

Election Law Opinion DAD-60

Request from Tencha de la Pena, Brownsville, concerning whether each branch office established for absentee voting may be limited in use to absentee voters residing in designated election precincts.

SUMMARY

Absentee voting by personal appearance conducted in branch offices may not be limited in such a manner that residents of specified election precincts are restricted to voting absentee in branch offices designated for those precincts only.



OFFICE OF THE SECRETARY OF STATE

DAVID A. DEAN
SECRETARY OF STATE

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

September 20, 1982

Ms. Tencha de la Pena
County Elections Administrator
Cameron County
P. O. Box 2317
Brownsville, Texas 78522-2317

Election Law Opinion DAD-60
Re: Whether the branch
offices established to
conduct absentee voting
may be designated to
serve specified election
precincts.

Dear Ms. de la Pena:

This is in answer to your letter of August 30, 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.

In your letter you asked if it would be proper for Cameron
County to utilize branch offices to conduct absentee voting
with each branch office designated to serve specified
election precincts. You pointed out that due to various
precinct and district offices there will be eighteen (18)
ballot changes which must be placed on the Shoup voting
machines which your county uses.

V.A.T.S. Election Code, art. 5.05, subd. 14(c), states in
pertinent part:

Any voter eligible to vote absentee by personal appear-
ance in the main office of the clerk may vote in any
branch office. . . .

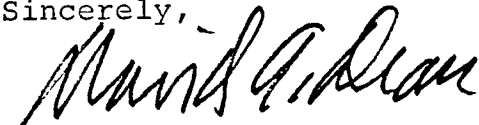
You asked if the phrase ". . .any branch office. . . ." as
it is used in the above-cited provision mandates that all
branch offices should be available to every absentee voter
casting his ballot by personal appearance or if the term

refers to the eligibility of a voter to cast his absentee ballot at a particular branch office. Given the customary usage of the word "any" and the lack of any indication of a legislative intent to the contrary, it would appear that art. 5.05, subd. 14(c), requires that each branch office established to conduct absentee voting by personal appearance must be available for use by any voter casting his absentee ballot by personal appearance. You may not, therefore, designate particular branch offices as the polling places for use by absentee voters residing in specified election precincts.

SUMMARY

Absentee voting by personal appearance conducted in branch offices may not be limited in such a manner that residents of specified election precincts are restricted to voting absentee in branch offices designated for those precincts only.

Sincerely,



David A. Dean
Secretary of State

Willis Whatley
Counsel to the Secretary of State

Charles C. Bailey
Special Assistant for Elections

Prepared by Horace Jennings III
Assistant General Counsel for Elections

APPROVED:
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