

VOTERS WITH SPECIAL NEEDS

Voting is one of our nation's most fundamental rights and a hallmark of our democracy. The **Americans with Disabilities Act (ADA)** is a federal civil rights law that provides protections to people with disabilities that are similar to protections provided to individuals on the basis of race, color, sex, national origin, age, and religion.

Title II of the ADA requires state and local governments ("public entities") to ensure that people with disabilities have a full and equal opportunity to vote. The ADA's provisions apply to all aspects of voting, including voter registration, site selection, and the casting of ballots, whether on Election Day or during an early voting in-person process.

There is a new law in Section 63.0013-of the Voting Rights Act known as- Notice of Voting Order Priority that allows voters with mobility problems to be accepted for voting ahead of others in line. Ask your voting clerk to move you to the front of the line if this will help you while in your polling site.

Services Available to Voters with Special Needs in Texas

Voter Registration

- People with disabilities have the right to register to vote so long as they are eligible, which means they:
 - Are citizens of the United States;
 - Are at least 17 years and 10 months old at time of registration (but to vote, they must be 18 years of age by Election Day);
 - Have not been finally convicted of a felony, or if they have been convicted, have completed all of their punishment, including any term of incarceration, parole, supervision, probation, or have received a pardon;

Note: Deferred adjudication is not a final felony conviction.

- Have not been determined by a final judgment of a court exercising probate jurisdiction to be totally mentally incapacitated or partially mentally incapacitated without the right to vote.
- Individuals who have legal guardians may be eligible to register, depending on whether the court took away their right to vote. All guardianship orders issued after September 1, 2007 must state whether the individual can vote.
- People with disabilities can receive assistance registering to vote from any state agency that provides services to persons with disabilities or from any person they choose.

Accessible Voting Systems

- On September 1, 1999, Texas became the first state to require that all new voting systems be accessible to voters with disabilities and provide a practical and effective means for voters with disabilities to cast a secret ballot.
- In every federal election (and most nonfederal elections), each polling place will offer at least one type of accessible voting equipment or Direct Record Electronic ("DRE") device. This equipment allows voters with disabilities to vote directly on the system or assist them in marking the paper ballot. Depending on the type of system, voters with disabilities may use headphones or other assistive devices to help them vote independently and secretly.
- In certain nonfederal elections held in counties with a population of less than 20,000, accessible machines may not be available at every polling place. To determine if accessible machines will be available or to request an accommodation, contact the early voting clerk of the county or political subdivision holding the election at least 21 days before the election.

Franklin County Elections provides the paper-based ExpressVote Universal Voting System that is available at all voting locations to serve voters who are blind, have limited vision, or limited dexterity that prevents them from marking the ballot without assistance. As a marker, the ExpressVote handles the entire marking process, eliminating unclear marks and the need for interpretation of the voter's mark by the use of touch-screen technology that produces a paper record for tabulation. The ExpressVote System is a fully compliant Americans with Disabilities Act (ADA) voting solution. The ExpressVote System is an option at Early Voting In-Person and all Election Day polling locations in Franklin County.

All Polling Places in Texas Must be Accessible

Polling places should support voters, not hinder them. When you go to the polls in Texas, you can expect:

- Your polling place will meet strict accessibility standards, including:
- A location on the ground floor that can be entered from the street or via an elevator with doors that open at least 36 inches
- Doors, entrances, and exits used to enter or leave the polling place that are at least 32 inches wide
- Any curb next to the main entrance to the polling place must have curb-cuts or temporary non-slip ramps
- Stairs necessary to enter or leave the polling place must have handrails on each side and a non-slip ramp.
- Removal of all barriers such as gravel, automatically closing gates, closed doors without lever-type handles, or any other barrier that impedes the path of the physically disabled to the voting station.
- Voting systems that are accessible to voters with physical disabilities and can accommodate no vision, low vision, no hearing, low hearing, limited manual dexterity, limited reach, limited strength, no mobility, low mobility, or any combination of the foregoing (except the combination of no hearing and no vision)
- Each polling place will offer at least one type of accessible voting equipment or Direct Record Electronic (“DRE”) device. This equipment allows voters with disabilities to vote directly on the system or assist them in marking the paper ballot. Depending on the type of system, voters with disabilities may use headphones or other assistive devices to help them vote independently and secretly.

