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June 9, 1983

Mr. Felix R. Sanchez  
Assistant County Attorney  
Travis County Attorney's Office  
County Courthouse  
P. O. Box 1748  
Austin, Texas 78767

Election Law Opinion JWF-11  
Re: Authority of voter  
registrar to remove a  
registered voter's name  
from the voter regis-  
tration rolls upon the  
voter's request.

Dear Mr. Sanchez:

In your letter of May 19, 1983, you asked whether it is proper for a voter registrar to remove the name of a registered voter from the county's list of registered voters solely upon the basis of the voter's request.

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, art. 5.13a, subd. 4, provides in pertinent part:

A registration becomes effective on the 30th day after the date on which the registrar receives the application or on the day that the registrant attains the age of 18 years (the day before his 18th birthday)

whichever is later . . . Every registration of a voter which becomes effective on or after March 1, 1976, shall continue in effect until cancelled under some provision of this code. (Emphasis added.)

The clear meaning of art. 5.13a, subd. 4 is that every voter registrant who is qualified and properly registered shall remain on the county voter registration rolls unless and until cancelled in accordance with one of the provisions of the Texas Election Code.

A perusal of the Texas Election Code fails to reveal any provision that directly or through implication would allow a voter registrar to remove the name of an individual from the list of registered voters solely upon the basis of a request by the voter. The grounds for cancellation are: (1) challenge of a voter's registration by the voter registrar, deputy registrar, or another registered voter of the county; (2) change of residence to another precinct within the county while failing to transfer registration within ninety (90) days of the change; (3) change of residence to another county; (4) judicial determination of disqualification (final felony conviction or mental incompetence); and (5) death. See V.A.T.S. Election Code, arts. 5.17a, 5.18a, and 5.18c, respectively. Thus, a voter registrar may not remove the name of a voter from the list of registered voters solely upon the basis of a request by the voter.

SUMMARY

The voter registrar may not remove the name of a properly registered voter from the list of registered voters solely upon the voter's request unless there exists some provision of the Texas Election Code authorizing such removal.

Sincerely,



John W. Fainter, Jr.  
Secretary of State

Ward Allen White III  
Counsel to the Secretary of State

Prepared by Horace Jennings III  
Assistant General Counsel  
Elections Division