

Disclaimer: This guide is designed for informational purposes only. It is not legal advice and is not intended to create an attorney-client relationship. This guide was created to provide Texans with the information that they need to allow them to vote during the 2021/2022 election cycle. Additionally, this guide is not a wholly exhaustive guide.

# Voting Rights Guide

Texas Frequently Asked  
Questions and Resources

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### **1. Am I eligible to vote?**

You are eligible to vote in the state of Texas as long as you:

- Are citizens of the United States;
- Are at least 17 years and 10 months old at time of registration (but to vote, they must be 18 years of age by Election Day);
- Have not been finally convicted of a felony, or if they have been convicted, have completed all of their punishment, including any term of incarceration, parole, supervision, probation, or have received a pardon;
  - Note: Deferred adjudication is not a final felony conviction.
- Have not been determined by a final judgment of a court exercising probate jurisdiction to be totally mentally incapacitated or partially mentally incapacitated without the right to vote.

### **2. Am I eligible to vote if I have a felony?**

Yes, the right to vote is restored automatically upon becoming “fully discharged” or “off papers” from their sentence. Also, in order to be eligible to vote, a prospective voter must be considered mentally competent. If a person is considered an eligible voter, that person has the ability to register to vote through the same means as all other eligible voters in the state of Texas.

Residents who have been convicted of a felony must have been –

- Fully discharged from their sentence, including any term of confinement, supervision, or parole, or completed probation; or
- Fully pardoned or released from the disability to vote.

### **3. How do I register to vote?**

Registering to vote is easy in Texas. It doesn't even require a stamp! Official applications to register to vote are postage-paid by the State of Texas.

In most Texas counties, the County Tax Assessor-Collector is also the County Voter Registrar. In some counties, the County Clerk or County Elections Administrator registers voters. You may obtain an application from the County Voter Registrar's office, the Secretary of State's Office, libraries, many post offices, or high schools. From our website, you may request that we send you an official, postage-paid application. Or, you may download an informal application, but you will be required to affix a stamp before mailing. You may also register to vote when you apply for or renew your driver's license.

Read the instructions on the form, fill it out and mail it postage-free to the County Voter Registrar, or hand-deliver it to the County Voter Registrar's office.

You must be at least 17 years and 10 months of age on the date you apply. If for any reason you cannot register yourself, with your permission, your spouse, parent or child may fill out and sign an application for you if that person is a registered voter or has applied for voter registration. This person is known as your "agent."

The application must be received in the County Voter Registrar's office or postmarked 30 days before an election in order for you to be eligible to vote in that election. You will receive a voter registration certificate in the mail after the County Voter Registrar has processed your voter registration application. Upon receipt of the voter registration certificate, sign it, fold it and keep it in your wallet and take it to the polls with you when you vote.

All voters who registered to vote in Texas must provide a Texas driver's license number or personal identification number issued by the Texas Department of Public Safety or the last four digits of your social security number. If you have not been issued any of these numbers, then you must state that fact on the application by checking the designated box.

**4. Can I register to vote if I don't have a driver's license, personal identification number, OR a social security number?**

A voter who has not been issued a driver's license or social security number may register to vote, but such voter must submit proof of identification when presenting himself/herself for voting or with his/her mail-in ballots, if voting by mail. These voters' names are flagged on the official voter registration list with the annotation of "ID." The "ID" notation instructs the poll worker to request a proper form of identification from these voters when they present themselves for voting, unless they are a voter with a permanent exemption on the voter registration certificate. The voter must present one of the seven (7) acceptable forms of identification:

- Texas driver license issued by the Texas Department of Public Safety (DPS)
- Texas Election Identification Certificate issued by DPS
- Texas personal identification card issued by DPS
- Texas concealed handgun license issued by DPS
- United States military identification card containing the person's photograph
- United States citizenship certificate containing the person's photograph
- United States passport

**5. Can I register to vote if I am experiencing homelessness?**

YES, you can register to vote by listing the location where you "reside" in Texas. For instance, you can list your shelter's address on your voter registration form if that is your home and the fixed place you return to. If you are experiencing homelessness, then you can describe the location that you return to regularly that you consider your home, such as by listing your street corner or park.

**6. Do I need a mailing address to register to vote?**

YES, but your mailing address does not have to be the same location as where you are living. You can list instead the address where you can and do receive mail if that is different from where you reside.

**7. If I had a conviction, when can I register to vote?**

A person who is convicted of a felony cannot register to vote until (s)he has been pardoned, or (s)he has successfully completed his or her sentence, including any period of:

- Confinement
- Parole
- Term of Probation, or
- Supervision.

