

No. 20-0394

In the Supreme Court of Texas

IN RE STATE OF TEXAS
Relator

On Petition for Writ of Mandamus
To the Harris County Clerk, the Travis County Clerk,
the Dallas County Elections Administrator,
the Cameron County Elections Administrator, and
the El Paso County Elections Administrator

**RESPONDENT DANA DEBEAUVOIR'S RESPONSE TO
RELATOR'S PETITION FOR WRIT OF MANDAMUS**

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To the Harris County Clerk, the Travis County Clerk,
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**RESPONDENT DANA DEBEAUVOIR'S RESPONSE TO
RELATOR'S PETITION FOR WRIT OF MANDAMUS**

TO THE HONORABLE JUSTICES OF THE SUPREME COURT OF TEXAS:

DANA DEBEAUVOIR, Respondent, files this Response to Relator's
Petition for Writ of Mandamus.

ISSUES PRESENTED

- Issue 1: Does the Texas Election Code or federal law allow an election administrator to conduct an investigation into a voter's assertion of "disability" on an application for a mail-in ballot?
- Issue 2: Does an election administrator violate the law or her duties when she makes a legally and factually accurate statement?
- Issue 3: Does this Mandamus properly attack the trial court's finding and conclusion that "lack of immunity to the virus" is a physical

condition within the Texas Election Code's definition of disability?

STATEMENT OF FACTS

The COVID-19 Global Pandemic is the most serious public health crisis in Texas history. In response, on March 13, 2020, the Governor of Texas declared a disaster in all of Texas' 254 counties – this has never happened before in the history of Texas. The Governor invoked his authority under a disaster declaration and issued orders limiting the size of gatherings, closing certain business, and waiving numerous statutes. Despite recent efforts to reopen Texas without a heavy cost to the health and safety of individual Texans, Texas has seen its largest increase in death tolls and new cases of COVID-19 in recent days.¹

To protect persons from the risk of contracting the virus, the United States Center for Disease Control and the Texas Department of Health and Human Services advise: “Do not gather in groups,” and “Stay out of crowded places and avoid mass gatherings.” Almost daily, advisors to the U.S. President inform the public that this advice should be followed until a vaccine is found and becomes widely available, which will not occur for many months. In-person voting inherently involves the mass gathering of large

¹ See Tex. Dep't of State Health Svcs., Texas Covid-19 Trends by County at <https://tabexternal.dshs.texas.gov/t/THD/views/COVIDExternalQC/COVIDTrends?:isGuestRedirectFromVizportal=y&:embed=y>, Tab 3.

groups of persons in a crowded place, particularly in populous counties like Travis County.

On April 15, 2020, the 353rd District Court of Travis County issued a ruling that made numerous findings regarding the transmission of and the dangers associated with COVID-19. *See Petition for Mandamus*, Tab A. The Court did not find that the “fear of COVID-19” qualified a voter for a mail-in ballot. The Court determined that based on the evidence and the plain language of Texas Election Code § 82.002(a), *a lack of established immunity* to COVID-19 is a “physical condition” that could prevent a voter from voting in person without likelihood of injury to the voter’s health.

The Travis County Clerk accordingly made a legally and factually accurate summary of the proceedings, including a link to the Trial Court’s order. She further included a specific and accurate statement that the order was under appeal. *See Petition for Mandamus*, Tab B. DeBeauvoir also stated publicly that she would faithfully discharge her ministerial duties and “believe the voter” who submitted a certified application for a mail-in ballot based on disability. *See Petition for Mandamus*, Tab C.

The State appealed the District Court’s order to the Third Court of Appeals, and that Court transferred to the Fourteenth Court of Appeals. While that appeal is still pending, the State brings this Petition for

Mandamus against DeBeauvoir and characterizes her acts described above as “lawless.”

SUMMARY OF THE ARGUMENT

This Mandamus should be denied because neither the Texas Election Code nor federal law allows an election administrator to conduct an investigation into a voter’s assertion of “disability” as the State’s requested relief would require. At its core, the request for mandamus relief would require this Court to construct a non-ministerial duty by reading language into the statute that the Legislature did not include, requiring the Court to cross the line between judicial and legislative powers of government. In order to grant Petitioner the relief requested, this Court would have to step outside its judicial role to:

- a. Create new provisions and criteria the Texas Legislature did not include in the Texas Election Code;
- b. Find that providing legally and factually accurate information about a public court proceeding is a violation of a public official’s duties; and,
- c. Order election administrators to no longer perform their statutorily defined ministerial duties and instead perform a new discretionary act created by this Court.

To notify the public of the status of the vote-by-mail lawsuit, Travis County Clerk Dana DeBeauvoir included the following information on her website: “Based on the Trial Court’s recent order, mail-in-ballots are a legal

alternative to in-person voting for many voters while COVID-19 is in general circulation. Anyone interested should review the Trial Court's order and should continue monitoring the situation because the Trial Court's order has been appealed."² *Petition for Mandamus*, Tab B.

The State asks this Court: (1) to order Respondents not to inform voters that the vote-by-mail statute may apply to them; and, (2) to require Respondents to exceed their statutorily prescribed authority by going behind a voter's application for a mail-in ballot to conduct an investigation into the voter's claim of disability. To that end, the State alleges DeBeauvoir acted "lawlessly" by advocating to voters that they are able to vote by mail. However, the only examples of unlawful conduct offered as a basis for the State's request for relief do nothing more than provide factual information regarding the District Court's order so voters can determine for themselves if they are eligible to receive a mail-in ballot. These legal actions do not constitute an action subject to mandamus.

Furthermore, based on expert testimony regarding the seriousness and transmission of COVID-19, the trial court applied the facts to the plain language of the Election Code and found that the "lack of immunity" to COVID-19 is a physical condition which could qualify as a disability under

² See <https://countyclerk.traviscountytexas.gov/countyclerknews/covid-19-updates.html>, Tab 17.

the Election Code. This Mandamus should be denied because the requested relief—ordering election officials to step outside their statutory duties—is a collateral attack on the Trial Court’s ruling.

ARGUMENT

Protecting the right to vote is of particular public importance because it is “preservative of all rights.” *See, Dunn v. Blumstein*, 405 U.S. 330, 336 (1972) (citing *Reynolds v. Sims*, 377 U.S. 533, 562 (1964)). Elections should be accessible to as many voters as possible without endangering their health and safety and that of the election workers—particularly during the unprecedented time of the COVID-19 pandemic. The plain language of the vote-by-mail statute based on disability reads:

A qualified voter is eligible for early voting by mail if the voter has 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. Tex. Elec. Code § 82.002(a).

Travis County Clerk Dana DeBeauvoir’s primary goal is to run a fair election that complies with the law and is accessible to as many voters as possible without requiring voters to risk their own health and the health of others by exercising their right to vote. She is not acting “lawlessly” as the State alleges, but is instead *complying* with both the Texas Election Code and the Federal Voting Rights Act, neither of which allow an election administrator to

conduct an investigation into the merits of a voter's assertion of "disability." Furthermore, it simply cannot be unlawful for a public official to provide legally and factually accurate information to the public about the existence of a court order.

I. Neither the Texas Election Code nor federal law allows an election administrator to conduct an investigation into a voter's assertion of "disability."

This Court should deny the State's Petition for Mandamus because the State asks this Court to substitute its judgment for that of the Texas Legislature's by creating and imposing upon Respondents a non-ministerial obligation. The Texas Election Code requires that an election administrator provide a mail-in ballot if the voter's application, on its face, meets the requirements of the Election Code. Respondents have no statutory authority, and more to the point for this mandamus proceeding, no duty, to demand additional documentation to support a voter's basis for claiming "disability." This Court should not impose such a duty when the Legislature has chosen not to.

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A. The Court should not override the Legislature's judgment that election administrators have a strictly ministerial duty to provide ballots to voters who timely submit applications that comply with the Texas Election Code.

