

FAQs on Applications for Ballot by Mail (ABBMs)



Texas Secretary of State – Elections Division



TOPICS COVERED

- Reviewing ABBMs
- Ballot by Mail Tracker
- Distribution of ABBMs



Reviewing ABBMs



Reviewing an ABBM

1. Voter Information: Please print all information clearly and legibly

Name: _____
Last, First, Middle, Suffix (Jr., Sr.)

Residence Address as shown on your Voter Registration Certificate

Address: _____
Street Apt. # (if any) City State Zip Code

Optional Information: Providing this information is helpful to the Early Voting Clerk, but not required.

Date of Birth: ____ / ____ / ____ VUID #: _____ Pct #: _____

Email: _____ Tel. #: _____

YOU MUST PROVIDE ONE of the following numbers

Texas Driver's License, Texas Personal Identification Number or Election Identification Certificate Number issued by the Department of Public Safety (NOT your voter registration VUID#)

If you do not have a Texas Driver's License, Texas Personal Identification Number or a Texas Election Identification Certificate Number, give the last 4 digits of your Social Security Number

I have not been issued a Texas Driver's License/Texas Personal Identification Number/Texas Election Identification Certificate or Social Security Number

Box 1: Personal Identification Numbers – Voter must provide:

- Texas Driver's License, Texas Personal Identification Number, or Election Identification Certificate Number issued by DPS, OR
- Last four digits of SSN, OR
- An indication that they have not been issued either number.
- **The number provided by the voter on the ABBM MUST be validated off of the voter's voter registration record. If the number is missing or incorrect on the ABBM, the voter will have the opportunity to correct the defect either by submitting a new ABBM or by validating their identification number in the Ballot by Mail Tracker.**



If a voter uses an old ABBM form, should I reject the ABBM?

- Yes. If a voter uses an outdated ABBM form that does not contain the personal identification number box and does not provide one of the identification numbers required under Section 84.002(a)(1-a), the ABBM must be rejected.
- You must send the voter a Notice of Rejected Application for Ballot by Mail – Missing or Incorrect Personal Identification Number (Form 6-3), which informs the voter how they can correct or add information to cure the defect.



What if a voter provides only a driver's license number on the ABBM, but the voter registration record does not contain a driver's license number?

- The ABBM must be rejected.
- You must send the voter a Notice of Rejected Application for Ballot by Mail – Missing or Incorrect Personal Identification Number (Form 6-3).



If a voter provides both types of identification numbers on the ABBM (ex: driver's license AND last four digits of SSN), do both numbers have to match the voter registration record?

- No. If one number matches the voter registration record (and the voter is otherwise eligible to vote by mail), you must accept the ABBM.
- Your obligation in reviewing the identification numbers on an ABBM is to determine if the information provided by the voter on the ABBM identifies the same voter identified on the applicant's voter registration record. (Sec. 86.001(f)).



What if a voter provides the last four digits of the SSN, but the voter registration record shows both a driver's license and an SSN?

- If the last four digits of the SSN provided by the voter on the ABBM matches the voter record (and the voter is otherwise eligible to vote by mail), you must accept the ABBM.



What defects can a voter correct in a rejected ABBM?

- If a voter fails to provide any of the required personal identification numbers or the numbers do not match the voter registration record, the voter may correct the defect through the Ballot by Mail Tracker.
- Alternatively, if a voter's ABBM is rejected for a missing or incorrect personal identification number OR for any other reason, the voter may submit a new ABBM with the required/corrected information.



BALLOT BY MAIL TRACKER



Ballot by Mail Tracker

NEW LAW: House Bill 1382 (2021, R.S.)

- Requires the Secretary of State to provide an online tool on the Secretary of State's website that enables a person who has submitted an Application for a Ballot by Mail to track the location and status of the person's application and ballot. The tracking tool must require the voter to provide certain personally identifiable information in order for the voter to obtain information related to their ballot.
- The ballot by mail tracker must be updated with each of the following events to provide information on:
 - When an application to vote by mail has been received by the early voting clerk;
 - When the mail ballot application has been accepted or rejected by the early voting clerk;
 - When the official ballot has been placed in the mail by the early voting clerk;
 - When the person's marked ballot is received by the early voting clerk; and
 - Whether the early voting ballot board has accepted or rejected the ballot.
- For each carrier envelope containing a mail ballot, the ballot by mail tracker must assign or record a serially numbered and sequentially issued barcode or tracking number unique to each envelope.