**8. Can I register at a new location even if I just started living there?**

YES, you can register to vote at your current location even if you just moved there.

**9. Am I still registered to vote if I moved within the same county?**

If you move within the same county simply go to the Secretary of State's website and change your address online or promptly notify the County Voter Registrar, in writing, of your new address by:

- correcting your current voter registration certificate on the back and returning it to the County Voter Registrar;
- filling out a new voter registration application form and checking the "change" box; or
- making simultaneous changes to your driver's license and voter registration when you apply for or update your driver's license.

You will receive a new certificate with your new address. You will be able to vote in your new precinct 30 days after your change of address is submitted. If you miss the deadline (30 days before an election), you may vote in your former precinct as long as you still reside in the political subdivision conducting the election.

Your residence is located in a specific "precinct," which is an area within the county. There are many precincts within a county. The place where you will vote on Election Day is located in your precinct. There may be combined precincts in order to accommodate joint local elections; therefore, in some elections you may vote outside your designated precinct. The County Clerk or County Elections Administrator can give you the specific location of your polling place, or you can check on-line to see if the County Clerk or Elections Administrator has that information posted. The Secretary of State's Office may also provide polling place information at the "Where do I vote" link on its webpage prior to the primary, primary runoff and November uniform election date elections.

**10. Am I still registered to vote if I moved to a new county?**

You must re-register! Fill out a new application and mail it, or take it in person, to the Voter Registrar of your new county. You may not register online if you move from one county to another. You will be registered 30 days after your application is submitted. You will receive a new certificate.

After changing residence to another county, a person may be eligible to vote a “limited” ballot in his/her new county of residence on candidates or issues common to the old and new counties. A “limited” ballot may be voted only during early voting by personal appearance or by mail (not on Election Day) if:

- the person would have been eligible to vote in the county of former residence on Election Day if still residing in that county;
- the person is registered to vote in the county of former residence at the time the person offers to vote in the county of new residence; and
- a voter registration for the person in the county of new residence is not effective on or before Election Day.

### **11. Am I still on the voting roll if I was convicted of a felony?**

No, someone previously convicted of a felony was likely removed from the rolls and needs to have proactively re-registered even if they were registered prior to their conviction.

### **12. Can I vote when my conviction is in the appeals process?**

Yes, individuals can still vote if a conviction on appeal is in process because it is not considered a conviction. Individuals on deferred adjudication may also vote as “Deferred adjudication” is not a final felony conviction, per Article 42.12, Section 5 of the Texas Code of Criminal Procedure.

### **13. Can I vote if I am being prosecuted or if I have been indicted?**

Yes, prosecution, indictment, and similar procedures which lead up to, but have not yet resulted in a felony conviction, are not considered finalized and therefore the individual can still vote. If that is the case, you have the ability to register to vote through the same means as all other eligible voters in the state of Texas.

### **14. Can I vote if I have a legal guardian?**

Individuals who have legal guardians may be eligible to register, depending on whether the court took away their right to vote. All guardianship orders issued after September 1, 2007 must state whether the individual can vote.

### **15. What ID do I need to go vote?**

You do not have to bring your voter registration card to vote. For more detailed information visit our voter identification page. The following are acceptable forms of identification:

- Texas driver license
- Election identification certificate (a photo ID for voting)
- Personal identification card from the Texas Department of Public Safety
- U.S. military ID card with your photo
- U.S. citizenship certificate with your photo
- U.S. passport
- License to carry a concealed handgun from the Texas Department of Public Safety

### **16. What if I don't have any of the approved forms of ID?**

If you are a registered voter who couldn't obtain one of the above forms of ID, you can still cast a regular ballot. Here's how:

- Tell the poll worker you want to complete a "reasonable impediment declaration." This simple document lets you explain the difficulty that prevented you from getting a photo ID. Reasonable impediments to getting a photo ID include work schedule, lack of transportation, disability or illness, family responsibilities, lost or stolen identification, lack of documents needed to obtain a photo ID, and photo ID applied for but not received.
- Fill out the form and present it to the poll worker. Poll workers can't question or challenge you about not having a photo ID, or the reason you give on your "reasonable impediments declaration."
- Show one of the following documents:
  - Current utility bill
  - Bank statement
  - Paycheck
  - Voter Registration Certificate
  - Certified birth certificate
  - Out-of-state driver license

### **17. Is poverty considered a reasonable impediment?**

No, because the Election Identification Certificate is free. If you don't have money to get to the DMV, that's lack of transportation. If you don't have money to get birth certificates, that's a lack of birth certificate. If you can't afford to leave your job to get an EIC, that's work schedule, etc.

With that said, even though an Election Identification Certificate is free to obtain, the supporting documents needed to obtain the EIC cost money.

