



## Issues That Affect You

PROPERTY TAXES • PUBLIC BEACHES

VETERANS • PRIVATE PROPERTY • COUNTY LAND



This *Voters Guide* is funded and published by the League of Women Voters of Texas Education Fund to help citizens prepare to cast informed votes on the eleven proposed Constitutional Amendments on November 3, 2009. Associated with the League of Women Voters of Texas, the Texas Education Fund works exclusively for educational purposes in the general areas of government and public policy, carrying out its objectives through research, publication of educational materials, and other appropriate projects.

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Check the League's website for other helpful information about elections, voting, and issues:

[www.lwvtexas.org](http://www.lwvtexas.org).

*Checking your choice in the boxes by each proposed amendment in this Voters Guide can save you time when you are casting your ballot. It is legal for you to take this Voters Guide into the polling place.*

## PROPOSITION 1

### Official Ballot Language

**The constitutional amendment authorizing the financing, including through tax increment financing, of the acquisition by municipalities and counties of buffer area or open spaces adjacent to a military installation for the prevention of encroachment or the construction of roadways, utilities, or other infrastructure to protect or promote the mission of the military installation.**

### Explanation

Currently, municipalities and counties do not have a method to raise the revenue needed to acquire land to provide a buffer zone or open space to prevent encroachment from development, or to fund the construction of roadways, utilities, or other infrastructure to protect or promote the mission of adjacent military installations.

The amendment would allow a municipality or county to issue bonds or notes, including tax increment bonds or notes, to finance the acquisition of land adjacent to a military base for the above purposes. If passed, it would take effect Dec. 1, 2009.

### Arguments For

- Bases provide economic benefits to the state and to the counties and cities where they are located. This proposed amendment would protect military installations from encroaching development that could restrict training and operational missions, which in turn could cause military installations to close. The construction of highways, utilities, or other infrastructure would also protect or promote the military installations.
- The passage of this amendment would allow land owners to be compensated for their property. Any new infrastructure could also increase property values.

### Arguments Against

- Cities and counties should not take on additional debt at this time.
- Passing this amendment could lead to higher property taxes for property owners who are already feeling burdened by a distressed economy.

**You may bring this *Voters Guide* into the voting booth.\***

\*In 1995, the Texas law prohibiting use of printed materials, such as this *Voters Guide*, in the polling place was ruled unconstitutional (*Texas Election Code, Section 61.011*)

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## PROPOSITION 2

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### Official Ballot Language

**The constitutional amendment authorizing the legislature to provide for the ad valorem taxation of a residence homestead solely on the basis of the property's value as a residence homestead.**

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### Explanation

Residence homesteads throughout the state have experienced increasing appraisal values, in some instances more than 200 percent in one year, especially if the property is not covered by zoning regulations. This is due to the appraisal practice known as "highest and best use," a common appraisal method that allows property to be valued on its potential use rather than the current use. Residence homesteads located near new commercial development, therefore, have the potential for skyrocketing appraisal values. This amendment authorizes the legislature to require that a residence be appraised only on the basis of the property's value as a residence, regardless of what the highest and best use of the property may be. It would apply only to residential homesteads, not to second homes or investment properties.

#### Arguments For

- Texas already protects agricultural and timber land from large appraisal increases due to highest and best use. Now the state needs to protect residential property in the same way.
- A residence homestead should be appraised on its present use, not on any possible future use.
- Just because there is development in the area does not necessarily mean the property owner gets an advantage from it.

#### Arguments Against

- The "highest and best use" of a property has an impact on the sales price, which shows the real value.
- This amendment could reduce taxable property values and thus local tax revenues.
- The state might have to provide additional equalization funding to a school district if property values are lowered, a measure the state cannot afford.

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## PROPOSITION 3

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### Official Ballot Language

**The constitutional amendment providing for uniform standards and procedures for the appraisal of property for ad valorem tax purposes.**

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### Explanation

This proposition would amend the Texas Constitution to require that administrative and judicial enforcement of uniform standards and procedures for property tax appraisal be prescribed by general law enacted by the Texas Legislature. It would delete the existing requirement that enforcement of these appraisal procedures originate in the county where the tax is imposed.

#### Arguments For

- Passing this amendment would allow direct state enforcement authority and oversight over local appraisals in order to attain uniformity and equity of appraisal processes throughout the state. The state could take action to address inconsistencies in appraisal methods among counties.
- With this amendment in place, owners of property in different counties would be reassured that their properties were being evaluated in a similar manner and that state funding for public schools, which is based on the taxable property value in each school district, would be more equitably assessed.

