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By Opinion Committee at 10:14 am, Mar 07, 2022



MAVERICK COUNTY ATTORNEY'S OFFICE

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JAIME A. IRACHETA
County Attorney

March 7, 2022

Attorney General Ken Paxton
Office of the Attorney General
Attn: Opinion Committee
P.O. Box 12548
Austin, Texas 78711-2548
opinion.committee@oag.texas.gov

VIA EMAIL PDF

RQ-0448-KP
FILE# ML-49088-22
I.D.# 49088

Re: Request for opinion - Texas Water Code §51.221

Dear Attorney General Paxton:

The undersigned is the County Attorney for Maverick County, Texas. The Maverick County Water Control & Improvement District No. 1 ("MCWCID") is a Chapter 51 Water Control and Improvement District located in Maverick County, Texas. MCWCID has notified a landowner in Maverick County that the landowner is ineligible to vote by sending the notice attached as Exhibit "A" hereto. The landowner is a Texas limited liability company and owns irrigable farmland or ranch land within the boundaries of the district and receives and uses irrigation water delivered by the district, by and through the district's canal system. The authorized representative of the landowner who has attempted to register to vote in MCWCID elections is 18 years of age and a United States citizen.

Texas Water Code §51.221 provides the following:

- "(a) In this section, "district" means the Maverick County Water Control and Improvement District No. 1.
- (b) A person is eligible to vote in an election conducted by the district if the person:
- (1) is 18 years of age or older;
 - (2) is a United States citizen;
 - (3) is an individual who holds title to or an interest in title to irrigable farmland or ranch land within the boundaries of the district; and
 - (4) receives and uses irrigation water delivered by the district by and through the district's canal system.
- (c) A person eligible to vote under Subsection (b) must register with the district not later than the 30th day before the date of a district election in order to vote in that district election. The district shall file with the county clerk of Maverick County a certified copy of the list of the district's



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registered voters not later than the 25th day before the date of each district election.” Tex. Water Code Ann. § 51.221 (2021).

The statute does not define “individual” or what it means to have “an interest in title.” Accordingly, the undersigned respectfully requests the opinion of the Attorney General regarding whether the representative of a limited liability company is eligible to vote in an election conducted by the Maverick County Water Control and Improvement District No. 1.

Please feel free to contact me if you require further information concerning this request for an opinion. Thank you for your attention to this inquiry.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jaime A. Iracheta".

Jaime A. Iracheta, Maverick County Attorney

Cc: Ms. Brenda D. McCalip
General Manager
Maverick County WCID#1
Maverickcid1@gmail.com



MAVERICK COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT

1622 Maverick Industrial Park Rd. • Eagle Pass, Texas 78852

830-773-5129 • FAX 830-757-5607

**Officers and
Directors**

Mandy Edwards, President
Beyer Junfin, Vice President
Juan Perez, Jr., Treasurer
Gabriel DeLaCerde, Director
Javier Mancha, Director

February 22, 2022

Mr. Prosser Martin Wall
2781 F.M. 1588
Eagle Pass, Texas 78852

RE: Account No. C126000200

We recently received a Voter Registration Application on your behalf. In reviewing the above-referenced account number, the Deed does not reflect your name as an owner of said property.

If you have other documentation with your name reflecting ownership of this property, please forward it to our office so that we may include you on our voter registration list; otherwise, you are not eligible to vote in our elections.

The deadline to provide this information is April 7, 2022. I apologize for any inconvenience this may have caused. If you feel there is an error, please contact our office or provide us with proper documentation.

Sincerely,

Brenda D. McCalip
General Manager
(830)773-5129