



OFFICE OF THE SECRETARY OF STATE

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STATE CAPITOL
P.O. Box 12697
AUSTIN, TEXAS 78711

September 8, 1982

The Honorable Bill Aleshire
Assessor and Collector of Taxes
Travis County
1010 San Antonio
Austin, Texas 78701

Election Law Opinion DAD-59
Re: Concerning the interpretation of V.A.T.S. Election Code, art. 5.18d which governs change of name.

Dear Mr. Aleshire:

This opinion is in response to your inquiry of July 12, 1982.

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.

You asked several questions pertaining to V.A.T.S. Election Code, art. 5.18d which governs the effect of a change of name by a voter who requests that the new name appear in the registration records. Your questions were:

1. What proof is needed to accept a change of name?
2. May a woman use a hyphenated last name consisting of her maiden name followed by her husband's last name?
3. Is a voter registrar required to print a married woman's maiden name or first initial of her maiden name on the voter registration certificate rather than her "given middle name?"
4. May a man use the maiden name of his wife as his middle name?

Article 5.18d states in part:

A registered voter who changes his name through marriage or judgment of a court shall present his registration certificate to the registrar, with a signed request that his name be changed on the registration records. The registrar shall make the necessary changes on his records and issue a corrected certificate to the voter under his new name. The registrar shall attach the request to the registrant's original application.

It is clear from Article 5.18d that a voter may request that his name be changed in the voter registration records only if the new name results from marriage or court order.

V.A.T.S. Election Code, art. 5.13b, subd. 1(1) prescribes the required information pertaining to the applicant's name that must be printed by an applicant on his voter registration application. It states:

The applicant's first name, middle name (if any), and surname. If the applicant is a married woman using her husband's surname, she shall furnish her first name, maiden name, and husband's surname.

The apparent intent of the Legislature in requiring a married woman, using her husband's surname, to include her maiden name is to facilitate accurate record keeping by the voter registrars and to prevent voter fraud and duplication of voter records. An example of the administrative problems that are avoided by the requirement that a married woman include her maiden name is found through an examination of V.A.T.S. Election Code, art. 5.18c which requires the proper officials to furnish abstracts of death certificates, felony convictions, or judgments of mental incompetency to the voter registrar. The abstracts could list the maiden name of the woman as it appears on her birth certificate, while the voter registrar's records could list the woman under her first name and husband's surname. It is this type of administrative problem that art. 5.18d is designed to prevent.

A married woman, therefore, must include her maiden name on her voter registration application if at marriage she adopted her husband's surname. A woman may, however, request a change of name under Article 5.18d, supra, by written request. Article 5.13b requires a married woman to provide her maiden name when registering to vote and, if this information is provided, the voter registrar should

include the maiden name on her voter registration certificate.

In addition, you asked if a married woman may register under a hyphenated last name consisting of her maiden name followed by her husband's surname. The identical issue raised by your question was addressed in Tex. Atty. Gen. Op. No. MW-225 (1980). It stated, in relevant part:

We believe that a woman may change her name by repute at the time of her marriage to a hyphenated combination of her maiden name and her husband's surname, as long as she uses that name consistently and non-fraudulently. . . . She may register to vote under the hyphenated surname which she has assumed.

A married woman who upon marriage assumed a hyphenated name may, in accordance with Atty. Gen. Op. No. MW-225, register to vote under her hyphenated name.

You also asked whether a married man could list his wife's maiden name as his middle name. Similar to the discussion concerning married women, an example of the difficulty that would arise if an individual could designate any middle name is illustrated by art. 5.18c which requires the aforementioned abstracts of death, felony convictions, or judgments of mental incompetency to be furnished to the voter registrar. The abstracts required in art. 5.18c would contain the legal name of the designated individual, as it appears on his birth certificate, whereas the voter registrar's record might show an individual with the same first and last names but a different middle name. Pursuant to V.A.T.S. Election Code, art. 1.03, subd. 1, the Secretary of State is given the responsibility to "obtain and maintain uniformity in the application, operation and interpretation of the election laws." Accordingly, to avoid the difficulty illustrated above and other difficulties (i.e. voter fraud and duplicate voter registration records) you are advised that a man, married or single, must use the middle name shown on his birth certificate when registering to vote. If, however, by court order, the married man adopts his wife's maiden name as his own, such a change should be reflected on his voter registration certificate.


While the question you ask may raise equal protection issues, I specifically do not address those issues in this opinion.

SUMMARY

A person whose name is changed as a result of marriage or a court order may change his name on his voter registration records by making a written request to the voter registrar.

A married woman who is using her husband's surname must also use her maiden name for purposes of voter registration and that maiden name should appear in place of her middle name on her voter registration certificate. A married woman may, however, register under a hyphenated last name which she has assumed by repute at the time of marriage. Additionally, a man, married or single, must use the middle name shown on his birth certificate for purposes of voter registration.

Sincerely,


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APPROVED:
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Election Law Opinion DAD-59

Request from Bill Aleshire, Austin, concerning the interpretation of V.A.T.S. Election Code, art. 5.18d which governs change of name.

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A person whose name is changed as a result of marriage or a court order may change his name on his voter registration records by making a written request to the voter registrar.

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