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SECRETARY OF STATE

September 6, 1983

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Honorable Dianne Wilson
County Clerk
Fort Bend County
P. O. Box 520
Richmond, Texas 77469

Election Law Opinion JWF-18
Re: Effective date of pre-
cinct boundary changes
made by commissioners
court and correction of
voter registration
records pursuant to such
changes

Dear Ms. Wilson:

This is in answer to your letter of August 9, 1983 in which you asked several questions pertaining to changes in county election precinct boundary lines.

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).

Specifically, you asked the following questions:

1. What must be the effective date of commissioners court ordered county election precinct boundary changes?
2. When must voter registration records be corrected in order that they conform to the changes in the county election precinct boundary lines?

Tex. Elec. Code Ann, art. 2.04, subd. 1 (Vernon Supp. 1982-1983) provides, in pertinent part:

Each county shall be divided into convenient election precincts by the Commissioners Court of the county, each of which precincts shall be differently numbered and described by natural or artificial boundaries or survey lines by an order entered upon the minutes of the Court. At any July or August term, the Court may make such changes in the election precincts as they deem proper, by such order entered upon the minutes of the Court.

You indicated in your letter that the Fort Bend County Commissioners Court altered the boundaries of existing county election precincts on August 8, 1983 with the court specifying that the effective date of the changes will be October 1, 1983, or the date on which the U.S. Department of Justice grants preclearance to the proposed changes, whichever date comes first.

Tex. Elec. Code Ann., art. 2.04, subd. 5 (Vernon Supp. 1982-1983) provides, in relevant part:

. . . changes in election precincts shall not become operative in the holding of elections until the beginning of the following voting year. The Commissioners Court shall cause to be made out and delivered to the voter registrar before the first day of each September a certified copy of such last order for the year following. . . .

Thus, the boundary lines of the county election precincts which have been altered by the commissioners court will not be effective until the upcoming voting year. Tex. Elec. Code Ann., art. 1.01a(60) defines "voting year" as "the 12-month period beginning March 1 of each year." Accordingly, the county election precinct boundary lines established by the court at the August term must have an effective date of March 1, 1984.

You also asked when it will be necessary for the county voter registrar to correct the voter registration records in order that the records reflect the changes in the precinct boundaries. Tex. Elec. Code Ann., art. 5.16b (Vernon Supp. 1982-1983), provides:

In the event the precinct in which a registered voter resides is abolished or has its boundary altered, the registrar shall change the voter's registration records to show him to be registered in the proper precinct and

shall mail a notice of the change to each voter affected, instructing him to make the change on his registration certificate. If the registrar is unable to determine the proper precinct of a voter from the information on the application, he shall mail a request to the voter for such additional information as will enable him to determine the proper precinct, and until the information is received he shall not place the voter's name on the list of registered voters for any precinct.

The county voter registrar, therefore, must mail a notice of the change to each voter affected by the alteration of the county election precinct boundary lines before March 1, 1984, and also must correct the voter registration records to reflect the proper precinct for registered voters affected by the changes.

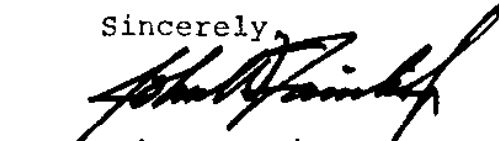
I note that because the changes in your county election precincts will take effect in an even-numbered year, the date those changes will take effect coincides with the effective date of the new voter registration certificates that will be issued between January 1 and January 15. Tex. Elec. Code Ann. art. 5.14a, subd. 2(b) (Vernon Supp. 1982-1983). Therefore, the new voter registration certificates should be prepared using the new precinct numbers. Notice of the change should also be mailed to each affected voter, however, the need for the voter to change the precinct number on his voter registration certificate is obviated by receipt of the new card reflecting the change. The old voter registration certificate will not be effective after March 1, 1984, when the precinct number changes, and the voter should not vote at his new precinct until after that date.

SUMMARY

1. Tex. Elec. Code Ann., art. 2.04, subd. 5 (Vernon Supp. 1982-1983) requires that the effective date of the county election precinct boundary line changes be specified by the Fort Bend County Commissioners Court as March 1, 1984 which is the beginning of the upcoming voting year.
2. Tex. Elec. Code Ann., art. 5.16b (Vernon Supp. 1982-1983) specifies that the county voter registrar shall mail a notice of change to each registered voter affected by an alteration in county election precinct boundary lines and correct the voter registration

records so that the records show the proper precinct for each registered voter. This must be done before March 1, 1984, which is the effective date of the boundary line changes.

Sincerely,



John W. Fainter, Jr.
Secretary of State

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