The State asks this Court to order election administrators to invent and implement a new, non-statutory, and arguably unconstitutional investigation process to require information other than the voter's application for a mail-in ballot in order to determine a disabled voter's entitlement to vote by mail. However, this Court has repeatedly recognized the benefits of reading a statute's language literally:

One significant benefit is that by not reading language into the statute when the legislature did not put it there, we do not risk crossing the line between judicial and legislative powers of government as prescribed by article II of the Texas Constitution. Another benefit is . . . we build upon the principle that "ordinary citizens [should be] able 'to rely on the plain language of a statute to mean what it says.'" *Fitzgerald v. Advanced Spine Fixation Sys.*, 996 S.W.2d 864, 866 (Tex. 1999) (quoting *Addison v. Holly Hill Fruit Prods. Inc.*, 322 U.S. 607, 618 (1944)).

Holding with that principle, this Court should not require DeBeauvoir to go beyond her duties as prescribed by the Legislature.

1. The Attorney General's own opinions conclude that election administrators cannot perform an investigation into a voter's claim of "disability."

Attorney General Paxton addressed this issue in his opinion KP-0009 (2015), responding to a request for an opinion as to whether definitions of

disability from other statutes were applicable to applications for mail-in ballots. General Paxton concluded they were not:

In briefing submitted in response to your request, SOS states that “section 82.002 sets out the appropriate standard” for mail-in voting based on a disability, such that “a voter should believe that they have a sickness or condition which prevents them from voting by personal appearance without assistance or without injuring their health.” The manner and procedure of casting absentee ballots, which includes mail-in ballots, ‘is mandatory and directed by statutory requirements.’ *Tiller v. Martinez*, 974 S.W.2d 769, 775 (Tex. App.—San Antonio 1998, pet. dism'd w.o.j.). When construing a statute, a court will focus on the statute's plain language, which is the best indicator of legislative intent. *Zanchi v. Lane*, 408 S.W.3d 373, 376 (Tex. 2013).

KP-0009 (2015), pgs. 1-2, Tab 2.

The plain language of the Election Code mandates that an election administrator must provide ballots to eligible voters who submit an application complying with the Election Code's requirements. See Tex. Elec. Code Ann. § 63.012(a)(2) (election officer may not knowingly refuse to accept a person for voting whose acceptance is required by this code), Tab 4, and Tex. Elec. Code Ann. § 86.001 (local elections administrator “shall provide an official ballot to the applicant as provided by this chapter” unless it is facially evident from the application that the voter is not eligible), Tab 5.

Voters are eligible to vote by mail if they are over 65 years old, incarcerated, expect to be absent from the county during all in-person early voting and on election day, or are disabled. *Id.*, §§ 82.001-.005, Tabs 6-10.

The Texas Legislature requires applicants to provide additional information and documentation supporting their eligibility to vote by mail in some circumstances³ – a timely application asserting disability as grounds for eligibility to vote by mail is not one of them. *See id.*, §§ 82.001-.007, Tabs 6-12, 84.001-.002, Tabs 13-14.

2. Texas courts consistently hold that election officials cannot inquire into facts beyond the public record.

Texas courts have held for decades that election officials do not have the authority to inquire into facts behind the public record when performing their duties under the Election Code, following this Honorable Supreme Court’s pronouncement in *Weatherly v. Fulgham*, 153 Tex. 481, 483-84, 271 S.W.2d 938, 940 (1954). *See Ferris v. Carlson*, 158 Tex. 546, 549, 314 S.W.2d 577, 579 (1958) (holding that question as to whether proposed candidate for district court judge was a ‘practicing lawyer’ was a complicated, mixed question of law and fact which election official did not have the power to determine); *McClelland v. Sharp*, 430 S.W.2d 518, 522 (Tex. Civ. App.—Houston [14th Dist.] 1968, no writ) (holding that election officials “charged with the duty of certifying the names to appear on the ballot” are “not permitted to go outside the [public] record inquiring of other facts in exercising their implied

³ *See, e.g.*, Tex. Elec. Code §§ 102.001-.002 (process for obtaining late ballot by disabled voter includes certificate of a licensed physician or chiropractor or accredited Christian Science practitioner), Tabs 15-16.

authority”); *State ex rel. Sharp v. Martin*, 186 S.W.2d 111, 114 (Tex. Civ. App.—Amarillo 1945, writ ref’d w.o.m.) (refusing to invalidate absentee ballots that were cast by electors whose ground was sickness or physical disability without a physician's certificate accompanying such application, while applying predecessor statute that included this requirement that was eliminated by the Texas Legislature in 1981); *Bray v. Peden*, 213 S.W.2d 469, 471-72 (Tex. Civ. App.—Fort Worth 1948, no writ) (overruling trial court’s decision to invalidate five absentee ballots despite factual finding that voter was not physically disabled or ill and did not contemplate being absent from county on election day, among numerous other irregularities, holding such statutory language was directory and not mandatory).

In contrast, the State argues, “[i]f an early voting clerk knows the applicant is ineligible to vote by mail, her duty is to reject the application.” *Petition for Mandamus*, at p. 16. However, without investigatory authority, an early voting clerk cannot “know” if an applicant who indicates disability as the ground for eligibility has a condition that “prevents the voter from appearing at a polling place on election day without a likelihood. . . of injuring the voter’s health”.⁴ How disabled is disabled enough? DeBeauvoir cannot be expected

⁴ Any such exercise of judgment would be discretionary and thus, not subject to mandamus.

to exercise medical judgment and should not be required to create new criteria for eligibility that the Legislature did not include in the Texas Election Code.

Furthermore, this decision is not made at the application stage, but it would occur after the ballot is cast. As Attorney General previously concluded in KP-0009, described above: “[c]onsequently, while proof of disability may not be necessary to apply for a mail-in ballot, its production may be compelled if a voter's qualification for voting by mail is challenged in court.” KP-0009 (2015), p. 2, Tab 2. Thus, DeBeauvoir’s acceptance of the voter’s statement of disability at this stage is precisely what she is legally required to do. Any investigation into the voter’s assertion of disability would only be triggered by a subsequent court challenge.

B. The Court should not override federal law which prohibits investigation by an election administrator of a handicapped voter’s application regarding a claim of disability.

Most importantly, the Federal Voting Rights Act specifically *prohibits* early voting clerks from requiring notarization or medical certificates from handicapped voters who timely apply for a ballot by mail— the very thing that the State asks this Court to require of DeBeauvoir: “

No notarization or medical certification shall be required of a handicapped voter with respect to an absentee ballot or an application for such ballot, except that medical certification may be required when the certification establishes eligibility, under State law—

(1) to automatically receive an application or a ballot on a continuing basis; or

(2) to apply for an absentee ballot after the deadline has passed.

52 U.S. Code Ann. § 20104(b), Tab 1. Granting the relief requested by the State would conflict with the Voting Rights Act and potentially place early voting clerks in Texas in violation of federal law.

In order to grant the relief the State seeks, this Court would have to step outside its role as the judiciary and legislate the standards, criteria, and procedures necessary for election administrators to implement an unprecedented investigation of voters. For reasons discussed in more detail below, this Court should hold that the trial court’s interpretation of the plain language of Section 82.002 – that the lack of immunity to COVID-19 is a “physical condition” that is likely to cause injury to a voter’s health if they vote in person – is a correct statement of Texas law.

II. DeBeauvoir acted lawfully and properly executed her duties when providing legal and factually accurate information to the public.

The State asserts DeBeauvoir engaged in “lawless conduct” when she informed the public of the District Court’s order and the pending appeal. The state also asserts she has failed to faithfully execute her duties because she stated she will not exceed her statutory authority by investigating an applicant’s assertion of “disability” as grounds for eligibility to vote by mail,

but instead will take the voter's certified statement as true. The State makes these allegations while simultaneously acknowledging "[r]espondents have no discretion to do anything but determine whether the voter is entitled to vote by mail and process the application accordingly." *Petition for Mandamus*, p. 16.

