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Mr. Marco A. Gomez  
County Elections Administrator  
Bexar County  
419 South Main, Suite 202  
San Antonio, Texas 78204

Election Law Opinion JWF-12  
Re: Interpretation of Tex.  
Elec. Code Ann, arts.  
5.18a, subd. 2, 5.19a,  
§ 2.

Dear Mr. Gomez:

This is in answer to your inquiry of June 2, 1983 in which you asked for interpretation of Tex. Elec. Code Ann., arts. 5.18a, subd. 2, 5.19a, § 2 (Vernon Supp. 1982-1983).

This official election law opinion is rendered by me as chief election officer of the state in accordance with Tex. Elec. Code Ann., art. 1.03, subd. 1 (Vernon Supp. 1982-1983).

You posed the following questions:

- (1) As stated in Tex. Elec. Code Ann., art. 5.18a, subd. 2, a registered voter who changes his place of residence to another election precinct within the same county, may obtain within the first 90 days after removal, a transfer of his registration to the new precinct of residence and may vote in the new precinct after the 29th day following the transfer. Should the new

registration certificate reflect an effective date as of the 30th day following the transfer or some other date?

- (2) Tex. Elec. Code Ann., art. 5.19a, § 2, requires the county voter registrar to maintain, for three years, one set of the original voter registration lists and one set of the supplemental lists prepared for each county-wide election. Does art. 5.19a, para. 2, allow the maintenance of those lists on microfiche for the three year period?

Your first question concerns Tex. Elec. Code Ann., art. 5.18a, subd. 2 which allows a voter to transfer his registration from the precinct of his former residence to the precinct of his new residence within the first ninety (90) days after his change to the new precinct. The provisions of art. 5.18a, subd. 2 also state:

If he obtains a transfer of his registration to the precinct of his new residence during the 90-day period, he may vote only in the precinct of his new residence after the 29th day following the transfer. He may not vote in the precinct of his new residence before the 30th day following the transfer.

The current format of the voter registration certificate contains a box in which the date from which the certificate will be valid should be placed. A voter who transfers his registration to a new precinct within the same county pursuant to art. 5.18a, subd. 2 is prohibited from voting in the precinct of his new residence before the 30th day following the transfer. The earliest date the voter may legally vote in the new precinct is the 30th day after the date of the transfer. It is my opinion, therefore, that the new voter registration certificate should specify the 30th day following the transfer as the date from which the certificate will be valid.

Your second question concerns Tex. Elec Code Ann., art. 5.19a, § 2 which states:

In addition to the lists to be furnished under Subsection (1) of this section, the registrar . . . shall also maintain in his office for a period of three years one set of the original lists and one set of the supplemental lists prepared for each county-wide election, which shall be public records available for public inspection at all times that his office is open.

Specifically, you asked whether it would be permissible under art. 5.19a, § 2 to maintain the original and supplemental lists of registered voters in the form of microfiche.

Currently, the majority of county voter registrars contract with private companies or state agencies to provide data processing services in compiling their annual lists of registered voters. The lists, therefore, in their initial stages consist of information that has been electronically transferred to magnetic tapes for storage and retrieval. Only when there is a need for hard copy reproductions of the information stored on the tapes does the voter registrar command the in-house computer system or request the data services provider to print out a copy of the list. Thus, the original list of registered voters and the supplemental lists prepared for each county-wide election are frequently electronically coded information that is stored on magnetic tape.

Given the fact that the original lists frequently consist of magnetic tape, I do not believe that it would be violative of the intent or letter of art. 5.19a, § 2 for a county voter registrar to duplicate the information stored either on magnetic tape or on a hard copy of the voter registration lists on microfiche to be retained for the three year period of public inspection. I note that each microfiche reproduction should evidence all additions, deletions and notations made on the original or supplemental voter registration list which it represents.

Additionally, each voter registrar who utilizes microfiche to maintain the original and supplemental lists must also have available a means by which the information on the microfiche can be reproduced in hard copy form for any person desiring to purchase a copy. The foregoing conclusion conforms to the requirements of Tex. Elec. Code Ann., art. 5.19a, § 4 (Vernon Supp. 1982-1983) which requires the voter registrar to provide copies of the original or supplemental lists in either the form that they were provided to the presiding judges of election precincts in the county or on magnetic tape if the voter requests copies in that form.

#### SUMMARY

(1) The effective date that should be indicated on a new voter registration certificate issued pursuant to Tex. Elec. Code Ann., art. 5.18a, subd. 2 should be the 30th day following the transfer of a voter's registration from his old precinct of residence to the precinct of his new residence.

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(2) Tex. Elec. Code Ann., art. 5.19a, § 2 does not prohibit the county voter registrar from maintaining reproductions of the original and supplemental voter registration lists prepared for county-wide elections on microfiche.

Sincerely,



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Secretary of State

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