



TEXAS LEGAL SERVICES CENTER

LGBTQ+ Voting Rights Guide
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Texas Legal Services Center (TLSC) is a statewide nonprofit organization whose mission is to provide high quality legal representation, advice, advocacy, and education at no cost to underserved people across the state. Visit us on the web at <https://www.tlsc.org>.

TLSC has several medical-legal partnerships (MLPs) with different health care partners, including People’s Community Clinic and KIND Clinic. Our MLPs produce better health outcomes by embedding attorneys and paralegals within healthcare teams to detect, address, and prevent the health-harming legal needs of Texans, including LGBTQ+ people and communities, and people seeking sexual health services.

Find more information about our MLPs here: <https://www.tlsc.org/mlp>.

Find additional information about our partner organizations online:

- People’s Community Clinic - <https://www.austinpcc.org/>
- Kind Clinic - <https://kindclinic.org/> (a program of Texas Health Action: <https://texashealthaction.org/>)

NOTE: This guide only gives general information, not legal advice. If you need legal advice, contact an attorney. TLSC’s MLPs may be able to give you advice or services if you are a patient of one of our healthcare partners. Ask your provider for a referral!

Otherwise, you should contact an attorney. Information about legal services can be found in the Appendix.



Several lawsuits are seeking to expand mail-in voting options due to COVID-19. Voting procedures and timelines may also look very different if social distancing regulations are still in place. You should check the news and voting rights organizations for up to date information before an election.

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Register

The first step is to make sure you're eligible and registered to vote.



Who is eligible to register?

In Texas, a person who is a:

- Citizen,
- Resident of the county where they apply, and
- At least 17 years and 10 months old (must be 18 on Election Day to vote).

Note that a felony conviction can affect your ability to register or vote. See below.

Guardianship

You also need to have capacity, or understanding, to vote. Only a judge can decide that a person does not have the capacity to vote—most often by placing an adult under a legal guardianship. However, even some people placed under a guardianship may keep the ability to vote. For more information about disability rights and voting, see Disability Rights Texas:

<https://www.disabilityrightstx.org/en/category/voting/>.

I'm a college student. Where am I eligible to register?

People who have multiple addresses, such as college students, may be able to choose where they register to vote. You can register with your school address or a permanent address, like your parents' house.

If are registering in another state, you will need to check that state's registration rules.

If you register to vote in Texas but will not be living at that address during the election, you may be able to vote early by mail. See below.

NOTE: You may be able to register in more than one place but voting in more than one place is incredibly complicated. You should consult with an attorney before trying to vote in two different jurisdictions. You can find some basic information from the National Council of State Legislatures: <https://www.ncsl.org/research/elections-and-campaigns/double-voting.aspx>.



How soon before an election do I need to be registered?

You need to register to vote, or mail in your application, at least 30 days before an election.



I think I'm already registered. How can I check?

You can check your registration on the Secretary of State website here: <https://teamrv-mvp.sos.texas.gov/MVP/mvp.do>.

This isn't an official record, but it should be kept up to date. You can check the official record with your county's Voter Registrar. Find your county's registrar here:

<https://www.sos.state.tx.us/elections/voter/votregduties.shtml>.



How do I register to vote?

You must apply with the Voter Registrar in your county. You can find the office for your county here:

<https://www.sos.state.tx.us/elections/voter/votregduties.shtml>.

There are also Volunteer Deputy Registrars (VDRs) who can accept your application. You can ask local organizations if they have VDRs available to help you register. If you would like to become a VDR and help others register to vote, you can find more information on the Secretary of State website here:

<https://www.sos.state.tx.us/elections/pamphlets/deputy.shtml>.

You can either apply in person or by mail. If you apply for a driver's license or state ID in person, you should also be given the option to register to vote.



Where can I get an application?

You may go to the voter registrar's office or apply with a VDR in person.

