

AMENDING A

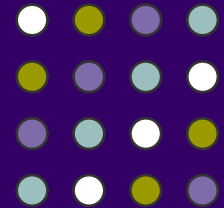
Home Rule Charter

The Paralegal's Playbook

The process, the calendar, and the file

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How we will spend the next 50 minutes

1

Authority, the two-year rule, and the two paths

2

The commission phase

3

Petitions: counting, verifying, certifying

4

Drafting propositions and the new Secretary of State review

5

The election calendar

6

After the vote, plus traps, templates, and questions

Four numbers

731

Days between charter elections

Tex. Const. art. XI, sec. 5.
Measured from the last charter election date.

78

Days to order the election

Tex. Elec. Code sec. 3.005(c) for any uniform election date.

2

Newspaper publications

Tex. Loc. Gov't Code sec. 9.004(c). Same day, two successive weeks.

7

Days to request SOS review

Tex. Elec. Code sec. 273.101, added by S.B. 506 (2025). After the date on which the city publishes ballot proposition language in the election order

Where the rules come from

LAYER ONE

Texas Constitution

- Art. XI, sec. 5: cities over 5,000 may adopt and amend a charter by majority vote
- No alteration more often than every two years

LAYER TWO

Local Government Code

- Ch. 9: secs. 9.004, 9.005, 9.007, 9.008
- Sec. 9.002: charter commission selection
- Sec. 9.0045: legislative approval for climate charters

LAYER THREE

Election Code

- Ch. 3 ordering, Ch. 4 notice
- Ch. 52 ballot form, Ch. 67 canvass
- Ch. 277 petitions, Ch. 273 proposition review

LAYER FOUR, AND THE ONE MOST OFTEN MISSED

The charter itself

Read the charter's own amendment and review-commission article first. Charters routinely add a mandatory review cycle, a commission size, a report deadline, or a filing office. Those provisions bind the city even though they appear nowhere in the statutes.

Two ways a proposed amendment reaches the ballot

PATH ONE

Council on its own motion

- Council may submit a proposed amendment to the voters at an election
- Discretionary in timing, subject to the two-year rule and the election calendar
- Your work: drafting support, packaging by subject, the ordinance, notice, and proof of publication

PATH TWO

Voter petition

- Council shall submit the amendment if a valid petition is filed
- Threshold: 5 percent of qualified voters or 20,000, whichever is smaller
- Your work: everything above, plus signature verification, a certification to council, and the anti-obstruction check

Identify the path in the first hour. It determines your task list, your deadlines, and how much of the clock the city actually controls.

Is the city even eligible to amend this year?

THE SPACING RULE

731 days

No city charter may be altered, amended, or repealed more often than every two years. Count from the date of the city's most recent charter election, not from the effective date of the amendment and not by calendar year.

A

Pull the election history first

Date of prior charter election

B

Count forward in days

Confirm the proposed election date clears the anniversary of the last charter election.

C

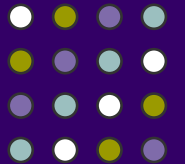
Tell the attorney early

An ineligible date sends the whole project to the next uniform election date.

1

The Commission Phase

Appointments, charge, open meetings, and the file you build while the policy work happens



The structure, and what is discretionary about it

1

Discretionary unless the charter requires it

Many charters mandate a periodic review commission. Read the charter before advising on whether one is needed.

2

Five to thirteen members, with nine as the practical recommendation

Odd number, enough to absorb absences, small enough to reach consensus and finish on time.

3

Council member on the commission

Common and useful for communication, but not best practice.

4

General charge or specific charge

A specific charge with listed topics or a general charge of review. Sometimes both.

5

A deadline

Work backward from the election you are targeting, not forward from the first meeting.

The commission support file, item by item

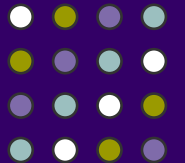
- ☐ Appointing resolution, roster, and contact sheet
- ☐ Oath or statement of officer, if the charter requires it
- ☐ Written charge memo and project calendar
- ☐ Meeting notices and agendas, with posting proof
- ☐ Member notebooks: charter, prior amendments, prior reports
- ☐ Minutes and attendance for every meeting
- ☐ One master redline with version numbers and dates
- ☐ Subject-matter matrix for packaging propositions later
- ☐ Staff and department comments, dated and attributed
- ☐ Draft report and transmittal to council
- ☐ Fiscal impact requests to finance, in writing
- ☐ Running issues list with owner and due date

Version control is the single highest-value thing you do in this phase. The text the council orders onto the ballot must be traceable to the text the commission actually recommended.

