



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

January 16, 1939

Honorable Hazel H. Beckham,
Executive Secretary
State Commission for the Blind
State Office Building
Austin, Texas

Dear Madam:

Opinion No. 9-118
Re: Construction of Article
2968a as the same applies
to blind persons.

Your request for an opinion as to whether or not it is necessary for a blind person to have an exemption certificate in order to vote in the primaries, and in the general election in towns of less than 10,000 population, has been received by this office.

Article 2960, Revised Civil Statutes of Texas, provides that a blind person is entitled to vote without the payment of a poll tax, if he has obtained his certificate of exemption from the County Tax Collector when the same is required by provisions of law.

Article 2968 provides that every person who is exempt by law from the payment of a poll tax and resides in a city of 10,000 inhabitants or more, must have an exemption certificate.

Article 2968a provides, in part, as follows:

"Every person not subject to the disqualifications set out in Article 2954 of the Revised Civil Statutes of 1925, who does not reside in a city of 10,000 inhabitants or more, and who is exempt from the payment of a poll tax by reason of the fact that he or she has not yet reached the age of 21 years on the first day of January preceding its levy, or who is exempt from the payment of a poll tax because he or she was

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not a resident of the state on the first day of January preceding its levy, but who shall have since become eligible to vote by reason of length of residence or age, shall, on or before the 31st day of January of the year in which he or she offers to vote, obtain from the Assessor or Collector of taxes for the county of his or her residence, a certificate of exemption upon the payment of a poll tax, and no such person who has failed to refuse to obtain a certificate of exemption from the payment of a poll tax shall be allowed to vote."

The caption to Article 2968a as enacted by the Forty-fourth Legislature of the State of Texas, Regular Session, reads, in part, as follows:

" . . . providing for the issuance of a certificate of exemption without cost to certain qualified voters not subject to the payment of a poll tax. . . "

It is our opinion that voters who are otherwise qualified, but who are blind and reside in a city of 10,000 inhabitants or less, are entitled to vote without an exemption certificate. It is our opinion that Article 2968a only requires an exemption certificate for persons who are exempt from the payment of a poll tax by reason of the fact that he or she has not reached the age of 21 years on the first day of January preceding its levy or who is exempt from the payment of a poll tax because he or she was not a resident of the State on the first day of January preceding its levy. The caption of this bill states that its purpose is to provide for an exemption certificate for certain persons and the body of the bill itself only states that the two classes above named shall have an exemption certificate, and it is our opinion that it was the intention of the Legislature to only require an exemption certificate for the two classes named and not for blind persons.

Yours very truly

ATTORNEY GENERAL OF TEXAS

By

Richard H. Coake
Assistant

RHC:ob

APPROVED: