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Constitutional Amendment Election

Liberty Guide 2025

This November, Texans will vote on **17 proposed amendments** to the Texas Constitution. Some promise tax relief, some create new funds or institutes, and some declare “new rights.” But we must ask: do they truly expand liberty, or do they carve out privileges and expand government power?

As James Madison wrote, *“All men having power ought to be distrusted to a certain degree.”* With that in mind, here’s what each proposition really does, and where liberty might be at stake.

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| **Proposition 1** – Technical College Funds - OPPOSE  **Summary:** Creates permanent funds for the Texas State Technical College System, with automatic distributions for infrastructure and equipment.  **Liberty Angle:** Not a personal-rights issue, but a **fiscal lock-in**. Entrenching a permanent earmark in the Constitution reduces future voter control over spending priorities. |
| **Proposition 2** – Ban on Capital Gains Tax - OPPOSE  **Summary:** Prohibits the state from taxing capital gains of individuals, families, estates, or trusts.  **Context:** Texas already bans an income tax unless voters approve one.  **Liberty Angle:** Symbolic redundancy. Narrow wording could be exploited later by inventing “new taxes” outside this ban. As Hamilton warned in *Federalist No. 84*, enumerating rights imperfectly can invite government overreach. |
| **Proposition 3** – Denial of Bail - OPPOSE  **Summary:** Lets judges deny bail for broad categories of felonies if there is “clear and convincing” evidence of risk.  **Context:** Texas historically guaranteed bail except for capital murder and very narrow exceptions.  **Liberty Angle:** This expands **preventive detention**. It shifts bail from a right to a privilege for many more Texans. SCOTUS in *United States v. Salerno* allowed preventive detention only as an exception — this amendment risks making it routine, eroding the presumption of liberty and possibly even inviting judicial persecution. |
| **Proposition 4** – Sales Tax to the Water Board - OPPOSE  **Summary:** Dedicates **$1 billion a year** from sales taxes to the Texas Water Board until 2047.  **Liberty Angle:** Not a *direct* rights issue, but it locks fiscal priorities into constitutional stone. Texans lose flexibility to redirect money when new challenges arise. Budget power belongs in the people’s hands through their legislature—not frozen in earmarks. Further, the Texas Water Board is part of the eminent domain problem (aka the forced sale of your land against your wishes). |
| **Proposition 5** – Animal Feed Tax Exemption - OPPOSE  **Summary:** Authorizes a property-tax exemption for retail animal feed inventory.  **Liberty Angle:** Relief for a **single industry class**. Carve-outs like this tilt the tax code unevenly. The Legislature can add “eligibility requirements,” which could become burdensome for small businesses. |
| **Proposition 6** – Ban on Securities-Transaction Taxes - OPPOSE  **Summary:** Prohibits securities-transaction taxes and occupation taxes on securities market operators.  **Liberty Angle:** Grants **special constitutional protection** to one industry. By removing one sector from the tax base, it shifts more burden onto ordinary Texans. |
| **Proposition 7** – Veteran Surviving Spouse Homestead Exemption - SUPPORT  **Summary:** Allows a homestead exemption for surviving spouses of veterans who die from federally “presumed service-connected” conditions, if they haven’t remarried. |
| **Proposition 8** – Ban on Death Taxes - SUPPORT  **Summary:** Forbids estate, inheritance, succession, or gift taxes.  **Liberty Angle:** This one limits government power. The concern is only whether agencies invent “fees” or surcharges to get around it. |
| **Proposition 9** – Business Personal Property Exemption - OPPOSE  **Summary:** Increases the exemption for business equipment/property up to $125,000.  **Liberty Angle:** Relief aimed at one class — businesses. Ordinary homeowners don’t see a corresponding benefit. |
| **Proposition 10** – Homestead Exemption for Fire Loss  **Summary:** Authorizes temporary tax exemptions for homes completely destroyed by fire.  **Liberty Angle:** Designed for relief in disaster situations. Risk is bureaucratic hurdles in proving eligibility. |
| **Proposition 11** – Elderly & Disabled Homestead Exemption  **Summary:** Raises the additional school-tax exemption for elderly and disabled Texans to $60,000.  **Liberty Angle:** Relief for one class of taxpayers. While compassionate, it highlights how the tax system is being carved up group by group rather than eliminated for homesteads. |
| **Proposition 12** – Judicial Conduct Restructuring - SUPPORT  **Summary:** Expands the Commission on Judicial Conduct, creates new appellate-judge tribunals to review discipline, and broadens sanction authority.  **Liberty Angle:** **We support stronger judicial accountability.** Judges should not be untouchable. Further, we support the repeal of all unconstitutionally asserted “sovereign immunity,” “qualified immunity,” and “government immunity.” |
| **Proposition 13** – General Homestead Exemption  **Summary:** Raises the basic school homestead exemption from $100,000 to $140,000.  **Liberty Angle:** Tax relief — but again, pandering and band-aids instead of government rent elimination. |
| **Proposition 14** – Dementia Research Institute - OPPOSE  **Summary:** Creates a new state institute and moves $3 billion into a permanent fund outside the normal budget process.  **Liberty Angle:** Entrenches a powerful bureaucracy. Off-budget funds weaken voter oversight. Grant conditions could creep into medical data collection and privacy. |
| **Proposition 15** – Parental Rights Clause - ADAMANTLY OPPOSE  **Summary:** Declares parents have both the “responsibility” to nurture and the “fundamental right” to direct their child’s upbringing.  **Context:** The U.S. Supreme Court has already recognized this right in *Meyer v. Nebraska*, *Pierce v. Society of Sisters*, and *Troxel v. Granville*. The Texas Supreme Court reaffirmed it in *In re C.J.C.* Parents already have constitutional protection.  **Liberty Angle:** On its face, this looks like enshrining liberty. But by adding that parents have a **“responsibility”** to nurture and protect, the amendment creates a **constitutional hook for the state**. Courts or agencies can argue a parent has **failed their responsibility** and therefore loses their rights.  Here’s the danger:   * **Texas public schools are subdivisions of the State of Texas.** They assert (unconstitutional) sovereign immunity from suit as arms of the state. * As state subdivisions, schools and their lawyers can be expected to argue that a parent is not fulfilling their “responsibility” if the child is not in public school, is homeschooled against school preferences, or has not been vaccinated. * Once written into the Constitution, the new language will likely be used in litigation to support removing children from parental direction under the guise of “protecting the child’s best interests.”   The courts already had to strike this balance under *Troxel* and *In re C.J.C.*, where a fit parent’s decisions must be given “special weight.” By adding the word **“responsibility”**, the Legislature will have created a new tool for the state and its subdivisions to **undermine parental liberty**. |
| **Proposition 16** – Citizenship to Vote  **Summary:** States that only U.S. citizens may vote.  **Liberty Angle:** True in practice already. The real effect is in enforcement — it opens the door for stricter proof-of-citizenship rules that can burden lawful citizens, especially the elderly or those without paperwork. SCOTUS has already said states can’t require this for federal voter registration (*Inter Tribal Council*), but state-only elections are another matter. |
| **Proposition 17** – Border-Security Property Exemption - OPPOSE  **Summary:** Authorizes property-tax exemptions for border counties on improvements defined as “border security infrastructure.”  **Liberty Angle:** Relief for a narrow geographic and functional class. The danger is in how “border security” gets defined. If it includes surveillance towers or sensors, Texans may feel pressured to host government surveillance in exchange for tax breaks. |