

## BILL ANALYSIS

C.S.H.B. 2117  
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County Affairs  
Committee Report (Substituted)

### BACKGROUND AND PURPOSE

Interested parties have expressed a concern about the possibility of taxation without representation in the Hamlin Hospital District because of the election procedures for the district's board members prescribed by the legislation establishing the district. C.S.H.B. 2117 seeks to provide for better representation of the district's taxpayers by requiring all directors of the Hamlin Hospital District to be elected at large using a cumulative voting procedure.

### RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### ANALYSIS

C.S.H.B. 2117 amends the Special District Local Laws Code to require all directors of the Hamlin Hospital District to be elected at large using a cumulative voting procedure prescribed by the bill's provisions. The bill requires all director positions to be filled at the election to be voted on as one race by all the voters of the district and entitles each voter to cast a number of votes equal to the number of positions to be filled at the election. The bill authorizes a voter to cast one or more of the specified number of votes for any one or more candidates in any combination and authorizes only whole votes to be cast and counted. The bill establishes that, if a voter casts more than the number of votes to which the voter is entitled in the election, none of the voter's votes may be counted in that election and, if a voter casts fewer votes than entitled, all of the voter's votes are counted in that election. The bill establishes that the candidates who are elected are those, in the number to be elected, receiving the highest numbers of votes. The bill requires the secretary of state to prescribe any additional procedures necessary for the orderly and proper administration of such an election.

### EFFECTIVE DATE

September 1, 2013.

### COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2117 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

#### INTRODUCED

SECTION 1. Section 1037.051(a), Special District Local Laws Code, is amended to read as follows:

#### HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 1037.051(a), Special District Local Laws Code, is amended to read as follows:

83R 24849

13.114.946

Substitute Document Number: 83R 22778

(a) Unless the board is elected from single-member districts as provided by Section 1037.0515, the [The] board consists of seven directors elected from the district at large.

(a) The board consists of seven directors elected from the district at large in the manner provided by Section 1037.0515.

SECTION 2. Subchapter B, Chapter 1037, Special District Local Laws Code, is amended by adding Section 1037.0515 to read as follows:

Sec. 1037.0515. SINGLE-MEMBER DISTRICTS; ELECTION; TERM. (a) On receipt of a petition signed by at least 150 registered voters of the district not later than October 1, 2013, the board shall divide the district into seven numbered single-member districts for the election of directors. The single-member districts must be:

- (1) compact and contiguous; and
- (2) as nearly as practicable of equal population according to the most recent federal decennial census.
- (b) The board shall determine the boundaries of the seven single-member districts not later than December 1, 2013.
- (c) One director shall be elected from each of the seven single-member districts.
- (d) Except as provided by Subsection (f), to be a candidate for or to serve as a director, a person must also reside in the single-member district the person represents or seeks to represent.
- (e) A person shall indicate on the application for a place on the ballot the single-member district the person seeks to represent.
- (f) After each federal decennial census or as needed, the board may redraw the boundaries of the seven single-member districts to reflect population changes. A director in office on the effective date of a change in the boundaries of a single-member district under this subsection, or a director elected before the effective date of the change to a term of office beginning on or after the effective date of the change, shall serve the term or the remainder of the term in the single-member district to which elected even if the change in boundaries places the director's residence outside of the single-member district to which the director was elected.
- (g) At the first regular election of directors

No equivalent provision.

occurring after the board divides the district as provided by Subsection (a), all seven positions on the board shall be filled. After the canvass of the returns of the election, the terms of all directors serving at the time of the election expire.

(h) At the first meeting of directors elected under this section, the directors shall draw lots to determine which three directors serve two-year terms and which four directors serve one-year terms. After the terms of the directors initially elected to the board under this section expire, directors serve staggered two-year terms, unless four-year terms are established under Section 285.081, Health and Safety Code.

(i) If the board does not receive a petition under Subsection (a) on or before the date prescribed by that subsection, this section expires January 1, 2015.

No equivalent provision.

SECTION 2. Subchapter B, Chapter 1037, Special District Local Laws Code, is amended by adding Section 1037.0515 to read as follows:

Sec. 1037.0515. ELECTION OF DIRECTORS BY CUMULATIVE

VOTING. (a) All directors shall be elected at large using the cumulative voting procedure prescribed by this section.

(b) All director positions to be filled at the election shall be voted on as one race by all the voters of the district. Each voter is entitled to cast a number of votes equal to the number of positions to be filled at the election.

(c) A voter may cast one or more of the specified number of votes for any one or more candidates in any combination. Only whole votes may be cast and counted.

(d) If a voter casts more than the number of votes to which the voter is entitled in the election, none of the voter's votes may be counted in that election. If a voter casts fewer votes than entitled, all of the voter's votes are counted in that election.

(e) The candidates who are elected are those, in the number to be elected, receiving the highest numbers of votes.

(f) The secretary of state shall prescribe any additional procedures necessary for the orderly and proper administration of an election held in accordance with this section.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

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