

SUBJECT: Authorizing an accessible absentee mail system for certain voters

COMMITTEE: Elections — committee substitute recommended

VOTE: 8 ayes — Smith, Bucy, Burrows, Capriglione, DeAyala, E. Morales, Swanson, Vo

0 nays

1 absent — Manuel

WITNESSES: For — Chase Bearden, Coalition of Texans with Disabilities (*Registered, but did not testify*: Bob Kafka, ADAPT PACT; Omodele Ojomo, Autism Society of Texas; Katya Ehresman, Common Cause Texas; Marc Hoskins, Disability Rights Texas; Bob Kafka, REV UP Texas; Joey Bennett, Secure Democracy USA; Emily Eby French, Texas Civil Rights Project; Amy Litzinger, Texas Parent to Parent; Ashley Ford, The Arc of Texas; Cynthia Van Maanen, Travis County Democratic Party; Jimmy Byrne, Nicole Ma, Quynh-Huong Nguyen, Steven Wu, Woori Juntos; and 14 individuals)

Against — Alan Vera, Harris County Republican Party Ballot Security Committee; Cindi Castilla, Texas Eagle Forum; Natalie Ibe, True Texas Project; Ed Johnson; Debbie Lindstrom (*Registered, but did not testify*: Angela Smith, Fredericksburg Tea Party; Robert L. Green, Travis County Republican Party Election Integrity Committee for Legislation; and 13 individuals)

On — Ron Lucey, Office of the Governor, Texas Governor’s Committee on People with Disabilities; Christina Adkins, Texas Secretary of State; Eric Opiela

BACKGROUND: Some have suggested that voters with disabilities would benefit from an accessible method for voting that does not require the assistance of another person.

DIGEST: HB 3159 would allow a person eligible for early voting by mail to receive and cast a ballot using an accessible absentee mail system approved by the secretary of state. An accessible absentee mail system would have to be an electronic system used for the sole purpose of enabling a voter who has a disability and needs assistive technology to mark or read the ballot.

The secretary of state would be required to adopt rules and procedures to implement the bill and adopt standards for the approval of an accessible absentee ballot system. At a minimum, the standards would have to require an accessible absentee ballot system to preserve the secrecy of the ballot, authenticate the voter prior to ballot delivery, be equipped with security measures to prevent fraudulent or unauthorized manipulation, and meet other requirements specified in the bill.

The secretary of state by rule could prescribe additional standards for accessible absentee ballot systems consistent with early voting laws. These standards could apply to particular kinds of accessible absentee ballot systems, particular elements comprising an accessible absentee ballot system, or accessible absentee ballot systems generally. To the extent applicable, the secretary of state would have to prescribe and implement a certification process for approving an accessible absentee ballot system, a process for modifications of an approved system's design, and a process for reexamining approved systems.

The early voting clerk would have to provide balloting material and instructions to a voter using an accessible absentee ballot system.

The bill would take effect September 1, 2023.