



2021 Guide to
**Texas Constitutional
Amendments**
On the Ballot

Our Mission

We recognize that the United States was founded upon the truth that our unalienable rights are given to us by God, that government is instituted by God to protect those rights while deriving its authority from the people, and that the U.S. and Texas Constitutions are the guiding limits on government action.

Recognizing this truth, the Texas Freedom Caucus is founded in the Texas House of Representatives with a mission to amplify the voice of liberty-minded, grassroots Texans who want bold action to protect life, strengthen families, defend the U.S. and Texas Bills of Rights, restrain government, and revitalize personal and economic freedoms in the State of Texas.



A Message from the Chairman

Fellow Texan,

*I write to you today from the House Floor of the 3rd Called Session of the 87th Legislature. Although the Texas Legislature was designed to be in session just five months every two years, **we have been in a near constant session since January and are fighting for your birthright as a Texan: the right to live free from unreasonable governmental interference—a concept also known as liberty. And those individual liberties are under attack.***

*Right now, thousands upon thousands of Texans are facing losing their job for their personal choice to not take a vaccine, due to tyrannical regulations threatened by the Biden Administration. We believe that an individual's right of conscience supersedes the so-called "right" of businesses to coerce their employees to violate their consciences in this manner. **These protections fall squarely within the purview of government as it relates to protecting individual liberty, which is the first and foremost role of government.***

*During the regular session, the Freedom Caucus was instrumental in passing historic legislation that has since paved the way for many states. The **Texas Heartbeat Act**, which has saved thousands of babies from the horrors of abortion since it became law on September 1st, was drafted in part by our very own **Rep. Briscoe Cain**, who also **authored the bill banning social media censorship**. **Rep. Steve Toth** carried the landmark **ban on Critical Race Theory** in the classroom. Our vice-chair, **Rep. Matt Schaefer**, **carried the Constitutional Carry bill**. And **Rep. Matt Shaheen** carried*

A Message from the Chairman (con't)

important legislation *banning the closures of churches* under any circumstance in the future—even during a pandemic.

Three special sessions later, there is still much to be done. As of this writing, in addition to pushing for property tax relief and protections for employees against vaccine mandates, we have just sent to the Governor's desk *Rep. Valoree Swanson's bill protecting Texas young women athletes and their sports from being overtaken by biological males who claim to be female.*

As we fight for your right to be free in this state, we also recognize that republics like ours only work through the participation and consent of the governed. During nearly every odd-numbered year, Texans have the opportunity to amend our Constitution. Unlike the U.S. Constitution, the Texas Constitution provides for much of the minutiae of the workings of the State of Texas. Thus, your input is imperative.

With that in mind, we have put together this guide to further assist your research on these initiatives. Indeed—we believe that through informed voting, we can all help preserve liberty in our government and way of life in Texas. We are in this fight together and we'll keep fighting for you.

So, without further ado, please enjoy the Texas Freedom Caucus's 2021 Guide to Texas Constitutional Amendments on the Ballot.

Sincerely,

A handwritten signature in black ink, appearing to read "Mayes Middleton".

Mayes Middleton
State Representative
Chairman, Texas Freedom Caucus



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Short Guide

*For a full and detailed explanation, please see the pages below.

Proposition 1: NO

Proposition 2: NO

Proposition 3: YES

Proposition 4: NEUTRAL

Proposition 5: YES

Proposition 6: YES

Proposition 7: YES

Proposition 8: YES

Proposition 1: Charitable Raffles at Rodeos

Ballot Language

“The constitutional amendment authorizing the professional sports team charitable foundations of organizations sanctioned by the Professional Rodeo Cowboys Association or the Women’s Professional Rodeo Association to conduct charitable raffles at rodeo venues.”

Brief Explanation

In 2015, the Texas Constitution was amended with Proposition 4 to allow charitable raffles to be held at certain professional sporting events. This amendment will allow rodeo events sanctioned by the Professional Rodeo Cowboys Association or the Women’s Professional Rodeo Association to be added to the list of events where such charitable raffles are permitted to be held.

