

Texas 2020 Elections: Preparations and Considerations

July 10, 2020

Texas held its primary elections on March 3, 2020, shortly before the state confirmed its first COVID-19 case and implemented county- and statewide orders as a result. It is now approaching run-off primary elections on July 14, 2020, amidst a renewed outbreak of the virus in Texas. These elections will provide an indication of how well the state is prepared to accommodate high voter turnout and where it can improve in the lead-up to the general election in November. An outlier among other states, Texas has been reluctant to shift toward expanded voting by mail, despite public pressure to do so. Ongoing legal challenges and inconsistent messaging between state and county officials may present an obstacle to effective communication of voting procedures to voters. It remains to be seen how successful other measures Texas plans to take, including an extended early voting period and a practice of ‘curbside voting’, will be in dispersing crowds and avoiding lengthy wait times at polling locations.

Authors: Kenneth Kuwayti, Sarah Stothart, Michelle Larg, Hanna Balcha and Zachary Quinlan

Table of Contents

Summary	2
March 3, 2020 Primary Election Post-Mortem	7
Elections in Play	7
Issues with March 3, 2020 Primary Elections	8
Lengthy Wait Times	8
Technology and Informational Issues	9
Preparations for the Upcoming Run-Off Primaries and General Election	10
Impact of COVID-19	10
Recommendations to Counties	11
Recommendations to Election Officials	11
Recommendations to Voters	12
Vote by Mail	12
Curbside Voting	14
Early In-Person Voting	14

In-Person Voting Precautionary Measures	15
Late Voting	16
Use of Technology	16
Voter Outreach and Education	17
Third Party Involvement	18
Variations in Primary Preparations by County	19
Adherence to State Laws and Recommendations	20
Several Counties Encourage Early Voting, Mail-In Voting and Curbside Voting Beyond State Recommendations	21
Challenges to Upcoming Elections	22
Legal Challenges	22
State Court Challenge	22
Federal Court Challenge	24
Logistical Challenges	24
Additional News Articles & Reports	27
Appendix A: Review of Procedures Listed on County Election Websites	28

Summary

As Texas approaches its run-off primary elections on July 14, 2020 and the general elections in November 2020, it will not have had the benefit of a large-scale prior experience navigating the challenges presented by COVID-19. Its primary elections were held on March 3, 2020, shortly before any instance of the virus had been identified in Texas and before any county- or statewide emergency order had taken effect. Even so, its primary elections were not without their challenges as a result of high voter turnout and delays at polling locations, and the delays seem to have been exacerbated by early concerns relating to COVID-19. That experience, coupled with a number of factors unique to Texas' election practices, provide some indication of the challenges that may arise with the upcoming run-off primaries and general election and the preparations being taken and considered by Texas elections officials to avoid them.

In addition to summarizing Texas' experience with its March primary and its preparations for the upcoming elections, this analysis highlights four key obstacles to successful elections in the state.

1. Ongoing Legal Challenges and Uncertainty Concerning Mail-in Voting

Texas is one of the few states that, so far, has resisted a transition to expanded voting by mail. Voters are required to request absentee ballots based on enumerated grounds, including that they suffer from a “disability” preventing their in-person attendance. Texas’ highest court has recently clarified that general susceptibility to COVID-19 does not fall within the enumerated ground of disability, but it pointed out that election officials cannot investigate or look beyond a voter’s self-proclaimed disabled status. Some county officials, particularly those in the most populous counties, are thus signaling to voters that they can seek to vote by mail if they fear contracting COVID-19, even while Texas’ Attorney General makes public statements denouncing such a practice. The conflicting information and uncertainty being communicated to voters may have an impact on the upcoming elections. It is likely that the Appeals Court for the 5th Circuit will have offered further clarity on the issue prior to the general election in November.

2. High Degree of Fragmentation Across Counties

Texas is divided into 254 counties, each of which are individually responsible for voter registration; where, when, and how to vote; and for what is on the ballot. These counties must operate elections within a prescribed legal framework, but otherwise are granted considerable discretion and latitude to conduct elections. Though the Texas Secretary of State (the office responsible for applying and interpreting Texas’ election laws) issues recommendations and advisories, and has done so particularly in light of the unique challenges posed by the COVID-19 pandemic, county officials may choose not to implement these recommendations. This system can result in a high degree of fragmentation and differentiation in practice across the state’s counties.

3. Inability to Enforce COVID-19 Related Precautions

Despite the number of recommendations being issued by the Secretary of State related to COVID-19, and despite recommendations by the CDC and other public health agencies, none is binding on election officials. Further, voters *cannot* be required to wear face masks, have their temperature checked, or be subjected to questions about the condition of their health when presenting to vote. Unauthorized signage, such as instruction to voters on best voting practices in the COVID-19 context, is prohibited at polling places, unless counties are proactive and take the necessary steps to seek approval in advance from the Secretary of State. All of these discretionary opportunities create risk that safety precautions and public health measures may be difficult to implement.

4. Uncertainties Around Ability to Manage In-Person Election Day Traffic

Texas' experience with high voter turnout and lengthy delays at its primary elections on March 3, 2020 was prior to any case of COVID-19 and prior to any executive orders being put in place in the state. Now, Texas is facing a significant resurgence of COVID-19 infections and deaths. Without a large-scale system of voting by mail, it is not clear that election officials are prepared to deal with large crowds of voters with potentially depleted staffing caused by apprehension of COVID-19.

Key Resources:

- [VoteTexas.gov](#): Texas Secretary of State's voter page
- Important [2020 Election Dates](#)
- [Vote.org Texas Election Center](#): information and deadlines for absentee voting, early voting, and election day
- [LWV Voters Guide](#): ballot and voting information
- [DSHS Coronavirus Disease 2019](#): Texas Department of State Health Services Coronavirus Information

Texas Election Laws

The provisions of the [Texas Election Code](#) (the "TEC") apply to both primary and general elections ([§ 1002\(a\)](#)).¹ These election laws are supplemented by additional provisions contained in the [Texas Administrative Code](#).

The Texas Secretary of State is [one of six state officials](#) created by the Texas Constitution. As part of the Executive Department of Texas, the Secretary of State is appointed by and serves at the pleasure of the Governor of Texas. Among its constitutional duties is its role as the Chief Election Officer for Texas. Thus, the Secretary of State ensures the uniform application and interpretation of the TEC throughout the state ([§ 31.003](#)). It is also empowered to establish an elections division with staff to whom it may delegate any function relating to the administration of elections ([§ 31.001\(b\)](#)) which it has done in the form of the Elections Division. It is incumbent upon the Secretary of State to adopt rules classifying the duties and functions of different election officials such as county clerks and county election administrators, ([§ 31.045](#)).

The following is a summary of election laws most relevant to the conduct of the upcoming run-off primary elections and the general election in light of the COVID-19 pandemic.

Source	Law
--------	-----

¹ All references to § are to the TEC.

