

SUBJECT: Voter eligibility in the Maverick County Water Control District

COMMITTEE: Natural Resources — favorable, without amendment

VOTE: 8 ayes — Counts, T. King, Cook, Hamric, R. Lewis, Puente, Shields, Walker
0 nays
1 absent — Corte

SENATE VOTE: On final passage, May 10 — 30-0

WITNESSES: No public hearing.

DIGEST: SB 1890 would amend Chapter 51, Subchapter E, of the Water Code by adding voting eligibility requirements for voters in the Maverick County Water Control and Improvement District Number 1 (MCWCID).

The bill would specify that to be eligible to vote in an election conducted by the district, a person would have to be:

- ! 18 years old;
- ! a U.S. citizen;
- ! an individual who holds title or an interest in title to farmland or ranch land within the boundaries of the district; and
- ! a person who receives and uses irrigation water delivered by the district through its canal system.

To be able to vote, an eligible person would have to register with the district at least 30 days before an election. The district would be required to file a certified copy of the list of registered voters with the Maverick County clerk at least 25 days before each election.

A person who is not eligible to vote on January 1, 2000, would not be liable for any tax imposed by the district on or after that date. The person would continue to be liable for the payment of taxes imposed before that date, and for the person's pro rata share of any district debt existing before January 1, 2000.

The bill would take effect on September 1, 1999.

**SUPPORTERS
SAY:**

The Maverick County Water Control and Improvement District provides irrigation services to farmers and ranchers. Currently, people in Maverick County who live within a city limits are not eligible to vote in elections held by the Maverick County Water Control and Improvement District (MCWCID), even if those people receive irrigation services from the district and must pay taxes levied by it. These people should have the right to vote in district elections. SB 1890 would ensure that they do.

Conversely, there are people who do not receive services from the district but are allowed to vote. SB 1890 would solve his problem by specifying that only people with a title to or interest in irrigable land are allowed to vote in district elections.

Many residents of Maverick County reside in colonias within the district. Some of these people are eligible to vote in elections, and they also are liable for taxes assessed by the district. However, the colonia residents do not receive irrigation services from the district. Because of recent hurricane damage, the district needs to raise \$5 million in bonds to repair its irrigation services. If the bonds were to pass, colonia residents would be liable for taxes on those bonds, even though they would receive none of the benefits from them.

If voters were to defeat bonds in elections because of the financial implications of the needed bonds, they could jeopardize the repairs needed by farmers and ranchers in the area. It is possible that if the irrigation services do not receive needed repairs, the state will shut the canals down. This would have a devastating impact on area farmers and ranchers.

SB 1890 would specify that ineligible voters would not have to pay taxes levied by the district. This would be a fair way to ensure that voters with an interest in the district could cast a ballot, while voters without an interest would not suffer the consequences of the election outcome.

A bond election in the Maverick County Water Control and Improvement District is not analogous to a school bond election. Although people without children and without taxable property can vote in school bond elections, they have an interest and receive a benefit from ensuring that citizens in their area

are well-educated. Residents in the water control district who do not have irrigable land have no interest in whether farmers have access to irrigation. These residents should not be subject to taxation by the district and have no direct interest in voting in its elections.

The bill would not limit an electorate's constitutional rights. In 1973, the U. S. Supreme Court, in *Salyer Land Co. v. Tulare Water District*, 410 US 719, decided that in cases involving local districts with a special limited purpose where landowners are disproportionately affected by the district's activities, voting rights can be limited to the landowners. Additionally, before any change in voting procedures can take effect, it must be precleared by the U.S. Department of Justice under the federal Voting Rights Act to determine whether the change would have the purpose or effect of diluting or abridging minority voting strength.

**OPPONENTS
SAY:**

It would be unfair to eliminate a segment of voters simply because they might defeat a certain proposition and to exclude them from elections held by a district in which they live simply because they would not directly benefit from the election outcome. Voters in school bond elections, for example, are allowed to vote regardless of whether they own taxable property in the school district or have children attending public schools. Residents of any local political subdivision should have the right to vote, regardless of the limited effect of the a district's authority.