### **18. Am I eligible to vote by mail in Texas?**

To be eligible to vote early by mail in Texas, you must:

- be 65 years or older;
- be sick or disabled;
- be out of the county on election day and during the period for early voting by personal appearance; or

- be confined in jail, but otherwise eligible.

Address and mail the completed Application for Ballot by Mail to the Early Voting Clerk in your county. You may also fax the application if a fax machine is available in the early voting clerk's office. You also have the option of submitting a scanned copy of the completed and signed application to the Early Voting Clerk via email. If an Application for Ballot by Mail is faxed or emailed, then the original, hard copy of the application MUST be mailed and received by the early voting clerk no later than the 4th business day.

**19. What would I do if I changed my name?**

Promptly notify the County Voter Registrar, in writing, of the name change using the same steps as for IF YOU MOVE WITHIN THE COUNTY. You will receive a new certificate 30 days after your name change notice is submitted. You may continue to vote during this period. If you do not have your certificate in hand, you may sign an affidavit at the polls and present a form of identification.

**20. Does the gender marker on my ID need to match the gender listed on my voter registration application?**

NO, there is no legal requirement for that in Texas law. If a poll worker challenges you on your gender marker, you can immediately call the Election Protection hotline for assistance.

**21. Can I still vote if I don't look like the picture on my ID anymore?**

YES, if your appearance has changed since the image on your photo ID was taken, such that a poll worker cannot confirm that you are the same person in the photo, you may have to cast a provisional ballot. That ballot would be counted once you submit an affidavit confirming your identity.

**22. Can I still vote if my ID doesn't have my current address?**

YES, the ID you use to vote does not need to have your current address on it.

**23. Can I vote if my ID is expired?**

Voters can use an expired ID to vote.

- If you are under 18-69 years old at the time of voting, you can vote with an expired ID BUT it must have expired no more than 4 years ago.
- If you are 70 years old or older at the time of voting, you can vote with an ID that has expired for any length of time.

What is not included on the list?

- Not included on this list is tribal IDs, out-of-state licenses, and voter registration certificates. But that doesn't necessarily mean that you can't use those things to vote

#### **24. Should I vote if I'm not sure I'm "off-paper"?**

In Texas, there can be serious legal repercussions for a person with a felony conviction voting.

- They must be "off-paper."

If you find yourself in this situation, it's better to contact your local party or nonpartisan election protection programs. They can help you determine eligibility.

#### **25. What are my voting options if I am disabled or impaired?**

If you are deaf and cannot bring someone to interpret for you, see if your county provides an interpreter at any of the polling places during Early Voting or request an interpreter before the election. Disability Rights Texas can assist you in requesting interpreters.

- Other Options:
  - Curbside Voting
  - Early Voting
  - Vote by Mail

#### **26. What are the accessibility standards for polling locations?**

Polling places should support voters, not hinder them. When you go to the polls in Texas, you can expect:

- Your polling place will meet strict accessibility standards, including:
- A location on the ground floor that can be entered from the street or via an elevator with doors that open at least 36 inches
- Doors, entrances, and exits used to enter or leave the polling place that are at least 32 inches wide
- Any curb next to the main entrance to the polling place must have curb-cuts or temporary non-slip ramps
- Stairs necessary to enter or leave the polling place must have handrails on each side and a non-slip ramp.
- Removal of all barriers such as gravel, automatically closing gates, closed doors without lever-type handles, or any other barrier that impedes the path of the physically disabled to the voting station.
- Voting systems that are accessible to voters with physical disabilities and can accommodate no vision, low vision, no hearing, low hearing, limited manual dexterity, limited reach, limited strength, no mobility, low mobility, or any combination of the foregoing (except the combination of no hearing and no vision)

- Each polling place will offer at least one type of accessible voting equipment or Direct Record Electronic (“DRE”) device. This equipment allows voters with disabilities to vote directly on the system or assist them in marking the paper ballot. Depending on the type of system, voters with disabilities may use headphones or other assistive devices to help them vote independently and secretly.

**27. What are my options if I am unable to enter into a polling location?**

If a voter is physically unable to enter the polling place, he or she may ask that an election officer bring a ballot to the entrance of the polling place or to a car parked at the curbside. After the voter marks the ballot, they will give it to the election officer, who will put it in the ballot box. Or, at the voter’s request, a companion may hand the voter a ballot and deposit it for him or her.

**28. Can a poll worker ask me questions about my medical history to determine whether I am the same person as on the rolls?**

NO, a voter is under no obligation to provide confidential medical history to prove their eligibility to vote.