<p>§ 13.002</p>	<p>No automatic or online registration. Contrary to other states, Texas’ election laws do not provide for the possibility of automatic voter registration or the option to register online. Instead, prospective voters are required to submit an application to vote by mail, personal delivery, or fax to the registrar of the county in which they reside.</p>
<p>§ 13.143(a)</p>	<p>The application to vote must be received by the registrar at least thirty days prior to election day.</p>
<p>§ 81.001(a) and Chapter 82</p>	<p>While Texas election laws permit early (absentee) voting by mail, the circumstances in which an individual may be eligible to do so are limited. (§ 81.001(a)) Unlike other states which do not require an excuse to cast a ballot by mail or have exceptionally allowed all voters to vote by mail during the COVID-19 pandemic, Texas has maintained its preference for in person voting. In order to vote by mail in Texas, a registered voter must conform to one or more enumerated “excuses” in Chapter 82 of the Texas Election Code. They must either be absent from their county of residence throughout the duration of the voting period (§ 82.001), disabled (§ 82.002), over the age of 65 on election day (§ 82.003), confined in jail (§ 82.004), or participating in the address confidentiality program administered by the attorney general (§ 82.007).</p>
<p>Chapter 84</p>	<p>To vote by mail, applicants must submit a written application to the early voting clerk in their respective election precinct (§ 84.001) in which they indicate on which grounds they are eligible for early voting by mail (§ 84.002(a)(6)). This written application must be submitted by mail and received by the 11th day before election day (§ 84.007).</p>
<p>§ 62.013</p>	<p>Unauthorized signage is prohibited at polling places. This ban may include unapproved signs instructing voters on best voting practices in the COVID-19 context, such as how to comply with the Centers for Disease Control and Prevention’s recommendations on social distancing, and how to interact with polling staff and equipment safely. In order for the presence of such signage to comply with Texas law, counties must be proactive and take the necessary steps to seek signage approval in advance from the Secretary of State.</p>
<p>General</p>	<p>Election officials are limited in the type of mitigating behaviors that they can legally require voters to engage in at the polls. Election judges do not possess the authority under the Texas Election Code to ask voters about their health history or presence of any COVID-19 symptoms, and cannot require temperature checks prior to entering a polling place. Similarly, election officials cannot require Texan voters to wear face coverings when voting in person under current Texas election law. Instead, they may only encourage and facilitate their use. These legal limitations are underscored in the Director of Elections’ Election Advisory No. 2020-19 on the website of the Texas Secretary of State.</p>

In addition to the above-noted legal requirements, the Texas Secretary of State has also issued on its [website](#) a series of non-binding recommendations to county election officials in the form of Election Advisories and Memos relating to the conduct of elections during the COVID-19 pandemic.

Source	Non-Binding Recommendation
Election Advisory No. 2020-14	Counties may seek court orders authorizing deviation from TEC provisions that are incompatible with the COVID-19 crisis.
Election Advisory No. 2020-14	Counties should expect a high volume of vote-by-mail applications and plan accordingly.
Election Advisory No. 2020-19 ; Election Advisory No. 2020-14	Implement CDC's social distancing measures in polling locations. Select polling locations with social distancing capacity.
Election Advisory No. 2020-19	Provide voters with separate marking devices, sanitize and rotate devices after each use, and encourage voters to bring their own marking utensils.
Election Advisory No. 2020-19	Provide election employees and poll workers with personal protective equipment, subject them to temperature checks before entering the polling location, and send them home if they exhibit signs or symptoms of COVID-19 while at work. Recruit backup election workers to prepare for this eventuality.
Election Advisory No. 2020-19 ; Election Advisory No. 2020-14	Regularly clean and sanitize polling location surfaces and equipment. Consult vendors of electronic voting machines for specific cleaning instructions.
Election Advisory No. 2020-19	Encourage voters to wear face masks and vote curbside if they are symptomatic with COVID-19.

Important Deadlines for Upcoming Elections

Texas is approaching several key dates in connection with its upcoming run-off primary and general elections.

Date	Deadline
June 29, 2020	Early Voting Begins (Run-Off Primaries)
July 2, 2020	Application to Vote by Mail or in Person Due (Run-Off Primaries)
July 10, 2020	Early Voting Ends (Run-Off Primaries)
July 14, 2020	Run-Off Primaries
July 15, 2020 ²	Mail-In Ballots must be received by County Clerk (Run-Off Primaries)
October 4, 2020	Application to Vote must be received by Registrar (General Election)
October 18, 2020	Early Voting Begins (General Election)
October 23, 2020	Application to Vote by Mail or in Person Due (General Election)
October 29, 2020	Early Voting Ends (General Election)
November 3, 2020	Mail-In Ballots must be received by County Clerk (General Election)
November 3, 2020	General Election

I. March 3, 2020 Primary Election Post-Mortem

A. Elections in Play

Texas held its primary elections for president, U.S Congress and State Judiciary on March 3, 2020 (known as “Super Tuesday”). The results for the March 3rd Democratic Primary can be found [here](#) and for the Republican Primary can be found [here](#).

Run-off primary elections in [over 30 races](#) in which no candidate exceeded 50% of the votes will take place on July 14, 2020, and are discussed in Section IV.

² This deadline is only for carrier envelopes that are postmarked by 7pm on election day. For carrier envelopes that are not postmarked, the deadline is July 14, 2020 at 7pm.

B. Issues with March 3, 2020 Primary Elections

The primary elections largely proceeded as planned on March 3, 2020. Voter turnout [far exceeded the turnout](#) for the 2016 primary, with voting predominantly done in person. Although the primary was not significantly affected by COVID-19 because it took place before restrictions had been put in place, there were several issues and complications in various counties across the state that suggest areas for improvement and consideration in the upcoming elections.

Lengthy Wait Times

During the primary elections on Super Tuesday, evening lines at polling locations were unprecedented in recent history. The majority of polls were scheduled to close across the state at 7 p.m. CST, but lines were so long in several counties that wait times continued after scheduled poll closures. In some parts of the state, including the most populous counties, voters were waiting for three to six hours to cast their ballots. While some voters were willing to stay hours after polls closed, in counties experiencing delays, [others reported](#) that people around them were leaving prior to casting their ballots as a result of lengthy wait times.

The [delays in Harris County were caused by the high volume of voter turnout](#) as well as by [segregation of voting machines along party lines](#), according to the spokesperson for Harris County. The County's request that political parties allow all voters to use any of the available machines was not granted. Additionally, Harris County experienced problems with insufficient voting machines.

In Travis County, the County Clerk noted that [fear of COVID-19 appeared to have impacted staffing](#). Approximately 80 elections judges and several election workers [did not show up to their polling locations](#), which is a significantly higher number than in any other election. The effect cascaded, as poll workers abandoned their polls after realizing there was insufficient staffing to open the polling location. This prompted Travis County to seek emergency assistance but, even after all of the emergency backup workers had been brought in, there were still [164 vacancies](#). 40 polling locations [were late to open](#).

During the primary elections, many of the sites that had very long waits were in Harris County, a county which has lost 52 polling locations since 2012, and which is predominantly composed of Black and Latinx voters (with each group making up [40 percent and 19 percent of the population, respectively](#)). In Houston, Harris County's largest city, voters saw the effects of polling

deserts created by these closures. Voters at Texas Southern University, the city's historically black college, were still in line at 1:00 am, [six hours after polls closed](#). The Texas Civil Rights Project [explained on social media](#) that this was a predictable trend across Harris County elections. The county clerk even released [a statement](#) acknowledging the lack of sufficient polling locations and its impacts on marginalized communities, stating, "It is clear that the history of marginalized communities being left behind in the voting process has led to polling deserts in areas of Harris County".

