

By: Shaheen

H.B. No. 5116

A BILL TO BE ENTITLED

AN ACT

relating to requirements and procedures in the contest of an election on a proposed constitutional amendment.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 66, Civil Practice and Remedies Code, is amended by adding Section 66.0011 to read as follows:

Sec. 66.0011. GROUNDS FOR REMOVAL OF JUDGE. (a) For purposes of Section 1-a, Article V, Texas Constitution, a judge who is noncompliant with the requirements under Section 233.014, Election Code, has engaged in wilful or persistent conduct that is clearly inconsistent with the proper performance of the judge's duties sufficient to subject the judge to removal from office.

(b) The attorney general or the county or district attorney of the appropriate county shall file a petition under Section 66.002 against a judge who is subject to removal as provided by Subsection (a) if presented with evidence establishing probable cause that the judge engaged in the conduct described by Subsection (a).

SECTION 2. Section 233.014, Election Code, is amended by amending Subsections (c), (d), (f), and (h) and adding Subsection (c-1) to read as follows:

(c) The filing of an election contest does not suspend implementation of a constitutional amendment that was approved by the majority of the votes cast unless the contestant can show, at a

1 hearing held not later than the 30th day after the date the election
2 contest was filed:

3 (1) a substantial likelihood of success on the merits;

4 (2) irreparable harm to the contestant or to the
5 citizens of this state if the court permits the implementation of
6 the constitutional amendment;

7 (3) the harm described by Subdivision (2) will
8 outweigh the harm to this state that will occur if the court permits
9 the implementation to be enjoined; and

10 (4) enjoining implementation is in the best interest
11 of the public [~~The declaration of the official result of a contested~~
12 ~~election may not be made until the contest is finally determined.~~
13 ~~The secretary of state shall tabulate the county returns and the~~
14 ~~governor shall announce the final vote count, as ascertained from~~
15 ~~the returns, in a written document. The document announcing the~~
16 ~~final vote count must state that a contest of the election has been~~
17 ~~filed and that the declaration of the official result will not be~~
18 ~~made until the contest is finally determined].~~

19 (c-1) The trial court must ensure that a written ruling on a
20 pretrial motion before the court is entered not later than the 30th
21 day after the date the motion is filed.

22 (d) The trial date may not be earlier than the 45th day after
23 the date of the contested election except [~~nor later than the 180th~~
24 ~~day after the date of the contested election. The trial date may be~~
25 ~~earlier than the 45th day after the date of the contested election]~~

26 at the request of the contestant. The trial court must ensure the
27 judgment of the court is not filed later than the 180th day after

1 the date of the contested election.

2 (f) The court shall include in its judgment in a contest an
3 order directing the governor to declare the ~~[official result of the~~
4 ~~election or to declare the]~~ election valid or void, as appropriate,
5 not later than the 10th day after the date the judgment becomes
6 final.

7 (h) If a contestant files an appeal of the contest, the
8 appellate court must ensure that the action is brought to final
9 disposition not later than the 60th ~~[180th]~~ day after the date the
10 judgment becomes final.

11 SECTION 3. The changes in law made by this Act apply to a
12 contest of a constitutional amendment election filed on or after
13 the effective date of this Act. A contest of a constitutional
14 amendment election filed before the effective date of this Act is
15 governed by the law in effect on the date that the suit is filed, and
16 the former law is continued in effect for that purpose.

17 SECTION 4. This Act takes effect September 1, 2025.