Voters May Receive Assistance at the Polls

Tell the election official if you are a voter who needs help to vote. You do not have to provide proof of your disability. Voters are entitled to receive assistance if they:

- Cannot read or write; or
- Have a physical disability that prevents them from reading or marking the ballot; or
- Cannot speak English, or communicate only with sign language, and want assistance in communicating with election officials.

Voters may be assisted by:

- Any person the voter chooses who is not an election worker;
- Two election workers on Election Day; or
- One election worker during early voting.

Voters **MAY NOT** be assisted by:

- Their employer;
- An agent of their employer; or
- An officer or agent of their union.

The person assisting the voter must read him or her the entire ballot, unless the voter asks to have only parts of the ballot read. The person assisting the voter must take an oath that he or she will not try to influence the voter’s vote and will mark the ballot as the voter directs. If the voter chooses to be assisted by polling place officials, poll watchers and election inspectors may observe the voting process, but if the voter asks to be assisted by a person the voter chooses, no one else may watch him or her vote.

It is illegal for a person assisting the voter to:

- Try to influence the voter’s vote;
- Mark the voter’s ballot in a way other than the way they have asked; or
- Tell anyone how the voter voted.

Voters May Use Interpreters at the Polls

Voters who cannot speak English, or who communicate only with sign language, may use an interpreter to help them communicate with election officials, regardless of whether the election official(s) attending to the voter can speak the same language as the voter. The voter may select any person other than the voter’s employer, an agent of the voter’s employer, or an officer or agent of a labor union to which the voter belongs. If the voter cannot read the languages on the ballot, the interpreter may also assist by translating the language on the ballot for the voter in the voting booth. (See assistance section above for more details.) If the voter is deaf and does not have a sign language interpreter who can accompany them to help communicate with the poll worker or read the ballot, the voter

should contact his or her local election officials before the election and request assistance. NOTE: This is a change in prior law, due to Court Orders issued on August 12 and 30, 2016.

Curbside Voting

Curbside voting is available at all polling places. Look for the CURBSIDE VOTING sign and park within the designated area. The curbside area is set up with a drive-up system to notify elections workers within the polling location to be prepared to assist. You will be checked in and ballot materials will be brought to the voter. Curbside voting is reserved for voters that are physically unable to enter the polling place without personal assistance or likelihood of injuring the voter's health (Texas Election Code Sec. 65.009). For more information, please contact our office at 903-537-8353

Voters May Vote Early, Either in Person or by Mail

Voters who vote during the early voting period may vote at any early voting site in the political subdivision that is holding the election. Alternatively, if a voter will be 65 years of age or older on Election Day, has a disability, or will be outside the county during early voting hours and on Election Day, the voter can apply to vote by mail. Simply submit a completed and signed Application for a Ballot by Mail any time from the 60th to the 11th day before Election Day to the proper county early voting clerk. Applications for a Ballot by Mail may also be submitted in person at the main early voting polling location, as long as early voting by personal appearance is NOT taking place. A voter can request a ballot for a single election or for all ballots they are eligible for in that calendar year. They can request an application from our office or they can fill out and print the application from the Franklin County Elections website or from the [Secretary of State's website](#) and mail it to our office at PO Box 1047, Mount Vernon, TX 75457. **We have to receive an application from the voter before we can mail the ballot.** For further information on voting early in person or by mail, including information on assistance in requesting, marking, or mailing a ballot by mail, please read our [Ballot By Mail Mail Instructions](#) from the Franklin County elections website: <https://www.co.franklin.tx.us/page/franklin.Elections>

There is more information provided by the Texas Secretary of State on services for **voters with special needs**, or for a **pamphlet of your rights**.

For additional information, contact:

Secretary of State

Elections Division

P.O. Box 12060

Austin, Texas 78711-2060

512.463.5650 or 1.800.252.VOTE (8683)

Fax 512.475.2811, TTY 7.1.1

County Election Officials

For a list of county election officials, see the **Secretary of State's website**

Disability Rights Texas

Voting Rights Project for Voters with Disabilities

2222 West Braker Lane

Austin, TX 78758

1-888-796-VOTE (8683) (V/TTY)

Fax: 512-323-0902

Disability Right Texas – Contact Us

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