According to an article in The Guardian, polling place consolidations have made it more difficult for racial minority voters to vote in Texas. Since 2012, Texas has [closed down 750 polling stations, with 14 counties](#) closing at least 50% of their polling locations across the state, particularly in areas with high concentrations of minority voters. Counties like Brazoria, Nueces, and Jefferson, which each lost over 50% of their polling locations, have higher percentages of Black and Latinx voters. Of the 750 sites that closed in that time frame, [542 were in 50 counties](#) with the *largest* growth in Black and Latinx residents whereas, [only 34 polls were](#) in the 50 counties that saw the *least* growth in Black and Latinx residents. The figures are even more striking when comparing the population increases, which was [2.5 million people in the former 50 counties and only 13,000 in the latter group](#).

Technology and Informational Issues

In certain counties, extra voting equipment was required to get through lines of hundreds of people. For example, in [Harris County](#), additional voting machines were sent to primary sites.

In addition to the lack of sufficient polling machines, various counties experience technological issues throughout the day. Bexar County's elections results were delayed by several hours because of problems with the software used by county officials, which was [causing issues with consolidating the incoming results](#) from across the County. The Secretary of State's website, which is used to check voter registration, was also down for the majority of the day.

Many voters across Texas received automatic "robocalls" on March 3, 2020, the day of the primary elections, providing them with [incorrect information](#) that the Democratic primary would be taking place the following day. The [Secretary of State noted](#) that it had received several reports of these robocalls and took to social media to remind voters that the elections were, in fact, on that day, and all eligible voters should vote. It is unclear who was responsible for the calls and if it was intentionally or only inadvertently misleading.

II. Preparations for the Upcoming Run-Off Primaries and General Election

After the March primary elections, the results for [over 30 races](#) were undetermined. Pursuant to [§ 2.021](#) of the TEC, a run-off election is to be held if no candidate receives the votes necessary to be elected. The run-off primary was originally scheduled for May 26, 2020 in accordance with [§ 41.007\(b\)](#) of the TEC. It was later [postponed by Governor Abbott](#) in an effort to mitigate the spread of COVID-19. The primary run-off elections are now scheduled to take place July 14, 2020, with early voting having opened on June 29, 2020. The run-off elections include a Democratic Senate seat, 15 U.S. House of Representative seats, and several state positions. The general election is scheduled to take place on November 3, 2020.

This section discusses various preparations being taken by Texas election officials and other considerations that may affect the performance of the upcoming run-off primaries and general election.

A. Impact of COVID-19

At the time of the March 3, 2020 primary elections, no COVID-19 cases had been reported in the state of Texas. The primary proceeded largely as usual, with some issues relating to individual concerns over the virus. Since that time, and particularly in recent weeks, the number of confirmed cases has increased to over [220,000](#) with a daily high of [10,028](#) new cases on July 7, 2020. In response to a surge of cases, Governor Abbot has scaled back the phased reopening, issuing executive orders that [reduced business capacity to 50%](#) and implemented a [mask mandate in public spaces](#).

In light of COVID-19, the Secretary of State of Texas has compiled a list of resources that “may be helpful to election officials in preparing for their upcoming elections” on the [webpage](#) “COVID-19 Resources for Election Officials.” This webpage features non-binding recommendations issued by the Secretary of State in the form of [Health Protocols](#) and two COVID-19 related Election Advisory Memos. It also includes links to COVID-19 resources from the [Texas Department of State Health Services](#), [Texas Division of Emergency Management](#), and the [Office of the Governor](#), as well as to numerous election-specific resources, such as recommendations from the [CDC](#) and the [National Association of State Election Directors](#). There are indications that this webpage is updated regularly.

The most important and recurring recommendations across these various resources are summarized below and may be consulted in more detail, particularly the Secretary of State's Election [Advisory No. 2020-19](#) and [Advisory No. 2020-14](#).

Recommendations to Counties

The Secretary of State recommends in [Advisory No. 2020-14](#) that counties consider seeking court orders that would exempt them from the application of specific voting procedures in the TEC which may prove to be problematic in the COVID-19 context. In particular, the Advisory suggests counties consider requesting courts to temporarily waive or modify the requirement for a physician's signature on late voting ballots ([§ 102.002](#)). Removing this requirement would enable a larger class of registered voters who have potentially or definitively contracted COVID-19 during the election period and who have missed the opportunity to vote early by mail to cast their vote late while remaining isolated at home (this method of voting is discussed further below). There is no evidence thus far that counties have in fact sought such court orders.

The [Secretary of State also advises](#) counties to expect a higher volume of vote-by-mail applications than usual, and recommends that they plan accordingly. It also reiterates that the hygiene practices outlined for in-person voting should be followed by those handling mail ballots.

Recommendations to Election Officials

Though not mandatory, the overwhelming majority of the resources on the [webpage](#) of the Secretary of State recommend implementing the [CDC's social distancing guidelines](#) in polling locations. To facilitate this, the Secretary of State advises election officials to select buildings that are spacious enough to accommodate social distancing practices, and to mark out a layout in these locations that would enable voters to stay six feet apart. The [CDC](#) also recommends increasing the number of polling places in order to allow for social distancing, and suggests that election officials offer staggered or scheduled voting. The Secretary of State underscores that election officials may develop protocols for receiving symptomatic voters in priority to other voters ([§ 63.0015](#)) in order to keep them apart. Finally, it strongly discourages selecting private buildings which may house citizens who are especially vulnerable to COVID-19 as polling locations, such as nursing homes, senior centers, and residential care facilities.

Election officials are also encouraged to devise ways in which those participating in the in-person voting process may limit contact with one another. The Secretary of State suggests providing each voter with a separate marking device to use, requesting voters to use hand sanitizer before and

after touching equipment, and disinfecting any tools voters have touched before giving them to another voter. Many of the aforementioned resources also encourage voters to bring their own marking utensils such as styluses or pencils, but duly note that the TEC does not permit such additional barriers to voting to be made mandatory.

Voters [cannot be required](#) to wear face masks, have their temperature checked, or be subjected to questions about the condition of their health when presenting to vote. But election staff such as employees and polling place workers *can* be required to comply with guidelines established by the election officials in their jurisdiction. As such, election officials may consider requiring staff to wear personal protective equipment such as face coverings and gloves, to comply with temperature checks prior to entering polling locations, and to go home if they develop signs or symptoms of COVID-19 while at work. The Secretary of State also strongly recommends election officials to train their staff on their adopted health protocols and to recruit backup election workers to replace those who become sick and unable to work during the election period.

Finally, election officials are advised to facilitate the regular cleaning and sanitizing of the selected polling locations. This entails providing and encouraging the use of soap and 60% alcohol-based hand sanitizer, implementing routine cleaning of surfaces that are frequently touched, and disinfecting surfaces which may be contaminated with germs. With regards to the sanitation of electronic voting machines, election officials are provided with some guidance in the Secretary of State's [Advisory No. 2020-14](#) and are strongly advised to directly contact the vendor of their particular voting systems for more specific cleaning information. The [CDC recommends](#) that adequate cleaning resources be procured well in advance of the election period.

Recommendations to Voters

In-person voters are encouraged to practice social distancing, incorporate stringent hygiene behaviors, bring their own ballot marking materials, and wear face coverings. As noted above, none of these measures can be imposed as mandatory upon in-person voters.

