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April 9, 2020

The Honorable Greg Abbott
Governor of Texas
Office of the Governor
P.O. Box 12428
Austin, TX. 78711-2428

Ruth R. Hughes
Secretary of State
P.O. Box 12060
Austin, Texas 78711-2060

Ron Lucey
Governor's Committee on People with Disabilities
1100 San Jacinto, Suite 1.200
P.O. Box 12428
Austin, Texas 78711

RE: COVID 19's Impact on Reasonable Accommodation for People with Disabilities during Elections

Dear Governor Abbott,

Disability Rights Texas is the federally designated legal protection and advocacy agency for people with disabilities in Texas. Our mandate is to ensure people with disabilities understand and exercise their rights under the law, ensuring their full and equal participation in society. As part of this mandate, we work to address issues involving people with disabilities and voting.

We write to provide you with information on how potential changes to our elections administration in the wake of COVID-19 could impact people with disabilities in Texas. It is important that elections remain safe and accessible to people with disabilities.

Elections must be conducted in a way that ensure the health and safety of voters and elections personnel, and allow for full access for people with disabilities.

We have carefully reviewed the Secretary of State's Election Advisory regarding COVID-19 Voting and Elections Procedures. This letter is meant to follow-up and elaborate on that advisory letter.

We applaud efforts to expand options for remote voting, including voting by mail, but the state must maintain in-person voting systems to the greatest extent possible.

While expanding options for remote voting, the state should institute the following:

- All methods for requesting mail-in ballots must be accessible, including ensuring online accessibility to screen reading technology and over the phone to Video Relay Service.
- Voters should be allowed to designate any individual, including personal care attendants, and nursing home and residential facility staff, to pick up the voter's mail-in ballot and return the voter's completed mail-in ballot. This is particularly important for individuals who are hospitalized and cannot have visitors. Hospitals should designate a staff member to act as a voting liaison for a hospitalized individual who wishes to vote.
- Deliver mail-in ballots to nursing homes, residential facilities, and public housing facilities that were previously used as polling places and relocated as a result of COVID-19 concerns so that residents may vote by mail if they choose to do so. It is important to note that residents should not be required to vote by mail.

Disability Rights Texas supports efforts to expand remote voting, but also notes that in-person voting is still essential for many individuals with disabilities. Voters with disabilities may require in-person voting for a variety of reasons. These reasons include the need for the assistance of a poll worker in filling out a ballot, or access to an accessible voting machine in order to cast a private, independent ballot. Individuals with disabilities do not have a one size fits all solution, and thus, in-person voting is vital to accessible elections.

In considering options for in-person voting, the state should institute the following:

- Ensure that voters with disabilities continue to have access to accessible electronic voting machines and curbside voting options that enable them to vote independently.
- Contain the spread of COVID-19 and protect residents of nursing homes and residential facilities who are at greatest risk is of critical importance. Give guidance

to counties directing them that polling sites at vulnerable facilities should be relocated to an Americans with Disabilities Act (“ADA”) compliant site instead of closing them with no replacement. Alternate polling locations should be within close proximity to the closed location and available by similar options for transit, whenever possible.

- Voters should be allowed to vote curbside to ease ADA compliance issues that will inevitably arise from unexpected relocation of polling sites and to allow voters at greater risk of COVID-19 to limit their exposure. Curbside voting should be improved by supplying counties with sufficient funds for signage and call-buttons to alert poll workers that a voter requires curbside assistance.
- Where an ADA compliant location is unavailable, same-day temporary modifications can be made to ensure ADA compliance during polling hours. The secretary of state should issue guidance to counties reminding them of this option.
- Voters must be notified as early as possible of any changes to their polling places, and notification must be provided in accessible formats.
- The secretary of state should issue guidance to counties reminding them of their obligation to make their election websites accessible to people with disabilities so that updated voting information can be accessed by various accessible technologies.

Thank you for your attention to this very important matter. If you have any questions or would like to discuss further, you may contact Jeff Miller, policy specialist at Disability Rights Texas. He can be reached at jmiller@drtx.org or 512-407-2762.

Respectfully,

A handwritten signature in black ink, appearing to read "Mary Faithfull". The signature is fluid and cursive, with a long horizontal stroke at the end.

Mary Faithfull
Executive Director of Disability Rights Texas, and on behalf of:

REV UP TEXAS