

By: Metcalf, Bell, Keough, Perez, Murphy

H.B. No. 2358

A BILL TO BE ENTITLED

1 AN ACT

2 Relating to the affidavit of a voter in a confirmation election for  
3 a water district.

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

5 SECTION 1. Subchapter D, Chapter 49, Water Code, is amended  
6 by adding Section 49.0125 to read as follows:

7 Sec. 49.1025. VOTER AFFIDAVIT IN CONFIRMATION ELECTION.

8 (a) A voter in a district confirmation election, or any election to  
9 authorize taxes and bonds held in conjunction with a district  
10 confirmation election, must be a qualified voter of the district as  
11 provided by the Election Code.

12 (b) In a district confirmation election, or any election to  
13 authorize taxes and bonds held in conjunction with a district  
14 confirmation election, a vote cast shall be an illegal vote, as  
15 defined by Section 221.003(b), Election Code, and a district may  
16 not count the vote of a person who:

17 (i) on the date of the election, was a developer of  
18 property in the district;

19 (ii) on the date of the election, was related within  
20 the third degree of affinity or consanguinity to a developer of  
21 property in the district;

22 (iii) on the date of the election, was an employee of  
23 any developer of property in the district; or

24 (iv) has received monetary consideration from any

1 developer of property in the district in exchange for a vote.

2 (c) As part of the acceptance of a voter offering to vote in  
3 a district confirmation election, as provided by Chapter 63,  
4 Election Code, the election officer shall obtain a voter affidavit  
5 from the voter in the form and with the contents specified in this  
6 section. If the voter is unable or unwilling to complete the voter  
7 affidavit, the voter may be accepted for provisional voting only  
8 under Section 63.011, Election Code.

9 (d) The district shall submit original or certified copies  
10 of voter affidavits to the Office of the Attorney General in a  
11 transcript of proceedings of the confirmation election.

12 (e) The form of the voter affidavit shall be prescribed by  
13 the Office of the Attorney General.

14 (f) The voter affidavit shall require the voter to state  
15 under oath:

16 (i) That the voter resided within the boundaries of  
17 the district on the date of the confirmation election, including  
18 the address of such residence;

19 (ii) The date that the voter moved into the district,  
20 which shall be at least 30 days prior to the date of the election;  
21 and

22 (iii) The effective date of the voter's voter  
23 registration and that to the best of the voter's knowledge, the  
24 voter registration was valid and effective on the date of the  
25 confirmation election for the district.

26 (g) The voter affidavit shall include each of the following  
27 statements:

1           (i) "I am not, and was not on the date of the election:  
2 i) a developer of property in the District; ii) related within the  
3 third degree of affinity or consanguinity to a developer of  
4 property in the district; or iii) an employee of any developer of  
5 property in the district."

6           (ii) "I have not received monetary consideration from  
7 any developer of property in the district in exchange for a vote."

8           (h) As used in this section, "developer of property in the  
9 district" shall be defined as in Section 49.052(d).

10           (i) Compliance with the requirements of this section or the  
11 validity of a voter affidavit may be challenged only in an election  
12 contest brought under Title 14, Election Code.

13           SECTION 2. Section 49.102(e), Water Code, is amended to  
14 read as follows:

15           (e) If a majority of the legal votes cast in the election  
16 favor the creation of the district, then the temporary board shall  
17 declare that the district is created and enter the result in its  
18 minutes. If a majority of the legal votes cast in the election are  
19 against the creation of the district, the temporary board shall  
20 declare that the district was defeated and enter the result in its  
21 minutes. A copy of the order shall be filed with the commission.

22           SECTION 3. This Act takes effect January 1, 2018.