In addition to the suggestions outlined above, the Secretary of State [encourages symptomatic voters to consider curbside voting](#), and all eligible voters to [take advantage of the extended early voting period](#) for the primary election.

B. Vote by Mail

Unlike several other states, Texas has resisted efforts to increase mail-in voting options to those who do not qualify under the traditional categories set forth in [§ 82.001](#) of the TEC. In order to vote by mail, a voter must submit a written application identifying one of the following bases for the request: they must be absent from their county of residence throughout the duration of the voting period ([§ 82.001](#)), disabled ([§ 82.002](#)), over the age of 65 on election day ([§ 82.003](#)), confined in jail ([§ 82.004](#)), or participating in the address confidentiality program administered by the attorney general ([§ 82.007](#)).

The TEC uses the term “disability” for the purposes of being eligible to vote by mail as “a sickness or physical condition that prevents the voter from appearing at the polling place on election day without a likelihood of needing personal assistance or of injuring the voter’s health” ([§ 82.002\(a\)](#)). The [Texas Supreme Court](#) has recently declared that a lack of immunity to COVID-19 does *not* in and of itself meet this definition of “disability,” as discussed in detail in the following section.

However, the Court also indicated that it is ultimately voters who must themselves assess whether they meet the definition of “disability” and are therefore eligible for mail voting. Voters are not required to provide details of their disability when seeking to vote by mail on this ground, and election officials have no authority to reject otherwise valid requests. The Court [stated that](#), “The elected officials have placed in the hands of the voter the determination of whether in-person voting will cause a likelihood of injury due to a physical condition. The [officials] do not have a ministerial duty, reviewable by mandamus, to look beyond the application to vote by mail.”

In light of deference to voter self-identification, prior to and after the Texas Supreme Court ruling, certain counties have publicly encouraged voting by mail if voters determine their health would be at risk from voting in person due to COVID-19. At the same time as these public statements from election officials in support of voting by mail, Texas Attorney General Ken Paxton published a letter that [threatened charges of violations of the TEC](#) for anyone who advises voters to claim a disability in order to vote by mail. Critics have [pointed out](#) that voters are now faced with conflicting information: on the one hand, concern over contracting COVID-19 is not a legally valid excuse for voting by mail and they could be subject to TEC violations, but on the other, there will be no review or enforcement if voters self-identify as having their health likely to be injured by appearing to vote in person. This conflicting information could lead to considerable confusion in the upcoming run-off primaries and general election.

Further, a separate federal challenge to Texas' vote-by-mail laws is under appeal to the U.S. Court of Appeals for the 5th Circuit. That legal challenge is discussed in Section VI below. A ruling in that case could significantly expand voting by mail for the general election.

C. Curbside Voting

Curbside voting involves an election officer providing voters with a ballot at the curb or entrance to the polling place, and then depositing it in the ballot box on the voter's behalf. Under the TEC, this option is available for voters who are "physically unable to enter the polling place without personal assistance or likelihood of [injury] to [their] health" ([§ 64.009](#)). Despite the apparent similarities to the statutory language applicable to voting by mail, there has not been any suggestion that the Texas Supreme Court's ruling in the vote-by-mail cases to restrict curbside voting. To the contrary, the Secretary of State and many counties in Texas are currently encouraging more widespread adoption of curbside voting.

Given that many voters may associate entering polling places in person with an increased likelihood of contracting COVID-19 and therefore injury to their health, curbside voting is likely to be more prevalent in the coming elections.

D. Early In-Person Voting

Texas allows voters to cast their vote early in both primary and general elections to make the voting process more accessible and convenient. Early voting in person is permitted beginning on the seventeenth day before the date of an election and ends on the fourth day before that election ([§85.001](#)). All registered voters may choose to do in-person early voting, with no additional registration for this option, and can vote [at any of the early voting locations](#) in the County in which they are registered.

Each county has increased its hours for early voting for the upcoming run-off primaries to allow citizens to vote as early as possible and reduce crowding on election day. Some counties have extended early voting poll hours, such as Harris County, which updated its [poll hours](#) to 7am to 7pm between June 29, 2020 and July 2, 2020, and to 7am to 10am between July 6, 2020 and July 10, 2020. Other counties like [Dallas](#), [Tarrant](#), and [Collin](#) have also extended their early voting hours to increase voter accessibility.

The majority of counties in Texas, including the most populous (such as [Harris](#), [Tarrant](#), [Bexar](#), [Travis](#), [Collin](#), [Hidalgo](#), [El Paso](#), [Denton](#), and [Fort Bend](#) counties) are not restricting voters to assigned polling locations for early voting.

E. In-Person Voting Precautionary Measures

The Secretary of State has released [Election Advisory No. 2020-19 regarding Voting in Person During COVID-19](#) with recommendations for conducting in person voting activities, including proper set up of polling places, use of personal protective equipment for workers and use and cleaning of the electronic voting systems, as further detailed in Section IV-A, above.

The same notice also called for opting to use larger venues for use as polling places in order to accommodate proper social distancing measures as recommended by the CDC and [urged that counties not use nursing homes](#), residential care facilities, or senior centers with residents as polling places. The notice also forewarned that there may need to be changes in polling locations in the November election to safely accommodate voter turnout. In the case of changes to polling locations, the notice must be posted no later than either 24 hours after the location is changed or 72 hours before the opening of polls, whichever is earlier.

The majority of counties in Texas, including the most populous (including [Harris](#), [Tarrant](#), [Bexar](#), [Travis](#), [Collin](#), [Hidalgo](#), [El Paso](#), [Denton](#), and [Fort Bend](#) counties) will allow registered voters to vote at *any* of the polling locations in the county. All of these counties will have polling locations open from 7am to 7pm for both the run-off primary elections on July 14, 2020 and the general election on November 3, 2020. Pursuant to [§ 63.0015 of TEC](#), the Secretary of State is implementing the Notice of Voting Order priority, which allows elections officials to give priority to individuals with mobility problems and those assisting them.

Even with expanded hours and changes in polling locations, some counties expect to run into problems and delays when trying to accommodate safe voting practices. The main Collin County voting location, for example, had to [reduce its number of voting machines](#) from around twenty-five machines to only eight machines, as the capacity of the location is much more limited when machines are at least six feet apart. Some counties have lost polling locations. In Bexar County, for example, election officials were forced to [remove the county courthouse and several schools as polling locations](#), because, while Texas requires masks in such locations, election officials are not allowed to require that voters wear masks.

While poll workers cannot force voters to wear masks, test for temperature, or turn away symptomatic voters, the Secretary of State does recommend that poll workers remind voters of the curbside voting options (described in Section IV.C, above). The [non-binding recommendation](#) released by the Secretary of State encourages voters to use the curbside option if they have a cough, fever, shortness of breath, or any other symptoms associated with COVID-19.

Counties have also adopted their own precautionary measures. For example, the County Clerk of Harris County has set out a [protocol](#) that includes providing PPE for all poll workers, finger covers for machine use and hand sanitizers for voters. In El Paso County, poll workers are [required to pass health screening](#) and wear masks, while voters are provided with disposable electronic pens to avoid touching voting equipment.