Admitting election administrators have no duty to investigate applicants' veracity, the State's Petition's real complaint appears to be that Respondents have lawlessly "proclaimed publicly that a healthy voter is eligible to vote by mail based solely on risk of exposure to the novel coronavirus while voting in person." *Petition for Mandamus*, at p. 17. Specifically, the State alleges that DeBeauvoir "advocates a misreading of section 82.002." *Petition for Mandamus*, at p. 8. This assertion is not supported by the facts. DeBeauvoir did not advocate any particular reading of the Election Code, she accurately summarized the state of the litigation and referred the public to the Court's order.

The State offers only two statements made by DeBeauvoir to support its petition. *Petition for Mandamus*, p. 8. First, the State quotes the Travis County Clerk's website: "Based on the Trial Court's recent order, mail-in-ballots are a legal alternative to in-person voting for many voters while COVID-19 is in general circulation."⁵ In fact, it was a legal alternative to in-person

⁵ <https://countyclerk.traviscountytexas.gov/countyclerknews/covid-19-updates.html>, Tab 17.

voting for many voters even before the pandemic. The State also does not include the second sentence of DeBeauvoir's statement, which reads, "Anyone interested should review the Trial Court's order and should continue monitoring the situation because the Trial Court's order has been appealed." She also included a link to the District Court's order to further inform the public. Not only is DeBeauvoir's statement that "mail-in-ballots are a legal alternative to in-person voting for many voters" true regardless of COVID-19, it is her responsibility to post relevant public information regarding an upcoming election. The fact that doing so has resulted in this suit offends the fundamental principles of open government and public service.

Secondly, the State points to DeBeauvoir's statement that, "if the voter swears [to be disabled], I believe the voter." *Petition for Mandamus*, at p. 8. Under the law discussed above, DeBeauvoir is required to believe the voter and has no authority to pick and choose which voters get a mail-in-ballot if they have timely submitted an application that meets the requirements set forth in the Election Code. She has no authority to deny an application based on her own belief or suspicion that they are not disabled, or perhaps not disabled enough, for a mail-in-ballot. She is required by law to "believe" the voter's certified application. Making a statement that she will do so is neither unlawful conduct nor a failure to execute her duties as a local election official.

The State's primary argument is that Respondents have engaged in "lawless conduct" by stating they would follow the plain language of Section 82.002 and the trial court's application of the law to the facts because it is inconsistent with the Attorney General's opinion concerning "fear of COVID-19" by itself being insufficient to permit a mail-in ballot. However, these positions are not inconsistent, because the trial court did not hold that "fear of COVID-19" enables every Texas voter to vote by mail, as repeatedly and incorrectly asserted in Relator's petition.

III. The Trial Court properly found that "lack of immunity to the virus" is a physical condition within the Texas Election Code's definition of disability.

The State next attacks the District Court's Order and re-urges to this Court the arguments it made to the Trial Court as to the definition of disability. Disagreement with a court order is grounds for an appeal, which the State has done. It does not, however, support a mandamus against elected public officials who have done nothing more than express their intention to uphold their duties and conduct fair elections that comply with the law.

Having conducted a full day hearing that included expert testimony, and having reviewed all the evidence presented, the District Court applied the facts to the plain language of the statute and issued an order that addresses the realities and uncertainties we face today. It did not permit voting by mail for

all who “fear COVID-19.” It ruled that *lack of immunity to the virus* was a physical condition meeting the definition of disability in Section 82.002 of the Election Code.

Texas Election Code Section 82.002 defines “disability” (and therefore one possible ground for qualifying for early voting by mail) as a “physical condition” that prevents voting in person on election day due to “a likelihood ... of injuring the voter's health.” The uncontroverted evidence at the Trial Court and facts of which this Court may take judicial notice are that COVID-19 is extremely contagious, and our understanding of the spread of the disease and its effects on individuals is increasing and changing. Initial reports and understanding of the disease has evolved and will continue to evolve. The physical condition recognized was not the fear of COVID-19, but rather the physical state of not having neither a natural nor acquired immunity to the disease, which increases the likelihood of sickness and even death.

Thus, this Mandamus should be denied to the extent it makes a collateral attack on the Trial Court’s findings and order, which were well within the Trial Court’s discretion and authority, and to the extent it requests that the Court order DeBeauvoir not to comply with that order.

CONCLUSION

This Court should deny the Petition for Mandamus because DeBeauvoir is not required to go behind an application for a mail-in ballot when the law provides no authority or mechanism by which she could do so, and because the State's argument that DeBeauvoir is advocating or advising voters to violate the law is factually baseless. The Trial Court's ruling is a proper interpretation of the statute enacted by the Legislature and to rule otherwise would cause further confusion among voters and election officials who must review applications to vote by mail while preparing to hold safe and open elections in the next few weeks.

///

Respectfully submitted,

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ATTORNEYS FOR RESPONDENT
TRAVIS COUNTY CLERK,
DANA DEBEAUVOIR

CERTIFICATION

I hereby certify that I have reviewed this Response to Relator's Petition for Writ of Mandamus and concluded that every factual statement in the Response is supported by competent evidence included in the appendix or the record.

/s/Sherine E. Thomas
SHERINE E. THOMAS

CERTIFICATE OF SERVICE

I hereby certify that on this 18th day of May, 2020, a true and correct copy of the above and foregoing was forwarded to all counsel and/or parties of record by electronic filing and/or electronic service to:

Blake A. Hawthorne, Clerk of the Court Supreme Court of Texas P.O. Box 12248 Austin, Texas 78711	Ken Paxton Jeffrey C. Mateer Ryan L. Bangert Kyle D. Hawkins Kyle.Hawkins@oag.texas.gov Bill Davis Lanora C. Pettit Natalie D. Thompson Office of the Attorney General P.O. Box 12548 Austin, Texas 78711-2548 <i>Attorneys for Relator The State of Texas</i>
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---	--

/s/Sherine E. Thomas
SHERINE E. THOMAS
LESLIE W. DIPPEL
SHARON TALLEY
CYNTHIA W. VEIDT
ANDREW M. WILLIAMS
Assistant County Attorneys

CERTIFICATE OF COMPLIANCE

By my signature below, pursuant to Tex. R. App. P. 9.4(i)(3), I hereby certify that the foregoing Response to Relator's Petition for Writ of Mandamus contains 3,833 words and is compliant as to form pursuant to Tex. R. App. P. 9.4.

/s/Sherine E. Thomas
SHERINE E. THOMAS

In the Supreme Court of Texas

IN RE STATE OF TEXAS
Relator

On Petition for Writ of Mandamus
To the Harris County Clerk, the Travis County Clerk,
the Dallas County Elections Administrator,
the Cameron County Elections Administrator, and
the El Paso County Elections Administrator

RESPONDENT DANA DEBEAUVOIR'S APPENDIX

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KP-00009 (2015)	2
Tex. Dep't of State Health Svcs., Texas Covid-19 Trends by County.....	3
Tex. Elec. Code Ann. § 63.012(a)(2).....	4
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Tex. Elec. Code § 82.001	6
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TAB 1



KeyCite Yellow Flag - Negative Treatment

Proposed Legislation

[United States Code Annotated](#)

[Title 52. Voting and Elections \(Refs & Annos\)](#)

[Subtitle II. Voting Assistance and Election Administration](#)

[Chapter 201. Voting Accessibility for the Elderly and Handicapped](#)

52 U.S.C.A. § 20104

Formerly cited as 42 USCA § 1973ee-3

§ 20104. Registration and voting aids

[Currentness](#)

(a) Printed instructions; telecommunications devices for the deaf

Each State shall make available registration and voting aids for Federal elections for handicapped and elderly individuals, including--

- (1) instructions, printed in large type, conspicuously displayed at each permanent registration facility and each polling place; and
- (2) information by telecommunications devices for the deaf.

