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Texas court to hear appeal from woman sentenced to prison for voting while ineligible

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Crystal Mason was sentenced to five years in prison for voting while inadvertently ineligible in 2016

Texas' highest criminal appeals court said Wednesday it would hear an appeal from a Texas woman who was sentenced to five years in prison for voting while inadvertently ineligible in 2016.

The case has attracted national attention because of the severity of the sentence and the woman, Crystal Mason, said she did not know she was ineligible to vote at the time.

Many saw the severe sentence as an obvious effort to intimidate Black voters. The case also comes amid an aggressive effort by Texas prosecutors, including attorney general Ken Paxton, to prosecute even election crimes.

Officials overseeing Mason's supervised release testified at her trial that they never informed her she was ineligible to vote.

An appeals court in Fort Worth upheld Mason's conviction last year, saying "the fact that she did not know she was legally ineligible to vote was irrelevant to her prosecution". The Texas court of criminal appeals, the highest criminal appellate court in Texas, said Wednesday it would hear the case.

"I am so thankful that the Texas court of criminal appeals has decided to hear my case," Mason said in a text message to the Guardian on Wednesday morning.

"I am continuing to trust God through this process. And I firmly believe that they will make the right decision and overturn this unjust conviction."

Mason did not pay much attention to politics in 2016, but voted on election day because her mother pushed her to do so.

Pollworkers could not find her name in the list of registered voters when she showed up to vote, and offered her a provisional ballot, which they said would count if it turned out she was eligible.

Mason filled out the provisional ballot, which includes a small-print affidavit affirming eligibility, and left. Because Mason was in fact ineligible to vote, election officials never counted her ballot.

Even though Mason's ballot was rejected, she was arrested months later and charged with illegal voting.

The decision to charge Mason with illegal voting, a felony, was unusual. Between 2014 and 2019, there were 12,668 provisional ballots cast in Tarrant county, where Mason lives.

Even though more than 11,000 of them were rejected, Mason appears to be the only one who was singled out and prosecuted for a crime.

The case upended Mason's life. Once she was convicted of illegal voting, a federal judge revoked her supervised release and sent her back to federal prison for several months in late 2018. She currently remains out of prison on an appeal bond in her state case.

During that time, her teenage daughter was responsible for running her household and her family nearly lost their home to foreclosure.

During an appellate hearing last year, Mason's lawyers argued that Mason had not technically voted because her ballot was rejected.

Federal law entitles voters to access a provisional ballot when they show up at the polls and there is a question about their eligibility – exactly what happened in Mason's case.

Texas law also criminalizes illegal voting in cases where someone “knows” they are not eligible to vote; Mason's lawyers argued that prosecutors failed to prove Mason knew she was ineligible.

The Cato Institute, a libertarian thinktank, filed a brief in support of Mason in December saying “this case provides a regrettable example of expanding a statute with criminal penalties to punish behavior that was simply an honest mistake”.

Prosecutors pointed to the fact that Mason signed a provisional ballot affidavit and testimony from a poll worker who said he instructed Mason to read it before signing.

“We are thrilled with the court's decision to hear Crystal Mason's appeal. Her conviction and the sentence she received were grave injustices,” said Sophia Lin Lakin, deputy director of the ACLU's voting rights project, which is helping represent Mason.

One of the key witnesses in the case was a high school student who assisted Mason when she voted in 2016. The student, who was also Mason's neighbor, told HuffPost in 2019 he was actually aware Mason was ineligible to vote, but forgot when she showed up at the polls.