#### Arguments Against

- This amendment is unnecessary because the state trains appraisers through the State Comptroller's Office and also produces an annual property tax study, which enables comparison of local property appraisals with the state appraisal of property.
- The proposition would result in giving up local control to the state, which might not understand local conditions.

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## PROPOSITION 4

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### Official Ballot Language

**The constitutional amendment establishing the national research university fund to enable emerging research universities in this state to achieve national prominence as major research universities and transferring the balance of the higher education fund to the national research university fund.**

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### Explanation

In Texas, only the University of Texas at Austin and Texas A&M University are top-tier public research universities. Seven other universities in Texas are con-

sidered emerging research universities. They are Texas Tech University, University of Texas at Arlington, University of Texas at Dallas, University of Texas at El Paso, University of Texas at San Antonio, University of Houston, and University of North Texas.

To enable these emerging research universities in Texas to achieve national prominence, this amendment would establish a new National Research University Fund. The University of Texas at Austin and Texas A&M University would not be eligible to receive money from this fund.

The enabling legislation for this amendment would disperse the funds in the National Research University Fund to emerging research institutions through three mechanisms: the Research University Development Fund for educational and general activities that promote increased research capacity, the Texas Research Incentive Program to provide matching grants for donations from private sources, and the National Research University Benchmark Fund to reward universities that meet critical benchmarks toward achieving national prominence as major research universities.

#### **Arguments For**

- The presence of more tier-one universities would expand the educational opportunities available to Texas students and keep more of them in the state. Currently, Texas loses more than 10,000 high school graduates a year to doctorate-granting universities in other states.
- Tier-one universities are the best way to develop a highly skilled workforce, especially in the sciences, engineering, and professional fields that are critical to economic success.
- With a population of 24 million and only two public tier-one universities, Texas is at a disadvantage in attracting and retaining top talent and drawing research and venture capital investment to the state.

#### **Arguments Against**

- In this time of limited state dollars, Texas should focus the use of the National Research University Fund only on those institutions that are closest to attaining tier-one status.
- If there is an urgency to develop more nationally competitive research universities, it would make

more sense to target fewer than seven institutions.

- The amendment does not include a Sunset provision so that progress could be assessed periodically to determine if this plan is achieving the goal of creating more tier-one research universities.

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## **PROPOSITION 5**

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### **Official Ballot Language**

**The constitutional amendment authorizing the legislature to authorize a single board of equalization for two or more adjoining appraisal entities that elect to provide for consolidated equalizations.**

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### **Explanation**

The primary function of a board of equalization is to hear appeals of the appraised value of taxable property and to resolve disputes between taxpayers and the appraisal district. Each appraisal district must appoint a board of equalization. The prerequisites to serve on such an appraisal review board are minimal; however, the number of people familiar with the appraisal of property, or who are willing to serve, is limited in some counties. This amendment would allow the Legislature to authorize a single board of equalization for two or more adjoining appraisal entities that want to consolidate their appraisal review process.

#### **Arguments For**

- Many rural counties have a difficult time finding enough qualified and willing candidates to sit on their appraisal review boards.
- If appraisal districts can pool their talent for their appraisal reviews, it will help ensure a more professional, equitable and timely appraisal review process.

#### **Arguments Against**

- Appointed appraisal reviewers from another county may not be familiar enough with the property they must judge in order to resolve disputes.
- This amendment does not go far enough in allowing appraisal districts to combine their efforts. Many rural counties have a difficult time staffing all aspects of their appraisal districts and should be allowed to consolidate even more functions.

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## PROPOSITION 6

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### Official Ballot Language

The constitutional amendment authorizing the Veterans' Land Board to issue general obligation bonds in amounts equal to or less than amounts previously authorized.

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### Explanation

This amendment would allow the Veterans' Land Board (VLB) to provide for, issue, and sell general obligation bonds for the purpose of selling land or home mortgages to Texas veterans. The amount of the bonds could not exceed the principal amount previously authorized by constitutional amendments. In effect, the proposed amendment would reauthorize all previously authorized general obligation bonding authority in the Veterans Housing Assistance Fund, the Veterans' Housing Assistance Fund II, and the Veterans' Land Fund.

### Arguments For

- If this amendment passes, it will increase the amount of funding available to the VLB to assist Texas veterans with home and land mortgages.
- The VLB needs a way to ensure the uninterrupted continuation of its home and land mortgage assistance programs without having to return to the Legislature every four years.
- VLB land and mortgage general obligation bonds are expected to be paid from revenue sources outside the state treasury. Thus, this proposed amendment would not have a significant fiscal impact to the state or local governments.

