

# Helping Your Members Prepare to Vote by Mail





We are inspired by the late Dr. Martin Luther King, Jr. who fought voter suppression with passion, and the words of Bishop Michael Curry:

***"It is a Christian obligation to vote, and more than that, it is the church's responsibility to help get souls to the polls."***





**Absentee Voting 2022:**  
*How to Help Seniors and Those  
with Disabilities Apply to Vote by  
Mail*

Social Witness Committee  
University Presbyterian Church  
Austin, Texas

- ✓ Form a **team**.
- ✓ Build a **list**.
- ✓ Get the word out—**calls, newsletters, website!**
- ✓ Make **packets**.
- ✓ **Deliver** packets.
- ✓ **Check** in.
- ✓ Check in **again**.
- ✓ Keep good **notes**.
- ✓ Take **stock**.
- ✓ Take a victory lap...and go **again!**



**Form a team.**



# Build a list.

FIRST_Name	LAST_NAME	ADDRESS_1	ADDRESS_2	AD_CSZ	PH_Home	PH_Mobile	EM_E-mail	Source	Volunteer	APP REC'D	APP Mailed	Voted
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	A	B	C	D	E	F	G	H
1	First Name	Last Name	Home Street	Home City	Home State	Home Zip	Home Phone	Email
2	Dave	Abbott	5000 Bussen Rd.	St. Louis	MO	63112	314-555-1212	dave@email.com
3	Sarah	Barnes	7924 Minnesota Ave.	St. Louis	MO	63113	315-555-1212	sarah@email.com
4	Jans	Bearce	1000 Main St.	St. Louis	MO	63114	316-555-1212	jans@email.com
5	Gus	Beil	466 S. Odell	St. Louis	MO	63115	317-555-1212	gus@email.com
6	John	Blumenthal	1104 E. Eastwood	St. Louis	MO	63116	318-555-1212	john@email.com
7	Robert	Bryan	7129 Kingsbury Blvd.	St. Louis	MO	63117	319-555-1212	robert@email.com
8	Shane	Buchek	14 Yellow Brick Road	St. Louis	MO	63118	320-555-1212	shane@email.com
9	Ken	Bussen	10058 Manchester Rd.	St. Louis	MO	63119	321-555-1212	ken@email.com
10	Sharon	Carmin	8100 Gravois	St. Louis	MO	63120	322-555-1212	sharon@email.com
11	Joe	Carmody	500 DeBaliviere	St. Louis	MO	63121	323-555-1212	joe@email.com
12	Seamus	Carton	1267 Delmar Blvd.	St. Louis	MO	63122	324-555-1212	seamus@email.com
13	Karen	Carton	12 Big Bend Blvd.	St. Louis	MO	63123	325-555-1212	karen@email.com
14	Phillip	Carton	2156 West Vest St.	St. Louis	MO	63124	326-555-1212	philip@email.com
15	Georgia	Citek	9052 Watson Rd.	St. Louis	MO	63125	327-555-1212	georgia@email.com
16	Ken	Clark	6016 Waterman, #1W	St. Louis	MO	63126	328-555-1212	kenc@email.com
17	George	Cohn	987 Granneman Lane	St. Louis	MO	63127	329-555-1212	george@email.com
18	Ben	Cohn	1139 Tamm Ave.	St. Louis	MO	63128	330-555-1212	ben@email.com
19	Duncan	Cromley	5000 Bussen Rd.	St. Louis	MO	63129	331-555-1212	duncan@email.com
20	Steve	Decker	765 Edsel	St. Louis	MO	63130	332-555-1212	steve@email.com
21	Hedy	DeGuire	345 South Street	St. Louis	MO	63131	333-555-1212	hedy@email.com
22	Scott	Deitch	500 Midland	St. Louis	MO	63132	334-555-1212	scott@email.com
23	Jerry	DeMoss	7622 Ladue Lane	St. Louis	MO	63133	335-555-1212	jerry@email.com
24	Ned	Dillard	123 Market St.	St. Louis	MO	63134	336-555-1212	ned@email.com



Hello from Social Witness! **MAIL ASAP—DUE JULY 2 TO COUNTY CLERK**

Enclosed you'll find your application(s) to Vote By Mail, and stamped, addressed envelopes. The instructions for completing the application are on the back of the application—and they are pretty self-explanatory. If you need help, please consult the Texas Secretary of State office at the link below:

If you submit an Annual Application for Ballot by Mail within 60 days before an election that takes place in that jurisdiction...