You cannot register online. However, you can fill out an application on the Secretary of State's website here: <https://webservices.sos.state.tx.us/vrapp/index.asp>. The application MUST be printed out and mailed in.

You can also request a postage paid application from the Secretary of State here:

<https://webservices.sos.state.tx.us/vrrequest/index.asp>. They will mail the application to you, which you can fill out and mail back in at no charge.

Other organizations in your community, such as public libraries and post offices, may have applications on hand.



Does my voter registration list my gender?

Gender on the voter registration card is an optional field. If you choose not to check a box, your gender will be listed as "unspecified" or with a "U."

If you want to check "Male" or "Female," it may be best to check whichever box matches the gender on your ID to avoid any confusion when you try to vote. If you change your legal gender marker, you may want to update your registration. See below.

I'm registered but my _____ (name/gender marker/address) has changed. How do I update it?

You may be able to update your registration online. If not, you can update your registration by applying under the same steps listed above.

If your address changed . . .

Voter registration is based on the county where you live. Therefore, if you moved to a *different* county you need to update your voter registration and address.

You may not need to update your address if you moved *within the same county*, but if you don't update your address you may be required to vote at your old precinct. Your precinct is listed on your voter registration certificate or you can find it by searching for your voter registration online. Again, you can find your unofficial record on the Secretary of State website, <https://teamrv-mvp.sos.texas.gov/MVP/mvp.do>, or contact your county voter registrar to check your official record.

However, if your county has opted into the Countywide Polling Place Program (CWPP) you should be able to vote anywhere within your county. You can check if your county participates in the CWPP here: <https://www.sos.state.tx.us/elections/laws/countywide-polling-place-program.shtml>.

Either way, it is easy to update your address because you can do it online. Update your address on the Secretary of State's website here: <https://txapps.texas.gov/tolapp/sos/SOSACManager>.

If you legally changed your name and/or gender marker . . .

You can also update your name, and likely your gender marker, online using the same process: <https://txapps.texas.gov/tolapp/sos/SOSACManager>. Check the box for "Change". Fill out the application with your new legal name and gender marker, listing your old legal name under "Former Name".

The paper application is the same if you need to update your information by registering in person or by mail, and you should be able to update your name and gender marker on your voter registration at the same time you update your driver's license or state ID.



I have a criminal record. Can I still vote?

Only a felony conviction may affect your ability to vote. If you are convicted of a felony, you cannot vote during your sentence. This includes any period of parole, probation, or community supervision. As soon as your sentence ends you are immediately eligible to vote again.

However, you should register again after the end of your sentence to make sure your registration isn't flagged as ineligible. See above.

If you're in jail waiting for trial and haven't been convicted, or if you're in jail because you've been convicted of a misdemeanor, you may still be able to vote by mail. See below.

Prepare

After you've made sure you're eligible and registered to vote, you will want to do some preparation before the election.



Who? What?

Before heading to the polls, you'll want to make sure you know who and what you're voting for. Many organizations provide information about the candidates and issues in each election.



When?

Early Voting usually starts about 17 days before an election and ends 4 days before an election. This is different for each election, and you can check the specific information online closer to election time.

On Election Day voting must last from at least 7:00am—7:00pm, although individual polling places may be ordered to stay open later by a judge. As long as you are in line at the time the polls close, you must be allowed to vote.

What about work?

If you don't vote during Early Voting, your employer may be required to give you paid time off to vote on Election Day. However, your employer only has to give you paid time off if you don't have two hours outside of mandatory work hours to vote. For example, if you work a typical 8-hour shift, your employer doesn't have to give you PTO to vote because there are more than two hours outside of work time that the polls will still be open and you can vote.



Where?

Throughout Early Voting, you can vote anywhere in your county. If you identify as LGBTQ+, this may be a good time to vote as you can try to choose polling places that are either LGBTQ+ friendly or located in LGBTQ+ friendly areas. The state is only required to provide 24-hours' notice before making changes to polling locations during Early Voting, so you should double-check polling locations the day before you go to vote.

