

**BLUE
PRINT
FOR
DEMO
CRACY**

DEMOCRACY
FROM THE
GROUND UP

THE RIGHT TO VOTE IS THE CORNERSTONE OF DEMOCRACY

, and in order to strengthen a democracy, protecting and expanding access to the right to vote is critical. To this end, our country has taken steps to ensure that the franchise is not denied to eligible voters. In particular, the 1965 Voting Rights Act, signed into law by President Lyndon B. Johnson, proactively defended against any challenge to the right to vote.

More than half a century later, however, the right to vote is still under attack in Texas. Just this past year, the Texas Legislature heard and passed several bills that would limit opportunities to vote, and increase criminal penalties for simple mistakes in an already complex process. Bills filed during this same session that would expand voter registration, increase the number of methods to cast a ballot, and protect against political intimidation never moved forward in the legislative process. This has earned Texas the notoriety of being the hardest state to cast a ballot in the entire country.

But, even as state leadership attacks the right to vote, a grassroots movement has materialized in response, advocating for ***a democracy from the ground up.***

The 2022 Midterm Elections are approaching with more registered voters in Texas than ever before. A state as large as ours needs to have a robust and well-organized elections system in place to make casting a ballot as easy and accessible as possible for all eligible voters.

LET'S START OFF BY MAKING SURE PROSPECTIVE VOTERS HAVE AMPLE OPPORTUNITY TO REGISTER TO VOTE. SIMPLE STEPS TO EXPAND OPPORTUNITIES INCLUDE:

- 1. Implementing online Volunteer Deputy Registrars (VDR) training in multiple languages including English, Spanish, Vietnamese, Mandarin, Tagalog, and other languages spoken by a sizable number in the county, and providing resources for individuals with disabilities to complete the training and become deputized.**
 - Currently Texas Election Code allows for online VDR training.¹
 - Nearly 7 million Texans speak primarily Spanish at home.²
 - Over 193,000 Texans speak primarily Vietnamese at home.³
 - Nearly 141,000 Texans speak a Chinese language at home.⁴
 - The deaf and hard-of-hearing population in Texas is estimated to be around 3.8 million.⁵
 - The Voting Rights Act requires election materials and resources to be provided in multiple languages in many counties,⁶ and the Americans with Disabilities Act requires reasonable accommodations for individuals with disabilities.⁷
- 2. Keeping track of high schools that are/aren't compliant with the law in seeking voter registration forms. Track the designated VDR at each school.**
- 3. Providing and tracking voter registration at all county offices, primarily Marriage License Offices and Public Libraries.**
 - Both federal and Texas law require marriage license offices and libraries to offer voter registration.⁸
 - Nearly 185,000 Texas couples applied for marriage licenses in 2016, which is nearly 370,000 Texans who should be offered the opportunity to register to vote.⁹
 - Texas libraries received over 70 million visits in 2017, and have over 14 million members who should have been offered the opportunity to register to vote when they apply for or renew a library card.¹⁰

¹ Tex. Elec. Code § 13.048.

² Alexa Ura and Jolie McCullough, *As Texas Population Grows, More Languages are Spoken at Home*, Texas Tribune (Nov. 26, 2015), www.texastribune.org/2015/11/26/languages-spoken-texas-homes.

³ *Id.*

⁴ *Id.*

⁵ *Deaf and Hard of Hearing FAQs*, Texas Health and Human Services, hhs.texas.gov/services/disability/deaf-hard-hearing/deaf-hard-hearing-faqs/ (last visited July 1, 2019)

⁶ 52 U.S.C. § 10503.

⁷ 52 U.S.C. § 10508.

⁸ 52 U.S.C. § 20506; Tex. Elec. Code Ann. § 20.001.