(b) Medical certification

No notarization or medical certification shall be required of a handicapped voter with respect to an absentee ballot or an application for such ballot, except that medical certification may be required when the certification establishes eligibility, under State law--

- (1) to automatically receive an application or a ballot on a continuing basis; or
- (2) to apply for an absentee ballot after the deadline has passed.

(c) Notice of availability of aids

The chief election officer of each State shall provide public notice, calculated to reach elderly and handicapped voters, of the availability of aids under this section, assistance under [section 10508](#) of this title, and the procedures for voting by absentee ballot, not later than general public notice of registration and voting is provided.

CREDIT(S)

([Pub.L. 98-435](#), § 5, Sept. 28, 1984, 98 Stat. 1679.)

52 U.S.C.A. § 20104, 52 USCA § 20104
Current through P.L. 116-140.

End of Document

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TAB 2



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

March 9, 2015

The Honorable W. Coty Siegert
Robertson County and District Attorney
Post Office Box 409
Franklin, Texas 77856

Opinion No. KP-0009

Re: Qualification for early voting by mail
under section 82.002 of the Election Code
(RQ-1221-GA)

Dear Mr. Siegert:

You ask about the disability requirements for voting early by mail pursuant to section 82.002 of the Election Code.¹ Section 82.002 allows qualified voters to cast a mail-in ballot in an election prior to the official election day "if the voter has 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." TEX. ELEC. CODE ANN. § 82.002(a) (West 2010). You state that "[o]n the application for ballot by mail, there is a box voters can check for 'Disability' which allows them to vote early by mail." Request Letter; *see* TEX. ELEC. CODE ANN. § 84.011(a)(4)(D) (West 2010) (requiring certain information on an early voting ballot application for "an applicant applying on the ground of age or disability"). You question whether the term "disability" as used on the mail-in ballot application means only the "sickness or physical condition" in subsection 82.002(a), or whether it also includes definitions of disability from other statutes. Request Letter.

The Texas Secretary of State ("SOS") is the entity tasked with administering and applying section 82.002. *See* TEX. ELEC. CODE ANN. § 31.003 (West 2010) (requiring SOS to "obtain and maintain uniformity in the application, operation, and interpretation of" state election laws). In briefing submitted in response to your request, SOS states that "section 82.002 sets out the appropriate standard" for mail-in voting based on a disability, such that "a voter should believe that they have a sickness or condition which prevents them from voting by personal appearance without assistance or without injuring their health."²

¹Letter from Honorable W. Coty Siegert, Robertson Cnty. & Dist. Att'y, to Honorable Greg Abbott, Tex. Att'y Gen. (Sept. 11, 2014), <https://www.texasattorneygeneral.gov/opinion/requests-for-opinion-rqs> ("Request Letter").

²Brief from Keith Ingram, Dir. of Elections, Tex. Sec'y of State at 1 (Oct. 1, 2014) (on file with Op. Comm.). A person's qualification to cast a vote by mail in an election may be subject to challenge. *Tiller*, 974 S.W.2d at 775

The manner and procedure of casting absentee ballots, which includes mail-in ballots, “is mandatory and directed by statutory requirements.” *Tiller v. Martinez*, 974 S.W.2d 769, 775 (Tex. App.—San Antonio 1998, pet. dismissed w.o.j.). When construing a statute, a court will focus on the statute’s plain language, which is the best indicator of legislative intent. *Zanchi v. Lane*, 408 S.W.3d 373, 376 (Tex. 2013). A reviewing court will defer to an agency’s interpretation of a statute only if the statute is ambiguous, provided that the agency’s interpretation is reasonable and does not conflict with the plain language of the statute. *TracFone Wireless, Inc. v. Comm’n on State Emergency Commc’ns*, 397 S.W.3d 173, 182 (Tex. 2013).

The plain language of section 82.002 does not require that a person satisfy any specific definition or standard of “disability” outside of the Election Code in order to qualify to vote by mail. The statute does, however, provide a clarifying but non-limiting example of a condition that satisfies the expressed standard. See TEX. ELEC. CODE ANN. § 82.002(b) (West 2010) (providing that “[e]xpected or likely confinement for childbirth on election day” would qualify one to vote under subsection 82.002(a)).

You refer to definitions of disability used by the Social Security Administration (“SSA”) and the United States Department of Veterans Affairs (“DVA”), two federal agencies that provide services to disabled citizens. Request Letter. SSA and DVA use their own standards for determining a person’s disability for purposes of establishing eligibility for services.³ Election Code section 82.002 makes no reference to a determination of disability made by any state governmental entity or federal agency. See TEX. ELEC. CODE ANN. § 82.002 (West 2010); cf. 42 U.S.C.A. § 12102 (West 2013) (defining “disability” for purposes of the Americans with Disabilities Act). Nor does it condition or limit eligibility based on any such determination. Further, while the disability standards used by SSA and DVA may differ from the standard described under section 82.002, nothing indicates that the two are mutually exclusive for purposes of mail-in voting eligibility. A person determined to be disabled by SSA, for example, would be eligible to vote in an election by mail if the SSA disability constituted a “sickness or physical condition that prevents the voter from appearing at the polling place on election day” as provided under section 82.002. *Id.* § 82.002(a). In accordance with the plain language of section 82.002, to be eligible for early voting by mail, a qualified voter need only satisfy the disability standard established under section 82.002. Consistent with SOS’s construction of the statute, a determination of disability under a different standard or definition of “disability,” standing alone, is not determinative of a person’s qualification for early mail-in voting under section 82.002.

(“Votes are void and should not be counted if the evidence shows that procedural statutory requirements were not followed in the casting of absentee ballots[.]”). Consequently, while proof of disability may not be necessary to apply for a mail-in ballot, its production may be compelled if a voter’s qualification for voting by mail is challenged in court.

³The SSA uses the following definition of disability: “the inability to do any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months.” 20 C.F.R. § 404.1505 (2014). The DVA, by contrast, uses a specific disability rating schedule governed by 38 C.F.R. §§ 4.1–4.150 (2014).

S U M M A R Y

To be eligible to vote early by mail based on a disability, a qualified voter must satisfy the standard established under section 82.002 of the Election Code. A disability determination under a different standard or definition of "disability," standing alone, is not necessarily determinative of a person's qualification for early mail-in voting under section 82.002.

Very truly yours,

A handwritten signature in black ink that reads "Ken Paxton". The signature is written in a cursive, flowing style.

