

THE ATTORNEY GENERAL

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Requests for Opinions, Opinions, Open Records Decisions.

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the Attorney General's Internet site <http://www.oag.state.tx.us>.

Telephone: 512-936-1730. For information about pending requests for opinions, telephone 512-463-2110.

An Attorney General Opinion is a written interpretation of existing law. The Attorney General writes opinions as part of his responsibility to act as legal counsel for the State of Texas. Opinions are written only at the request of certain state officials. The Texas Government Code indicates to whom the Attorney General may provide a legal opinion. He may not write legal opinions for private individuals or for any officials other than those specified by statute. (Listing of authorized requestors: <http://www.oag.state.tx.us/opinopen/opinhome.shtml>.)

Requests for Opinions

RQ-0139-KP

Requestor:

The Honorable Nicholas "Nico" LaHood

Bexar County Criminal District Attorney

101 West Nueva, 7th Floor

San Antonio, Texas 78205-3030

Re: Authority of a county that establishes a veterans treatment court program under Government Code chapter 124 to direct and control administrative details including the hiring and supervision of grant-funded personnel (RQ-0139-KP)

Briefs requested by December 8, 2016

For further information, please access the website at www.texasattorneygeneral.gov or call the Opinion Committee at (512) 463-2110.

TRD-201605765

Amanda Crawford

General Counsel

Office of the Attorney General

Filed: November 9, 2016



Opinions

Opinion No. KP-0118

The Honorable Wiley B. McAfee

District Attorney

33rd & 424th Judicial Districts

Post Office Box 725

Llano, Texas 78643

Re: Election questions related to ballot image storage, the production of tally lists by election judges, and remedies for the unauthorized exclusion of a poll watcher

(RQ-0126-KP)

S U M M A R Y

Through title 7 of the Election Code, the Legislature has established separate procedures for counting the ballots and processing early voting returns. Section 87.021 of the Election Code requires that early voting clerks deliver secure ballot boxes to the early voting ballot board. Section 87.062 then requires the early voting ballot board to count the ballots and prepare returns.

Section 33.061 of the Election Code makes it a Class A misdemeanor for a person serving in an official capacity at a location at which the presence of watchers is authorized to prevent a watcher from observing an activity the watcher is entitled to observe. Title 14 of the Election Code establishes procedures for an election contest if the true outcome of the election is in dispute due to an election officer or other person officially involved in the administration of the election: (A) preventing eligible voters from voting; (B) failing to count legal votes; or (C) engaging in other fraud or illegal conduct.

For further information, please access the website at www.texasattorneygeneral.gov or call the Opinion Committee at (512) 463-2110.

TRD-201605752

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Office of the Attorney General

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