

BILL ANALYSIS

H.B. 2358
By: Metcalf
Natural Resources
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties note that concerns have been raised regarding the integrity of some water district confirmation elections. H.B. 2358 seeks to address this issue by setting out provisions relating to a voter affidavit in such an election.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

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

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. The bill 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. The bill 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. The bill requires the voter affidavit to require the voter to make certain statements under oath and requires the voter affidavit to include certain prescribed statements.

EFFECTIVE DATE

January 1, 2018.