



THE ATTORNEY GENERAL OF TEXAS

AUSTIN 11, TEXAS

WAGGONER CARR
ATTORNEY GENERAL

October 1, 1964

Honorable William D. Pratt
County Attorney
Palo Pinto County
Mineral Wells, Texas

Opinion No. C-324

Re: Whether the word "or"
contained in Section 32 of
Article 666, V.P.C., is dis-
junctive or conjunctive.

Dear Mr. Pratt:

In your request you ask whether the word "or"
contained in Section 32 of Article 666, V.P.C., is disjunc-
tive or conjunctive.

The pertinent part of the Statute reads as follows:

"No signature shall be counted unless the
residence address of the signer is shown, or un-
less it is signed exactly as the name of the voter
appears on the official copy of the current poll
list or the official copy of the current list of
exempt voters." (Emphasis Supplied)

It is a familiar rule of statutory construction
that words used by the Legislature in a statute are to be
given their usual meaning, unless that meaning is shaded or
changed by the manner in which they are used in the particu-
lar statute. 39 Tex.Jur. 194.

Black's Law Dictionary, Fourth Edition, defines "or":

"A disjunctive particle used to express an
alternative or to give a choice of one among two
or more things . . ." (Emphasis Supplied)

In its ordinary use, the term "or" is disjunctive
and alternative in its effect. Unless there is some impelling
reason apparent in the context, it should be given its ordinary
rather than a conjunctive meaning. Oxsheer v. Watt, 91 Tex.
402, 44 S.W. 67 (1898). There appears no impelling reason in
the context for giving the word "or" any other than its usual
meaning. Moreover, the presence of the word "unless" follow-
ing "or" in the statute lends weight to the disjunctive posi-
tion as opposed to the conjunctive.

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Webster's Dictionary defines "unless" as meaning "in any case other than", "except that", "except when." This would further indicate that the second requisite phrase in the statute was intended by the Legislature as an alternative.


SUMMARY

The word "or" in Section 32 of Article 666, V.P.C., is used in the disjunctive, not the conjunctive.

Respectfully submitted,

WAGGONER CARR
Attorney General of Texas

By:


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BSC/lh

APPROVED:

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