



OFFICE OF THE ATTORNEY GENERAL OF TEXAS

AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

Coryell Co,

Hon. C. E. Alvis, Jr.
County Attorney
Gatesville, Texas

Dear Sir:

Opinion No. O-2559

Re: Is the stated poll tax exemption, due to loss of eyes, authorized by law under Article 2960, Vernon's Civil Statutes, wherein it is provided that a blind person is entitled to an exemption?

We have received your recent letter wherein you request the opinion of this department upon the above stated question. Your letter reads, in part, as follows:

"FACTS: Mr. H. has been issued a certificate of exemption from poll tax where the reason for exemption is stated as 'Loss of eye'. Mr. H. has good vision in one eye and is able to carry on his occupation normally in every way in spite of this disability he is totally blind in the other eye.

"QUESTION: Is such an exemption authorized by law under Art. 2960 R.C.S. wherein it is provided that a blind person is entitled to an exemption."

Article 2960, Vernon's Civil Statutes, provides:

"Every person who is more than sixty years old or who is blind or deaf or dumb, or is permanently disabled, or who has lost one hand or foot, shall be entitled to vote without being required to pay a poll tax, if he has obtained his certificate of exemption from the county tax collector when the same is required by the provisions of this title."

Hon. C. E. Alvis, Jr., page 2.

This question was passed upon by the Court of Civil Appeals of Texas in the case of McCormick vs. Jester, 115 S.W. 278, wherein the court held:

"The court erred in holding the vote of J. D. Pilkington at the Re box valid, and in failing to deduct the same from the votes cast at said box against prohibition. This voter did not have a poll tax. He was 42 years old. He claimed to be exempt from payment of a poll tax by reason of being blind, or at least disabled. The statute exempts those from the payment of a poll tax who are permanently disabled or blind. Gen. Laws 1905, p. 521, c. 11, § 6. This voter kept a cold drink stand at Re. He testified: 'I waited on my trade and customers myself.' Whenever a customer would call for any certain drink 'I would give it to him, and when he would hand me the money I would give him back the change. I would put my soda water bottles in the ice box and assort them out myself.' He could wait on his customers, get the right article called for, and make his own change. He was not blind, nor permanently disabled, within the meaning of the election law. Acts Leg. 1905, pp. 521, 523, c. 11, §§ 6 and 12; Bigham v. Clubb (Tex. Civ. App.) 95 S. W. 675."

Therefore, you are respectfully advised that it is the opinion of this department that an individual who is blind in one eye, but has good vision in the other, is not blind within the meaning of Article 2960, Vernon's Civil Statutes, and is not entitled to a poll tax exemption under said Article due to blindness.

As requested by you, we are enclosing herewith copies of our opinion Nos. 0-1741, 0-2434 and 0-2155.

Trusting that the foregoing satisfactorily disposes of your inquiry, we remain

Yours very truly

ATTORNEY GENERAL OF TEXAS

BY *D. Burle Daviss*

D. Burle Daviss
Assistant

DED: jm

APPROVED JUL 24, 1940

Encls.

Gene M. ...

APPROVED
OPINION
COMMITTEE
BY *Burt*
CHAIRMAN

GENERAL OF TEXAS