

Comments on Voting and People with Disabilities in Texas July 16, 2021

As many federal entities are aware, the Texas Legislature reintroduced voting bills that will restrict voting access for people with disabilities. The Texas Council for Developmental Disabilities (TCDD) continues to be extremely active in the voting rights conversion, offering the following comments on Senate Bill 1 and HB 3 in the current special session:

“Established by state and federal law, TCDD is governed by 27 Governor-appointed board members, 60 percent of whom are individuals with developmental disabilities (DD) or family members of individuals with disabilities. The Council's purpose in law is to encourage policy change so that people with disabilities have opportunities to be fully included in their communities and exercise control over their own lives.

TCDD identified the following policy priority for the 87th Legislature based on the needs and feedback of the disability community in Texas:

Ensure Texans with disabilities have equal access to voting by establishing more voting locations accessible to the community, considering proximity to bus routes and paratransit drop-off points, and publishing an absentee ballot application in an accessible format. Establish and maintain accountability measures for noncompliant voting locations and poll workers.

Unfortunately, as it is currently written, the proposed legislation does not ensure Texans with disabilities have equal access to voting. In fact, certain sections of the bill will make it *more difficult* for people with disabilities to cast their ballot.

The bill states that mail-in-ballot applications must be submitted in writing in ink-on-paper form. Electronic or photocopied signatures are not permitted. Given that many people with disabilities, myself included, cannot produce signatures similar enough to their voter registration forms, they face application and ballot rejections. Since the bill states applications require ink-on-paper signatures, we recommend this be amended to allow for the ink of a signature stamp on paper. Signature stamps are popular tools for people with disabilities who want to ensure their signatures and identities are respected by creating consistency their free-hand signatures cannot guarantee. TCDD also recommends, in the interest of carrying out the goals of the Americans with Disabilities Act of 1990, that accessible PDF versions of mail-in ballot applications be granted to those who request them on the grounds of disability. Voters who are Blind or Visually Impaired, have literacy disabilities, or have disabilities that affect their handwriting struggle with or cannot fill out hard copy applications. Electronic, fillable PDF applications will allow voters with disabilities to use appropriate assistive technology to fill out their own application securely and independently.

The Voting by Mail section of the legislation has address requirements that will create additional barriers for those who vote by mail on the grounds of disability. Not everyone with a disability who requires mail-in voting lives in a hospital, nursing home, or long-term care facility. Many people with disabilities live in the community and vote by mail because they lack transportation, struggle with crowded environments and sensory stimulation, or would risk their health by visiting a polling location. They may also live alone and use attendant services to support independent living, so requiring a relative's address is not sensible. Additionally, these requirements are complex, and it may be unreasonable to assume a person can determine who in their lives qualifies as 'a person related to the applicant within the second degree by affinity or the third degree by consanguinity.'

The bills' current language will require assisters to take an oath that places an unnecessary burden on those who offer to assist voters with disabilities. The threat of penalty of perjury and specificity of assistance limitations will discourage support persons from doing their job: helping a person with a disability exercise independence and their right to vote. Some people with disabilities, who are informed, compassionate, and thoughtful voters, need a little support navigating the ballot. Support and assistance looks different for each voter and may include interpretation of ballot rhetoric, visual cues to follow along the reading of a ballot, or through signing. The bill's suggested oath would prohibit all such support methods and will establish them as punishable offenses. People with disabilities should never be made to feel like those willing to help them are taking risks by doing so, or that their support needs equate to criminal activity. We recommend simplifying the oath, allowing for accessibility that respects and meets the needs of the diverse disability population in Texas.

While we appreciate the Texas legislature's commitment to voter integrity, TCDD asks that the committee fully consider the implications above for voters with disabilities from all parties. We are available and happy to work with the bill author and the committee on our recommendations."

For visual and auditory learners, [click here](#) to view the in-person, oral version of this testimony.

While these issues and recommendations seem specific to current proposed Texas legislation, much of the conversation taking place here is taking place across the country, and solutions to our concerns should be addressed at the federal level. With that, TCDD offers the following recommendations:

- Require states to offer accessible mail-in ballot applications and ballots to allow people with disabilities to apply and cast ballots as independently as possible. Accessible formats may be a fillable PDF or a secure online application compatible with screen readers and other assistive technologies.

- Bolster current federal law with language that explicitly explains states cannot stipulate how assisters can assist a voter with a disability, understanding that everyone with disabilities has unique support needs and requires individualization and flexibility.
- Require states to have a timely and effective way to rectify signature discrepancies on mail-in ballot applications and ballots. Methods should include options beyond going into a physical location to verify identity, understanding that many people with disabilities face significant transportation barriers.
- Establish in federal policy that signature stamps are appropriate tools to provide signatures on voting documentation.

TCDD appreciates your time in reading these comments and is happy to continue this conversation, answer questions, or provide additional resources.

Thank you,

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