**29. When can I receive assistance at the polls?**

Voters are entitled to receive assistance if they:

- Cannot read or write; or
- Have a physical disability that prevents them from reading or marking the ballot; or
- Cannot speak English, or communicate only with sign language, and want assistance in communicating with election officials.

**30. Who can assist me when I am voting?**

Voters may be assisted by:

- Any person the voter chooses who is not an election worker;
- Two election workers on Election Day; or
- One election worker during early voting.

Voters **MAY NOT** be assisted by:

- Their employer;
- An agent of their employer; or
- An officer or agent of their union.

The person assisting the voter must read him or her the entire ballot, unless the voter asks to have only parts of the ballot read. The person assisting the voter must take an oath that he or she will not try to influence the voter’s vote and will mark the ballot as the voter directs. If the voter chooses to be assisted by polling place officials, poll

watchers and election inspectors may observe the voting process, but if the voter asks to be assisted by a person the voter chooses, no one else may watch him or her vote.

It is illegal for a person assisting the voter to:

- Try to influence the voter's vote;
- Mark the voter's ballot in a way other than the way they have asked; or
- Tell anyone how the voter voted.

### **31. Can voters use interpreters at the polls?**

Voters who cannot speak English, or who communicate only with sign language, may use an interpreter to help them communicate with election officials, regardless of whether the election official(s) attending to the voter can speak the same language as the voter. The voter may select any person other than the voter's employer, an agent of the voter's employer, or an officer or agent of a labor union to which the voter belongs. If the voter cannot read the languages on the ballot, the interpreter may also assist by translating the language on the ballot for the voter in the voting booth. (See assistance section above for more details.) If the voter is deaf and does not have a sign language interpreter who can accompany them to help communicate with the poll worker or read the ballot, the voter should contact his or her local election officials before the election and request assistance. NOTE: This is a change in prior law, due to Court Orders issued on August 12 and 30, 2016.

### **32. Where do I go to vote?**

Polling places are usually listed in your local newspapers in the weeks before the election. Your County Clerk or County Elections Administrator and local political subdivisions (school districts, cities, water districts, etc.) may also have websites with a list of where polling places are located. Call your County Clerk, County Elections Administrator, or local political subdivision conducting the election in order to find your polling location. The Secretary of State's Office may also provide polling place information at the "Where do I vote" link on its webpage prior to the primary, primary runoff and November uniform election date elections.

### **33. When is early voting?**

"Early voting" is a way to cast your ballot before Election Day either in person or by mail.

- Early Voting In person - Call your County Clerk or County Elections Administrator or the local political subdivision conducting the election for early voting dates, hours and polling places.
- Early Voting By mail - If you will be: (1) out of the county during early voting and on Election Day; (2) age 65 or older; (3) sick or disabled; or (4) confined to jail, you can print an application for a ballot by mail (PDF) from our website and mail it to your Early Voting Clerk.

**34. Who can I vote for in a primary election or runoff?**

As long as you have not “affiliated” with a party that year, you may vote in either primary election – but not both. Affiliating with a party normally requires taking an oath. Also, if you signed a petition for a candidate, you can only vote in the primary of that candidate’s party. Affiliations expire at the end of the calendar year.

During run off elections you can only vote in the party you voted for during primary elections. For example, if you voted in the Democratic primary you can’t vote in the Republican run off election. If you didn’t vote in the primary, you can vote in either runoff – but not both.

## **Resources**

The following resources were incorporated when creating and developing this document. This would not have been possible without their work, dedication, and resources.

- Texas Secretary of State
- Texas Organizing Project
- ACLU of Texas
- Disability Rights Texas
- VoteTexas.Gov
- League of Women Voters - Texas
- The Texas Tribune
- Lawyers' Committee for Civil Rights Under Law
- Rock the Vote
- Texas Law Help
- Texas Observer
- Texas Election Protection Coalition
- Legal Defense Fund
- Vote411
- Texas Monthly
- Common Cause
- Nonprofit Vote
- Texas Civil Rights Project
- National Homeless
- National Coalition for the Homeless
- National Public Radio
- Equality Texas
- Human Rights Campaign
- Texas State Law Library
- Texas Tribune
- National Center for Transgender Equality
- Movement Advancement Project
- Them.
- Lambda Legal
- Brennan Center for Justice

## **Contact Information**

If you have any questions about the information that is provided in this guide or if you have other questions, please feel free to contact Louis Bedford, IV, at (972) 897-0951 or [bedford.louis@gmail.com](mailto:bedford.louis@gmail.com).

Election Protection	(866) Our-VOTE
Spanish Language	(866) VE-Y-VOTA
Asian Languages	(888) API-VOTE
Arabic	(844) YALLA-US