



OFFICE OF THE SECRETARY OF STATE

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September 1, 1982

Ms. Dorothy Stanley
Citizens' Defense League
Chairman Information and Research
Committee
2424 Goodwin Courts
Port Neches, Texas 77651

Election Law Opinion DAD-55
Re: Whether a municipality
may combine county
precincts for city
elections

Dear Ms. Stanley:

This opinion is in response to your June 26, 1982 inquiry.

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 (hereinafter the "Code").

You asked whether a municipality may combine county precincts for city elections pursuant to article 2.05 of the Code, and if so, whether a city's electorate can require it to establish additional election precincts.

The answer to the first part of your question is yes, with one exception: that the municipal governing body not include parts of one county precinct in more than one municipal precinct. Id. at art. 2.05.

The answer to the second part of your question is no. Pursuant to Article 2.05 of the Code ". . . election precincts for municipal elections . . . shall be designated by the governing body of the municipality." (Emphasis added.) Additionally, Article 2.02(c) of the Code supports the discretionary right of a city to establish its own election precincts:

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The governing body of each incorporated city or town shall establish the election precincts . . . for elections held by such city or town . . ." (Emphasis added.)

Note, the only restriction imposed by the Code on the formation of municipal election precincts is with regard to all cities and towns at which not more than four hundred votes were cast at the last general municipal election. In such an instance, only one polling place may be opened at any municipal election. Id. at art. 2.05.

Furthermore, any changes in the standard practice or procedure with respect to voting must be submitted to the Voting Rights Section of the United States Department of Justice in Washington, D.C., pursuant to 42 USCA §1973c of the Voting Rights Act.

SUMMARY

Incorporated cities and towns may combine county precincts for city elections. V.A.T.S. Election Code, art. 2.05. However, the formation of election precincts is a discretionary right which belongs to each municipal governing body. Id. at arts. 2.02(c) and 2.05.

Sincerely,



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Secretary of State

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