

A Texas Constitutional Amendment ‘Do Over’: Understanding Changes in the Political Environment

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INTRODUCTION

Texas voters rarely defeat the constitutional amendments sent to them by the legislature. In 2011, three ballot questions failed, among them Proposition 4, the Texas County Redevelopment Bond Amendment. Proposition 4 was defeated with 59.72 percent of the voters casting votes against the proposition. Texas voters defeated only one amendment in the next decade, the “Allowed to Serve as Multiple Municipal Judges Amendment” in 2019. In 2021, voters approved Proposition 2, the “Authorize Counties to Issue Infrastructure Bonds in Blighted Areas Amendment.” Proposition 2 received the support of 63.09 percent of voters in 2021. Proposition 2 as approved in 2021 is virtually identical to Proposition 4 defeated 10 years earlier.

This research examines the political environment at the county-level to determine what changed in Texas to allow a constitutional amendment to succeed in a rare “do over” with voters. Using OLS regression techniques, the paper considers issues of partisan change, economic change, and the changing living patterns in Texas. The research is important because constitutional amendments rarely lose so there is little need for a “do over.” In addition, the ballot question is the subject of a lawsuit filed by conservative political groups because they believe that the proposition as it appeared on the ballot in 2021 lacked accurate information.

THE PROPOSITIONS

The Texas Legislature proposed ten constitutional amendments for voters to consider on November 8, 2011. Proposition 4 would have amended the Texas Constitution to allow counties to issue bonds or notes to “finance the development or redevelopment of an unproductive, underdeveloped, or blighted area with the county” (Burka, 2011). The ballot indicated:

The constitutional amendment authorizing the legislature to permit a county to issue bonds or notes to finance the development or redevelopment of an unproductive, underdeveloped, or blighted area and to pledge for repayment of the bonds or notes increases in ad valorem taxes imposed by the county on property in the area. The amendment does not provide authority for increasing ad valorem tax rates (House Research Organization, 2011, p. 11).

Amendment supporters argued that cities and towns already had the ability to issue such bonds making it difficult for counties and cities to work together to build transportation projects. Opponents were concerned about the possible increase in property taxes for county residents.

The amendment was defeated with almost 60 percent of Texas voters opposed to the measure. There is little analysis of why the amendment was defeated. As noted above, it is a rare constitutional amendment that is rejected by the voters. Texans Uniting for Reform & Freedom (TURF), a group opposed to the proposal, argued that voters did not want their property taxes to go to help finance “more toll roads” (TURF, 2011).

On November 2, 2021, Texas voters considered eight constitutional amendments. Several of the amendments were considered high-profile including a proposal to block COVID restrictions on religious services and provide property tax breaks for families of veterans. One amendment that received slightly less attention was Proposition 2. The amendment proposed authorizing counties to issue bonds to fund the development of transportation and infrastructure projects in blighted areas. Counties could pledge property tax increases as repayment for the bonds.

Proposition 2 was similar to Proposition 4 that was defeated in 2011. There are some key exceptions. Proposition 2 in 2021 included restrictions on counties. Counties could not “pledge for repayment more than 65 percent of the increases in property tax revenues each year. In addition, the bonds could not be used to finance toll roads” (House Research Organization, 2021, p. 7).

THE PROPOSITIONS (cont.)

The proposition on the ballot read:

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 (House Research Organization, 2021, p 7).

The two sides of the campaign were the same as in 2011. Supporters argued that counties would gain a new tool to finance infrastructure and allow them to work with cities in development. Critics pointed to the possibility of higher taxes to service the debt. Some critics also pointed to the fact that county government is not as close to county taxpayers. Proposition 2 received support from 63.09 percent of the voters.

A few days after election day, three groups filed a lawsuit against the Texas Secretary of State challenging the approval of Proposition 2. The groups, TURF, Grassroots America – We The People, and True Texas Project (TTP), claimed that voters were illegally mislead because the wording on the ballot did not include the phrase “ad valorem tax increases.” The groups argued that voters would not have approved Proposition 2 had that wording been included as it was in 2011 (Kitchen, 2021).

