



March 19, 2020

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

RE: May 26th Runoff Election

Dear Governor Abbott,

As you respond to COVID-19, please consider the ACLU of Texas as a resource in your work to develop a response plan that protects the health, safety, and civil liberties of all Texans. We encourage you to take steps to ensure the May 26<sup>th</sup> elections occur on time. We support a plan that expands vote by mail and extends early voting to garner the largest possible participation given the obvious public health concerns.

First, we encourage you to ensure run-off elections occur on May 26<sup>th</sup>. There is no reason to delay elections when alternate strategies allow the election to move forward on time and with meaningful participation. There is sufficient time to prepare for a successful election in spite of COVID-19, if the State and counties begin preparing now.

Second, the State can and should give all eligible Texas voters the option of voting by mail. Considering the health risks associated with large crowds, expanding access to mail-in ballots is necessary to allow all voters, regardless of age, health condition and location, to participate in our democratic process. Texas law provides that eligible voters may vote by mail for certain specified reasons, including "disability," *i.e.*, where "appearing at the polling place" has a "likelihood . . . of injuring the voter's health." Pursuant to this definition, the Secretary of State should clarify that due to the unique and extreme health risks caused by COVID-19, all individuals are eligible to vote by mail. The State of Virginia has similarly concluded that during the COVID-19 outbreak all individuals may vote by mail due to "disability or illness."<sup>1</sup>

To expand the availability of mail-in ballots, the State and counties should be proactive about educating all eligible voters of the option to vote by mail. We are ready to be partners in a wide voter-education campaign that raises awareness about vote by mail and the process for requesting a mail ballot. The State should also consider providing postage-free methods of submitting mail-in ballots and establishing phone and online hotlines to assist eligible voters in completing their ballots. Assistance should be available in the top languages spoken in Texas, including for those language minority groups required by the Voting Rights Act.

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<sup>1</sup> <https://www.elections.virginia.gov/casting-a-ballot/absentee-voting/>

Third, we encourage the State to extend the early voting period to two weeks, beginning on Monday, May 11th and ending on Friday, May 22nd, including weekend access to polling locations. Providing voters with more options of times and days to vote will help protect voters and poll-workers as it would allow for smaller gatherings in polling places.

Fourth, we strongly support your efforts to keep voters and election officials safe by providing appropriate protective gear, cleaning supplies, and hand sanitizer at all polling places, and training poll-workers in safety procedures. We are prepared to support an effort to recruit additional poll-workers to help staff extended early voting.

As you consider options for Texas' upcoming elections, we strongly support a model that includes both vote by mail *and* in-person voting. While we believe that vote by mail is the safest option for many people, there is a significant risk that Texas' most vulnerable voting populations will be disenfranchised if the ability to vote in person is removed. Following the steps recommended above, including expanding the optional use of mail-in ballots and extending early voting would alleviate many of the concerns associated with large crowds during the voting process and strike the appropriate balance between ensuring that Texans are able to exercise their right to vote and public health.

We appreciate your attention to this matter and your respect for the democratic process. As you work to keep our communities safe and strong, we are happy to meet in person or by phone to discuss how best to protect civil liberties in your COVID-19 response planning. Please contact Jaclyn Elliott at [jelliott@aclutx.org](mailto:jelliott@aclutx.org) if we can be of service.

Sincerely,

Terri Burke  
Executive Director  
ACLU of Texas

Cc: Lieutenant Governor Dan Patrick  
Texas Secretary of State Ruth Hughes  
Bexar County Clerk Lucy Adame-Clark  
Cameron County Clerk Sylvia Garza-Perez  
Dallas County Clerk John Warren  
El Paso County Clerk Delia Briones  
Harris County Clerk Diane Trautman  
Tarrant County Clerk Mary Louise Nicholson  
Travis County Clerk Dana DeBeauvoir

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