

Opinion_Committee

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To: SEP 11 2014 Opinion_Committee
Subject: OPINION COMMITTEE Opinion Request

RQ-1221-GA

FILE # ML-47639-14
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Dear Sirs/Madams,

Relevant Statute: Section 82.002 Texas Election Codes states a person is eligible to early vote by mail IF the voter has a sickness or physical condition that prevents the voter from appearing at the polling place on the election day without the likelihood of needing personal assistance or of injuring the voter's health.

Question: Is the Texas Election Code Section 82.002 on "Disability" qualifying a voter to vote early by mail the only definition to allow a voter to vote early by mail or does any definition of "disability" (whether through Social Security, Veteran Affairs...) qualify a voter under 82.002.

Background: On the application for ballot by mail, there is a box voters can check for "Disability" which allows them to vote early by mail. Nowhere on this form is there a definition of "disability". I have had a disagreement with the Robertson County Judge on what the "disability" requirements are to allow a voter to vote early by mail. My position is that 82.002 does not allow any disability to allow a person to vote by mail. I believe that 82.002 ONLY allows qualifying disabilities to vote by mail...ie: "IF the voter has a sickness or physical condition that prevents the voter from appearing at the polling place on the election day without the likelihood of needing personal assistance or of injuring the voter's health." The County Judge's position appears to be that any disability qualifies a person to vote by mail...ie: any government rated disability (Social Security, VA Disability...) allows a person to vote by mail regardless the qualifying language of 82.002.

I have found no relevant Texas Case Law on this issue.

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