2

The Petition Path

Counting the threshold, validating signatures, and certifying to council



Counting to five percent

1

Qualified voter means registered voter

Tex. Elec. Code sec. 277.0021. Not population, not turnout, not utility accounts.

2

The count should come from the county voter registrar

Print and date the response. Save it to the file.

3

Apply five percent, or 20,000, whichever is smaller

Tex. Loc. Gov't Code sec. 9.004(a). The cap only binds in large cities.

4

Check the Charter

Charter's often have less restrictive requirements.

A charter provision or ordinance may not add signature or verification requirements unless it was in effect before September 1, 1985. Tex. Elec. Code sec. 277.004.

What makes a single signature valid

REQUIRED ON EACH LINE

The four elements

- The signer's printed name
- Date of birth, or voter registration number (plus county of registration if the territory spans more than one county)
- The signer's residence address
- The date of signing

WHAT DOES NOT INVALIDATE

And what does

- Only the signature must be handwritten by the signer
- Ditto marks and abbreviations are acceptable if reasonably ascertainable
- Omission of the zip code does not invalidate
- Signed earlier than the 180th day before filing: invalid

Ensure the reason for every rejection is recorded in the file.

From the counter to the council agenda

1

Stamp and receipt it

Date and time of filing, page count, and who filed it. Photograph or scan the petition before anything else touches it.

2

Control the document

Number every page and line. Work from a scanned copy and keep the original sealed.

3

Counting

Line by line, or by statistical sample under sec. 277.003.

4

Is it legal?

Doesn't matter. Question of legality is moot until after the election.

The anti-obstruction rule on petition-initiated measures

TEX. ELEC. CODE SEC. 277.005

What the city may not do

- Order a measure, including a charter amendment, on the same ballot as a petition-initiated measure if the two generally address the same subject matter
- Order a measure that would invalidate or conflict with any portion of the petitioned measure
- The city's measure is void if proposed within the 180 days before the secretary received the petition
- Remedy is an injunction in court; the Secretary of State will not review for obstruction

YOUR ACTION ITEM

Two dates

Record the date the petition was received and the date 180 days before it. Compare any council-proposed charter item for that same election against the petition's subject matter, and raise conflicts with the attorney in writing.

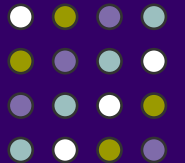
Effective for measures initiated by petitions submitted on or after January 1, 2026. See Tex. Sec'y of State Election Advisory No. 2026-06.

3

Drafting and Ordering

One subject, ballot language, the Secretary of State review, and the ordinance

10 MINUTES



One subject per amendment, and a separate vote on each

SEC. 9.004(D)

One subject per amendment

- Each amendment may contain only one subject
- Bundled housekeeping propositions invite challenge
- Related conforming changes usually travel with their subject

SEC. 9.004(E)

Separate votes

- The ballot must let a voter approve or disapprove any one amendment
- No all-or-nothing packaging
- Each proposition stands or falls alone

THE TOOL

Build a subject-matter matrix and keep it current

Columns: recommended change, article and section affected, subject, assigned proposition, cross-references affected, status. When the council adds or drops a proposition two weeks before the order, this is what lets you renumber the ballot and the conforming text in an afternoon instead of a weekend.

The proposition is not the amendment

TEX. ELEC. CODE SEC. 52.072(G)

The standard

- A proposition must substantially submit the question with such definiteness, certainty, and facial neutrality that the voters are not misled
- Facial neutrality was added by S.B. 506, effective September 1, 2025
- *Dacus v. Parker*, 466 S.W.3d 820 (Tex. 2015): identify the measure by its chief features

