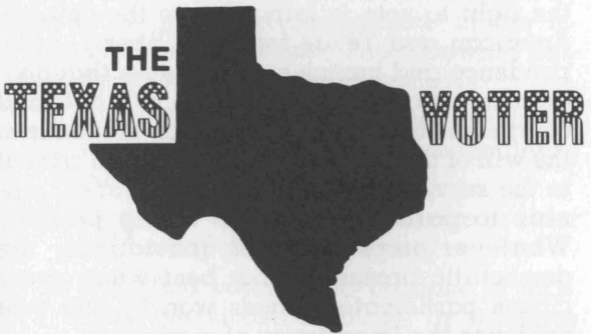


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A HANDBOOK FOR VOTERS

Revised to reflect changes in the Election Code, by the 68th Legislature, Regular Session, Effective August 29, 1983.

Outline Series for County Officials

This pamphlet is part of the County Officials Educational Program being conducted by the Agricultural Extension Service of The Texas A&M University System. This program is partially funded under the Community Service and Continuing Education Programs of the Higher Education Act of 1965 and is administered by the Coordinating Board, Texas College and University System.

**TEXAS AGRICULTURAL EXTENSION SERVICE
THE TEXAS A&M UNIVERSITY SYSTEM**

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The Texas Voter: A Handbook for Voters

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Importance of Voting

The right to vote has been called the most precious right given to those who live in a democracy. In a democracy, the vote determines who the leaders will be and what direction their leadership will take. Exercising the right to vote is important to the spirit of American and Texas freedom, liberty, independence and justice and to insure that government at all levels, from the city hall and courthouse to the nation's capitol, responds to the will of the people. Nothing is more critical to the survival of the nation than for all citizens to participate in the voting process. Whatever one's political convictions, the democratic process works best when every citizen participates. Races won by one vote evidence the importance of every vote.

There is, however, an essential first step before every eligible citizen can exercise the right to vote. He and she must first take the time to register.

Voter Qualifications

Citizenship

In Texas, as in all states, citizenship is a requisite for suffrage. Section 1 of the 14th Amendment to the United States Constitution defines citizens: "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside." With the exception of three broad restrictions in the national Constitution, full responsibility for determining voter qualification is left to the state. The 14th Amendment to the Con-

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stitution precludes the imposition by a state of voting standards which are discriminatory in nature. The 15th Amendment to the Constitution declares that the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state because of race, color, or previous condition of servitude. Additionally, the 19th Amendment to the Constitution declares that the right to vote shall not be denied or abridged by the United States or by any state because of sex. The 26th Amendment to the Constitution that became valid in 1971 declares that the right to vote of citizens of the United States who are eighteen years of age or older shall not be denied or abridged by the United States or by any state because of age.

Additional Qualifications

No person shall be qualified to vote in Texas who is not a citizen of the United States and who does not have the following qualifications:

1. The person must be a resident of Texas, of the county, of the municipality or other political subdivision on the day of the election.
2. The person must have passed his or her 18th birthday.
3. The person must have properly registered before the election.
4. The person must not have been adjudicated mentally incompetent by the final judgment of a court of competent jurisdiction.
5. The person must not have been discharged within the past 5 years by the Board of Pardons and Parole for the conviction of a felony, and he must not be presently serving a felony probation ordered by a court.

Registration Requirements

An eligible voter who has not registered may do so in person at any time the county

registrar's office is open or he may apply for registration by mail. The Texas Election Code provides that a person is entitled to register as a voter in the precinct in which he has legal residence if:

1. On the date of applying for registration, he is a citizen of the United States and is subject to none of the disqualifications above, other than nonage; and
2. Within 60 days after applying for registration, he will be 18 years of age or older.

Every applicant must submit a written application to the registrar as provided by the Texas Election Code. Applications are available to individuals, organizations, businesses and political subdivisions in reasonable quantities. All voter registration applications used in the State of Texas are fully bilingual. No fee is charged for applications. A husband, wife, father, mother, son, or daughter may act as agent for a qualified person in applying for registration, may sign for the applicant and may receive the registration certificate. No person other than those mentioned may act as agent for a person in applying for registration.

A voter registration application is deemed to have been received by the Voter Registrar when it is placed in the mail. A post mark is prima facie evidence of that date.

Registrar of Voters

Unless the county commissioners court designates some other agent, the county tax assessor-collector is the registrar of voters in each county. The county commissioners court may designate the county clerk to be the registrar of voters for that county. The registrar is responsible for the registration of voters, the preparation of lists of registered voters and other duties incident to voter registration.

The 65th Legislature enacted legislation authorizing the creation of the office of county elections administrator. The new law allows

the commissioners court in any county to appoint a county elections administrator. After March 1, 1979 a county elections administrator who has been duly appointed and who has qualified shall assume and thereafter perform all the duties and functions formerly performed by the registrar of voters in the county.

Absentee Voting

The Texas Election Code provides that eligible persons may vote an absentee ballot by mail or by personal appearance at the locality of absentee voting. The following persons are qualified to vote absentee:

1. A qualified voter who expects to be absent from the county of his residence on the day of an election.
2. Qualified voters 65 years of age or older on the day of the election.
3. Qualified voters who because of sickness, physical disability, or religious belief cannot appear at the polling place in the election precinct of their residence on the day of the election.
4. Qualified voters who expect to serve as election clerks or as poll watchers on election day in an election precinct other than the precinct of their residence on the day of the election. Although permitted to vote absentee, these persons are not permitted to vote absentee by mail.
5. A qualified voter who is confined to jail is entitled to vote absentee under certain circumstances.

Election Years

Primary elections are held the first Saturday in May, every 2 years in even-numbered years. If a candidate for a particular office does not receive a majority of all the votes cast for the candidate for that office, the individuals receiving the two highest votes for the office will run against each other in the

second or "run-off" primary held the first Saturday in June. Party nominees in the first or second primary are included on the November general election ballot of the same year.

Since 1964 a general election is required to be held on the first Tuesday after the first Monday in November and every two years thereafter at such places as prescribed by law after notice prescribed by law. Special elections are held at such times and places as are fixed by law. In all elections—general, special, or primary—the polls are required to be open from 7:00 a.m. to 7:00 p.m. The Texas Election Code provides that in even-numbered years the only issues which may be included on the ballot of the general election are the election of state and county officers, constitutional amendments and the election of officers of a general-law city wherein the governing body of said city finds that the religious tenets of more than 50 percent of the registered voters of said city prohibit the adherents from voting in an election held on Saturday.

Every fourth even-numbered year, the national nominees for President and Vice-President of the qualifying political parties are included on the ballot. A vote for the national nominees of a party is considered a vote for the electors of the party although the names of the electors are not included on the ballot.

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Cooperative Extension Work in Agriculture and Home Economics, The Texas A&M University System and the United States Department of Agriculture cooperating. Distributed in furtherance of the Acts of Congress of May 8, 1914, as amended, and June 30, 1914.