

# Corrective Action Procedures

September 2024



## TOPICS COVERED

- ABBM Form
- Corrective Action Options for ABBMs
- ID Requirements on Carrier Envelopes
- Process for EVBB/SVC
- Possible Scenarios Regarding Carrier Envelopes
- Notifying Voters of Defects
- Correcting Defects
- Impacts on FPCA Voters
- Early Voting Clerk Providing Notification of Defects



# Resources

## Advisories

- **No.2023-13** - NEW LAW: Senate Bill 1599 – Changes to the Corrective Action Process for Defects on Application for a Ballot by Mail and Carrier Envelope
- **No.2023-23** - Registering a Voter who is Part of a Confidentiality Program

## Handbooks

- Early Voting Ballot Board Handbook
- Signature Verification Committee Handbook
- Election Judges and Clerks Handbook



## Application for Ballot by Mail

- Requires a statement explaining the benefits of furnishing the voter's telephone number, including how that information assists the early voting clerk ("EVC").
- SOS revised the ABBM form to include the prescribed statement, effective September 1, 2023.
- A revised, fillable, accessible form is posted on the SOS website and provided to counties for posting on their websites.



# Corrective Action Options for ABBMs



## ABBM – Written Notice of Rejection

If the EVC determines that it would be possible for the voter to correct the defect and return the ABBM form **before the 11<sup>th</sup> day before election day**, the EVC shall mail a Notice of Rejected ABBM to the voter notifying them of the defect and include a new ABBM form, when applicable.

- Notice of Rejected ABBM (Form 6-2)
- Notice of Rejected ABBM Containing Defect that May be Corrected Online (Form 6-3)



## Notifying Voter by Phone or Email

If the EVC determines that it would NOT be possible for the voter to correct the defect and return a new ABBM before the deadline:

- May notify the voter of the defect by telephone or email
- Inform voter that they may:
  - Come to the early voting clerk's office to correct the defect;
  - Submit a new ABBM form;
  - Utilize the Ballot by Mail Tracker, if applicable, to correct the defect.

(Sec. 86.002)



## Correcting Defects to ABBM Online

### Defects on the ABBM that may be corrected online include:

- Voter fails to include **disability affirmation** required under Section 84.002 of the Code.
- Voter submits an application for ballot by mail on the ground of expected absence from the county but **does not provide an address outside of the county.**
- Voter submits an application for ballot by mail on the ground of confinement in jail or due to involuntary civil commitment but **does not provide the address of the jail/civil commitment facility or a relative.**
- Voter did not indicate **the reason they are eligible to vote by mail** on the application.
- Voter did not indicate a **party preference**, which is required if the voter is voting by mail in a primary election.





# Correcting Defects to ABBM Online

## Defects on the ABBM that may be corrected online include:


- Voter did not provide a **residence address** on the application.
- Voter did not provide their **required personal identification number** or indicate they do not have a number.
- Voter indicated that they are 65 years of age or older or have a disability as the ground for voting by mail. **The address to which the voter requested the ballot be mailed is not associated with the voter's registration information as either their residence address or the designated mailing address.**



# ID Requirements on Carrier Envelopes

# Envelope Open – Inside Flap

- Voter must add their personal identification information to the Carrier Envelope

