



**Testimony on HB 3920,
Proposed legislation relating to signature verification on an early voting ballot voted by mail;
creating a criminal offense.**

**By: Emily Eby, Staff Attorney, Texas Civil Rights Project
Texas House Elections Committee, April 15, 2021**

Good morning Chair Cain, Vice Chair González, and Members of the House Elections Committee,

I am here to testify against HB 3920.

Under this bill, a sickness that doesn't prevent someone from leaving their home would not be a disability. There are a number of illnesses that don't totally incapacitate someone, but would still make it exhausting and painful to go through the voting process. A lot can happen to someone between making it out of the house and making it into the voting booth.

We also disagree with changing the disability requirement from the voter's own judgment that they cannot likely enter a polling place to a sworn statement that they *will* not be able to enter the polling place. This provision displays a lack of understanding of disabilities. Dozens of disabilities manifest in flare-ups, making it impossible to predict whether a voter will be having a good day or a bad day when it's time to vote. Voters with common conditions like carpal tunnel, arthritis, fibromyalgia, lupus, MS, diabetes, and those undergoing chemotherapy would be forced to either predict the unpredictable or unintentionally lie in a sworn statement. Under this bill, two members of my immediate family would face that impossible choice. This affirmation is also stricter than the actual vote by mail standard, so it contradicts Section 82.002(a) of the Election Code.

We do not know what the next pandemic will look like. This legislature has the chance to anticipate it by expanding vote-by-mail to those who could spread life-threatening diseases to others. HB 3920 goes in the opposite direction. We ask you not to report this bill favorably. Thank you.