⁹ *Marriage License Application Indexes*, Texas Department of State Health Services (Oct. 18, 2018), dshs.texas.gov/vs/marriagedivorce

¹⁰ *2017 Texas Public Library Statistics*, Texas Public Libraries (2018), countingopinions.com/pireports/report.php

NEXT, LET'S ENSURE WE HAVE THE RESOURCES TO PULL THIS OFF! IN ORDER TO CONDUCT A WELL-RUN ELECTION, COUNTY STAFF AND POLL WORKERS NEED TO BE RECRUITED AND TRAINED. STEPS YOUR COUNTY CAN TAKE ARE:

- 4. Increase temporary staff leading up to voter registration deadlines, specifically to help with processing and curing voter registration applications.**
 - Commissioners Court has authority to provide funding for election departments to hire additional workers to ensure that polls are properly staff, workers are properly trained, and there are trained technicians available to help with equipment issues. This is the only way to ensure on time polling place openings and to avoid long lines due to avoidable delays.
 - Some counties hire additional outside temporary staff; some counties assign county workers from other departments to do election work on the most critical days.
 - During the successful 2020 General Election, for example, Harris County hired X number of "election clerk assistants" to help ensure everything ran smoothly.
- 5. Pay poll workers \$17/hr minimum; post the pay scale on the county elections website.¹¹ This will increase the number of prospective applicants and ensure retention among newly recruited poll workers.**

IN ORDER FOR FOLKS TO PARTICIPATE IN AN ELECTION, WE NEED TO ENSURE THAT THE INFRASTRUCTURE IS ACCESSIBLE AND WELL-PUBLICIZED. YOU CAN DO THIS BY:

- 6. Seeking community input on the location of polling places through well-publicized public input meetings with in-person, virtual, and written components.**
 - In order to transition to countywide polling places, counties are required to have community input meetings.¹² These meetings help empower the community to engage in the otherwise obscure election administration bureaucracy. Rather than just having them in the initial year of adopting countywide polling places, counties should continue them for every election cycle.
 - Having community input on polling place location would help prevent legal violations and last minute court-ordered addition of polling places at great cost to counties, as happened in the 2020 election.¹³
- 7. Establishing polling places on all college campuses with 8,000+ during Early Voting and Election Day, in visible, high-traffic locations with accessible parking.**
 - As of 2020, Texas had 25 colleges and universities with an enrollment of 8,000+. Adding polling places to these campuses would make voting accessible to more than 618,000 young Texans.¹⁴

¹¹ Texas Elec. Code § 32.091 allows Commissioners Court to set the rate of pay for election judges and clerks.

¹² Tex. Elec. Code § 43.007(h).

¹³ See *Texas Organizing Project v. Callanen* (45th DC-Bexar - 2020Cl19387).

¹⁴ *List of public universities in Texas by enrollment*, Wikipedia (2022), en.wikipedia.org/wiki/List_of_public_universities_in_Texas_by_enrollment (last visited Jun 2, 2022).

8. Actively verifying that all polling locations in the County comply with the Americans with Disabilities Act.

- Federal law requires state and local governments to ensure that people with disabilities have a full and equal opportunity to vote. Title II of the ADA ensures that all polling places in the United States must be fully accessible to people with disabilities.¹⁵
- The Department of Justice has provided a checklist to help counties verify polling place accessibility at their website.¹⁶

9. Providing the public with a complete list of polling places ahead of the election on the county elections website, proactively following the requirements of the Freedom to Vote Act.

- Counties are required to post the list of polling locations on their website no later than three weeks before the election.¹⁷ Posting the list as early as possible gives people more time to make a plan to vote.

10. Providing proper and abundant signage directing voters to polling locations.

- Many polling places are in highly populated areas that may have several buildings close to each other, such as a downtown library or a college campus building. It is important to make sure that voters can easily find their way to the polling place.
- State law requires counties to post similarly helpful signs at the polling place, including voting instructional posters¹⁸, a notice of voters¹⁹ rights, distance markers for electioneering purposes,²⁰ and a notice of acceptable voter IDs.²¹

11. Boosting curbside voting so that eligible voters can be processed as they drive up to designated areas without going inside to request curbside voting (required by current law).