KEN PAXTON
Attorney General of Texas

CHARLES E. ROY
First Assistant Attorney General

BRANTLEY STARR
Deputy Attorney General for Legal Counsel

VIRGINIA K. HOELSCHER
Chair, Opinion Committee
Assistant Attorney General

TAB 3

Trends by County

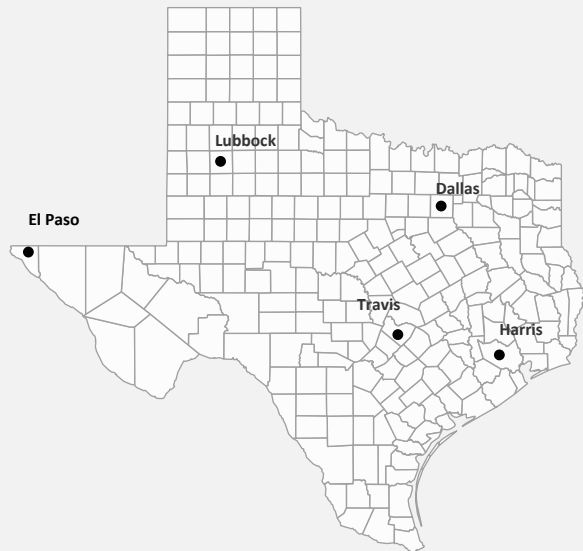
Total Confirmed Cases Per 1,000
Persons

Texas COVID-19

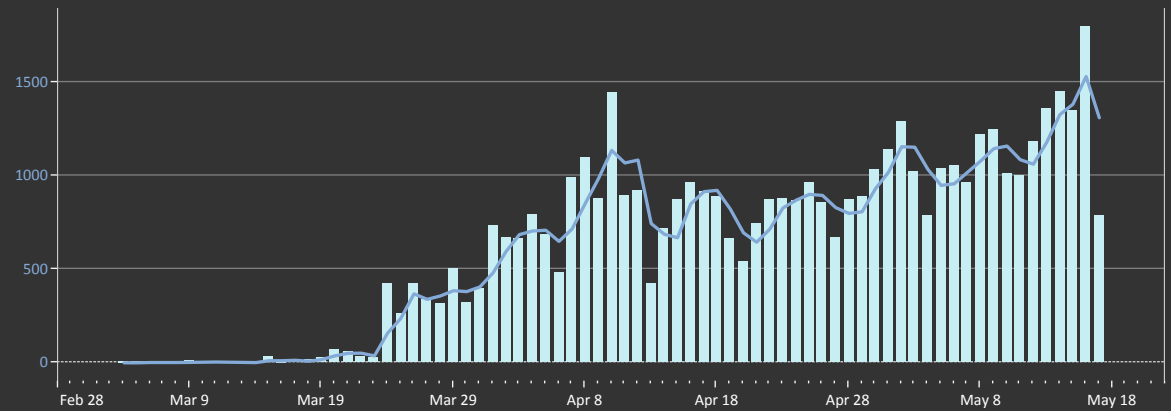
Trends by county

Click on a county to see trends.

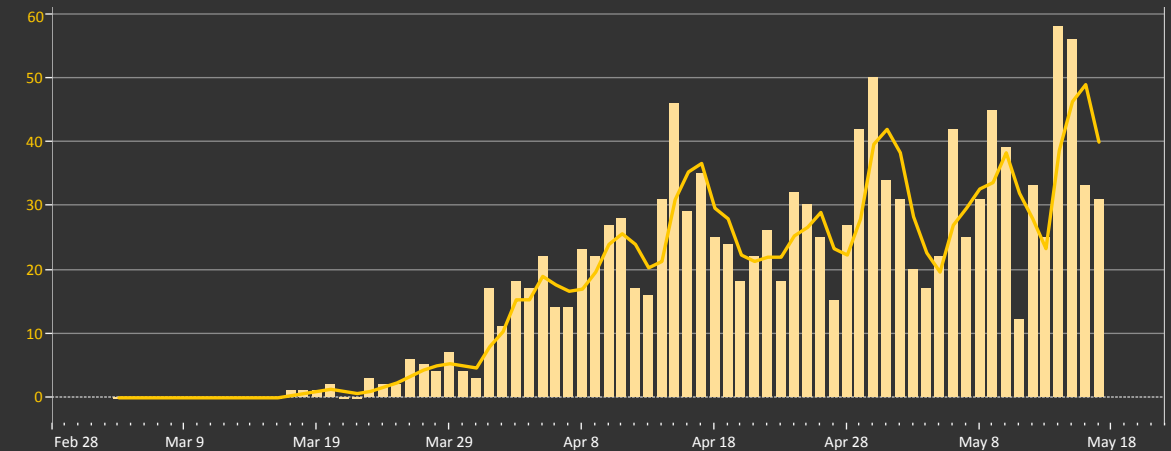
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Andrews		<input type="checkbox"/>
Angelina		<input type="checkbox"/>
Aransas		<input type="checkbox"/>
Archer		<input type="checkbox"/>



Daily New Cases in *Texas*



Daily New Fatalities in *Texas*



TEXAS
Health and Human
Services

Texas Department of State
Health Services

Trends by County

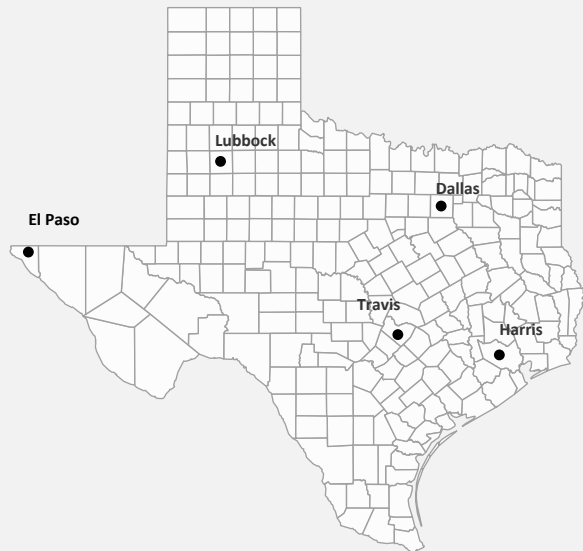
Total Confirmed Cases Per 1,000
Persons

Texas COVID-19

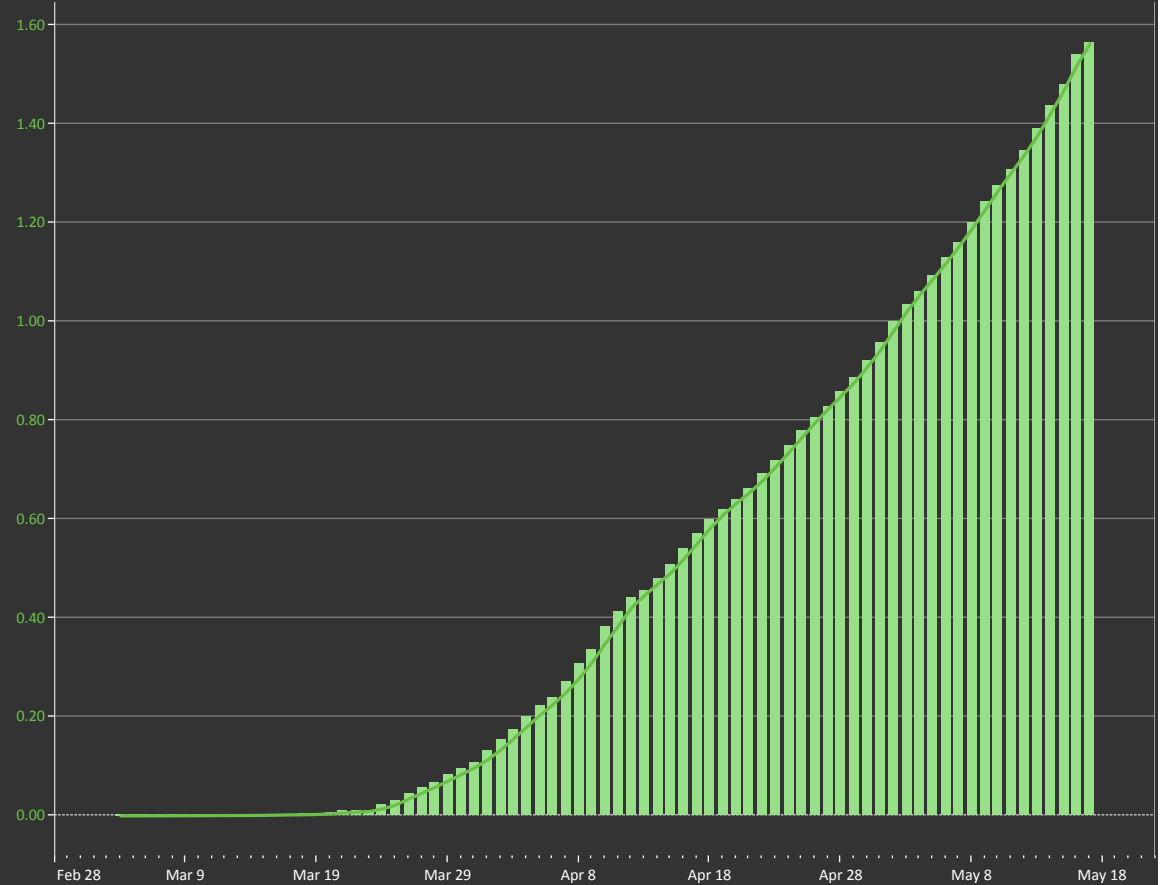
Confirmed case counts per 1,000 persons
for all counties

Click on a county to see trends.

