfall.
- This decrease in property taxes would particularly help low to moderate- income homeowners.

Arguments Against:

- The proposed amendment could reduce public school revenues if the formulas put in place by the state do not fully reimburse the local school districts for the losses.
- This property tax reduction will end up costing the state money if they reimburse lost revenue to school districts. The cost to the state will depend on the laws passed to make up any shortfall.
- The proposed amendment does not benefit those who are not homeowners, including renters who send their children to public schools.