



Election and Ballot Language Requirements

CHALLENGE

Ballot Language Requirement

One of the most concerning pieces of feedback Northwest ISD heard following the failure of Northwest ISD's November 2020 bond election is the confusion, questioning, and distrust that the ballot language created. While the district had accurately communicated that the bond propositions could be approved without an increase to the current debt services or I&S portion of the tax rate, when voters went to the polls, they were confused and angered by the legally required statement "THIS IS A PROPERTY TAX INCREASE." Even though we had tried to educate our public of the new law that required this specific language on the ballot, many voters felt as though we had lied to them and that their tax rate would increase if the bonds were approved. Voters should be given ballot language that is clear and provides the actual tax impact – not a generalized statement that does not apply to all and that leads to confusion and distrust.

LEGISLATIVE SOLUTIONS

Modify Required Ballot Language

Ballot language should not mislead voters. The ballot language "THIS IS A PROPERTY TAX INCREASE" should not be required for districts whose tax rate is not increasing and should instead provide the factual tax impact to better inform voters. Changes in the election law language that takes away local control of the ballot should be considered.

CHALLENGE

Ballot Proposition Requirement

With the passage of Senate Bill 30 during the last legislative session, the Education Code requires the separation of bond projects into different propositions on the ballot. Northwest ISD certainly understands giving voters the option to vote separately on a new school building as compared to a stand-alone district aquatic center (as our school board opted to do in the 2017 bond election with board-approved separate propositions). However, with the required separation of projects under the current law, voters could unknowingly approve just a portion of a comprehensive school building and school boards could be tasked with deciding whether or not to build a new school that is inequitable to their other schools.

For instance, in Northwest ISD our parents and community have come to expect that technology, tennis courts, track and field elements, and practice areas are part of our schools. If the proposition for "school buildings" is approved, but the "technology equipment" or "recreational facility" proposition fails, we could not provide students the same courses, offerings, and facilities as our other schools and our voters would not understand why we built a new school without these standard elements.

LEGISLATIVE SOLUTIONS

Modify Separation of Bond Propositions

The requirement for separate propositions for certain projects should be revised so that a comprehensive school building cannot be divided on the ballot and be unintentionally partially funded

by voters. School boards should have local control in determining the separation of propositions that are best for their bond projects and community.

THE CHALLENGE

Election Date

The Texas Tax Code and Texas Election Code calendars do not coincide, forcing appraisal districts to send a preliminary property tax notice in October before the results of a November election. Depending on the outcome of the election, like a Voter-Approval Tax Rate Election that is required to be held in November, districts can be faced with the burden of mailing a corrected tax notice.

LEGISLATIVE SOLUTION

School districts should have the local discretion to call a Voter-Approval Tax Rate Election, or any election, on either of the two uniform election dates, in May or November, to best suit their needs and avoid unnecessary expenses.

ADDITIONAL BACKGROUND INFORMATION

Bill requiring 25% voter turnout for bond or tax election to be heard this Friday.

In addition to the local control we'd like to see for election and ballot language, the district is also monitoring other bills regarding elections. HB 35 will be heard Friday, April 16, and would require at least a 25% voter turnout in order for a bond or tax election (which has been voted on and approved by voters) to be issued. While we certainly would welcome and wish more citizens would exercise their right to vote, in Northwest ISD our voter turnout ranges depending on presidential election years, but is typically around 10%, so the issuance of future bonds would be at stake if this bill were approved.

Two of our Northwest ISD legislators, Rep. Capriglione and Rep. Parker, serve on the Pensions, Investments, and Financial Services Committee. You can express your opinion to them about this bill by sending an email to giovanni.capriglione@house.texas.gov and tan.parker@house.texas.gov.

HB 35 – Swanson – 25% Voter Turnout, November Election

- Relating to an election authorizing the issuance of bonds or an increase in taxes by a political subdivision.
- Requires voter turnout requirement of 25% of registered voters to issue bond or tax rate election.
- Requires November uniform election date for bonds or tax increase election.
- Requires branch polling locations to reflect days and times of main polling locations.
- Requires election notice posting at county courthouse.
- Requires bonds and tax increase elections to be joint election.
- Referred to Pensions, Investments & Financial Services 2.25.21; scheduled for hearing on April 16.