

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION

April 5, 2003

TO: Honorable Anna Mowery, Chair, House Committee on Land & Resource Management

FROM: John Keel, Director, Legislative Budget Board

IN RE: HB662 by Van Arsdale (Relating to the right of a resident of an area included in a municipal annexation plan to vote in a municipal election.), **Committee Report 1st House, Substituted**

No fiscal implication to the State is anticipated.

The bill would require a municipality to allow residents located in areas included in a municipal annexation plan to vote in municipal elections other than a bond election. The municipality would be required to provide written notice to let the affected residents know that they are eligible to vote in the election. Not later than the thirtieth day after the date a resident of an area included in a municipal annexation plan is entitled to vote under the subsection, the municipality would be required to seek preclearance for the annexation plan under Section 5, Voting Rights Act of 1965, by submitting the annexation plan to the US attorney general or by filing a declaratory judgment action in the US District Court for the District of Columbia.

If an area is removed from the annexation plan, the municipality must notify the residents in writing that they are no longer included in the plan and no longer eligible to vote in municipal elections. Other provisions would result in including other territorial units in an annexation plan and qualify the residents of that unit to vote in municipal elections. The municipality would be required to publish notice in a newspaper of general circulation notifying residents of who is eligible to vote and the location of the polling places.

The bill would take effect September 1, 2003 and would apply to municipal elections held after the effective date regardless of the date the annexation plan was created.

Local Government Impact

Affected municipalities would incur costs of providing written notice to residents; publishing a quarter-page newspaper notice; providing equipment, supplies, and election officials for additional polling places; and issuing new voter registration certificates. According to the Texas Association of Election Administrators and several municipalities contacted, the costs would not be significant, although the impact would vary by municipality, depending on the population of the municipality and the number of polling places required in the additional area where voting is held.

The affected municipalities would also incur administrative and legal costs involved with seeking preclearance for the plan. Legal costs are estimated to be minimal if the changes to the voter boundaries are simple or to run as high as \$20,000 if the changes are complex, according to what has been experienced in the City of Huntsville (population 35,078 and land area of 30.9 square miles). If adding residents in the planned annexed areas were to affect the municipality's compliance with the Voting Rights Act, the costs would increase for actions needed to regain compliance.

Source Agencies: 307 Secretary of State

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