### Arguments Against

- It is unwise to add a constitutional amendment about general obligation bonds that extends into the future for an unlimited time without any further oversight by the Legislature.
- If this amendment passes, elected officials can no longer be held accountable for VLB land and mortgage general obligation bonds.
- Helping Texas veterans is important, but state assistance needs to be reviewed and adjusted as needed on a regular basis to reflect the actual numbers of veterans in the state and the economic realities of the state in each time period.

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## PROPOSITION 7

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### Official Ballot Language

The constitutional amendment to allow an officer or enlisted member of the Texas State Guard or other state militia or military force to hold other civil offices.

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### Explanation

If this proposed amendment were passed, it would allow officers and enlisted members of the Texas State Guard (or other state militia or military force) to hold a public office simultaneously. Currently, civil officials are prohibited from holding more than one compensated civil office, unless specifically exempted in the Constitution. Those now exempted include county commissioners and justices of the peace, notaries public and postmasters, and current and retired officers and enlisted members of the National Guard and U.S. Armed Forces.

The Texas State Guard was overlooked during earlier amendments to this section largely because they were not very active. However, in recent years they have become much more active and provide vital services to Texas during natural disasters.

### Arguments For

- This amendment would correct an oversight in the Texas Constitution. Currently state employees may also hold office in most branches of the military, including the National Guard. It is only right that members of the Texas State Guard and other Texas military forces should have the same option.
- Many civil officials would like to become active in the Texas State Guard in order to directly serve Texas in times of disaster. Passing Proposition 7 will make that service possible without these officials giving up their civil duties.

### Arguments Against

- State employees have a duty to do the job for which they were hired, even in times of disaster. Thus, it is not reasonable that they should have two jobs vying for their service at the same time.
- Framers of the Texas Constitution specifically prohibited dual office-holding by state employees, and we should not continue to add exceptions to this rule.

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## PROPOSITION 8

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### Official Ballot Language

**The constitutional amendment authorizing the state to contribute money, property, and other resources for the establishment, maintenance, and operation of veterans' hospitals in this state.**

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### Explanation

Texas now has nine inpatient veterans' hospitals in Houston, Temple, Waco, Bonham, Dallas, Kerrville, San Antonio, Amarillo, and Big Spring. The state does not currently have the authority to contribute to a veterans' hospital operated by the federal government. This proposed amendment would allow Texas to partner with the United States Department of Veterans Affairs and local communities to establish additional health care facilities. Texas ranks third in the country in the number of veterans residing in the state. In 2007, more than 47,000 inpatient visits and 4.3 million outpatient visits were recorded by the veterans health care facilities in Texas.

### Arguments For

- Texas needs more veterans' hospitals and other health care facilities to accommodate its large population of veterans.
- The rising cost of travel can sometimes delay care for veterans who must go to one of the nine available hospitals. For instance, a veteran who lives in the Rio Grande Valley area has to travel approximately 300 miles to the nearest veterans' hospital in San Antonio. Passing Proposition 8 means Texas veterans will have better access to medical care.

### Arguments Against

- Partnering with the federal government may lead to unintended consequences of red tape and interference.
  - A constitutional amendment is unnecessary to accomplish the goal of working with the federal government and local governments to provide better health care for veterans.
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## PROPOSITION 9

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### Official Ballot Language

**The constitutional amendment to protect the right of the public, individually and collectively, to access and use the public beaches bordering the seaward shore of the Gulf of Mexico.**

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### Explanation

Proposition 9 would establish the public's unrestricted right to access public beaches as a permanent easement. A public beach is defined as a state-owned beach on the seaward shore of the Gulf of Mexico from the mean low tide to the landward boundary of the submerged land, and from the mean low tide line to the line of vegetation bordering the Gulf of Mexico for which the public has the right of use or easement. The proposed amendment would also authorize the Legislature to enact laws to protect the public access to the beach and the easement from interference and encroachment. There would be no right of private enforcement.

### Arguments For

- This proposed amendment would strengthen the 1959 Open Beaches Act by making the law part of the Texas Constitution. For 50 years, Texas beaches have been protected as public property, allowing people from all walks of life to have access to beaches. Developers would not be able to build properties along the beach and restrict the public's access to the beach.
- Proposition 9 would protect the public's right to beach access in the wake of natural disasters, such as hurricanes and coastal erosion, that move the line of vegetation so that private structures may rest on Texas beaches. Several lawsuits regarding the status of houses that are now on public beaches are ongoing. The amendment would reduce such litigation. It would not prevent the Legislature from addressing issues related to natural events in the future but would clearly state the intent of Texas law to keep the beaches public.
- Property owners who have homes on Texas beaches already know that they face the risk of having their property shift into the public easement. Earnest money contracts, deeds, and title policies all state this risk. Houses on the beach have always been at risk as natural events cause the line between public and private land to move back and forth constantly.

