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May 23, 1983

Ms. Nancy Braswell
County Auditor
Smith County Courthouse
Tyler, Texas 75702

Election Law Opinion JWF-7
Re: Use of funds received
from the State Comptroller
for new and cancelled
voter registrations.

Dear Ms. Braswell:

I have received your May 3, 1983 letter regarding the proper use of voter registration funds received from the State Comptroller. You asked whether ". . . defraying expenses of the registrar's office in the registration of voters . . .", V.A.T.S. Election Code, art. 5.19b, subd. 4, includes (1) salaries of voter registration employees, (2) general office expenses, (3) computer programming and updating, and (4) equipment for the voter registration office.

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.

V.A.T.S. Election Code, article 5.19b, subdivision 4, reads as follows:

The disbursements prescribed by this section shall be made from the general revenue fund as provided by legislative appropriations. All money received by a county under this section shall be deposited in the county treasury in a special fund to be used for defraying expenses of the registrar's office in the registration of voters. None of the money shall be deemed to be fees of office or

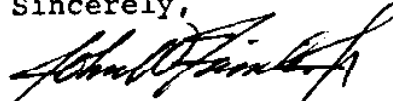
be retained by the registrar as fees in counties where the registrar is compensated on a fee basis.

In the opinion of this office, the registration funds from the Comptroller may be used for any activity related to voter registration. Salaries of voter registration employees, equipment for the voter registration office, computer programming related to voter registration, and general office expenses related to voter registration may be paid with voter registration funds received from the Comptroller. However, those funds may not be used for any activity which does not affect voter registration, and if an activity affects voter registration only partially, only the portion affecting voter registration should be reimbursed from voter registration funds.

SUMMARY

Registration funds received from the State Comptroller may be used for any activity related to voter registration. The funds may not be used for any activity that does not affect voter registration. If an activity relates partially to voter registration, only the part that affects voter registration may be reimbursed from voter registration funds.

Sincerely,



John W. Fainter, Jr.
Secretary of State

Ward A. White
Counsel to the Secretary of State

Prepared by Sharon Talley
Assistant General Counsel
Elections Division

APPROVED:
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