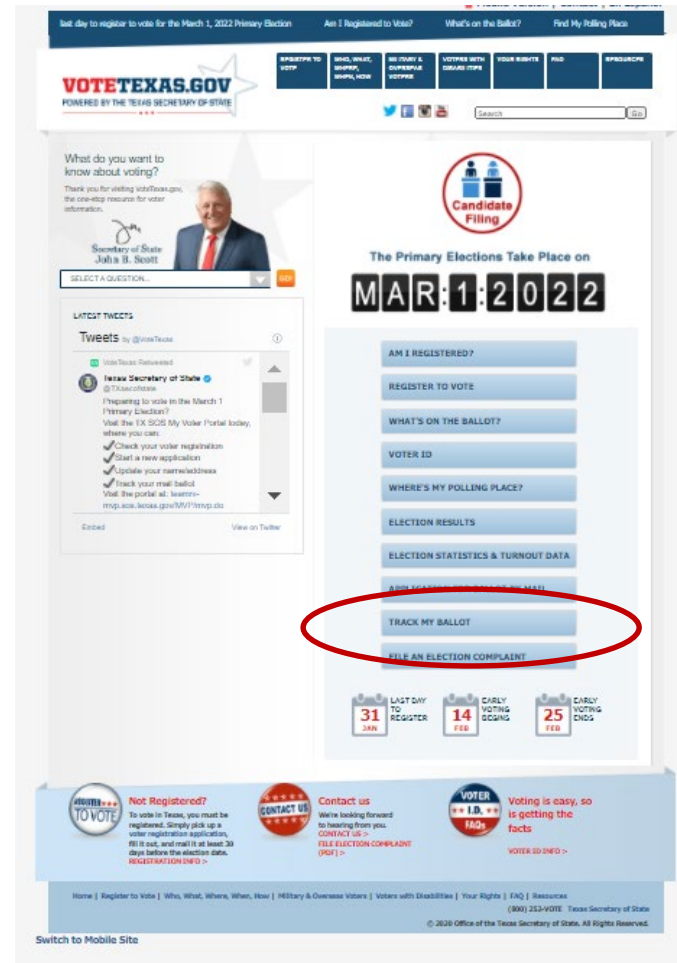
NOTE: The mail ballot tracker will only be available for elections in which the county election officer is the early voting clerk.

Section 86.015, Texas Election Code



Where is the Ballot by Mail Tracker located?

- The Ballot by Mail Tracker is located on VoteTexas.gov



YOU COUNT



Use the Am I Registered? section to check your:

- Voter registration status
- Poll location
- Early voting locations
- Registration information
- Key Election Dates

Not Registered to Vote?

[Register](#)

Need to Change Your Name or Address?

Update your information [online](#) now.

Need to Track a Ballot by Mail?

Access the Ballot Tracker [here](#).

Am I Registered?

Selection Criteria

Submit

Clear

Note: 'Am I Registered?' provides a web-based search of data extracted from Texas's statewide voter registration database. It is NOT the official record of your registration, which is retained by the voter registration office in the county of your residence.

What information does the voter need to enter the Ballot by Mail Tracker?

- The voter must enter:
 - Texas Driver's License or Personal Identification Card Number issued by DPS,
 - Last four digits of SSN, AND
 - Residence Address.



What other information can the voter access on VoteTexas.gov?

- Through the **My Voter Portal** on VoteTexas.gov, the voter can:
 - Check their voter registration
 - Start a new voter registration application
 - Update their name or address
 - Including updates to new counties
 - Track their mail ballot
- teamrv-mvp.sos.texas.gov/MVP/mvp.do



Do FPCA voters have a different mail ballot tracker?

- No. The Ballot by Mail Tracker will contain information for FPCA voters as well.
- If an FPCA voter has a missing or incorrect personal identification number, they may correct this defect in the Ballot by Mail Tracker.



DISTRIBUTION OF ABBMS



Distribution of ABBMs

- **84.0111** – Prohibition on distribution of ABBM by officer or employee of the state or a political subdivision to any voter who did not request ABBM. Prohibition on use of public funds to facilitate unsolicited distribution of ABBMs. Exception for candidates or political parties.
- **84.012** - The early voting clerk shall mail without charge an appropriate official application form for an early voting ballot to each applicant requesting the clerk to send the applicant an application form.
- **84.013** - The secretary of state shall maintain a supply of the official application forms for ballots to be voted by mail and shall furnish the forms in reasonable quantities without charge to individuals or organizations requesting them for distribution to voters.



Distribution of ABBMs

- **Sec. 276.016. UNLAWFUL SOLICITATION AND DISTRIBUTION OF APPLICATION TO VOTE BY MAIL.**
- (a) A public official or election official commits an offense if the official, while acting in an official capacity, knowingly:
 - (1) solicits the submission of an application to vote by mail from a person who did not request an application;
 - (2) distributes an application to vote by mail to a person who did not request the application unless the distribution is expressly authorized by another provision of this code; **(Sends out to voters who did not request an ABBM)**
 - (3) authorizes or approves the expenditure of public funds to facilitate third-party distribution of an application to vote by mail to a person who did not request the application; or **(Provides ABBM forms printed at county expense to groups or candidates that will distribute to voters)**
 - (4) completes any portion of an application to vote by mail and distributes the application to an applicant. **(Pre-fills ABBM)**
- (b) An offense under this section is a state jail felony.



