

PART 801—VOTING RIGHTS PROGRAM

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AUTHORITY: 5 U.S.C. 1103; secs. 7, 9, 79 Stat. 440, 411 (42 U.S.C. 1973e, 1973g).

SOURCE: 30 FR 9859, Aug. 7, 1965, unless otherwise noted.

NOTE: Those amendments to appendixes A, B, and D in Part 801, which apply to Texas, appearing at 41 FR 16155, Apr. 16, 1976, are also carried in Spanish at the end of appendix D.

Subpart A—General Provisions

§ 801.101 Definitions.

In this part:

(a) *Act* means the Voting Rights Act of 1965, Public Law 89-110, as amended by Public Law 94-73, August 6, 1975.

(b) *Applicant* means a person who presents himself to an examiner at one of the times and places designated by the OPM under §801.202 for the purpose of being listed as eligible to vote;

(c) *Applications* means the form prescribed by the OPM under the Act for use by a person applying for listing on an eligibility list;

(d) *OPM* means the U.S. Office of Personnel Management;

(e) *Day* means a calendar day;

(f) *Eligibility list* means a list of eligible voters or supplements to a list of eligible voters, prepared by an examiner under the Act;

(g) *Examiner* means a person designated or appointed by the OPM under the Act to examine applicants for listing on an eligibility list and to prepare and maintain lists of persons eligible to vote in Federal, State, or local elections;

(h) *Hearing officer* means a person authorized by the OPM to adjudicate a challenge to a listing on an eligibility list;

(i) *Political subdivision, vote, and voting* have the meanings given these terms in the Act; and

(j) *Parties* means a challenger, a challenged person, and the representative of either.

[30 FR 9059, Aug. 7, 1965, as amended at 41 FR 16155, Apr. 16, 1976]

§ 801.102 Timely filing required.

A document or other paper required to be filed within a time limit specified in this part shall be delivered to the office involved before the close of business on the last day of the period, or if

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filed by mail be postmarked before midnight of the last day of the period.

§ 801.103 Computation of time.

In computing a period of time prescribed by this part, the day of the action or event after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included unless it is a Saturday, Sunday, or legal holiday in the State involved, in which event the period runs until the end of the next day which is neither a Saturday, Sunday, nor a legal holiday.

§ 801.104 Words denoting number and gender.

In this part:

(a) Words importing the singular include and apply to several persons, parties, or things;

(b) Words importing the plural include the singular; and

(c) Words importing the masculine gender include the feminine as well.

Subpart B—Listing on Eligibility List

§ 801.201 Scope.

This subpart prescribes the times, places, and procedures for listing on an eligibility list under the Act.

§ 801.202 Times and places for filing and forms of application.

(a) The times and places designated by the OPM for filing an application in each political subdivision, and the forms of application prescribed by the OPM, shall be set out in appendix A to this part and incorporated in and made a part of this section.

(b) The OPM shall give notice to the general public of the times and places designated under paragraph (a) of this section, to appropriate local election officials in the political subdivision, and to the attorney general of the State, by publication thereof in the FEDERAL REGISTER and by such other means as it considers appropriate.

§ 801.203 Procedures for filing application.

(a) An applicant may obtain an application at the place and during the times set out in appendix A for the appropriate political subdivision. An ap-

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plication may be completed only at the place where it was obtained and shall be submitted by the applicant in person to an examiner at that place.

(b) An examiner shall review the application in the presence of the applicant to insure that all questions are answered clearly and completely. If all questions are not answered clearly and completely or if an applicant is not able personally to complete the application in whole or in part because of lack of literacy or otherwise, or has difficulty in doing so, an examiner shall orally examine the applicant and record the pertinent information on the application or otherwise assist the applicant in completing the application.

(c) After an application is completed, an examiner shall require the applicant to take the oath or affirmation prescribed on the application and to sign his name or make his mark thereon.

§ 801.204 Qualifications requirements.

The qualifications required for listing, prescribed by the OPM after consultation with the Attorney General, for use by an examiner in examining an applicant for listing on an eligibility list shall be set out in appendix B to this part and incorporated in and made a part of this section.

§ 801.205 Action on the application.

At the time of filing the application and in the presence of the applicant, the examiner shall review the application and make such examination as is necessary to determine whether the applicant has the prescribed qualifications. If the applicant has the prescribed qualifications, the examiner shall give him a certificate, on the form prescribed by the OPM, evidencing his eligibility to vote and enter his name on an eligibility list, the form for which is prescribed by the OPM. If the applicant does not have the prescribed qualifications, the examiner shall give him a notice of ineligibility for listing, on the form prescribed by the OPM.

§ 801.206 Review of notice of ineligibility for listing.

An applicant may obtain a review of a notice of ineligibility for listing by