

BILL ANALYSIS

Senate Research Center

H.B. 2358
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Agriculture, Water & Rural Affairs
5/12/2017
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

H.B. 2358 amends the Water Code to require a voter in a confirmation election for certain water districts, or any election to authorize taxes and bonds held in conjunction with such a district confirmation election, to be a qualified voter of the district as provided by the Election Code. H.B. 2358 establishes that a vote cast in a district confirmation election or any election to authorize taxes and bonds held in conjunction with a district confirmation election is an illegal vote and that a district may not count the vote of a person who has received monetary consideration from any developer of property in the district in exchange for a vote or who, on the date of the election, was a developer of property in the district, was related within the third degree of affinity or consanguinity to such a developer, or was an employee of such a developer.

H.B. 2358 requires an election officer to obtain, as part of the acceptance of a voter offering to vote in a district confirmation election, a voter affidavit from the voter in a specified form and with specified contents and authorizes the acceptance of a voter only for provisional voting if the voter is unable or unwilling to complete the voter affidavit. H.B. 2358 requires a district to submit original or certified copies of voter affidavits to the office of the attorney general in a transcript of proceedings of the confirmation election and requires that office to prescribe the form of the voter affidavit. H.B. 2358 requires the voter affidavit to require the voter to make certain statements under oath and requires the voter affidavit to include certain prescribed statements.

H.B. 2358 amends current law relating to the affidavit of a voter in a confirmation election for a water district.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter D, Chapter 49, Water Code, by adding Section 49.1025, as follows:

Sec. 49.1025. VOTER AFFIDAVIT IN CONFIRMATION ELECTION. (a) Requires a voter in a certain district or authority created by certain authority (district) confirmation election, or any election to authorize taxes and bonds held in conjunction with a district confirmation election, to be a qualified voter of the district as provided by the Election Code.

(b) Requires a vote cast in a district confirmation election, or any election to authorize taxes and bonds held in conjunction with a district confirmation election, to be an illegal vote, as defined by Section 221.003(b) (relating to the definition of illegal vote), Election Code, and prohibits a district from counting the vote of a person who:

(1) on the date of the election, was a developer of property in the district;

(2) on the date of the election, was related within the third degree of affinity or consanguinity to a developer of property in the district;

(3) on the date of the election, was an employee of any developer of property in the district; or

(4) has received monetary consideration from any developer of property in the district in exchange for a vote.

(c) Requires the election officer, as part of the acceptance of a voter offering to vote in a district confirmation election, as provided by Chapter 63 (Accepting Voter), Election Code, to obtain a voter affidavit from the voter in the form and with the contents specified in this section. Authorizes the voter, if the voter is unable or unwilling to complete the voter affidavit, to be accepted for provisional voting only under Section 63.011 (Provisional Voting), Election Code.

(d) Requires the district to submit original or certified copies of voter affidavits to the Office of the Attorney General (OAG) in a transcript of proceedings of the confirmation election.

(e) Requires that the form of the voter affidavit be prescribed by OAG.

(f) Requires that the voter affidavit require the voter to state under oath that the voter resided within the boundaries of the district on the date of the confirmation election, including the address of such residence, the date that the voter moved into the district, which is required to be at least 30 days prior to the date of the election, and the effective date of the voter's voter registration and that to the best of the voter's knowledge, the voter registration was valid and effective on the date of the confirmation election for the district.

(g) Requires that the voter affidavit include certain statements. Sets forth the contents of the required statements.

(h) Defines "developer of property in the district."

(i) Authorizes compliance with the requirements of this section or the validity of a voter affidavit to be challenged only in an election contest brought under Title 14 (Election Contests), Election Code.

SECTION 2. Amends Section 49.102(e), Water Code, as follows:

(e) Requires the temporary governing board of a district, if a majority of the legal votes cast in the election favor the creation of the district, to then declare that the district is created and enter the result in its minutes. Requires the temporary board, if a majority of the legal votes cast in the election are against the creation of the district, to then declare that the district was defeated and enter the result in its minutes. Requires that a copy of the order be filed with the Texas Natural Resources Conservation Commission.

SECTION 3. Effective date: January 1, 2018.