<b>REQUIRED INFORMATION: YOU MUST PROVIDE ONE OF THE FOLLOWING NUMBERS AND IT MUST BE ASSOCIATED WITH YOUR VOTER REGISTRATION RECORD</b> <b>INFORMACIÓN REQUERIDA: DEBE PROPORCIONAR UNO DE LOS SIGUIENTES NÚMEROS Y DEBE ESTAR ASOCIADO CON SU REGISTRO DE VOTANTE</b>	
Texas Driver's License or Texas Personal Identification Card or Election Identification Certificate Number issued by the Texas Department of Public Safety (NOT your Voter Registration VUID#) (Número de Licencia de Conducir de Texas o Número de Tarjeta de Identificación Personal de Texas o Certificado de Identificación Electoral expedida por el Departamento de Seguridad Pública de Texas) (NO ES el número de Registro Electoral VUID#)	If you do not have a Texas Driver's License or Personal Identification Card or a Texas Election Identification Certificate Number, give the last 4 digits of your Social Security Number (Si no tiene una Licencia de Conducir de Texas o una Tarjeta de Identificación Personal de Texas o Certificado de Identificación Electoral de Texas, proporcione los 4 últimos dígitos de su número de Seguro Social)
<input type="checkbox"/> I have not been issued a Texas Driver's License or Texas Personal Identification Card or Texas Election Identification Certificate or a Social Security Number (No se me ha expedido una Licencia de Conducir de Texas o Tarjeta de Identificación Personal de Texas o un Certificado de Identificación Electoral de Texas ni un número de Seguro Social)	XXX - XX - _____
<b>CONTACT INFORMATION (INFORMACIÓN DE CONTACTO):</b> Phone (Teléfono): _____ Email (Correo Electrónico): _____	
<b>SEAL ENVELOPE AND SIGN OVER SEALED FLAP (SELLE EL SOBRE Y FIRME SOBRE LA SOLAPA SELLADA)</b>	
	
<b>X</b>	
<b>SIGNATURE OR MARK OF VOTER (FIRMA O MARCA DEL VOTANTE)</b>	
<b>Completed by Early Voting Clerk (Completado por el Secretario de votación Adelantada):</b>	
Name of Election (Nombre de Elección): _____	
Name of Voter (Nombre del votante): _____	
Date of Election (Fecha de Elección): ____ / ____ / ____	
<b>Instructions to Witness:</b> You are serving as a witness for _____ (name of voter). You must complete the section below if you witness the mark of the voter, or if the voter cannot make a mark. If the voter cannot make a mark, check here _____. (Instrucciones al Testigo: Usted está sirviendo como testigo para _____ (nombre del votante). Debe completar la sección a continuación si es testigo de la marca del votante, o si el votante no puede hacer una marca. Si el votante no puede hacer una marca, marque aquí _____.)	
Signature (Firma) _____ Printed Name (Nombre en letra de molde) _____	
Street Address (Domicilio residencial) _____	
<b>Oath of Person Assisting Voter:</b> "I swear (or affirm) under penalty of perjury that the voter I am assisting represented to me they are eligible to receive assistance; I will not suggest, by word, sign, or gesture, how the voter should vote; I will prepare the voter's ballot as the voter directs; I did not pressure or coerce the voter into choosing me to provide assistance; 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; I will not communicate information about how the voter has voted to another person; and I understand that if assistance is provided to a voter who is not eligible for assistance, the voter's ballot may not be counted." <b>Juramento de la Persona Asistiendo al Votante:</b> "Yo juro (o afirmo) bajo pena de perjurio que el votante al que estoy asistiendo me representó que es elegible para recibir asistencia; no sugeriré, con palabra, señal, o gesto, como debe votar el votante; prepararé la boleta del votante según lo indique el votante; no presioné ni coaccioné al votante para que me eligiera como asistente; no soy el empleador del votante, un agente del empleador del votante, o un oficial o agente de un sindicato al cual el votante pertenece; no comunicaré información sobre cómo el votante ha votado a otra persona; y entiendo que si se proporciona asistencia a un votante que no es elegible para recibir asistencia, la boleta del votante podría no ser contada."	
<b>If you are an assistant, provide information below:</b> (Si usted es un asistente o testigo, marque la casilla correcta y proporcione su información):	
<b>Did you receive compensation or other benefit from a candidate, campaign or political committee in exchange for providing assistance? Circle one: Yes No</b> <b>¿Recibí compensación u otro beneficio de un candidato, campaña o comité político a cambio de brindar asistencia? Marque con un Círculo: Sí No</b>	
Printed Name (Nombre en letra de molde) _____	Signature (Firma) _____
Relationship to Voter (Relación al votante) _____	Street Address (Domicilio residencial) _____



## Key Points to Remember

- Voters are not required to provide both types of identification numbers.
- If a voter provides both numbers, only one number has to match the VR record.
- The secrecy flap may be opened by the early voting clerk's staff for processing.
- Be mindful with these carrier envelopes, as they have personally identifiable information that needs to be guarded.
- Carrier envelopes are not public information at this point in the election process.