**Instructions for Application for Ballot by Mail**

**Residence Address** - Give full address as shown on your voter registration certificate. If you have moved within the county but not yet changed your voter registration address with the voter registrar, indicate your new residence address.

**Mail Ballot To** - Give full address where you wish to have ballot mailed, if the address is different from your residence address.

**Mailing Ballot to a Different Address** - Your ballot must be mailed to your home where you live or to your mailing address on your voter registration certificate. There are some exceptions that allow you to have your ballot mailed to a different location as specified below.

FROM:

DO NOT REMOVE PERFE



FOREVER USA

Vote By Mail Clerk  
Travis County Elections Division  
PO Box 149325  
Austin, TX 78714-9325

**Make**  
**packets.**

**Deliver** packets.





**Check in.**



**Check in *again*.**



**Keep good notes.**



# Take stock.

## Representative sample feedback

June 3: Oh gosh, yes, I would love to have a mail-in ballot for both \_\_\_ and for myself...what an amazing and good idea!!!! Thank you for this great form of witness.

June 3: So, you sent this to me because of my age? Just kidding you. I do appreciate you getting the word out about this. I work all the early voting and elections in \_\_\_ County and already have my assignment for the Primary Runoff. Unfortunately, only 2-6% of registered voters are expected to actually vote in this runoff.

July 8: Many thanks. We had no idea about registration requirements and deadlines. Now we can vote and not take any risks. Much obliged.

July 7: Yes, grandkids are great, but the grandparents must be losing a step. Our mail-in ballot is only for the State Senator race, so I guess we mis-marked our applications. Guess we'll do early voting after all.

July 7: \_\_\_and I got ours yesterday and will be voting and mailing in today. Thank you.



# Take a victory lap...and go **again!**





# THE MOST POWERFUL INSTRUMENT

## Voting by Mail in Texas

Voting by Mail in Texas

### TEXAS LAW AND VBM A Guide for Voters

A voter wishing to vote by mail must be registered, eligible, apply for, and cast a ballot.<sup>42</sup> An application to vote by mail will be verified against the county's voter rolls before a ballot is issued.

#### 1. Eligibility

In Texas, five categories of registered voters are eligible to vote by mail. Registered voters who are:

- 1) 65 years or older;<sup>43</sup>
- 2) Disabled;<sup>44</sup>
- 3) Confined in jail, but otherwise eligible;<sup>45</sup>
- 4) Out of the county during early voting and election day;<sup>46</sup> and
- 5) participating in a witness protection program.<sup>47</sup>

The precise language defining these categories may be found in the Texas Election Code Sections 82.001-82.004.

Who qualifies as "disabled" has been the subject of extensive litigation. The statute 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." Few specifics exist as to what "physical conditions" qualify.

The potential to contract COVID-19 during in-person voting has created new questions about who qualifies under the category of disability.

"[A] voter can take into consideration aspects of his health and his history that are physical conditions in deciding whether, under the circumstances, to apply to vote by mail because of disability. We disagree that lack of immunity, by itself, is one of them. As we have said, the decision to apply to vote by mail based on a disability is the voter's... [T]he Election Code does not require election clerks to 'investigate each applicant's disability.' Indeed, the Legislature rejected the requirement of a physician's proof of disability for mail-in voting applications when it amended the Election Code in 1981... The elected officials have placed in the hands of the voter the determination of whether in-person voting will cause a likelihood of injury due to a physical condition."<sup>48</sup>

#### 2. Applying

The fastest way to obtain an application to vote by mail is to download it, fill it out, affix a stamp, and mail it to the Early Voting Clerk in the county of the voter's residence. Another option is for the voter to request the Secretary of State mail one to the voter's address. However, the voter should pay attention to deadlines and allow at least three weeks for the application to arrive. An individual voter may request up to five applications. A third option for the voter is to contact the county election official. However, the voter will have to call or correspond by email, allow three weeks for delivery, and local practices may vary regarding the number of applications an individual may receive.

**The application for a ballot by mail must be received—not postmarked—by the county**

election day, which is October 23, 2020, for the upcoming general election.<sup>49</sup> A voter can also personally deliver an application to the early voting clerk if early voting has not yet begun and the deadline to apply is worryingly close.<sup>50</sup> For the July 14 Primary Runoff, the Governor extended early voting by one week. This led to the unusual situation where after June 29, 2020, a person could not hand deliver an application to the county, but could still mail it in and hope it was received by July 2. In previous election cycles, a person could fax or email a scanned application to vote. However, during the special session after the 85th Legislature, lawmakers passed SB 5, which effectively disallowed faxed or emailed voting applications.