F. Late Voting

Voters who become sick or contract COVID-19 after the period in which they are permitted to apply to vote by mail may consider late voting. Such registered voters who become “disabled” by the virus ([§ 82.002\(a\)](#)) on or after the day before the last day to submit an application to vote by mail, are eligible to vote late ([§ 102.001](#)). In seeking to do so, an eligible voter must submit an application form to the early voting clerk, ([§ 102.003](#)) indicating that their “disability” is the reason that they were unable to vote during the normal voting period ([§ 102.002](#); [§ 84.002\(6\)](#)). This application typically must also include a doctor’s note and signature attesting to this fact, ([§ 102.002](#)), and must be submitted in person to the voting clerk by a representative of the applicant before 5pm on Election Day ([§ 102.003](#)). After this nominated representative delivers the balloting materials to the voter in person ([§ 102.004\(c\)](#)), the same representative must then return the marked late ballot in person to the early voting clerk ([§ 102.006\(a\)](#)). As is the case with early voting mail ballots, late ballots must be received by the time polls close on election day, or by 5pm on the following day provided that the carrier envelope is postmarked at 7pm on election day ([§ 102.006\(c\)](#); [§ 86.007](#)).

In response to the ongoing pandemic, the Secretary of State [recommends that counties monitor their situation locally](#) and make necessary modifications to voting procedures, including seeking court orders to authorize exceptions. The Secretary of State’s [list of possible considerations](#) for court orders includes relaxing requirements for late voting for sickness or physical disability to allow voters who are in or need to quarantine to vote late. This expansion of permission could, for example, involve waiving the requirement for a physician’s signature on the application for late ballot.

G. Use of Technology

The main use of technology in Texas elections is in the form of voting or systems designed to improve voting security and accessibility. The counties have significant discretion as to whether and how they choose to use this technology in their elections ([§ 123.001](#); [§ 123.002](#)). The county authority adopting a voting system can restrict its use to any one or more elections ([§ 123.003](#)), and to particular polling places ([§ 123.004](#)) as long as only one type of voting system is adopted for use at a particular polling location ([§ 123.005](#)).

[All 254 Texas counties](#) currently use electronic voting systems in at least some of their polling locations. Some counties are using new voting machines to ensure election security, regardless of whether the ballot is cast by mail, in person, or curbside. Tarrant County and Hidalgo County have [switched to a new hybrid voting system called the HART InterCivic Verity Voting system](#), which provides a paper trail for every ballot cast. Instead of having the machine record the vote, the new machines print the ballot out after a selection is made allowing the voter to verify their selection. The printer ballot is then inserted into an optical scan that counts and stores the ballot. In addition to increasing election security, these machines also allow for increased accessibility for those with disabilities. All of [these machines are accessible ADA compliant devices](#).

Similarly, Harris County is utilizing an [eSlate voting system](#), which allows voters with disabilities to vote independently and privately. The system is equipped with two large buttons to allow for those with problems with tactile skills. It allows for voters to plug in their own tactile input device, and it offers for a narration of the operations for those with visual impairments allowing voters to vote independent of poll workers. The county website also offers demonstrations, a slideshow, and a video on the proper use of the system.

Aside from voting machines, Texas appears reluctant to harness technology for administering its elections. Contrary to other states, it does not subscribe to automatic voter registration, and registering online is not permitted. The requirement to register ahead of elections and the inability to do so online could deter some interested Texan voters from participating in the upcoming elections.

H. Voter Outreach and Education

Information regarding the upcoming run-off primary and general election is communicated to voters in a number of ways. Both the Secretary of State's statewide site, [VoteTexas.org](#), and individual county websites have ways to [check registration](#) and instructions on [how to register](#) if needed.

Registering does not require an in-person meeting with a deputy registrar; applications can be printed and mailed.

[Project V.O.T.E.](#) (Voters of Tomorrow through Education), is a program of the Secretary of State that seeks to help students become knowledgeable and responsible voters. It contains information on registration as well as a means to find student workers for Election Day.

Individual counties are separately engaging in outreach and education efforts to voters.

- The Harris County Clerk has made efforts to increase voter turnout. On June 19, 2020, he released a [public service announcement](#) entitled “Vote Early and Stay Safe.” This announcement is translated in Spanish, Vietnamese, and Chinese and aired on local television and radio stations. This campaign is meant to encourage voters of Harris County to cast their vote during the early voting period in order to maximize safety and avoid potentially long waits on July 14, 2020. In addition, Harris County has promoted its [S.A.F.E. initiative](#) for the upcoming elections. Along with promising sanitation measures at polling locations, this initiative seeks to optimize the voting process and reach groups often left out of the democratic process. Specific measures include hiring more poll workers than normal, borrowing polling machines from other sources, and using data to increase the number of polling sites and optimize their locations.
- El Paso County has developed a [smartphone application](#) for its voters. This app allows the user to check registration, find polling locations for early voting as well as Election Day, and other information regarding the elections. The County Elections Department also [produces brochures](#) for voter registration FAQs and first time voters.
- Tarrant County’s [election site](#) provides helpful links for the voting process, information on campaigns, and effects of COVID-19 on its site in Spanish and English. Additionally, the site contains resources regarding election security as well as a [video tutorial](#) on how to operate the voting machines used in Tarrant County.
- Travis County engages in a variety of [youth initiatives](#) through partnerships between the Travis County Clerk, voter registration team, and the League of Women Voters Austin Area. Programs include voter registration drives at back to school nights and graduation ceremonies as well as a “First Vote!” education for high school students participating in their first election.

- Collin County consistently updates the [wait times](#) at each of its polling locations in order to allow voters to easily find a suitable location. Additionally, an [interactive map](#) allows the voter to input an address and find the polling locations close by along with directions.

I. Third Party Involvement

Currently, only election officials are authorized to procure and allocate election supplies ([§ 51.003](#)), prepare the ballot ([§ 52.002](#)), count ballots ([§ 65.001](#)), and canvass returns ([§ 67.002](#)). Independent third party organizations have not been involved in elections in any official capacity.

Third party organizations, however, are taking on roles in Texas elections through unofficial channels, including advocacy and litigation. As discussed in greater detail in the following section, the Texas Democratic Party has brought two separate lawsuits challenging Texas' vote-by-mail laws and has sought to expand eligibility to vote by mail to all registered Texan voters. While this advocacy has thus far been unsuccessful, it could result in a significant change to vote-by-mail eligibility prior to the November general election.

[MOVE Texas](#) is a statewide voter registration and engagement group seeking to build power in underrepresented youth communities. MOVE Texas has created a [petition](#) addressed to Texas Attorney General Ken Paxton, requesting his support of expanded vote-by-mail, reasoning that Texas needs to prepare for this method of voting by November.

Third parties have also adopted an important role in voter outreach and education. The [League of Women Voters of Texas](#), for example, has produced nonpartisan voter education guides regarding the July 14, 2020 run-off election and [voting safely amid COVID-19](#). Both of these guides are available in Spanish and English. The site also contains extra information for more specific voting groups including first-time voters and voters with disabilities. One of its projects, [Vote 411](#), is a service to receive personalized voting, ballot, and polling place information.