WHERE PROPOSITIONS FAIL

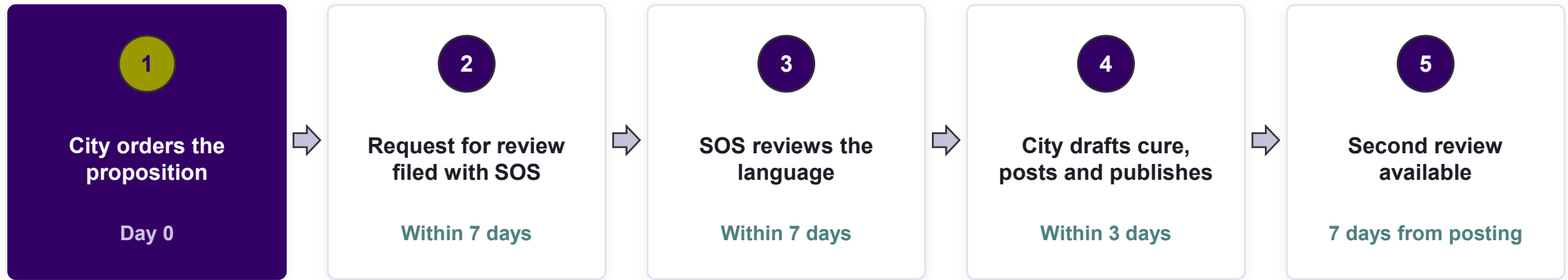
Watch for

- The chief feature is omitted, especially a tax, fee, or term change
- Advocacy words, or a description of benefits rather than the change
- Language so general the voter cannot tell what is being amended
- Translation that does not match the English text

Keep one proposition table and make every other document pull from it

Letter, caption, full ballot text, section amended, source recommendation.

Secretary of State review of charter propositions



WHO MAY REQUEST

Voter or city

- A registered voter eligible to vote in the election
- An authorized city representative: elected officials, city secretary, city manager, city attorney
- SOS Form 25-10, emailed to elections@sos.texas.gov

COUNTING THE DAYS

Calendar days, not business days

- Weekends and holidays count against the deadlines
- Sec. 1.006 rolls a deadline that lands on a weekend or holiday
- The three-day cure runs from the earlier of website posting or publication

Measure and proposition are not the same thing

	The measure	The proposition
What it is	The question or proposal submitted for an expression of the voters' will (sec. 1.005(12))	The wording prescribed by the city ordering the election (sec. 52.072(a))
In a charter election	The proposed amendment itself, in full text	A single statement submitting that amendment to the voters
Where it appears	The ordinance, and the charter notice as a substantial copy (sec. 9.004(c)(1))	The ordinance, the election notice, and the ballot
Form	As long as the amendment requires	One statement, printed on the ballot only once (sec. 52.072(b))
Legal effect	This is the text that amends the charter if approved	Submits the question. It never becomes charter text

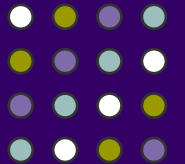
The proposition must fairly present the measure

Sec. 52.072(g): definiteness, certainty, and facial neutrality, so the voters are not misled. *Dacus v. Parker*, 466 S.W.3d 820 (Tex. 2015): the ballot must identify the measure by its chief features. Proof the two against each other in the ordinance before it reaches the agenda.

4

The Calendar

Ordering deadlines, the two notices, and building the file backward from election day



The dates

78

Days before election day

Deadline to order an election held on a uniform election date. Tex. Elec. Code sec. 3.005(c).

60

Days before election day

Deliver notice of the election to the county election officer and voter registrar. Sec. 4.008.

30

Days minimum

The election date must be on or after the 30th day after the ordinance is adopted. Sec. 9.004(b).

21

Days before election day

Post notice on the bulletin board and the required website postings. Secs. 4.003(b), 4.009.

UNIFORM ELECTION DATES FOR CITIES

First Saturday in May, and the first Tuesday after the first Monday in November

Everything else on the charter calendar is measured backward from one of those two Saturdays or Tuesdays. Pick the target date first, then build the file backward.

Two different notices

	Charter notice	Election notice
Authority	Tex. Loc. Gov't Code sec. 9.004(c)	Tex. Elec. Code sec. 4.003
Contents	Substantial copy of each proposed amendment, plus the fiscal impact estimate	Date, hours, polling places, early voting information, propositions
Where	Newspaper of general circulation published in the city	Newspaper, plus bulletin board and website postings
When	Same day in each of two successive weeks; first publication before the 14th day before election day	Published not earlier than the 30th day and not later than the 10th day before election day
Proof	Publisher's affidavit for each of the two publications	Publisher's affidavit, plus dated posting proof

One combined publication can satisfy both, but only if the combined notice carries all of the required content and runs inside the narrower window. Track them as two separate line items on the calendar either way.

Backward calendar for a May 1, 2027 election

Date	Days out	What is due
Fri, Feb 12, 2027	78	Last day to adopt the ordinance ordering the election
Within 7 days of ordering	-	Window to request Secretary of State review of the propositions
Tue, Mar 2, 2027	60	Deliver notice to the county election officer and voter registrar
Wed, Apr 7, 2027	24	First charter notice publication (also inside the Election Code window)
Fri, Apr 9, 2027	22	Post notice on the bulletin board and the city website
Wed, Apr 14, 2027	17	Second charter notice publication, before the 14th day
Sat, May 1, 2027	0	Election day
May 4 to May 12, 2027	+3 to +11	Canvass window, then the order declaring adoption

Uniform election dates are fixed. Build every charter calendar backward from election day.

