

1-1 By: Metcalf, et al. (Senate Sponsor - Kolkhorst) H.B. No. 2358
1-2 (In the Senate - Received from the House May 10, 2017;
1-3 May 10, 2017, read first time and referred to Committee on
1-4 Agriculture, Water & Rural Affairs; May 19, 2017, reported
1-5 adversely, with favorable Committee Substitute by the following
1-6 vote: Yeas 7, Nays 0; May 19, 2017, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	<u>Perry</u>	X		
1-10	<u>Rodríguez</u>	X		
1-11	<u>Creighton</u>	X		
1-12	<u>Hall</u>	X		
1-13	<u>Hinojosa</u>	X		
1-14	<u>Kolkhorst</u>	X		
1-15	<u>Miles</u>	X		

1-16 COMMITTEE SUBSTITUTE FOR H.B. No. 2358 By: Perry

1-17 A BILL TO BE ENTITLED
1-18 AN ACT

1-19 relating to eligible voters in a confirmation election for a
1-20 conservation and reclamation district.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Subchapter D, Chapter 49, Water Code, is amended
1-23 by adding Section 49.1025 to read as follows:

1-24 Sec. 49.1025. QUALIFIED VOTERS IN CONFIRMATION ELECTION.

1-25 (a) In this section, "developer of property in the district" has
1-26 the meaning assigned by Section 49.052(d).

1-27 (b) A voter in a confirmation election or an election held
1-28 jointly with a confirmation election on the same date and in
1-29 conjunction with the confirmation election to authorize taxes and
1-30 bonds must be a qualified voter of the district. For the purposes
1-31 of an election described by this subsection, a person is not a
1-32 qualified voter if the person:

1-33 (1) on the date of the election:

1-34 (A) is a developer of property in the district;

1-35 (B) is related within the third degree of
1-36 affinity or consanguinity to a developer of property in the
1-37 district;

1-38 (C) is an employee of a developer of property in
1-39 the district; or

1-40 (D) has resided in the district less than 30
1-41 days; or

1-42 (2) received monetary consideration from a developer
1-43 of property in the district in exchange for the person's vote.

1-44 (c) In addition to the procedures for accepting a voter
1-45 under Section 63.001, Election Code, the election officer shall
1-46 provide to the voter the form of the affidavit required by this
1-47 section. The election officer must receive a completed affidavit
1-48 before marking the voter as accepted under Section 63.001(e),
1-49 Election Code. If the voter does not submit a completed affidavit
1-50 to the election officer or the information stated on the affidavit
1-51 demonstrates the voter is not a qualified voter as provided by this
1-52 section, the voter may be accepted only to vote provisionally under
1-53 Section 63.011, Election Code.

1-54 (d) The district shall submit original or certified copies
1-55 of voter affidavits to the office of the attorney general in a
1-56 transcript of the proceedings of the confirmation election.

1-57 (e) The office of the attorney general shall prescribe the
1-58 form of the voter affidavit.

1-59 (f) The voter affidavit must require the voter to state
1-60 under oath:

2-1 (1) the address of the voter and that the voter resides
2-2 in the territory of the district;

2-3 (2) the date the voter changed the voter's residence to
2-4 the address provided under Subdivision (1); and

2-5 (3) that the voter, to the best of the voter's
2-6 knowledge, believes that the voter's registration is effective on
2-7 the date of the election.

2-8 (g) The affidavit must include the following statement:
2-9 "I am not a developer of property in the district, related within
2-10 the third degree of affinity or consanguinity to a developer of
2-11 property in the district, or an employee of a developer of property
2-12 in the district. I have not received monetary consideration from a
2-13 developer of property in the district for my vote in this election."

2-14 (h) Compliance with this section or the validity of a voter
2-15 affidavit may only be challenged in an election contest under Title
2-16 14, Election Code.

2-17 SECTION 2. This Act takes effect January 1, 2018.

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