[Healthy Voting](#) is a national project providing information on casting ballots in all 50 states. Its Texas page explains different ways to vote in the upcoming primary along with tips to stay healthy while doing so. It recommends voting by mail as a healthy option, but lists precautions for voting in person if necessary. This information is available both on its site and in a printable [pocketbook](#). In addition, the site provides easily shareable posts to Twitter and Facebook encouraging followers to learn how to vote safely.

J. Variations in Primary Preparations by County

There are [254 counties](#) in Texas, each of which is separately responsible [for voter registration; where, when, and how to vote, and what is on the ballot](#). These counties must conduct their elections within the prescribed legal framework set out in both the TEC and Texas Administrative Code. Though they also have the discretion to implement and adapt the recommendations from the Secretary of State, county officials may choose not to do so. This system can result in a high degree of fragmentation and differentiation in practice across the state's counties. This section summarizes the way in which the ten most [populous](#) Texan counties, ([Harris](#), [Dallas](#), [Tarrant](#), [Bexar](#), [Travis](#), [Collin](#), [Denton](#), [Hidalgo](#), [El Paso](#), and [Fort Bend](#)) are currently approaching the upcoming elections. Each county's practices are also outlined in the chart attached as Appendix A.

Adherence to State Laws and Recommendations

The majority of these counties' websites indicate adherence to the provisions of the TEC and Texas Administrative Code, and also reveal attempts to implement many of the non-binding recommendations in [Election Advisory No. 2020-19](#).

- In particular, [Harris County](#) commits to provide increased hours to vote in person during the early voting period, to provide all poll workers and voters in need with PPE, and to implement social distancing measures. Its [website](#) also encourages voters to wear a face covering, and outlines measures in place at the polling locations to limit contact with people and voting machines.
- [Dallas County](#)'s website directly cites the Director of Elections' [Election Advisory No. 2020-19](#), which outlines the most recent recommendations for County Clerks and Election Administrators. It also describes the [health protocols](#) that voters should follow when voting in person, which mirror these Secretary of State recommendations.
- [Collin County](#) indicates that it will facilitate no contact voting and social distancing, and has provided protocols for cleaning and sanitizing the polling locations. Its website and guidelines do not make any mention of the recommendation that voters wear masks.
- [Denton County](#) addresses COVID-19 concerns by recommending routine cleaning of polling places, the practice of social distancing, and the wearing of face masks.

- [Hidalgo County](#) encourages voters to wear a mask, to practice social distancing, and to follow their unspecified “clean voting procedures.”
- The [El Paso County](#) website reinforces the Secretary of State recommendations of encouraging voters to wear a mask, bring hand sanitizer, and respect social distancing guidelines.

Several Counties Encourage Early Voting, Mail-In Voting and Curbside Voting Beyond State Recommendations

Consistent with the emphasis on curbside voting noted in Section IV.C, above, several Texan counties have gone beyond the Secretary of State’s [recommendation](#) for curbside voting for “symptomatic voters” by encouraging a larger group of registered voters to consider the practice. Indeed, [§ 64.009\(b\)](#) of the TEC grants significant discretion to counties to modify regular voting procedures to the extent necessary to conduct voting curbside.

- [El Paso](#) and [Denton](#) Counties both encourage curbside voting for those who are “physically unable to enter the polling place without personal assistance or likelihood of [injury] to [their] health,” ([§ 64.009](#)). While similar to the definition of “disability” interpreted by the Texas Supreme Court in connection with voting by mail, state and election officials appear more willing to accept a broader group of voters for curbside voting beyond merely those who are symptomatic at the time of voting.
- [Dallas County](#) is explicitly extending the curbside voting option to “any voter who has difficulty walking or standing for long periods” in addition to those exhibiting symptoms of COVID-19.
- [Denton County](#) also encourages all registered voters to vote in person during the early voting period, ([§ 82.005](#)) and during non-peak times of the day to limit exposure. Neither of these recommendations are required by Texan election laws or are suggested by the Secretary of State.
- [Harris County](#)’s website states its intention to increase capacity in general for curbside voting and to even potentially introduce drive-thru voting (though this does not appear to be available by the run-off primary on July 14, 2020). The county has implemented a 23-item initiative called [S.A.F.E.](#), which outlines safe, secure, accessible voting options including

procurement of additional voting machines, allocation of machines based on known traffic patterns and expected turn out, increased voting hours during the early voting period, as well as ensure accessibility of polling sites in accordance with ADA. The Harris County Clerk noted that the [county secured more voting machines and increased the number of voting location](#) with 57 locations for early voting, 5 more than usual, and 112 for the day of the run-off election. While all of these measures remain within the confines of Texas election law, they go beyond the more conservative recommendations issued by the Secretary of State.

- [Harris County](#) also declared its intention to “promote and maximize vote-by-mail within the bounds of the law.” It has [proactively mailed applications to vote by mail](#) to every citizen aged 65 or older. Its Clerk stated that while having a fear of contracting COVID-19 alone is legally insufficient to constitute an enumerated ground to vote by mail, voters’ health is ultimately their own determination and if any of the boxes for eligibility are check on the application, [the county will send the voters ballots without asking for explanations of the disabilities](#).
- Other counties are also encouraging more voters to consider using mail-in ballots. Travis County for example, explains on its county website that [all voters who request Mail-In ballots due to disability will receive one](#) without having to substantiate the nature of their disability.

V. Challenges to Upcoming Elections

A. Legal Challenges

As detailed above, Texas only permits voting by mail upon written application and identification of an enumerated basis for eligibility to vote by mail. One of the bases upon which a voter can seek a mail-in ballot is disability. The TEC provides at [§ 82.002\(a\)](#):

*“A qualified voter is eligible for early voting by mail if the voter has a **sickness or physical condition** that prevents the voter from appearing at the polling place on election day **without a likelihood** of needing personal assistance or of **injuring the voter’s health**.”*

State Court Challenge

On March 7, 2020, the Texas Democratic Party (the “TDP”), along with its Chairman and two voters sued the Secretary of State, Texas Governor Greg Abbott, Attorney General Ken Paxton, and the Travis County Clerk in Travis County District Court. They sought a declaration that § 82.002 of the TEC allows any voter who believes social distancing is necessary to hinder the spread of COVID-19 to obtain a mail-in ballot, as well as a mandatory injunction to require the defendants to accept and tabulate any mail-in ballots received on this basis. Several advocacy groups intervened in the challenge.

On April 17, 2020, the trial court ruled in favor of the Plaintiffs, issuing a temporary injunction and declaring that any voters without established immunity to COVID-19 meet the plain language definition of disability under § 82.002. ([*Texas Democratic Party et al v. Debeauvoir & State of Texas*](#), No. D-1-GN-20-001610, (Tex. Dist.-Travis County 2020). The court held that Travis County could not reject ballots that claimed disability due to presence of COVID-19, and also enjoined the Secretary of State from taking actions to prevent counties from accepting mail-in ballots from voters applying on this basis. The Secretary of State appealed the decision. Travis County did not.

Shortly after the trial court’s decision and while the decision was under appeal, on May 1, 2020, Attorney General Paxton published a [letter to county judges and election officials](#) explaining that fear of contracting COVID-19 unaccompanied by a “qualifying sickness or physical condition” did *not* constitute a disability under the TEC. The letter also stated that third parties who advised voters to apply for mail-in ballots due to a fear of COVID-19 could be prosecuted for violations of the TEC. In light of this letter, the TDP filed an emergency motion to enforce the trial court’s injunction, which was granted by the Texas Court of Appeals on May 14, 2020. ([*State v. Texas Democratic Party*](#), No. 14-20-00358-CV, 2020 WL 3022949 (Tex. App. May 14, 2020).

