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SECRETARY OF STATE



JOHN W. FAINTER, JR.  
SECRETARY OF STATE

July 20, 1983

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Honorable Bill Aleshire  
Assessor and Collector of Taxes  
Travis County  
P. O. Box 1748  
Austin, Texas 78767

Election Law Opinion JWF-15  
Re: Whether voter registration certificate should be sent to applicant's residence address or mailing address.

Dear Mr. Aleshire:

Thank you for your letter of May 24, 1983, in which you pose the following question:

If an applicant for voter registration indicates on the application a "permanent residence address" to which mail can normally be delivered but the applicant also lists a different "mailing address" should the registrar disregard the "mailing address" and mail the voter certificate to the permanent residence address?

You state that your office has, on some occasions, discovered applicants fraudulently claiming a permanent residence address and using a mailing address in order to avoid detection.

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).

Article 5.13b, subdivision 1 of the Texas Election Code provides, in part:

An application form for voter registration shall provide that the following required information be furnished by the applicant:  
. . . (8) The registrant's complete current permanent residence address (including apartment number, if any); or, if none, a concise description of the location of the registrant's residence. (9) The address to which the registration certificate is to be mailed, but only if mail cannot be delivered to the registrant's permanent residence.  
(Emphasis added.)

Article 5.14a, subdivision 2(a) of the Texas Election Code provides, in part:

When a properly executed application is received by the registrar, he shall make out an initial registration certificate in duplicate and shall mail the original copy to the voter at his regular mailing address, or if none, at his permanent residence address, in time for him to receive it before his registration becomes effective . . . .

The ability of an applicant to receive mail at his or her residence address is, of course, a question of fact. There are many conceivable reasons why a person may not be able to receive mail at his or her residence address. However, an applicant should not provide a separate mailing address if he or she can, in fact, receive mail at the permanent residence address indicated on the voter registration application.


If a voter registrar has reason to believe that an applicant has provided a mailing address where the applicant can receive mail at his or her permanent residence address, the registrar may request additional information from the applicant. If it is determined that the applicant can receive mail at the permanent residence address indicated on the application, then the registrar should mail the applicant's voter registration certificate to the permanent residence address. However, a separate mailing address, if provided, should not merely be disregarded. If a voter registrar has reason to believe that an applicant is not a resident of the election precinct in which he or she wishes to register, the registrar may challenge the applicant by

using the procedure provided by art. 5.17a of the Texas  
Election Code.

SUMMARY

An applicant should not provide a separate mailing address on a voter registration application unless the applicant cannot receive mail at his or her permanent residence address. If a voter registrar has reason to believe that an applicant who provides a mailing address can receive mail at his or her permanent residence, the registrar may request more information from the applicant. If a voter registrar wishes to challenge an applicant, the registrar may use the procedure provided by art. 5.17a of the Texas Election Code.

Sincerely,



John W. Fainter, Jr.  
Secretary of State

Ward Allen White III,  
Counsel to the Secretary of State

Prepared by John Steiner  
Assistant General Counsel  
Elections Division

APPROVED:  
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