Voter error on applications to vote by mail are common. If information provided on the application conflicts with the voter's current registration, the application will be denied. State law requires that the county contact the applicant and state a reason for the rejection, which may allow a defective application to be cured, but there also may not be time for this if the correspondence is close to the deadline.<sup>51</sup> In such a situation, a voter should go in-person to the polls during early voting or Election Day.

Another common problem that arose in the July Primary Runoff was that a voter would apply to be an annual voter and wish to vote in the primary, but forget to mark the party primary of the voter's choice. In such situations, the county would not know to send a primary ballot. Additional confusion occurred in Travis County where a special election for a state senate seat was concurrently occurring. Voters in Travis

arrived with only the special election race on the ballot and not the runoff races. In such a situation, a voter should take the mail-in ballot to their polling location during early voting or Election Day, and tell the election worker that the voter wishes to "surrender" the mail-in ballot and vote in-person. The election worker will have the voter fill out a form cancelling the mail-in ballot, and set the voter up to cast a ballot in-person.

#### Ballot Tracking

On occasion, an error can take place in the mailing process, such as the county failing to receive the application or failing to send a ballot, or the U.S. postal service failing to deliver the ballot to the voter. Texas does not track ballots sent by mail to domestic voters. The federal 2009 Military and Overseas Voter Empowerment Act required states to develop a free access system so military and overseas voters could determine whether their ballot had reached the election official and if it had been counted. States are allowed to choose whether to create an online tracking system or provide a phone system. Thirty-two states developed online systems. Texas created an online system, but unlike fifteen other states that made it available for all mail-in ballots, Texas's system is for military and overseas voters only.<sup>52</sup>

Texas law lacks a satisfying remedy in these instances. If there is ample time, a voter can call the county and ask about the status of their application. Such a call might clarify if the application was received or a ballot was sent. Nevertheless, county employees are busy during election season and could be overwhelmed with the volume of such calls. In a worst-case scenario where the application has been received and a ballot sent by the county, but the ballot never arrives at the voter's house, then the voter should go in-person to the polling place with proper voter identification and vote provisionally. When voting provisionally, a voter must fill out a sworn affidavit explaining the circumstances.<sup>53</sup> Notably, this differs from a situation where a ballot arrives at the voter's house late, which is covered in Section Three.

<sup>42</sup> Tex. Election Code §82.004 (Vernon 2020).  
<sup>43</sup> Tex. Election Code §82.001 (Vernon 2020).  
<sup>44</sup> <https://www.txcourts.gov/media/1446714/200394c3.pdf>  
<sup>45</sup> *In RE State of Texas*, No. 20-0394, slip. op. at 22-24 (Tex. May 20, 2020), available at <https://www.txcourts.gov/media/1446711/200394.pdf>

<sup>46</sup> Tex. Election Code §84.007(c) (Vernon 2020).  
<sup>47</sup> Tex. Election Code §84.008 (Vernon 2020).  
<sup>48</sup> Tex. Election Code §86.001 & 86.008 (Vernon 2020).  
<sup>49</sup> <https://www.ncsl.org/research/elections-and-campaigns/absentee-and-early-voting.aspx#systems>

<sup>50</sup> Tex. Election Code §101.108 (Vernon 2020); see also <https://www.ncsl.org/research/elections-and-campaigns/absentee-and-early-voting.aspx>;  
<sup>51</sup> Tex. Election Code §84.032(c) (Vernon 2020).  
<sup>52</sup> Tex. Election Code §86.005(c) (Vernon 2020).

<sup>53</sup> <https://www.ncsl.org/research/elections-and-campaigns/absentee-and-early-voting.aspx>  
<sup>54</sup> <https://www.ncsl.org/research/elections-and-campaigns/vopp-table-12-states-with-postage-paid-election-mail.aspx>

For more information on voting by mail (absentee voting) in Texas, download Texas Impact's new report at

<https://texasimpact.org/wp-content/uploads/2020/08/Voting-by-Mail-in-Texas-August-2020-2.pdf>

The vote is the most powerful instrument ever devised  
by man for breaking down injustice.

—LYNDON BAINES JOHNSON,  
AUGUST 6, 1965



**Any  
Questions?**