The Secretary of State then filed a mandamus petition to prohibit Travis County and four other county clerks and election administrators (from Harris, Dallas, Cameron, and El Paso counties) from approving applications for mail-in ballots on the basis of COVID-19 susceptibility. On May 27, 2020, the [Texas Supreme Court stayed the injunction](#) and issued a ruling that adopted the more limited definition of “disability” urged by the state officials, under which “lack of immunity to COVID-19 is not itself a ‘physical condition’ that renders a voter eligible to vote by mail”. However, the Court declined to issue the writ of mandamus to compel county clerks and election administrators to look beyond or investigate voters’ applications to vote by mail, and suggested that a voter’s self-identified condition would be sufficient to do so.

*“We agree, of course, that a voter can take into consideration aspects of his health and his health history that are physical conditions in deciding whether, under the circumstances, to apply to vote by mail because of disability. We disagree that lack of immunity, by itself, is one of them. As we have said, the decision to apply to vote by mail based on a disability is the voter’s, subject to a correct understanding of the statutory definition of ‘disability.’” [Id. at *22](#).*

Federal Court Challenge

Separately, the TDP and three individual voters launched a lawsuit against the Secretary of State, Governor Abbott, Attorney General Paxton, the Travis County Clerk, and the Bexar County Elections Administrator in the U.S. District Court for the Western District of Texas. Plaintiffs claim that the interpretation of “disability” as not including COVID-19 susceptibility violates the Twenty-Sixth Amendment, discriminates on the bases of age and race in violation of the Equal Protection Clause, violates the First Amendment, and is void for vagueness. Plaintiffs also argue that Attorney General Paxton’s comments constitute voter intimidation.

This litigation has proceeded concurrently with the state court litigation. On May 19, 2020, the District Court granted the preliminary injunction sought and precluded Texas from issuing any guidance or otherwise taking actions to limit applications to vote by mail on the basis of COVID-19 susceptibility. ([Texas Democratic Party v. Abbott](#), No. CV SA-20-CA-438-FB, 2020 WL 2541971 (W.D. Tex. May 19, 2020)). However, the U.S. Court of Appeals for the Fifth Circuit stayed the injunction order pending appeal. This means until the appeal is heard, state officials can continue to interpret “disability” as not including COVID-19 susceptibility. ([Tex. Democratic Party v. Abbott](#), No. 20-50407, 2020 WL 2616080 (5th Cir. May 20, 2020)).

Plaintiffs’ petition to the U.S. Supreme Court to vacate the stay was denied. In light of this denial, it is very unlikely that a court will allow expansion of mail-in voting to everyone in Texas prior to the run-off primaries on July 14, 2020. However, the appeal to the U.S. Court of Appeals for the 5th Circuit remains outstanding, and its outcome could affect the conduct of the upcoming general election.

B. Logistical Challenges

Texas already has a system for voting by mail that is well established, but if mail-in voting were to be allowed beyond what is currently allowed by the TEC, scaling up to allow the majority of people

to utilize it would be a vast undertaking. While the Texas Supreme Court decided that not having immunity to COVID-19 alone does not qualify a voter to use mail-in ballots under the “disability” ground, it does acknowledge that it is the voter who gets to decide that for him- or herself. Poll workers or election officers are not allowed to question voters on their disability.

An increase in vote-by-mail applications is likely as certain county officials appear to have encouraged voters to consider the method. Harris County’s Clerk [proactively mailed applications to vote by mail](#) to every citizen aged 65 or older (voters over 65 are separately eligible to vote by mail, regardless of any disability) and informed all individuals that, “If you check any of those boxes for eligibility, we process that and send you a ballot, and *by the way, the application doesn’t ask you to explain your disability or explain any of the other circumstances.* You’re simply checking a box.” Travis County’s Clerk explained that it is the voter’s prerogative to decide and their [county website](#) states that voters will not have to disclose the nature of their disability. While the County website makes no explicit mention of lack of immunity to COVID-19, it does state that voters who request mail ballots on the grounds of disability would be [deemed eligible to use the mail-in option](#) without needing to furnish documentation of their disability to do so.

Since 2012, Texas’s mail-in voter numbers averaged around 6% of registered voters, but [mail-in applications have increased](#). Some counties, like Bastrop County, saw [double their previous records](#) for mail-in ballots requested. Travis County has received 21,000 vote-by-mail requests compared to the normal 9,000.

With increased mail-in voting, the state must prepare for logistical issues including increases in need not only for ballots, but also for staff to ensure all ballots are properly signed, and additional equipment to scan and count those ballots. Older adults tend to account for a larger proportion of poll workers. In the 2018 election, 58% of poll workers were over 61, and 27% were over 70. Texas is no exception. In Harris County, for example, the average poll worker is over the age of 60, and; a group that is at high risk for COVID-19 complication thus less likely to volunteer to work during this pandemic.

Additional potential drawbacks include ballots lost in the mail, and issues with missing or unverified signatures on ballots. Even when mail-in ballots have been made available, eligible voters have run into issues and some have been required to vote in person regardless. Many Travis county voters have received ballots with [missing run-off candidate](#) options. Texas must account for these issues and potential pitfalls before November 3, 2020, as the expansion of voting by mail continues to play a role in the general election.

Many counties already are reacting to the anticipated increase. In addition to the Harris County Clerk's decision to mail ballots to all voters over the age of 65, other counties have expanded their numbers of mail-in ballot kits. The Elections Administrator for Collin County currently possesses 60,000 mail-in ballot kits, with 80,000 more ordered for the general election, in contrast to the normal 25,000 kits for previous elections. To the extent counties have not taken steps to prepare, they may be overwhelmed with requests to vote by mail either in response to the general public shift toward the method (and the inability to investigate or reject any voter's claim of "disability") or in response to a ruling from the U.S. Court of Appeals for the 5th Circuit.

Additional News Articles & Reports

- [County elections officials in Texas taking extra steps to ensure smoother, safer outcomes in July, November](#) – Community Impact
- [Two major Texas counties are trimming polling locations as workers pull out over coronavirus](#) – Texas Tribune
- [Early voting starts in Texas amid concerns of growing coronavirus cases](#) – WFAA
- [Supreme Court won't force Texas to allow absentee ballots for all voters](#) – WaPo
- [Organizations urge Gov. Greg Abbott to extend early voting, increase polling places amid COVID-19 pandemic](#) – KVUE
- [After messy primaries, local officials aim to up their game in November](#) – Texas Tribune
- [Texas closes hundreds of polling sites, making it harder for minorities to vote](#) – Guardian, before the March Primary
- [Pandemic upends traditional voter registration efforts ahead of November election](#) – CBS News
- [Keep the Polls Open](#) – Voter Protection Corps
- [Texas primary runoffs: Despite COVID-19 pandemic, poll workers prep for July 14 election](#) – Statesman
- [Could Texas see increase in curbside voting as primary runoff voting period begins?](#) – KXAN
- [2020 Texas primary results](#) – Politico, March 3 primary
- [Federal court tosses suit brought by Texas Democrats seeking to revive straight-ticket voting](#) – Texas Tribune
- [It takes a long time to vote](#) – Texas A&M Today
- [Texas Gov. Greg Abbott's statewide mask mandate exempts voting sites and churches](#) – Texas Tribune
- [Texas voters are caught in the middle of a battle over mail-in voting](#) – NPR

Appendix A: Review of Procedures Listed on County Election Websites

Texas is divided into 254 electoral counties. We have reviewed and summarized procedures from the ten most populous counties.