The fiscal impact estimate and the proof of publication

SEC. 9.004(C)(2)

Fiscal impact estimate

- Required content in the charter notice for each proposed amendment
- Request it from finance in writing, with a deadline that clears the typesetting date
- Keep the workpapers and the transmittal in the file
- Sec. 9.004(f): no waiver of immunity and no judicial enforcement of the estimate

PROOF OF PUBLICATION

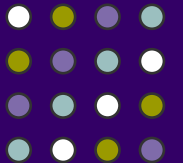
Affidavits and tear sheets

- One publisher's affidavit for each publication, not one for the run
- Compare the tear sheet word for word against the ordered proposition text
- File affidavits before election day, not during the post-election cleanup
- Keep dated screenshots of every website posting

5

After the Vote

Canvass, the order declaring adoption, certification, and closing the file



The amendment is not in effect on election night

1

Canvass the returns

Not earlier than the 3rd day and not later than the 11th day after election day. Tex. Elec. Code sec. 67.003.

2

Confirm the standard

Adopted if approved by a majority of the qualified voters voting at the election. Sec. 9.005(a).

3

Enter the order declaring adoption

A separate council action, entered in the records of the municipality. Sec. 9.005(b). This is what makes the amendment effective.

4

Calendar the effective date

The date of that order drives codification, effective dates in the text, and every question you will get about it later.

Certify to the State, record locally

SEC. 9.007

Certification to the Secretary of State

- Mayor or chief executive officer certifies as soon as practicable
- Authenticated copy under the city seal, showing approval by the voters
- The Secretary of State files and records the certification

SEC. 9.008

Local recording

- The city secretary records the adopted amendment
- In a book kept for that purpose, unless recorded on microfilm
- Recording is a separate duty from certification to the State

ASSEMBLE ONE PACKET

What goes to the Secretary of State

Transmittal letter, certified copy of the ordinance ordering the election, the full text of each adopted amendment, the canvass and official returns, the order declaring adoption, and the certification signed by the mayor under seal. Send it with tracking and keep the proof of delivery.

The cleanup people forget about

- ☐ Send adopted text to the codifier with the effective date
- ☐ Update the charter posted on the city website
- ☐ A plain-language summary of what changed
- ☐ Identify ordinances that now conflict and need amendment
- ☐ Update affected forms, applications, and notices
- ☐ Brief departments whose procedures changed
- ☐ Update council and board terms, if terms were amended
- ☐ File affidavits, postings, and returns in the permanent file
- ☐ Confirm retention categories under the records schedule
- ☐ Close the file and thank the members in writing
- ☐ Log the election in the city's charter election history
- ☐ Docket the next date the charter is eligible to be amended

Send this list as a closing memo to the client.

Ten ways charter elections go wrong

1

Nobody checked the two-year eligibility before the council picked a date

2

The charter notice ran once, or the two runs were not on the same weekday

3

The fiscal impact estimate was left out of the published notice

4

The ordinance was adopted after the 78th day and the election had to be pulled

5

Twelve unrelated changes were bundled into one housekeeping proposition

6

The Spanish text did not match the English proposition

7

Nobody requested Secretary of State review, and the language was challenged

8

The publisher's affidavits were never collected

9

The order declaring adoption was never entered after the canvass

10

The codifier was never sent the adopted text

Items 1, 4, and 9 are the ones that threaten the election itself. The rest are expensive to fix and embarrassing to explain.

Resources worth bookmarking

PRIMARY

Statutes and advisories

- Tex. Const. art. XI, sec. 5
- Tex. Loc. Gov't Code ch. 9
- Tex. Elec. Code chs. 3, 4, 52, 67, 273, 277
- SOS Election Advisory No. 2026-06 (S.B. 506)

PRACTICAL

Working tools

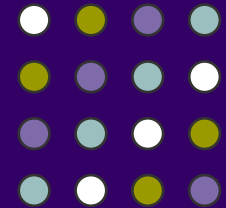
- SOS election law calendar for each uniform date
- SOS Election Forms Manual, including Form 25-10
- County elections office contacts and contract forms

ONE HABIT WORTH KEEPING

Re-verify the calendar after every legislative session

Questions

Bring your own charter file to the discussion.



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