You should double-check polling locations with your county's Elections Administrator. You can find your Elections Administrator by clicking the link for your county here:

<https://www.sos.state.tx.us/elections/voter/links.shtml#County>.

On Election Day, you must vote at your specified precinct unless your county participates in the Countywide Polling Place Program (CWPP). You can check whether your county participates in the CWPP here: <https://www.sos.state.tx.us/elections/laws/countywide-polling-place-program.shtml>.

If you have to vote at your specified precinct, you can find your precinct on your voter registration card, online: <https://teamrv-mvp.sos.texas.gov/MVP/mvp.do>, or by contacting your county Voter Registrar.

The state is required to provide 72-hours' notice before making changes to the polling locations planned for Election Day, so you should double-check the poll locations with your county Elections Administrator <https://www.sos.state.tx.us/elections/voter/links.shtml#County> at least one to three days before you go to vote.



How?

In Person

During Early Voting and on Election Day, you can vote in person at a polling place. Keep in mind that you can vote anywhere in your county during Early Voting or on Election Day if your county participates in the Countywide Polling Place Program (CWPP). You have to vote at your specified precinct on Election Day if your county does not participate in the CWPP.

Polling places must generally be accessible to people with disabilities. However, in counties with less than 20,000 people, accessible devices do not have to be available at all polling locations. If you live in a smaller county, you may want to contact your county's Elections Administrator to request an accommodation or ask where accessible devices will be available.

If you're physically unable to go inside the polling place, you can ask election workers to bring your ballot to the car. They can then take it back inside for you once you've filled it out. If you will be alone, you may want to call your Elections Administrator or the polling place ahead of time so that someone will know to come out and meet you. Again, for more information about disability rights and voting, see Disability Rights Texas: <https://www.disabilityrightstx.org/en/category/voting/>.

If you do not speak English, you can bring a person of your choosing to assist you and interpret. However, you cannot be assisted by anyone who works for your employer or any person involved in your work union.

By Mail

Texas has very limited options for Voting Early by Mail (formerly called an Absentee Ballot). You can request a mail-in ballot if:

- You will be out of the county during all of Early Voting and on Election Day,
- You are sick or disabled,
- You are in jail or prison and eligible to vote, or
- You will be 65 or older on Election Day.

You need to apply for your mail-in ballot before Early Voting starts. You can get an application from:

- the Secretary of State: <https://webservices.sos.state.tx.us/vrrequest/bbm.asp>,
- the Early Voting Clerk in your county: <https://www.sos.state.tx.us/elections/voter/county.shtml>,
or
- download the application online: <https://webservices.sos.state.tx.us/forms/5-15f.pdf>.

The Elections Administrator must *receive* your mail-in ballot before the end of Election Day so be sure to mail it in as soon as possible. Military and overseas voters have a slightly different process:

<https://www.votetexas.gov/military-overseas-voters/>.

You can check current voting timelines on the Secretary of State's website:

<https://www.votetexas.gov/voting/when.html#when-to-vote>.

Vote

You've registered and prepared. What else do you need to know when you go to vote in an election?



I heard Texas has strict voter ID laws? Don't I need an ID to vote?

Texas is one of a few states considered to have "strict" voter ID laws. This means that if you already have an acceptable photo ID, you probably have to use it to vote. However, if you don't have an ID and aren't able to get one, you should still be able to vote.



What IDs can I use?

There are 7 different photo IDs you may use when you vote:

1. Texas driver's license
2. Non-driver's ID from Texas DPS
3. US military ID card with your photo
4. US citizenship certificate with your photo
5. US passport
6. Concealed Carry License
7. Election identification certificate (special photo ID for voting)

My ID is expired. Does it need to be valid so I can vote?

No. If you are under 70, as long as your ID expired within the past 4 years you can still use it to vote. If you are 70 or older, it does not matter when your ID expired, you can always use it to vote.

