

OFFICE OF THE
SECRETARY OF STATE



JOHN W. FAINTER, JR.
SECRETARY OF STATE

June 9, 1983

EXECUTIVE DIVISION
O. Box 12697
Austin, Texas 78711
2 475-2015

Appointments, Campaigns,
and Legislative Filings
O. Box 12887
2 475-2015

ELECTIONS DIVISION
O. Box 12887
2 475-3091

DATA SERVICES
DIVISION
O. Box 12887
2 475-7881

SUPPORT SERVICES
DIVISION
Human Resource Management
O. Box 12887
2 475-0271

Texas Register
O. Box 13824
2 475-7886

Aff Services
O. Box 12887
2 475-5995

STATUTORY FILINGS
DIVISION
Corporations
O. Box 13697
2 475-3551

Statutory Documents
O. Box 12887
2 475-3061

Uniform Commercial Code
O. Box 13193
2 475-3457

Business Opportunities
P.O. Box 13563
512 475-1769

Notary Public
P.O. Box 12079
512 475-2703

Trademarks
P.O. Box 12887
512 475-1362

Mr. Kenneth E. Graeber
Executive Director
State Property Tax Board
P. O. Box 15900
Austin, Texas 78761

Election Law Opinion JWF-10
Re: Determining the validity
of a petition calling for
an election to reduce the
tax rate of a taxing
unit.

Dear Mr. Graeber:

In your letter of May 23, 1983, you asked for an interpretation of the words "most recent official list of qualified voters" as used in V.T.C.A., Tax Code §§26.07(b)(2) and 26.08(b)(2). You ask if this language refers to the list utilized at the most recent election.

This official election law opinion is rendered by me as chief election officer of the state in accordance with V.A.T.S. Election Code, art. 1.03, subd. 1.

V.A.T.S. Election Code, art. 5.19a(1) provides in part:

The registrar shall prepare for each election precinct of the county a certified list of registered voters who are registered as of the 30th day prior to the first election in each voting year The registrar shall deliver to each board, executive committee, or other authority having the duty

of furnishing supplies for any general, special, or primary election to be held within the county during the voting year for which the list is prepared, one set of such lists for all precincts in the county if any election which may be held by such authority is countywide, and one set of such lists for all precincts wholly or partially within the boundaries of the particular political subdivision if all elections which may be held by such authority are less than countywide. The registrar shall also furnish to each such authority an updated supplemental list of the voters in each precinct who will have been registered for 29 days on the day of the election and whose names do not appear on the original list In every instance, instead of preparing a supplemental list or lists, the registrar may prepare a revised original list consolidating into it the names of the voters that would have been included on the supplemental list or lists

The above-quoted language requires each registrar of voters to provide each authority which will be holding an election within his county with an appropriate list of registered voters that will be current on the day of that election. The official list of registered voters used in any election is, therefore, the list which is current on the day of the election. Were an election to be held on some subsequent day by the same authority, the official list would be the one which was current on that later day.

A person may apply for registration as a voter at any time, and a registration becomes effective on the 30th day after the date on which the registrar receives the application. V.A.T.S. Election Code, art. 5.13a. The Election Code also provides for cancellation of a registration under a number of provisions. e.g., V.A.T.S. Election Code, arts. 5.17a, 5.18a, 5.18c. Therefore, the list of registered voters is subject to frequent change and any particular list may become quickly outdated.

It is possible that some taxing units may not have held an election for nearly two years. During that time substantial changes could have occurred in the number of registered voters residing in the taxing unit. Had the Legislature wished to peg the number of signatures required to the

number of voters registered at some prior time or to the number of voters who voted in some specific prior election, it could easily have done so; yet neither section in question evinces such an intent.

I note in passing that, even if such an interpretation were given to §§26.07(b)(2) and 26.08(b)(2), it would merely serve to change the number of signatures required on a petition (in most cases, by reducing it) and would not change who was entitled to sign it. Both sections require that signers be qualified voters, not that they be voters who were qualified at some past date.

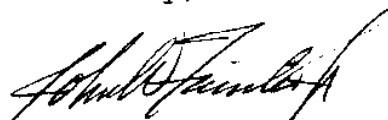
In light of the foregoing considerations, it is my opinion that the "official list of qualified voters" is that list of voters, compiled by each voter registrar in the state in compliance with V.A.T.S. Election Code, art. 5.19a. The term does not, without further modification, mean the list of registered voters which was utilized at any particular election. The words "most recent" merely mean that the list shall be current and up-to-date.

Therefore, the phrase "most recent official list of qualified voters" as used in §§26.07(b)(2) and 26.08(b)(2) of the Tax Code means the current list of all voters who reside in the taxing unit and whose registrations are effective on or before the date upon which the petition is submitted for the consideration of the governing body.

SUMMARY

The "most recent list of qualified voters" as used in §§26.07(b)(2) and 26.08(b)(2) of the Tax Code means the current list of all voters who reside in the taxing unit and whose registrations are effective on or before the date upon which the petition is submitted for the consideration of the governing body.

Sincerely,



John W. Fainter, Jr.
Secretary of State

Mr. Kenneth E. Graeber
Page 4

Ward Allen White III
Counsel to the Secretary of State

Prepared by John Steiner
Assistant General Counsel
Elections Division

APPROVED:
OPINION COMMITTEE

Karen C. Gladney, Chairman
Charles E. Evans
Horace Jennings III
Rebecca L. Payne
Adela Santos
John Steiner
Sharon Talley