- In 2020, a judge ordered Bexar County to post conspicuous curbside informational signs at each polling location during Early Voting and on Election Day.²²
- The Department of Justice says that any effective curbside voting system must include "signage informing voters of the possibility of voting curbside, the location of the curbside voting, and how a voter is supposed to notify the official that she is waiting curbside" and "a method for the voter with a disability to announce her arrival at the curbside (a temporary doorbell or buzzer system would be sufficient, but not a telephone system requiring the use of a cell phone or a call ahead notification)" that is met with "a prompt response from election officials to acknowledge their awareness of the voter."²³

^{15, 23} *The Americans with Disabilities Act and Other Federal Laws Protecting the Rights of Voters with Disabilities*, U.S. Department of Justice, Civil Rights Division, Disability Rights Section (2014), ada.gov/ada_voting/ada_voting_ta.html (last visited June 14, 2022).

¹⁶ ADA Checklist for Polling Places, ADA.gov (2016), ada.gov/votingchecklist.pdf (last visited Jun 2, 2022).

¹⁷ Tex. Elec. Code § 4.003(b).

¹⁸ Tex. Elec. Code § 62.011.

¹⁹ Tex. Elec. Code § 62.0115.

²⁰ Tex. Elec. Code § 62.010.

²¹ Tex. Elec. Code § 62.016.

²² *Coalition of Texans with Disabilities v. Jacqué Callanen*, No. 2020-CI-21014 (45th Dist. Ct., Bexar County, Tex Order on Application for Temporary Restraining Order, Cause No. 2020-CI-21014, Oct. 30, 2020), available at txcivilrights.org/wp-content/uploads/2020/10/2020_10_30_10_56_17.pdf.

12. Providing a polling place at the largest county jail,

- Harris County provided a jail polling place in 2021.²⁴ Jail polling places are legal in Texas, and can provide access to eligible voters who are incarcerated too late to request a ballot by mail.

13. Conducting a strategic digital Get Out The Vote (GOTV) campaign during early voting, encouraging folks to vote early if possible and participate in the democratic process.

SB1 AND OTHER VOTER SUPPRESSION LAWS HAVE MADE VOTING BY MAIL DIFFICULT. MOST TEXAS COUNTIES SAW A RECORD NUMBER OF MIB APPLICATIONS DENIED BECAUSE OF SIMPLE MISTAKES. IN ORDER TO AVOID THIS, YOU CAN:

14. Publicize information on who qualifies for a Mail-In Ballot (MIB), detailing the Curing Process and what to do if an MiB application is rejected.

- New SB1 provisions caused nearly 25,000 mail-in ballots to be rejected in the 2022 March Primary, which is 12% of the total number of mail voters.²⁵ It has never been more vital for each county to spread the word about how voters can successfully cure their ballots.

LASTLY, VOTING SHOULD BE PROMOTED BY THE COUNTY YEAR ROUND AND NOT JUST DURING AN ELECTION. A LOW-COST WAY TO DO THIS WOULD BE TO:

15. Create a civic engagement advisory board that includes members of the community, advocates, business leaders to promote a culture of voting.

- As stated above, counties are required to have community input meetings in order to transition to countywide polling places.²⁶ Counties should continue them for every election cycle.

²⁴ For the first time in Texas, inmates now have a polling place of their own at Harris County Jail, Houston Chronicle (Nov. 3, 2021), [houstonchronicle.com/politics/houston/article/-for-the-first-time-in-Texas-inmates-now-have-a-16588331.php](https://www.houstonchronicle.com/politics/houston/article/-for-the-first-time-in-Texas-inmates-now-have-a-16588331.php).

²⁵ More than 12% of mail-in ballots were rejected in Texas under new GOP voting rules, final tally shows, Texas Tribune (April 6, 2022), [texastribune.org/2022/04/06/texas-mail-in-ballot-rejection-voting/](https://www.texastribune.org/2022/04/06/texas-mail-in-ballot-rejection-voting/)

²⁶ Tex. Elec. Code § 43.007(h).