Do my voter registration and my ID need to match so that I can vote?

No, your voter registration and ID should not have to match in order for you to vote. Election workers should compare all information they have available to decide if you are the registered voter based on your ID, including the address, date of birth, and photograph.

As long as the names are substantially similar, you should be allowed to vote with a regular ballot. However, you may be asked to sign a "substantially similar name" affidavit. You can see examples of what counts as a similar name on the Secretary of State's website:

<https://www.sos.state.tx.us/elections/laws/advisory2013-14.shtml>.

What if I have an ID, but I forget it at home when I go to vote?

It may be easiest to go back for your ID and then return with it to the polling place. If you don't bring your ID with you, you would likely have to complete a Provisional Ballot.

If you complete a Provisional Ballot, you must go to your Voter Registrar within 6 days of the election to present your photo ID, otherwise your vote *will not be counted*.



What if I can't get an ID?

If you don't have an ID and can't get one, you should still be able to vote using a Reasonable Impediment Declaration. Simply inform a poll worker that you don't have an ID and are unable to get one. They should then give you, or you can ask for, a Reasonable Impediment Declaration.

You can look at the Reasonable Impediment Declaration here:

<https://www.sos.state.tx.us/elections/forms/pol-sub/reasonable-impediment-declaration.pdf>. On the form you list your name and then check the boxes explaining why you cannot get an ID. It includes many practical reasons:

- Lack of transportation
- Lack of birth certificate or other documents needed to obtain acceptable form of photo ID
- Work schedule
- Lost or stolen identification
- Disability or illness
- Family responsibilities
- Acceptable form of photo ID applied for but not received

However, you still need to provide a form of Supporting ID.

What can I use as a Supporting ID?

You can use:

- Certified birth certificate from a US state or territory
- Current utility bill
- Bank statement
- Government check
- Paycheck
- Another government document listing your name and an address (including your voter registration certificate)

What if I don't have a Supporting ID or I forget to take it with me to the polls?

If you don't bring a Supporting ID, you will likely have to complete a Provisional Ballot. You will then need to go to your Voter Registrar within 6 days of the election with your Supporting ID and complete a Reasonable Impediment Declaration, otherwise your vote *will not be counted*.



Are there any other exceptions or ways to vote?

You may also be able to vote without a photo ID if:

- You have religious objections to being photographed
- You have recently experienced a natural disaster, or
- You receive a permanent disability exemption.

If you have religious objections to photo ID, you can vote with a provisional ballot. If you don't have a photo ID because of a natural disaster you can also vote a provisional ballot.

Note: the natural disaster must have officially been declared a disaster by the President of the United States or Texas Governor.

In both cases, you must go to your county's Voter Registrar office within six days and sign an affidavit swearing to your religious objection or the natural disaster in order for your vote to be counted.

If you don't have a photo ID and you either receive social security disability benefits or you are a veteran with a disability rating of at least 50%, you can apply to your county Voter Registrar for a permanent exemption to the ID requirement. You need to provide them with proof of your disability benefit. If approved, you would be able to vote using only your voter registration certificate which should list your exemption.

Election Protection

You have many rights that protect your ability to vote:

- <https://www.votetexas.gov/your-rights/>
- <https://www.votetexas.gov/voters-with-special-needs/index.html>

If you feel like someone is interfering with your right to vote, you can contact an Election Protection Hotline.

Texas Voter Protection

- English: 866-OUR-VOTE or 866-687-8683
- Spanish: 888-VE-Y-VOTA or 888-839-8682
- Asian Languages (Mandarin, Cantonese, Korean, Vietnamese, Bengali, Urdu, Hindi, and Tagalog): 888-API-VOTE or 888-274-8683
- Arabic 844-YALLA-US or 866-925-5287
- ASL Video Call: 301-818-VOTE or 301-818-8683

Disability Rights Texas

- 888-796-VOTE or 888-796-8683