

SUBJECT: Modifying eligibility for individuals with disabilities to vote by mail

COMMITTEE: Elections — committee substitute recommended

VOTE: 5 ayes — Cain, Clardy, Jetton, Schofield, Swanson
4 nays — J. González, Beckley, Bucy, Fierro

WITNESSES: For — Bill Sargent; (*Registered, but did not testify*: Gerald Welty, Convention of States; Alan Vera, Harris County Republican Party Ballot Security Committee; Chad Ennis, Texas Public Policy Foundation; Robert L. Green, Travis County Republican Party Election Integrity Committee; and six individuals)

Against — Chase Bearden, Coalition of Texans with Disabilities; Emily Eby, Texas Civil Rights Project; Glen Maxey, Texas Democratic Party; (*Registered, but did not testify*: Matt Simpson, ACLU of Texas; David Weinberg, Brennan Center for Justice; Cindy Ji, Children's Defense Fund Texas; Anthony Gutierrez, Common Cause Texas; Joanne Richards, Common Ground for Texans; Jeff Miller, Disability Rights Texas; Daniel Collins, El Paso County; Ender Reed, Harris County Commissioners Court; Cinde Weatherby, League of Women Voters of Texas; Anne Mazuca, Secure Democracy; Phil Bunker, Teamsters JC 58; Joshua Houston, Texas Impact; Chloe Goodman, Workers Defense Action Fund; and nine individuals)

On — Christina Adkins, Texas Secretary of State

BACKGROUND: Election Code sec. 82.002 allows qualified voters who have a sickness or physical condition that prevents the voter from appearing at the polling place on election day without a likelihood of needing personal assistance or of injuring the voter's health to vote early by mail, including a voter who is expected or likely to be confined for childbirth on Election Day.

DIGEST: CSHB 3920 would specify certain circumstances that would not constitute sufficient cause to entitle a qualified voter to vote early by mail under

Election Code sec. 82.002, including:

- a lack of transportation;
- a sickness that did not otherwise prevent the voter from leaving the voter's residence; or
- a requirement to appear at the voter's place of employment on election day.

An applicant would have to affirmatively indicate that the applicant agreed with the statement, "I have a sickness or physical condition that prevents me from appearing at the polling place on election day without a likelihood of needing personal assistance or injuring my health."

The bill would remove "expected" from "expected or likely" regarding the conditions for eligibility to vote early by mail because of confinement for childbirth on Election Day.

The bill would take effect September 1, 2021.

**SUPPORTERS
SAY:**

CSHB 3920 would clarify existing law by explicitly stating reasons an individual would not be able to vote early by mail in the Election Code. There have been documented cases of individuals abusing the state's provisions allowing individuals with a sickness or certain physical conditions to vote early by mail. The bill would prevent such abuses by delineating circumstances under which a voter would not be qualified to vote in this manner.

The bill would not hamper the ability of individuals with disabilities who were genuinely entitled to vote early by mail to do so but simply would prevent the abuse of Texas' early vote by mail provisions.

**CRITICS
SAY:**

CSHB 3920 could place an unnecessary burden on individuals with disabilities and illnesses that entitled them to vote by mail. Individuals with certain disabilities and chronic illnesses do not always know when their illnesses will affect them. It also could put at risk individuals who were expected, but were not deemed likely, to be confined for childbirth

on Election Day.