Anderson		<input type="checkbox"/>
Andrews		<input type="checkbox"/>
Angelina		<input type="checkbox"/>
Aransas		<input type="checkbox"/>
Archer		<input type="checkbox"/>



Total Confirmed Cases Per 1,000 Persons in Texas



TEXAS
Health and Human
Services

Texas Department of State
Health Services

TAB 4

Vernon's Texas Statutes and Codes Annotated
Election Code (Refs & Annos)
Title 6. Conduct of Elections
Chapter 63. Accepting Voter

V.T.C.A., Election Code § 63.012

§ 63.012. Unlawfully Accepting or Refusing to Accept Voter

Effective: January 1, 2018

[Currentness](#)

(a) An election officer commits an offense if the officer knowingly:

(1) permits an ineligible voter to vote other than as provided by [Section 63.011](#); or

(2) refuses to accept a person for voting whose acceptance is required by this code.

(b) An offense under this section is a Class A misdemeanor.

Credits

Acts 1985, 69th Leg., ch. 211, § 1, eff. Jan. 1, 1986. Amended by [Acts 2003, 78th Leg., ch. 1315, § 29, eff. Jan. 1, 2004](#); [Acts 2017, 85th Leg., ch. 410 \(S.B. 5\), § 6, eff. Jan. 1, 2018](#).

[Notes of Decisions \(1\)](#)

V. T. C. A., Election Code § 63.012, TX ELECTION § 63.012

Current through the end of the 2019 Regular Session of the 86th Legislature

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TAB 5

Vernon's Texas Statutes and Codes Annotated
Election Code (Refs & Annos)
Title 7. Early Voting
Subtitle A. Early Voting
Chapter 86. Conduct of Voting by Mail (Refs & Annos)

V.T.C.A., Election Code § 86.001

§ 86.001. Reviewing Application and Providing Ballot

Effective: September 1, 2013

[Currentness](#)

- (a) The early voting clerk shall review each application for a ballot to be voted by mail.
- (b) If the applicant is entitled to vote an early voting ballot by mail, the clerk shall provide an official ballot to the applicant as provided by this chapter.
- (c) Except as provided by [Section 86.008](#), if the applicant is not entitled to vote by mail, the clerk shall reject the application, enter on the application “rejected” and the reason for and date of rejection, and deliver written notice of the reason for the rejection to the applicant at both the residence address and mailing address on the application. A ballot may not be provided to an applicant whose application is rejected.
- (d) If the application does not include the applicant's correct voter registration number or county election precinct of residence, the clerk shall enter the appropriate information on the application before providing a ballot to the applicant.
- (e) If the applicant does not have an effective voter registration for the election, the clerk shall reject the application unless the clerk can determine from the voter registrar that the applicant has submitted a voter registration application and the registration will be effective on election day.
- (f) Repealed by [Acts 2013, 83rd Leg., ch. 1178](#) (S.B. 910), § 23.
- (g) If a ballot is provided to the applicant, the clerk shall indicate beside the applicant's name on the list of registered voters that a ballot to be voted by mail was provided to the applicant and the date of providing the ballot unless the form of the list makes it impracticable to do so.

Credits

Acts 1985, 69th Leg., ch. 211, § 1, eff. Jan. 1, 1986. Amended by [Acts 1987, 70th Leg., ch. 472, § 26, eff. Sept. 1, 1987](#); [Acts 1991, 72nd Leg., ch. 203, § 2.12](#); [Acts 1991, 72nd Leg., ch. 554, § 1, eff. Sept. 1, 1991](#); [Acts 1997, 75th Leg., ch. 1381, § 13, eff. Sept. 1, 1997](#); [Acts 2013, 83rd Leg., ch. 1178](#) (S.B. 910), § 23, eff. Sept. 1, 2013.

[Notes of Decisions \(1\)](#)

V. T. C. A., Election Code § 86.001, TX ELECTION § 86.001

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TAB 6

Vernon's Texas Statutes and Codes Annotated
Election Code (Refs & Annos)
Title 7. Early Voting
Subtitle A. Early Voting
Chapter 82. Eligibility for Early Voting (Refs & Annos)

V.T.C.A., Election Code § 82.001

§ 82.001. Absence from County of Residence

Currentness

(a) Subject to Subsection (b), a qualified voter is eligible for early voting by mail if the voter expects to be absent from the county of the voter's residence on election day and during the regular hours for conducting early voting at the main early voting polling place for that part of the period for early voting by personal appearance remaining after the voter's early voting ballot application is submitted to the early voting clerk.

(b) If a voter's early voting ballot application is submitted on or after the first day of the period for early voting by personal appearance, the voter is ineligible for early voting by mail unless the voter is absent from the county when the application is submitted and satisfies the requirements prescribed by Subsection (a).

Credits

Acts 1985, 69th Leg., ch. 211, § 1, eff. Jan. 1, 1986. Amended by Acts 1987, 70th Leg., ch. 472, § 19, eff. Sept. 1, 1987; Acts 1991, 72nd Leg., ch. 203, § 2.05; Acts 1991, 72nd Leg., ch. 554, § 1, eff. Sept. 1, 1991.

Notes of Decisions (12)

V. T. C. A., Election Code § 82.001, TX ELECTION § 82.001

Current through the end of the 2019 Regular Session of the 86th Legislature

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TAB 7

Vernon's Texas Statutes and Codes Annotated
Election Code (Refs & Annos)
Title 7. Early Voting
Subtitle A. Early Voting
Chapter 82. Eligibility for Early Voting (Refs & Annos)

V.T.C.A., Election Code § 82.002

§ 82.002. Disability

Currentness

(a) A qualified voter is eligible for early voting by mail if the voter has 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.

(b) Expected or likely confinement for childbirth on election day is sufficient cause to entitle a voter to vote under Subsection (a).

Credits

Acts 1985, 69th Leg., ch. 211, § 1, eff. Jan. 1, 1986. Amended by Acts 1987, 70th Leg., ch. 472, § 19, eff. Sept. 1, 1987; Acts 1991, 72nd Leg., ch. 203, § 2.05; Acts 1991, 72nd Leg., ch. 554, § 1, eff. Sept. 1, 1991; Acts 1997, 75th Leg., ch. 864, § 69, eff. Sept. 1, 1997.

Notes of Decisions (6)

V. T. C. A., Election Code § 82.002, TX ELECTION § 82.002

Current through the end of the 2019 Regular Session of the 86th Legislature

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TAB 8

Vernon's Texas Statutes and Codes Annotated
Election Code (Refs & Annos)
Title 7. Early Voting
Subtitle A. Early Voting
Chapter 82. Eligibility for Early Voting (Refs & Annos)

V.T.C.A., Election Code § 82.003

§ 82.003. Age

[Currentness](#)

A qualified voter is eligible for early voting by mail if the voter is 65 years of age or older on election day.

Credits

Acts 1985, 69th Leg., ch. 211, § 1, eff. Jan. 1, 1986. Amended by [Acts 1987, 70th Leg., ch. 472, § 19, eff. Sept. 1, 1987](#); [Acts 1991, 72nd Leg., ch. 203, § 2.05](#); [Acts 1991, 72nd Leg., ch. 554, § 1, eff. Sept. 1, 1991](#).

