

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 2358
By: Metcalf et al. (Kolkhorst)
Agriculture, Water & Rural Affairs
5/19/2017
Committee Report (Substituted)

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 (OAG) in a transcript of proceedings of the confirmation election and requires OAG 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. (Original Author's / Sponsor's Statement of Intent)

C.S.H.B. 2358 amends current law relating to eligible voters in a confirmation election for a conservation and reclamation 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. QUALIFIED VOTERS IN CONFIRMATION ELECTION. (a) Defines "developer of property in the district."

(b) Requires a voter in a confirmation election or an election held jointly with a confirmation election on the same date and in conjunction with the confirmation election to authorize taxes and bonds to be a qualified voter of a conservation and reclamation district (district). Provides that for the purposes of an election described by this subsection, a person is not a qualified voter if the person:

(1) on the date of the election is a developer of property in the district, is related within the third degree of affinity or consanguinity to a developer of property in the district, is an employee of a developer of property in the district, or has resided in the district less than 30 days; or

(2) received monetary consideration from a developer of property in the district in exchange for the person's vote.

(c) Requires the election officer, in addition to the procedures for accepting a voter under Section 63.001 (Regular Procedure for Accepting Voter), Election Code, to provide to the voter the form of the affidavit required by the this section. Requires the election officer to receive a completed affidavit before marking the voter as accepted under Section 63.001(e) (relating to requiring the election officer, on accepting a voter, to indicate beside the voter's name on the list of registered voters that the voter is accepted for voting), Election Code. Authorizes the voter, if the voter does not submit a completed affidavit to the election officer or the information stated on the affidavit demonstrates the voter is not a qualified voter as provided by this section, to be accepted only to vote provisionally 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 the proceedings of the confirmation election.

(e) Requires OAG to prescribe the form of the voter affidavit.

(f) Requires the voter affidavit to require the voter to state certain information under oath.

(g) Requires the affidavit to include a certain statement. Sets forth the content of the statement.

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

SECTION 2. Effective date: January 1, 2018.