Freedom Caucus’s Take

“We are against expanding gambling in Texas, in any form,” said Caucus member Rep. Valoree Swanson. “We think this amendment helps chip away at the prohibition on gambling in Texas, so we are recommending a no on this amendment.”

Vote Recommendation

The Texas Freedom Caucus recommends a **NO** vote on this measure.

Proposition 2: Blighted Area Infrastructure Bonds

Ballot Language

“The constitutional amendment authorizing a county to finance the development or redevelopment of transportation or infrastructure in unproductive, underdeveloped, or blighted areas in the county.”

Brief Explanation

This amendment would allow counties or incorporated cities or towns to issue bonds to finance transportation or infrastructure in blighted areas within those jurisdictions. The amendment restricts the bonds from being used to finance rights-of-ways of toll roads.

Freedom Caucus’s Take

“More local government debt and higher property taxes are the last thing Texans need, but that’s exactly what the proposition will do,” said Rep. Mayes Middleton, chairman of the Caucus. “In this case, this amendment seeks to allow the issuance of bonds which must be paid for with your tax dollars. Texas already ranks second among the top ten populous states in local debt per capita—second only to the liberal State of New York—and our debt problem has only grown in recent years. We must focus on cutting property taxes—not giving government new tools to raise them.”

Vote Recommendation

The Texas Freedom Caucus recommends a **NO** vote on this measure.

Proposition 3: Religious Liberty (No Closing of Churches)

Ballot Language

“The constitutional amendment to prohibit this state or a political subdivision of this state from prohibiting or limiting religious services of religious organizations.”

Brief Explanation

During the early stages of the COVID-19 pandemic, local government officials across the state shut down churches in violation of the First Amendment. Although it was clear then that governments could not restrict your right to practice your religion, the Texas Constitution is unclear on whether physical church buildings could be shut down. This amendment would clarify that physical church buildings are protected from government shut downs.

Freedom Caucus’s Take

“The ability for Texans to worship is guaranteed in our Texas Bill of Rights,” said Freedom Caucus member Rep. Matt Shaheen. “The Texas Constitution guarantees that no governmental authority can interfere with the ‘rights and conscience in matters of religion,’ but it requires that the Legislature pass laws to protect such interference. It’s unfortunate that we have to amend the Constitution to make this clear, but this will make sure our freedom to worship at church will never again be violated.”

Vote Recommendation

The Texas Freedom Caucus recommends a **YES** vote on this measure.

Proposition 4: Eligibility Requirements for Texas Courts

Ballot Language

“The constitutional amendment changing the eligibility requirements for a justice of the supreme court, a judge of the court of criminal appeals, a justice of a court of appeals, and a district judge.”

Brief Explanation

The amendment will add to the list of requirements to serve as Chief Justice for the Texas Supreme Court or a Justice on the Court of Criminal Appeals that candidates are citizens of both the U.S. and Texas, and it restricts these offices to lawyers who have practiced in Texas for at least ten years or lawyers who have also served or currently serve as a judge of a state court or county court for a combined total of ten years. Currently, any judge of a “court of record” may qualify.

Freedom Caucus’s Take

“This is a procedural matter as it relates to being elected to serve as a judge, and the Freedom Caucus does not typically weigh in on these issues” said caucus member Rep. Briscoe Cain, who also chairs the House Committee on Elections. “Arguments for can be that these judges that are being excluded are not qualified to serve on Texas’s two top courts. Arguments against could be that a judge of any court gets just as much experience as a practicing attorney, who would be qualified after practicing for ten years.”

Vote Recommendation

The Texas Freedom Caucus is **NEUTRAL** on this measure.

Proposition 5: Additional Powers to State Commission on Judicial Conduct

Ballot Language

“The constitutional amendment providing additional powers to the State Commission on Judicial Conduct with respect to candidates for judicial office.”

Brief Explanation

This amendment simply provides that candidates for judge or justice of a court established by the Texas Constitution or the Legislature is held to the same standard of judicial conduct as those judges and justices currently serving.

Freedom Caucus’s Take

“This one is pretty simple: non-judge candidates for judicial office who violate the rules of judicial conduct should be subject to the same disciplinary actions as sitting judges,” said caucus member Rep. Matt Krause, who also chairs the House Committee on General Investigating. “We don’t want someone with a serious intent to serve as a judge, and who violates the rules of judicial conduct before they’re even elected, to be immune from disciplinary action simply because they were not yet in office.”