[Notes of Decisions \(1\)](#)

V. T. C. A., Election Code § 82.003, TX ELECTION § 82.003

Current through the end of the 2019 Regular Session of the 86th Legislature

TAB 9

Vernon's Texas Statutes and Codes Annotated
Election Code (Refs & Annos)
Title 7. Early Voting
Subtitle A. Early Voting
Chapter 82. Eligibility for Early Voting (Refs & Annos)

V.T.C.A., Election Code § 82.004

§ 82.004. Confinement in Jail

Currentness

(a) A qualified voter is eligible for early voting by mail if, at the time the voter's early voting ballot application is submitted, the voter is confined in jail:

- (1) serving a misdemeanor sentence for a term that ends on or after election day;
- (2) pending trial after denial of bail;
- (3) without bail pending an appeal of a felony conviction; or
- (4) pending trial or appeal on a bailable offense for which release on bail before election day is unlikely.

(b) A voter confined in jail who is eligible for early voting is not entitled to vote by personal appearance unless the authority in charge of the jail, in the authority's discretion, permits the voter to do so.

Credits

Acts 1985, 69th Leg., ch. 211, § 1, eff. Jan. 1, 1986. Amended by Acts 1987, 70th Leg., ch. 472, § 19, eff. Sept. 1, 1987; Acts 1991, 72nd Leg., ch. 554, § 1, eff. Sept. 1, 1991. Redesignated from V.T.C.A., Election Code § 82.005 and amended by Acts 1991, 72nd Leg., ch. 203, § 1.02; Acts 1997, 75th Leg., ch. 864, § 70, eff. Sept. 1, 1997.

Notes of Decisions (3)

V. T. C. A., Election Code § 82.004, TX ELECTION § 82.004
Current through the end of the 2019 Regular Session of the 86th Legislature

TAB 10

Vernon's Texas Statutes and Codes Annotated
Election Code (Refs & Annos)
Title 7. Early Voting
Subtitle A. Early Voting
Chapter 82. Eligibility for Early Voting (Refs & Annos)

V.T.C.A., Election Code § 82.005

§ 82.005. Eligibility for Early Voting by Personal Appearance

[Currentness](#)

Any qualified voter is eligible for early voting by personal appearance.

Credits

Acts 1985, 69th Leg., ch. 211, § 1, eff. Jan. 1, 1986. Amended by [Acts 1987, 70th Leg., ch. 472, § 19, eff. Sept. 1, 1987](#); [Acts 1991, 72nd Leg., ch. 554, § 1, eff. Sept. 1, 1991](#). Redesignated from [V.T.C.A., Election Code § 82.006](#) and amended by [Acts 1991, 72nd Leg., ch. 203, § 1.02](#).

[Notes of Decisions \(1\)](#)

V. T. C. A., Election Code § 82.005, TX ELECTION § 82.005

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TAB 11

Vernon's Texas Statutes and Codes Annotated
Election Code (Refs & Annos)
Title 7. Early Voting
Subtitle A. Early Voting
Chapter 82. Eligibility for Early Voting (Refs & Annos)

V.T.C.A., Election Code § 82.006

§ 82.006. Redesignated as V.T.C.A., Election Code § 82.005 by Acts 1991, 72nd Leg., ch. 203, § 1.02

[Currentness](#)

V. T. C. A., Election Code § 82.006, TX ELECTION § 82.006
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TAB 12

Vernon's Texas Statutes and Codes Annotated
Election Code (Refs & Annos)
Title 7. Early Voting
Subtitle A. Early Voting
Chapter 82. Eligibility for Early Voting (Refs & Annos)

V.T.C.A., Election Code § 82.007

§ 82.007. Participation in Address Confidentiality Program

Effective: June 15, 2007 to December 31, 2020

[Currentness](#)

<Text of [§ 82.007](#) effective until Jan. 1, 2021. See, also, text of [§ 82.007](#) effective Jan. 1, 2021.>

A qualified voter is eligible for early voting by mail if:

- (1) the voter submitted a registration application by personal delivery as required by [Section 13.002\(e\)](#); and
- (2) at the time the voter's early voting ballot application is submitted, the voter is certified for participation in the address confidentiality program administered by the attorney general under Subchapter C, Chapter 56, Code of Criminal Procedure.¹

Credits

Added by [Acts 2007, 80th Leg., ch. 1295, § 7, eff. June 15, 2007](#).

Footnotes

¹ V.A.T.S., [Code of Criminal Procedure arts. 56.81 et seq.](#)

V. T. C. A., Election Code § 82.007, TX ELECTION § 82.007

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TAB 13

Vernon's Texas Statutes and Codes Annotated
Election Code (Refs & Annos)
Title 7. Early Voting
Subtitle A. Early Voting
Chapter 84. Application for Ballot (Refs & Annos)
Subchapter A. Application for Ballot

V.T.C.A., Election Code § 84.001

§ 84.001. Application Required

Effective: December 1, 2017
[Currentness](#)

- (a) To be entitled to vote an early voting ballot by mail, a person who is eligible for early voting must make an application for an early voting ballot to be voted by mail as provided by this title.
- (b) An application must be in writing and signed by the applicant. An electronic signature is not permitted.
- (c) An applicant is not required to use an official application form.
- (d) An application must be submitted by mail to the early voting clerk for the election who serves the election precinct of the applicant's residence.
- (d-1) A timely application that is addressed to the wrong early voting clerk shall be forwarded to the proper early voting clerk not later than the day after the date it is received by the wrong clerk.
- (e) An applicant for a ballot to be voted by mail may apply for ballots for the main election and any resulting runoff election on the same application. If an application for the main election and any resulting runoff is not timely for the main election, it will be considered timely for any resulting runoff if received not later than the deadline, determined using the date of the runoff election, for submitting a regular application for a ballot to be voted by mail.
- (f) A person who has not made an application as provided by this title is not entitled to receive an early voting ballot to be voted by mail.

Credits

Acts 1985, 69th Leg., ch. 211, § 1, eff. Jan. 1, 1986. Amended by [Acts 1987, 70th Leg., ch. 472, § 20, eff. Sept. 1, 1987](#); [Acts 1991, 72nd Leg., ch. 203, § 2.07](#); [Acts 1991, 72nd Leg., ch. 554, § 1, eff. Sept. 1, 1991](#); [Acts 1997, 75th Leg., ch. 1349, § 33, eff. Sept. 1, 1997](#); [Acts 1997, 75th Leg., ch. 1381, § 2, eff. Sept. 1, 1997](#); [Acts 1999, 76th Leg., ch. 890, § 1, eff. Sept. 1, 1999](#); [Acts 2001, 77th Leg., ch. 854, § 1, eff. Sept. 1, 2001](#); [Acts 2003, 78th Leg., ch. 633, § 1, eff. Sept. 1, 2003](#); [Acts 2015, 84th Leg., ch. 1050 \(H.B. 1927\), § 1, eff. Sept. 1, 2015](#); [Acts 2017, 85th Leg., 1st C.S., ch. 1 \(S.B. 5\), § 3, eff. Dec. 1, 2017](#).

[Notes of Decisions \(16\)](#)

V. T. C. A., Election Code § 84.001, TX ELECTION § 84.001

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TAB 14

Vernon's Texas Statutes and Codes Annotated
Election Code (Refs & Annos)
Title 7. Early Voting
Subtitle A. Early Voting
Chapter 84. Application for Ballot (Refs & Annos)
Subchapter A. Application for Ballot

V.T.C.A., Election Code § 84.002

§ 84.002. Contents of Application

Currentness

(a) An early voting ballot application must include:

(1) the applicant's name and the address at which the applicant is registered to vote;

(2) for an application for a ballot to be voted by mail on the ground of absence from the county of residence, the address outside the applicant's county of residence to which the ballot is to be mailed;

(3) for an application for a ballot to be voted by mail on the ground of age or disability, the address of the hospital, nursing home or other long-term care facility, or retirement center, or of a person related to the applicant within the second degree by affinity or the third degree by consanguinity, as determined under Chapter 573, Government Code, if the applicant is living at that address and that address is different from the address at which the applicant is registered to vote;

(4) for an application for a ballot to be voted by mail on the ground of confinement in jail, the address of the jail or of a person related to the applicant within the degree described by Subdivision (3);

(5) for an application for a ballot to be voted by mail on any ground, an indication of each election for which the applicant is applying for a ballot; and

(6) an indication of the ground of eligibility for early voting.

