

House Bill 2358
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

Sec. 49.1025. VOTER AFFIDAVIT IN CONFIRMATION ELECTION.

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

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

(1) on the date of the election, was a developer of property in the district;

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

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

(4) has received monetary consideration from any developer of property in the district in exchange for a vote.

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

SENATE VERSION (CS)

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

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

(c) In addition to the procedures for accepting a voter under Section 63.001, Election Code, the election officer shall provide to the voter the form of the affidavit required by this section. The election officer must receive a completed affidavit before marking the voter as accepted under Section 63.001(e), Election Code. If the voter does not submit a completed affidavit to the election officer or the information stated on the affidavit demonstrates the voter is not a qualified voter as provided by this section, the voter may be accepted

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

(e) The form of the voter affidavit shall be prescribed by the office of the attorney general.

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

(1) that the voter resided within the boundaries of the district on the date of the confirmation election, including the address of such residence;

(2) the date that the voter moved into the district, which shall be at least 30 days prior to the date of the election; and

(3) the effective date of the voter's voter registration and that to the best of the voter's knowledge, the voter registration was valid and effective on the date of the confirmation election for the district.

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

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

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

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

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

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only to vote provisionally under Section 63.011, Election Code.

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

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

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

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

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

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

(g) The affidavit must include the following statement:

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

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

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SENATE VERSION (CS)

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

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

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

No equivalent provision.

SECTION 2. Same as House version.