TRAVIS COUNTY JAIL

Ex-Travis County inmate: I was denied right to vote

Sheriff’s spokesman says all eligible inmates who ask are helped.

By Anna Herod aherod@statesman.com

WHO CAN VOTE IN TEXAS?

Jail inmates can be approved for a ballot if they meet certain criteria:

• Must be 18 years old or older.
• Must be a U.S. citizen.
• Must not be found mentally incompetent by a judge.
• Must not be serving time for conviction of a felony.
• Must have completed probation two or more years ago if they’ve been on probation, and must’ve been issued discharge papers by parole authorities two or more years ago or been issued a lawful pardon.
• Must be a registered voter.
• Must be a current resident of Texas.

Texas has thousands of inmates in county jails across Texas who haven’t been convicted of felony crimes and remain eligible to vote. However, their path to expressing their voices from inside a cell with an absentee ballot isn’t always easy.
Many inmates in Texas jails are waiting for their cases to be processed or simply can’t afford to post bail. At the end of September, the Travis County Jail reported it was housing as many as 2,669 people, the largest number of inmates at the facility in six years. About 70 percent of those inmates were being detained without a conviction — and some are still eligible to vote.

According to the Travis County sheriff’s office, applications for absentee ballots are kept on hand at the jail and are available to inmates upon request.

“It’s basically an application for ballot by mail, and it’s deposited and sent through our inner office mail to the county clerk, and then they’re able to vote if they meet the criteria,” sheriff’s office spokesman Roger Wade said. “I can tell you that our folks are, especially around election time, our folks are made aware that some inmates do have the right to vote, and if they want to vote we will provide them with the opportunity to do that.”

But James O’Brien, a former Travis County inmate, says jail staff didn’t allow him to vote in the primary election during his four-month incarceration earlier this year. Ultimately his charges were dismissed, so he remains eligible to vote.

Contrary to the county’s policy, O’Brien said there weren’t any absentee ballot applications on hand while he was in the jail.

“At no time did they ever provide me with an absentee ballot; in fact, they discouraged it,” he said. “It’s something everybody has a right to do under the Constitution, a God-given right to vote.”

O’Brien estimates he filed at least a dozen request forms asking for an absentee ballot application nearly two months before the primary election runoffs. When weeks passed and still no application or ballot was provided, he filed several grievance reports per instruction from the guards.

Wade said he can’t speak to the validity of O’Brien’s claims, because there’s not an investigation underway.
“He did come in and talk to our internal affairs unit, but there was nothing in his statement to them that merited a policy violation,” Wade said.

It’s unknown how many other inmates encountered challenges similar to what O’Brien described. O’Brien said he compiled a list of 70 other inmates who were eligible to vote and wanted an application for an absentee ballot.

Travis County election officials said they’ve received about 16,000 requests for absentee ballots, but only two absentee applications from inmates.

O’Brien met with Sheriff Greg Hamilton last week to relay his experience, which he says he witnessed other inmates going through as well.

“I asked (Hamilton) to please do everything in his power as commander in chief of the sheriff’s department to ensure enforcement that all eligible persons are provided an absentee ballot regardless of their skin color, creed, sexual preference and so on,” O’Brien said. “I asked that they would comply with ballot requests in the presidential election, and maybe even encourage eligible inmates to vote in November.”

Wade said the jail’s policy ensuring eligible inmates’ access to vote has been in place for “some time” now.

“Are we going to go to each and every person and say, ‘Do you want to vote?’ No. But if they make their wishes known, we will help them along with that,” Wade said.

Contact Anna Herod at 512-445-3931.