(b) An application for a ballot to be voted by mail on the ground of absence from the county of residence must indicate that the applicant satisfies the requirements prescribed by [Section 82.001](#).

Credits

Acts 1985, 69th Leg., ch. 211, § 1, eff. Jan. 1, 1986. Amended by [Acts 1987, 70th Leg., ch. 472, § 21, eff. Sept. 1, 1987](#); [Acts 1991, 72nd Leg., ch. 554, § 1, eff. Sept. 1, 1991](#); [Acts 1991, 72nd Leg., ch. 203, § 1.04](#); [Acts 1997, 75th Leg., ch. 565, § 1, eff. Sept. 1, 1997](#); [Acts 1997, 75th Leg., ch. 1381, § 3, eff. Sept. 1, 1997](#).

[Notes of Decisions \(3\)](#)

V. T. C. A., Election Code § 84.002, TX ELECTION § 84.002
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TAB 15

Vernon's Texas Statutes and Codes Annotated
Election Code (Refs & Annos)
Title 7. Early Voting
Subtitle B. Special Forms of Early Voting
Chapter 102. Late Voting by Disabled Voter (Refs & Annos)

V.T.C.A., Election Code § 102.001

§ 102.001. Eligibility

Currentness

(a) A qualified voter is eligible to vote a late ballot as provided by this chapter if the voter has a sickness or physical condition described by [Section 82.002](#) that originates on or after the day before the last day for submitting an application for a ballot to be voted by mail.

(b) In this chapter, “late ballot” means a ballot voted under this chapter.

Credits

Acts 1985, 69th Leg., ch. 211, § 1, eff. Jan. 1, 1986. Amended by [Acts 1991, 72nd Leg., ch. 203, § 2.26](#); [Acts 1991, 72nd Leg., ch. 554, § 1, eff. Sept. 1, 1991](#).

V. T. C. A., Election Code § 102.001, TX ELECTION § 102.001

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TAB 16

Vernon's Texas Statutes and Codes Annotated

Election Code (Refs & Annos)

Title 7. Early Voting

Subtitle B. Special Forms of Early Voting

Chapter 102. Late Voting by Disabled Voter (Refs & Annos)

V.T.C.A., Election Code § 102.002

§ 102.002. Contents of Application

Currentness

An application for a late ballot must comply with the applicable provisions of [Section 84.002](#) and must include or be accompanied by a certificate of a licensed physician or chiropractor or accredited Christian Science practitioner in substantially the following form:

“This is to certify that I know that _____ has a sickness or physical condition that will prevent him or her from appearing at the polling place for an election to be held on the _____ day of _____, 19____, without a likelihood of needing personal assistance or of injuring his or her health and that the sickness or physical condition originated on or after _____.

“Witness my hand at _____, Texas, this _____ day of _____, 19____.

(signature of physician, chiropractor, or
practitioner)”

Credits

Acts 1985, 69th Leg., ch. 211, § 1, eff. Jan. 1, 1986. Amended by [Acts 1991, 72nd Leg., ch. 203, § 2.26](#); [Acts 1991, 72nd Leg., ch. 554, § 1, eff. Sept. 1, 1991](#).

Notes of Decisions (7)

V. T. C. A., Election Code § 102.002, TX ELECTION § 102.002

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TAB 17

[COVID-19 Updates/Lobby Closures – Learn More](#)COVID-19
UPDATES

COVID-19 UPDATES

Stay Home Order

On May 08, 2020 Travis County Judge Sarah Eckhardt signed Order No. 2020-8, extending the previous Stay Home Work Safe Order through June 15, 2020, unless terminated or modified by a subsequent order. [Learn More](#)

Offices and Lobbies are Closed

As of March 24th, the Travis County Clerk has closed all office lobbies in an effort to minimize face-to-face interaction due to the COVID-19 pandemic. All Divisions will conduct business via efile, mail, telephone or email during regular business hours. In case of an emergency, please call 512-854-9188 to setup an appointment. [Learn More](#)

Elections

Due to COVID-19 and proclamations from the Governor's Office, the May 2, 2020 Uniform Election has been moved to the November 3, 2020 Uniform Election date. The May 26, 2020 primary runoff election has been moved to July 14, 2020.

Based on the Trial Court's recent order, mail-in-ballots are a legal alternative to in-person voting for many voters while COVID-19 is in general circulation. Anyone interested should review the Trial Court's order and should continue monitoring the situation because the Trial Court's order has been appealed. [Learn More](#)

Governor Abbott has issued a proclamation authorizing in person early voting to begin on Monday, June 29, 2020, and continue through Friday, July 10, 2020. The polls will be closed on Friday, July 3, 2020 and Saturday, July 4, 2020, in observance of the Fourth of July holiday. [Learn More](#)

Civil

Effective March 16, 2020, the Travis County Civil and Family Courts are suspending in-person non-emergency hearings until at least May 11, 2020. This Order effectively includes all jury trials, all non-jury trials and all non-essential hearings in the family and civil courts. [Learn More](#)

Effective May 8, 2020, County Judge Sarah Eckhardt signed order 2020-9: Relating to Notices to Vacate, Eviction Proceedings in response to COVID-19, which is effective immediately until June 1, 2020, unless terminated or modified by a subsequent Order. [Learn More](#)

Probate

Effective March 13, 2020 all hearings at the Probate Court will be by video through Zoom or telephonically if video is unavailable. Until further order, there will be no in-person hearings for probate or guardianship matters held at the Probate Court. If you have a hearing that has been previously scheduled, the Court will contact you to confirm whether the hearing can be done by video through Zoom. [Learn More](#)

The Travis County Clerk maintains the county's records, administers elections, and oversees legal documentation (such as property deeds, marriage licenses and assumed name certificates).

Main Phone Line: (512) 854-9188 | **24 Hour Voter Hotline:** (512) 238-VOTE (8683) |
Election Division: (512) 854-4996 | **Misdemeanor Division:** (512) 854-9440



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sara.boltin@traviscountytexas.gov
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Status as of 05/19/2020 07:32:37 AM -05:00

Associated Case Party: The State of Texas

Name	BarNumber	Email	TimestampSubmitted	Status
Kyle Hawkins	24094710	kyle.hawkins@oag.texas.gov	5/18/2020 5:02:22 PM	SENT

Associated Case Party: Texas Public Policy Foundation

Name	BarNumber	Email	TimestampSubmitted	Status
Yvonne Simental		ysimental@texaspolicy.com	5/18/2020 5:02:22 PM	SENT
Robert Henneke		rhenneke@texaspolicy.com	5/18/2020 5:02:22 PM	SENT

Associated Case Party: McCaffity for Congress

Name	BarNumber	Email	TimestampSubmitted	Status
Debbie Rima		drima@texttrial.com	5/18/2020 5:02:22 PM	SENT
Sean JMcCaffity		smccaffity@texttrial.com	5/18/2020 5:02:22 PM	SENT

Associated Case Party: Remi Garza

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Case Contacts

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Scott A. Brister
Cynthia Wilson Veidt

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Bar No. 00794734
sara.boltin@traviscountytexas.gov
Envelope ID: 43064007
Status as of 05/19/2020 07:32:37 AM -05:00

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