

**House Select Committee Constitutional Rights & Remedies
Regarding HB 3
July 10, 2021**

Testimony by Alex Cogan, LMSW, Manager of Public Policy and Advocacy, The Arc of Texas

Thank you for the opportunity to provide input on HB 3. My name is Alex Cogan, and I am Manager of Public Policy and Advocacy for The Arc of Texas, which promotes, protects, and advocates for the human rights and self-determination of Texans with intellectual and developmental disabilities (IDD). This includes ensuring Texans with disabilities can vote privately and independently with proper access, accommodations, and support.

There are multiple provisions in HB 3 that specifically interfere with the ability of Texans with disabilities to participate in the democratic process, a direct counter to the election integrity and security bill authors claim are the purpose of the legislation. Access to the electoral process for people with disabilities is something every Texan should seek, as public confidence in our democratic system requires that *all* eligible voters be able to participate in the process and have their vote counted. Unfortunately, the added requirements and enhanced penalties found in HB 3 fundamentally discourage the participation of those with disabilities to vote with accommodations and support.

The Arc of Texas opposes the following provisions in HB 3 because they infringe on the civil rights of Texans with disabilities and their ability to vote:

- **Section 5.01, Limits the use of signature accommodations**

This section requires a signature to be “ink on paper,” which does not allow Texans with disabilities to utilize a reasonable accommodation through the Americans with Disabilities Act. This provision does not consider the reality of voters with disabilities actual support needs. For example, some individuals may not have the ability to hold a pen or the dexterity to traditionally sign, so they may require the use of a signature stamp.

- **Sections 5.08 and 5.10, Inhibit Texans without a consistent signature from voting**

Allowing a signature verification committee to use any known signature as comparison for a voter by mail does not consider the reality of some Texans with disabilities, whose signature can change due to their disability. For example, people with cerebral palsy, visual impairments, and/or other IDD's frequently do not sign their name consistently.

- **Sections 6.03 and 6.04, Add unnecessary and excessive requirements for individuals who assist voters with disabilities**

These sections require people who assist voters with a disability to complete a form affirming that they “did not encourage [...] the voter into choosing” the assistant. It is not uncommon for a friend or colleague to remind someone that an election is approaching, encourage civic participation and/or remind the individual that they are allowed to have an assistant, if needed, by law. In the case of people with disabilities who require assistance, the individual who is providing assistance may also be the individual who encouraged participation.



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This section also requires assistants to take an oath stating that their support is limited to “reading the ballot to the voter, directing the voter to read the ballot, marking the voter’s ballot, or directing the voter to mark the ballot,” and does not allow an assistant to “answer the voter’s questions, [...] state propositions on the ballot, and [...] name candidates and, if listed, their political parties.” The types of assistance not allowed are sometimes the type of support an individual with intellectual and developmental disabilities (IDD) may need to make an informed choice. Cueing and prompting for people with intellectual and developmental disabilities may be misconstrued by people unfamiliar with IDD as coercion when it is the best way for Texans with disabilities to make informed decisions. People with disabilities have proven time and again that they are proud of their ability and right to choose who and what they vote for; this added provision puts that right at risk.

These changes in the oath complicate the voting process and lead to unnecessary confusion and the potential inability of Texans with disabilities to participate in the democratic process. People with support needs deserve the federal accommodation to exercise their civil right, but the added requirements foster a false narrative that those who volunteer to help their fellow voters are to be suspected of fraud instead of celebrated for creating a more representative democracy.

- **Section 6.04, Increases penalties for assisting voters**

This section requires an assistant of a person voting by mail to fill out a new form with additional information about themselves and their assistance. It will make any mistake in filling out the new form a state jail felony (unless the assistant is related to the voter). These new provisions will create a chilling effect that decreases the availability of support for Texans with disabilities to exercise their civil right to vote.

The above provisions do not consider the lived experiences of people with disabilities and the reasons voting accommodations exist. We urge the committee to recognize that all Texans have the right to vote as privately and independently as possible. People with disabilities already face barriers and discrimination daily, from public school inclusion to securing employment. We must not add voting to that list. As American citizens and Texans, voting is our fundamental right and must be maintained, but HB 3 falls short in maintaining our existing election integrity and security. At best, HB 3 creates significant barriers to the voting process and at worst, it is discriminatory against Texans with disabilities.

Please note that this testimony is a stand-in for in-person representation of people with intellectual and developmental disabilities, as this hearing’s short notice created barriers for them to speak for themselves today. People with disabilities deserve a seat at the table; they deserve to share their powerful stories directly to you. So, on behalf of 3 million Texans with disabilities, we hope the committee will consider the detrimental impact this bill will have on maintaining a system of democracy.

Thank you for the opportunity to provide these comments on behalf of The Arc of Texas. We are open to continuing to work with the author to ensure Texans with disabilities maintain their civil right to vote.