This research examines the voting patterns on Proposition 4 in 2011 and Proposition 2 in 2021 in an attempt to better understand why one proposition was defeated and the second was approved by voters. A very close reading of both proposals suggest that they may not be as identical as opponents claim. The 2021 proposition includes more taxpayer protection.

We consider several hypotheses. The first is a political partisanship explanation: Republicans opposed both measures so we should see counties with more Republican voters exhibiting lower support scores for the propositions. The second explanation is that counties that already take at a higher level have more opposition to the proposals. The third explanation involves political mobilization: Supporters were better able to mobilize their voters in 2021 so we should see some connection between support and voter turnout.

Table. OLS Regression of County Vote for Propositions on Independent Variables.

	Proposition 4 (2011)		Proposition 2 (2021)	
	Beta	p	Beta	p
Educational Attainment	-.202	.002	-.076	.283
Median Household Income	-.050	.476	-.205	.008
Republican Voters	-.268	.0001	-.170	.044
Population Density	.161	.015	.193	.010
Turnout	.146	.021	.260	.0001
County Property Tax Rate	.035	.557	.065	.353
	R ² =.192		R ² =.121	
	Adj. R ² =.171		Adj. R ² =.100	
	P=.0001		P=.0001	

METHOD

The present research examines explanations for the defeat of one constitutional amendment and the approval of a similar amendment ten years later. Put simply, we seek to answer the question: why did Proposition 4 fail in 2011 and Proposition 2 pass in 2021? What changed in the political environment that caused this different outcome?

Unfortunately we do not have access to polling data examining voters’ opinions on the amendments. This study employs aggregate data collected at the county-level. While individual-level data collected by a survey would be preferable to county-level data, the level of aggregation we use is more practical and accessible.

MEASURES

The dependent variable, SUPPORT FOR THE PROPOSITIONS, is measured by the percentage of voters in each of Texas’ 254 counties who cast a ballot in favor of the two propositions. By voting “yes,” Texans were indicating support for allowing counties to issue bond and notes with the possibility that property taxes may need to be increased.

The independent variables are EDUCATIONAL ATTAINMENT, MEDIAN HOUSEHOLD INCOME, REPUBLICAN VOTERS, POPULATION DENSITY, VOTER TURNOUT, and COUNTY PROPERTY TAX RATE. Voters do not register by party in Texas, REPUBLICAN VOTERS is measured by the percent voting for the reelection of Governor Perry in 2010 and the percent voting for the reelection of President Trump in 2020. POPULATION DENSITY is a measure of a county’s rurality (Gimpel, Lovin, Moy, and Reeves, 2020). This measure is a new approach to understanding the rural/urban divide and it provides a useful continuous variable to use in regression equations.

For each of the two propositions, an OLS regression was run with each of the independent variables.

FINDINGS

The regression analyses suggest that the voting patterns on the two propositions was not the same in the two elections. The most important variable in the model for Proposition 4 in 2011 is Republican voters. It is pretty clear voters in counties with large numbers of Republican voters opposed the proposal. It is interesting that educational attainment also is a strong predictor. Voters in counties with more high school graduates tended to oppose Proposition 4.

The model for Proposition 2 in 2021 is slightly different. The strongest predictor is voter turnout. There was an organized campaign to support the proposal and it appears to have been successful. Median household income also played a role with voters in wealthier counties opposing the measure. The group, Texas Infrastructure Now, raised \$370,000 and spent about \$223,000 on their campaign. During the campaign, Texas Infrastructure Now was run by Karen Rove (Fulton, 2021).

The models are a little disappointing because they appear underspecified. The R-squared statistics are small, suggesting that there other variables that may help explain the variance in county-level vote. Additional research may identify the missing variables to explain this constitutional amendment do-over.

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