

# Soil & Water Conservation District Director Elections

## §201.003. Eligible Voter

- (a) A person is eligible to vote in an election under this chapter if the person:
  - (1) is an individual who holds title to farmland or ranchland lying within a conservation district, a conservation district proposed by petition, or territory proposed by petition for inclusion within a conservation district, as applicable;
  - (2) is 18 years of age or older; and
  - (3) is a resident of a county all or part of which is included in the conservation district, the conservation district proposed by petition, or the territory proposed for inclusion, as applicable.
- (b) If a family farm corporation owns farmland or ranchland in a conservation district, in a proposed conservation district, or in territory proposed for inclusion in a conservation district, the corporation is entitled to one vote in each election under this chapter that would affect the land owned by the corporation. The corporation shall designate one corporate officer to vote for the corporation in the election. The designated officer must be:
  - (1) 18 years of age or older; and
  - (2) a resident of a county all or part of which is included in the conservation district, the proposed conservation district, or the territory proposed for inclusion in a conservation district.

Acts 1981, 67<sup>th</sup> Leg., p. 1460, ch. 388, Sec. 1, eff. Sept. 1, 1981. Amended by Acts 1985, 69<sup>th</sup> Leg., ch. 611, Sec. 2, eff. Sept. 1, 1985.

## §201.004. Notice; Election Informalities

- (a) If this chapter requires that notice of a hearing or an election be given, the entity responsible for giving notice shall:
  - (1) publish notice at least twice, with an interval of at least seven days between the publication dates, in a newspaper or other publication of general circulation within the appropriate area; and
  - (2) post notice for at least two weeks at a reasonable number of conspicuous places within the appropriate area, including, if possible, public places where it is customary to post notices concerning county or municipal affairs generally.
- (b) A hearing for which notice is given under this section and which is held at the time and place designated in the notice may be adjourned from time to time without renewing notice for the adjourned dates.
- (c) If notice of an election is given substantially in accordance with this section and the election is fairly conducted, an informality in the conduct of the election or in any matter relating to the election does not invalidate the election or its result.

Acts 1981, 67<sup>th</sup> Leg., p. 1460, ch. 388, Sec. 1, eff. Sept. 1, 1981.

## §201.072. Qualifications of Directors

In order to serve as a director, a person must be an eligible voter who owns land within the numbered subdivision from which the person is appointed or elected and must be actively engaged in the business of farming or animal husbandry.

Acts 1981, 67<sup>th</sup> Leg., p. 1470, ch. 388, Sec. 1, eff. Sept. 1, 1981.

## §201.073. Election of Directors

- (a) Except as provided for the initial election of directors, the persons who are eligible voters and own land in a conservation district are entitled to elect the directors for the

district. For that purpose, the eligible voters shall meet each year on a date and at a time and place designated by the existing board of directors. The directors shall designate for the election a date that is after September 30 and before October 16. Before July 15 of each year, the directors shall designate a date, time, and place for that year's election of directors.

- (b) To be eligible for election under this section, an individual must file a written notice of the individual's candidacy. The individual must file the notice:
  - (1) during established business hours in the month of August at a location designated by the district; and
  - (2) in accordance with district rules.
- (c) The district shall post a notice stating the requirements of Subsection (b) in a prominent public place.
- (d) If only one individual files a notice of candidacy for a director's office during the period specified by Subsection (b)(1):
  - (1) an election to fill that position is not required; and
  - (2) on the established election date, the directors shall:
    - (A) declare the single candidate as the director for that office; and
    - (B) certify the selection of the individual as director in the manner provided by Subsection (f) for an elected director.
- (e) If more than one individual files a notice of candidacy for a director's office during the period specified by Subsection (b)(1), the election shall be held at a meeting of eligible voters scheduled under Subsection (a). The district shall print ballots with the names of the candidates for each director's office to be filled. The district by rule shall provide for allowing eligible voters by personal appearance to cast votes on printed ballots at a location designated by the district instead of at the meeting. The rules must provide for votes to be accepted at the designated location during establish business hours for a period beginning on the 17<sup>th</sup> day before the date of the meeting and continuing through the fourth day before the date of the meeting, including at least one Saturday during that period. If, because of the date scheduled for the meeting, it is not possible to begin early voting by personal appearance on the prescribed date, the early voting period shall begin on the earliest practicable date as set by the district. Each eligible voter present at the scheduled meeting shall cast a vote by ballots printed under this subsection. If after tabulation by the district of the votes cast before the meeting at the designated location and the votes cast at the meeting no nominee has received a majority of the votes, the two candidates receiving the largest number of votes shall be voted on in a second ballot, and the candidate receiving the largest number of votes among those cast before the meeting at the designated location and those cast at the meeting in the second ballot is elected. The district by rule shall provide for certifying eligible voters voting at the designated location and at the meeting:
- (f) The directors shall:
  - (1) record the proceedings of the meeting; and
  - (2) not later than the fifth day after the date of the election, certify to the state board the name and the proper address of the person elected.
- (g) The Election Code does not apply to elections under this section.

Acts 1981, 67<sup>th</sup> Leg., p. 1470, ch. 388, Sec. 11, eff. Sept. 1, 1981. Amended by Acts 1985, 69<sup>th</sup> Leg., ch. 611, Sec. 7, eff. Sept. 1, 1985; Acts 1985, 69<sup>th</sup> Leg., ch. 611, Sec 7, eff. Sept. 1, 1985; Acts 2001, 77<sup>th</sup> Leg., ch. 1095, Sec. 13, eff. Sept. 1, 2001.