### Arguments Against

- Proposition 9 unfairly allows the state to require property owners whose houses are on public land because of storms and erosion to remove their buildings from public land without compensation.

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## PROPOSITION 11

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### Official Ballot Language

**The constitutional amendment to prohibit the taking, damaging, or destroying of private property for public use unless the action is for the ownership, use, and enjoyment of the property by the State, a political subdivision of the State, the public at large, or entities granted the power of eminent domain under law or for the elimination of urban blight on a particular parcel of property, but not for certain economic development or enhancement of tax revenue purposes, and to limit the legislature's authority to grant the power of eminent domain to an entity.**

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### Explanation

The Texas Constitution provides for the power of eminent domain, which allows private property to be taken for public use with adequate compensation even if the property owner does not wish to sell. Lands for public purposes such as highways, railroads, and public utilities have sometimes been acquired by eminent domain. A 2005 Texas law forbids taking of private property for purposes of economic development or the benefit of a private party.

This amendment would spell out the conditions under which private property could be taken by eminent domain. Specifically, the taken property must be owned, used, and enjoyed by the public at large, state or local government, or other agency granted the power of eminent domain by law. Taking private property for economic development or to enhance tax revenues would be prohibited by the Texas Constitution, not simply by Texas law. In addition, property could be taken if necessary to eradicate urban blight on the property. As of January 1, 2010, the power of eminent domain could be granted only by a two-thirds vote of the Texas Legislature.

### Arguments For

- Passing Proposition 11 would strengthen the ban on taking property for economic development by making this ban a part of the Texas Constitution. The language would require a condemning authority to keep the property in its possession, occupy it, and use it for some productive purpose.
- This proposition would further protect the rights of private property owners by requiring separate action on each individual property in blighted areas.

- Many homes along the Texas Gulf Coast had existed for a number of years before Hurricane Ike's winds and storm surge changed the vegetation line and left them on the public beach. These property owners should not be denied the right to continue to live in their homes or to rebuild their homes.
- The Open Beach Act already gives the state too much authority to restrict the right of private landowners to enjoy their property. Having this proposition in the Constitution would compound the problem by making it much more difficult to change the law in the future.

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## PROPOSITION 10

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### Official Ballot Language

**The constitutional amendment to provide that elected members of the governing boards of emergency service districts may serve terms not to exceed four years.**

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### Explanation

The Texas Constitution currently limits the duration of all public terms of office to two years unless otherwise provided in the Constitution. Proposition 10 would amend the Constitution to allow members of governing boards of Texas emergency service districts to serve terms not to exceed four years.

### Argument For

- Longer terms of service would promote stability and continuity on emergency services districts' boards.
- There is already a legislative precedent for four year terms for hospital districts, whose duties sometimes relate to and overlap emergency services districts.
- Longer terms would help avoid the politicization of essentially non-partisan positions by eliminating an election every two years.

### Argument Against

- Longer terms of service for governing boards of emergency services districts diminish public oversight of the districts.
- Because these district boards have the power to levy taxes, they should be accountable to voters every two years, just as the members of the Texas House of Representatives are.
- The current system has adequate protection against improper political interference since the elections are non-partisan.

- Passage of this proposition would also limit expansion of eminent domain by requiring a two-thirds vote of the Texas Legislature to grant the power of eminent domain to an entity.

□ **Arguments Against**

- Proposition 11 is unnecessary because Texas statute already prohibits taking private property by eminent domain for economic development.
- The “ownership, use, and enjoyment” language may prohibit certain legitimate uses of eminent domain. The language should be amended to read “ownership, use, or enjoyment.” This language requires that any taking, damaging, or destroying of private property must meet all three criteria (ownership, use, and enjoyment).
- Crucial needs for eminent domain supported by the majority of Texas legislators may be thwarted if this amendment is added to the Texas Constitution.

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Texas Counseling	Julia Marsden
Association	Diane Sheridan
Texas Nurses Association	Nancy Wilson
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**FREQUENTLY ASKED QUESTIONS**

**Where do I vote?**

For early voting and election day voting locations, call the county clerk or elections administrator’s office in the county in which you are registered, or go to [www.sos.state.tx.us/elections/voter/county.shtml](http://www.sos.state.tx.us/elections/voter/county.shtml) and scroll to your county. Your local newspaper may also list voting locations.

