



WES MAU

Criminal District Attorney
Hays County Government Center
712 South Stagecoach Trail, Suite 2057
San Marcos, Texas 78666
(512)393-7600 FAX (512)393-7619
www.co.hays.tx.us

For immediate release:

Mail-in ballots for the upcoming elections are going out, so the District Attorney's Office would like to take this opportunity to remind mail-in voters needing assistance in casting a ballot, and those who would assist them, of the following laws relating to assisting a voter to cast a mail-in ballot.

The Texas Election Code allows a voter to receive assistance in marking the ballot if the voter cannot prepare the ballot because of 1) a physical disability that renders the voter unable to write or see; or 2) an inability to read the language in which the ballot is written. A voter may select an assistant of their choosing, but not their employer or an agent of either their employer or a labor union to which the voter belongs. If a voter is assisted when ineligible, or if the written oath is not provided, the voter's ballot may not be counted.

A person selected to provide assistance to a voter must sign a written oath that says:

"I swear (or affirm) that I will not suggest, by word, sign, or gesture, how the voter should vote; I will confine my assistance to answering the voter's questions, to stating propositions on the ballot, and to naming candidates and, if listed, their political parties; I will prepare the voter's ballot as the voter directs; and I am not 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."

In addition, a person who assists a mail-in voter must sign and print their name and residence address on the voter's official carrier envelope. Failure to do so is a criminal offense unless the assistant is a close relative of the voter or is registered at the same address as the voter.

A person also commits a crime if the person knowingly:

- (1) provides assistance to a voter when the voter is not eligible for assistance, or the assistant is not eligible to assist the voter;
- (2) prepares the voter's ballot in a way other than the way the voter directs or without direction from the voter;
- (3) while assisting a voter suggests by word, sign, or gesture how the voter should vote; or
- (4) provides assistance to a voter who has not requested assistance or selected the person to assist the voter

Violating these statutes is a misdemeanor punishable by up to a \$4,000 fine and one year in jail. If the assistant also fails to place their name and address on the mail-in ballot, the offense may be a state jail felony punishable by confinement for up to two years and a \$10,000 fine.

For more information, please refer to Chapter 64 of the Texas Elections Code. In addition, the Texas Secretary of State has more information for voters with special needs at <http://www.votetexas.gov/voters-with-special-needs/index.html>.

Wes Mau
Hays County Criminal District Attorney