Distribution of ABBMs

Exceptions to prohibition on distribution (Sec. 276.016):

- (c) Subsection (a)(2) does not apply if the public official or election official engaged in the conduct described by Subsection (a)(2) by providing access to an application to vote by mail from a publicly accessible Internet website. **(Posting a blank ABBM on official's website is allowable)**
- (d) Subsection (a)(4) does not apply if the public official or election official engaged in the conduct described by Subsection (a)(4) while lawfully assisting the applicant under Section 84.003. **(If serving as an assistant, it is permissible to help voter complete the ABBM form)**
- (e) Subsection (a) does not apply if the public official or election official:
 - (1) provided general information about voting by mail, the vote by mail process, or the timelines associated with voting to a person or the public; or
 - (2) engaged in the conduct described by Subsection (a) while acting in the official's capacity as a candidate for a public elective office.
- (f) The remedy provided under this chapter is cumulative, and does not restrict any other remedies provided by this code or by law. A violation of this section is subject to injunctive relief or mandamus as provided by this code.



Who is considered an “election official” under Section 276.016?

- “Election official” is defined in Section 1.005 to mean:
 - a county clerk;
 - a permanent or temporary deputy county clerk;
 - an elections administrator;
 - a permanent or temporary employee of an elections administrator;
 - an election judge;
 - an alternate election judge;
 - an early voting clerk;
 - a deputy early voting clerk;
 - an election clerk;
 - the presiding judge of an early voting ballot board;
 - the alternate presiding judge of an early voting ballot board;
 - a member of an early voting ballot board;
 - the chair of a signature verification committee;
 - the vice chair of a signature verification committee;
 - a member of a signature verification committee;
 - the presiding judge of a central counting station;
 - the alternate presiding judge of a central counting station;
 - a central counting station manager;
 - a central counting station clerk;
 - a tabulation supervisor;
 - an assistant to a tabulation supervisor; and
 - a chair of a county political party holding a primary election or a runoff primary election.



If a person request two ABBMs from an election office (one for themselves and the other for their spouse), can I provide both forms to them?

- No. Sections 84.0111 and 276.016 prohibit the distribution of an ABBM to a person who did not request the application.



Can I post a blank ABBM on my website?

- Yes. Section 276.016(c) specifically allows an election official to provide access to an ABBM on a publicly accessible Internet website.



Can I provide an ABBM to an assistant who requests one on behalf of a voter they are assisting?

- No. Sections 84.0111 and 276.016 prohibit an election official from distributing an ABBM to a person who did not request the application.



If a voter calls to request an ABBM, can I fill in the voter's name and residence address at the top of the form?

- No. Section 276.016(a)(4) prohibits an election official from completing any portion of the ABBM form and distributing that form to the applicant.



Can I write or pre-print the early voting clerk's office address on the reverse side of the application to ensure it is mailed back to my office?

- Yes. We do not believe that providing your own mailing address on an ABBM constitutes pre-filling an application, as such information does not relate to the content of the ballot by mail request.



If a voter has difficulties communicating, how can they request an ABBM?

- The voter can receive assistance in calling your office to request the form, but the voter must be the one to make the request.
- A voter can submit a request in writing. If necessary, someone assisting the voter can witness the voter's request if they provide the information required under Section 1.011 of the Texas Election Code.



Can different organizations or candidates distribute ABBMs to voters? Can they pre-fill information on the ABBM?

- The prohibition on distribution of ABBMs by public officials and election officials does not apply to third-party organizations or candidates.
- Certain information can be pre-filled on an ABBM form.
- The following information should NOT be pre-filled:
 - Any witness or assistant information
 - Any personally identifiable information
 - Any affirmations that must be made by the voter



How can nursing homes or assisted living facilities obtain blank ABBMs?

- These facilities can request ABBMs from the Secretary of State's office, which has express statutory authority to provide ABBM forms to voters and organizations, in reasonable quantities, upon request. (Sec. 84.013).



Can county chairs distribute ABBM forms?

- Because a county chair is included in the definition of an “election official,” the prohibition against distribution of ABBMs by election officials in Section 276.016(a)(2) of the Election Code applies to county chairs.
- If a county chair were distributing ABBMs as a candidate on the ballot, then the prohibition against distributing ABBMs would not apply to the county chair. (Sec. 276.016(e)(2)).
- Note: Section 84.0111(c) of the Election Code authorizes a political party to distribute ABBMs to voters who did not request ABBMs. Therefore, a county executive committee could distribute unsolicited ABBMs. Because county chairs are prohibited from distributing ABBMs, we recommend that a county chair not be directly involved in the distribution of ABBMs in their role as county chair because it could constitute a violation of Section 276.016(a)(2).



Questions?

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