**How do I register to vote?**

You may register to vote at any time with your county’s election official, who may be the County Tax Assessor, the County Election Administrator, or the County Clerk. You can also register to vote at any time online at [www.sos.state.tx.us/elections](http://www.sos.state.tx.us/elections). During a voter registration drive, it may also be possible to register with a deputized voter registrar. To vote in a particular election, your application for registration must be postmarked or received by the registrar at least thirty days before that election.

October 5 is the deadline to register to vote in the November 3, 2009, election.

**What is a provisional ballot?**

If your name is not on the list of registered voters in your precinct, and you do not have a valid registration card, you are entitled to vote a “provisional ballot” which will be kept sealed while a ballot board investigates the problem. You must provide some form of identification to show that you reside in that precinct. You also must vote in the correct precinct on Election Day. Even if you are found to be legally registered, your provisional vote will not be counted if you did not cast it in the correct precinct.

**More Information**

**Secretary of State**  
[www.sos.state.tx.us](http://www.sos.state.tx.us)

**Texas Legislature Online**  
[www.legis.state.tx.us](http://www.legis.state.tx.us)

**LWV-Texas**  
[www.lwvtx.org](http://www.lwvtx.org)

**On Election Day, November 3, 2009,  
 the polls are open from  
 7:00 a.m. to 7:00 p.m.**

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# 2009 Constitutional Amendment Election

## CONSTITUTIONAL AMENDMENT PROCESS

Texas voters have approved 456 amendments to the Texas Constitution since its adoption in 1876. An amendment is proposed in a joint resolution that can originate in either house of the state legislature, during a regular or special session. A joint resolution specifies the election date and may contain more than one amendment. The joint resolution must receive a vote of two-thirds of each house before it is presented to the voters. The governor cannot veto a joint resolution.

The governor can, however, veto the enabling legislation, the bill to enact the amendment if it is passed by voters. Not all joint resolutions require enabling legislation. If the voters reject an amendment, the enabling legislation does not take effect. If the resolution fails, the Legislature may resubmit it in a future legislative session.

The legislature prescribes the ballot language for the joint resolution. Once the amendment is approved by both houses of the legislature, the Secretary of State writes a brief explanatory statement, which then is approved by the Attorney General. The Secretary of State also conducts a random drawing to assign each proposed amendment a proposition number. The constitution specifies that these statements be published twice in each newspaper in the state that prints official notices. The first publication is printed 50 to 60 days before the election. The second publication is printed the following week.

Amendments take effect when the official vote canvass confirms statewide voter approval, unless a later date is specified in the joint resolution.

### QUALIFICATIONS FOR VOTING IN TEXAS

- You must be a citizen of the United States.
- You must be at least 18 years old on the day of the election.
- You must be registered to vote.
- You must not have been declared mentally incompetent by a court.
- You must not be on parole, probation, or in prison for a felony conviction.
- To vote in a given election, you must be registered to vote 30 days before that election. October 5th is the deadline to register to vote in this election.

### EARLY VOTING

Early voting for the November 3, 2009, election begins on October 19 and ends on October 30 in counties with more than 100,000 people. Early voting is not mandated in smaller counties, but may be offered. Check with your County Clerk or Election Administrator for locations and hours of early voting. You may also vote early by mail by requesting an application to be mailed to you from your County Clerk, or by filling out a form online at [www.sos.state.tx.us/elections/voter/reqabbm.shtml](http://www.sos.state.tx.us/elections/voter/reqabbm.shtml).

### VOTER INFORMATION

#### Voting Certificate

- Once you are registered, you will receive a voter registration card or certificate which you should present at the polling place in order to vote.
- If you have lost or misplaced your certificate, you may get a replacement from the voter registrar of your county. You may vote without a certificate if your

name appears on the list of registered voters for your precinct and you can show some form of identification, such as a driver's license.

- You must vote in the precinct of residence designated on your voter registration card on Election Day. (During early voting, you may vote at any early voting site convenient to you.)
- You will receive a new certificate every two years, in January of even-numbered years, as long as your registration is not canceled. If you move, your new card will not be forwarded. You must notify your county elections office to get a new certificate. The 2008-2009 voter registration certificates are orange.

#### Moving Within the County

- After you move, notify the county elections administrator in writing of your new address.
- You may vote at your previous precinct if your registration has not been cancelled or transferred to your new address, but only in county or statewide elections. You must still reside in the same city precinct to vote there. You may fill out a change of address form when you vote.

#### Moving from One County to Another

- If you move from one Texas county to another, you must re-register in the county of your new residence.
- You may be eligible to vote a limited ballot for 90 days after you move if your new registration is not yet effective, but only in statewide races. The limited ballot, however, is available only during early voting, not on Election Day.