Vote Recommendation

The Texas Freedom Caucus recommends a **YES** vote on this measure.

Proposition 6: Long-Term Care Facility Visitation Rights

Ballot Language

“The constitutional amendment establishing a right for residents of certain facilities to designate an essential care giver for in-person visitation.”

Brief Explanation

During the early months of the COVID-19 pandemic, the Texas Department of Health and Human Services restricted family visitations to nursing homes, state-supported living centers, and other long-term care facilities. Numerous constituents wrote us to pressure HHSC to change these guidelines, and eventually, the restrictions on these centers were relaxed to allow visitation. This amendment would provide that residents of these facilities have the right to designate an essential caregiver with whom the facility may not prohibit in-person visitation.

Freedom Caucus’s Take

“The policy of total isolation that we saw implemented during the early months of the pandemic led to many Texans suffering and dying alone, with no family to stand by their side,” said caucus member Rep. Steve Toth. “This amendment will at the very least require that these vulnerable populations are able to spend physical time with a loved one during a dire situation like we saw when COVID first began.”

Vote Recommendation

The Texas Freedom Caucus recommends a **YES** vote on this measure.

Proposition 7: Property Tax Limitation for Surviving Spouses of Disabled

Ballot Language

“The constitutional amendment to allow the surviving spouse of a person who is disabled to receive a limitation on the school district ad valorem taxes on the spouse’s residence homestead if the spouse is 55 years of age or older at the time of the person’s death.”

Brief Explanation

Right now, Texas ranks seventh among most taxed states with regard to property taxes. The Legislature has explored for years different systems of taxation that would eliminate or, at the very least, substantially curtail the amount by which Texans pay taxes on their property, and those ideas are gaining traction. But in the meantime, these exemptions provide a release of the pressure on Texans that need the most assistance with their property tax bills. In this case, this amendment allows for limitations on the property taxes paid by a surviving spouse of a deceased disabled Texan.

Freedom Caucus’s Take

“The Freedom Caucus 100% stands for property tax reform and relief—that means supporting any reforms that get us closer to eliminating property taxes completely, said caucus member Rep. Gary Gates. “Property taxes are nothing more than rent to the government, and it’s especially critical to provide relief for the property tax burdens of vulnerable Texans, so we strongly support this amendment.”

Vote Recommendation

The Texas Freedom Caucus recommends a **YES** vote on this measure.

Proposition 8: Property Tax Exemption for Surviving Military Spouses

Ballot Language

“The constitutional amendment authorizing the legislature to provide for an exemption from ad valorem taxation of all or part of the market value of the residence homestead of the surviving spouse of a member of the armed services of the United States who is killed or fatally injured in the line of duty.”

Brief Explanation

Similar to Prop. 7, and also in consideration of the fact that Texas ranks seventh in the nation among property tax burdens, this amendment seeks to completely exempt surviving military spouses from their property tax burdens if their spouse was killed or fatally injured in the line of duty.

Freedom Caucus’s Take

“Having served in the armed forces, I know that our military families need help,” said caucus member Rep. James White, who also chairs the House Committee on Homeland Security and Public Safety. “It’s true that Texas needs a serious overhaul in our property tax system. But while we debate what will work and how to implement such a massive undertaking as reforming the property tax system, we need to give temporary relief to those that need it most. And I can’t think of a group of people that need help more than the surviving spouses of our veterans who were killed or fatally injured in the line of duty. It’s the least we can do for those who have given everything to protect us.”

Vote Recommendation

The Texas Freedom Caucus recommends a **YES** vote on this measure.

The Texas Freedom Caucus



Vice-Chairman
Representative Matt
Schaefer (Tyler)



Chairman
Representative Mayes
Middleton (Wallisville)



Secretary-Treasurer
Representative Matt
Krause (Fort Worth)



Representative
Briscoe Cain
(Deer Park)



Representative
Gary Gates
(Fulshear)



Representative
Matt Shaheen
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Representative
Valoree Swanson
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