

AN ACT

relating to eligible voters in a confirmation election for a conservation and reclamation district.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter D, Chapter 49, Water Code, is amended by adding Section 49.1025 to read as follows:

Sec. 49.1025. QUALIFIED VOTERS IN CONFIRMATION ELECTION.

(a) In this section, "developer of property in the district" has the meaning assigned by Section 49.052(d).

(b) 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 must be a qualified voter of the district. 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:

(A) is a developer of property in the district;

(B) is related within the third degree of affinity or consanguinity to a developer of property in the district;

(C) is an employee of a developer of property in the district; or

(D) has resided in the district less than 30 days; or

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

3 (c) In addition to the procedures for accepting a voter
4 under Section 63.001, Election Code, the election officer shall
5 provide to the voter the form of the affidavit required by this
6 section. The election officer must receive a completed affidavit
7 before marking the voter as accepted under Section 63.001(e),
8 Election Code. If the voter does not submit a completed affidavit
9 to the election officer or the information stated on the affidavit
10 demonstrates the voter is not a qualified voter as provided by this
11 section, the voter may be accepted only to vote provisionally under
12 Section 63.011, Election Code.

13 (d) The district shall submit original or certified copies
14 of voter affidavits to the office of the attorney general in a
15 transcript of the proceedings of the confirmation election.

16 (e) The office of the attorney general shall prescribe the
17 form of the voter affidavit.

18 (f) The voter affidavit must require the voter to state
19 under oath:

20 (1) the address of the voter and that the voter resides
21 in the territory of the district;

22 (2) the date the voter changed the voter's residence to
23 the address provided under Subdivision (1); and

24 (3) that the voter, to the best of the voter's
25 knowledge, believes that the voter's registration is effective on
26 the date of the election.

27 (g) The affidavit must include the following statement:

1 "I am not a developer of property in the district, related within
2 the third degree of affinity or consanguinity to a developer of
3 property in the district, or an employee of a developer of property
4 in the district. I have not received monetary consideration from a
5 developer of property in the district for my vote in this election."

6 (h) Compliance with this section or the validity of a voter
7 affidavit may only be challenged in an election contest under Title
8 14, Election Code.

9 SECTION 2. This Act takes effect January 1, 2018.

President of the Senate

Speaker of the House

I certify that H.B. No. 2358 was passed by the House on May 9, 2017, by the following vote: Yeas 143, Nays 2, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 2358 on May 26, 2017, by the following vote: Yeas 138, Nays 5, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 2358 was passed by the Senate, with amendments, on May 24, 2017, by the following vote: Yeas 30, Nays 1.

Secretary of the Senate

APPROVED: _____

Date

Governor