County	County Seat	Population	Website / Other URLs	Election Procedures
Harris County	Houston	4,713,325	https://harrisvotes.com/	<p>Mail-In Voting: Intends to “promote and maximize vote-by-mail within the bounds of the law.” County’s Clerk proactively mailed applications to vote by mail to every citizen aged 65 or older (voters over 65 are separately eligible to vote by mail, regardless of any disability).</p> <p>Curbside Voting: Intends to increase curbside voting and potentially introduce drive-thru voting.</p> <p>Early In-Person Voting: Provided extended voting hours during the early voting period for the primary runoff. Encouraged registered voters to take advantage of early voting.</p> <p>In-Person Election Day Voting: Commits to providing all poll workers and voters in need with PPE, and to implementing social distancing measures. Harris County also encourages voters to wear a face covering, and outlines measures in place at the polling locations to limit contact with people and voting machines. Specifically, the County has implemented a 23-item initiative called S.A.F.E., which outlines safe, secure, accessible voting options, including the procurement of additional voting machines, allocation of machines based on known traffic patterns and expected turn out, increased voting hours during early voting, as well as ensuring accessibility of polling sites.</p>

Dallas County	Dallas	2,635,516	https://www.dallascountyvotes.org/ https://www.sos.state.tx.us/elections/laws/advisory2020-19.shtml https://www.sos.texas.gov/elections/forms/health-protocols-for-voters.pdf	<p>Mail-In Voting: No mention of how COVID-19 is going to impact this aspect of the upcoming elections.</p> <p>Curbside Voting: Explicitly extends this option to “any voter who has difficulty walking or standing for long periods” in addition to those exhibiting symptoms of COVID-19.</p> <p>Early In-Person Voting: Provided extended voting hours during the early voting period for the primary runoff.</p> <p>In-Person Election Day Voting: Dallas County’s website directly links to the Secretary of State’s Election Advisory No. 2020-19 and Health Protocols.</p>
Tarrant County	Fort Worth	2,102,515	https://www.tarrantcounty.com/en/elections.html http://access.tarrantcounty.com/content/dam/main/elections/OPS/pw-covid-guide-lines-en.pdf	<p>Mail-In Voting: No mention of how COVID-19 is going to impact this aspect of the upcoming elections.</p> <p>Curbside Voting: No mention of how COVID-19 is going to impact this aspect of the upcoming elections.</p> <p>Early In-Person Voting: Provided extended voting hours during the early voting period for the primary runoff.</p> <p>In-Person Election Day Voting: Tarrant County only cites the practice of social distancing, and recommends that voters wear a face covering and use hand sanitizer at the polling location in its online guidelines. It does not otherwise adopt the other recommendations of the Secretary of State.</p>
Bexar County	San Antonio	2,003,554	https://www.bexar.org/1568/Elections-Department	<p>Mail-In Voting: Homepage references the Texas Supreme Court decision that lack of immunity to COVID-19 alone is not considered a “disability” for the purposes of expanding the right to vote by mail. There is no other mention of how COVID-19 is going to impact this aspect of the upcoming elections.</p> <p>Curbside Voting: No mention of how COVID-19 is going to impact this aspect of the upcoming elections.</p>

				<p>Early In-Person Voting: No mention of how COVID-19 is going to impact this aspect of the upcoming elections.</p> <p>In-Person Election Day Voting: No mention of how COVID-19 is going to impact the administration of the upcoming elections.</p>
Travis County	Austin	1,273,954	https://countyclerk.traviscountytx.gov/elections.html	<p>Mail-In Voting: Reminds voters that voting by mail is possible if they have a qualifying reason. There is no other mention of how COVID-19 is going to impact this aspect of the upcoming elections.</p> <p>Curbside Voting: No mention of how COVID-19 is going to impact this aspect of the upcoming elections.</p> <p>Early In-Person Voting: No mention of how COVID-19 is going to impact this aspect of the upcoming elections.</p> <p>In-Person Election Day Voting: No mention of how COVID-19 is going to impact the administration of the upcoming elections.</p>
Collin County	McKinney	1,034,730	https://www.collincountytx.gov/elections/Pages/default.aspx	<p>Mail-In Voting: No mention of how COVID-19 is going to impact this aspect of the upcoming elections.</p> <p>Curbside Voting: No mention of how COVID-19 is going to impact this aspect of the upcoming elections.</p> <p>Early In-Person Voting: Provided extended voting hours during the early voting period for the primary runoff.</p> <p>In-Person Election Day Voting: Collin County will facilitate no- contact voting and social distancing, and has provided protocols for cleaning and sanitizing the polling locations. Its website and guidelines do not make any mention of the recommendation that voters wear masks.</p>
Denton County	Denton	887,207	https://www.votedenton.com/	<p>Mail-In Voting: No mention of how COVID-19 is going to impact this aspect of the upcoming elections.</p>

				<p>Curbside Voting: Encourages curbside voting for those who are “physically unable to enter the polling place without personal assistance or likelihood of [injury] to [their] health,” (§ 64.009).</p> <p>Early In-Person Voting: Encourages all registered voters to vote in person during the early voting period.</p> <p>In-Person Election Day Voting: Addresses COVID-19 concerns by recommending routine cleaning of polling places, the practice of social distancing, and the wearing of face masks. The County also encourages all registered voters to vote during non-peak times of the day to limit exposure.</p>
Hidalgo County	Edinburg	868,707	https://www.hidalgocounty.us/105/Elections-Department	<p>Mail-In Voting: No mention of how COVID-19 is going to impact this aspect of the upcoming elections.</p> <p>Curbside Voting: No mention of how COVID-19 is going to impact this aspect of the upcoming elections.</p> <p>Early In-Person Voting: No mention of how COVID-19 is going to impact this aspect of the upcoming elections.</p> <p>In-Person Election Day Voting: Encourages voters to wear a mask, to practice social distancing, and to follow their unspecified “clean voting procedures.”</p>
El Paso County	El Paso	839,238	https://epcountyvotes.com/	<p>Mail-In Voting: No mention of how COVID-19 is going to impact this aspect of the upcoming elections.</p> <p>Curbside Voting: Encourages curbside voting for those who are “physically unable to enter the polling place without personal assistance or likelihood of [injury] to [their] health,” (§ 64.009).</p> <p>Early In-Person Voting: Recommends the implementation of the same measures as for In-Person Election Day Voting.</p> <p>In-Person Election Day Voting: Encourages voters to wear a mask, bring hand sanitizer, and respect social distancing guidelines. Requires</p>

				poll workers to pass health screening and wear masks, and provides voters with disposable electronic pens to avoid touching voting equipment.
Fort Bend County	Richmond	811,688	https://www.fortbendcountytx.gov/government/departments/county-services/elections-voter-registration	No mention of how COVID-19 is going to impact the upcoming elections on website.