# Process for EVBB/SVC

## Early Voting Ballot Board

Section 87.0222 of the Election Code:

- Provides that not later than the ninth day before election day, the jacket envelopes containing early voting ballots voted by mail **MUST** be delivered to the EVBB.
- This means that the EVBB in all counties and local political subdivisions may begin meeting at any time they have ballots to review.
  - First meeting must take place not later than the ninth day before election day.
- **This requirement applies regardless of the county's population size.**



## ID Comparison Requirements

- The EVBB shall only accept a ballot if the personal identification information (ex: SSN or TXDL) matches the voter registration record.
- The SVC/EVBB is matching the information on the carrier envelope to the **VR record**.
- The number on the carrier envelope does not have to be the same number on the ABBM – it must only match the VR record.



## Rebuttable Presumption

- If the personal identification information provided matches the VR record, the signatures on the ABBM and the carrier envelope are rebuttably presumed to be those of the voter.
- Presumption may be rebutted by presenting other past signatures on file with the EVC or
- **The EVBB/SVC shall compare signatures regardless of whether the rebuttable presumption exists.**





## Poll Watcher Challenges

- A poll watcher has no authority to challenge the acceptance of a signature or any actions taken by the EVBB or SVC during the course of their regular meetings.
- Poll watcher can point out an election irregularity to the EVBB presiding judge or the SVC chair



# Possible Scenarios Regarding Carrier Envelopes

## Possible Scenarios – Carrier Envelopes

**Scenario 1:** Voter provides a personal identification number on the carrier envelope that matches the number in the voter's voter registration record.

## Possible Scenarios – Carrier Envelopes

**Scenario 2:** Voter provides a personal identification number on the carrier envelope that matches the number in the voter's voter registration record, but it is a different type of number than what the voter listed on the ABBM.

- Example: Voter provided last four digits of social security number on ABBM and a driver's license number on carrier envelope.



## Possible Scenarios – Carrier Envelopes

**Scenario 3:** Voter provides the last four digits of their social security number on the carrier envelope. The voter registration record contains a driver's license number and social security number. The SVC or EVBB is able to validate that the partial social security number on the carrier envelope matches the number in the voter's voter registration record.



## Possible Scenarios – Carrier Envelopes

**Scenario 4:** Voter indicates on the carrier envelope that they have not been issued any of the required personal identification numbers, and the voter's voter registration record does not contain any of these numbers.

## Possible Scenarios – Carrier Envelopes

**Scenario 5:** Voter provided one of the required personal identification numbers on the ABBM that matched the voter's voter registration record, but the voter does not include an identification number on the carrier envelope.



## Possible Scenarios – Carrier Envelopes

**Scenario 6:** Voter provided one of the required personal identification numbers on the ABBM that matched the voter's voter registration record, but the voter indicates on the carrier envelope that they have not been issued one of the applicable identification numbers.



# Notifying Voters of Defects

# Meeting Requirements for EVBB/SVC

	First Day Mail Ballots can be Reviewed	Texas Election Code Section
<b>Signature Verification Committee (All counties and local political subdivisions)</b>	20th day before election day	Sec. 87.027(f)
<b>Early Voting Ballot Board (All counties and local political subdivisions)</b>	May meet anytime after ballots have been returned.  If the EVBB has not met by the 9th day before election day, they must have their first meeting by the 9th day.	Sec. 87.0222



## Signature Verification Committee Corrective Action Process

The following defects are eligible for correction when identified by the signature verification committee (Sec. 87.0271(a)):

- The voter did not sign the carrier envelope certificate.
- The SVC cannot determine whether the signature on the carrier envelope is that of the voter.
- The personal identification information required under Section 84.002(a)(1-a) (ABBM) or Section 86.002 (carrier envelope) was missing or contained incorrect information.
- If a voter used a witness for completion of the carrier envelope, the witness information was incomplete.
  - **NOTE:** Incomplete information about an assistant cannot be corrected and will result in a rejected mail ballot, but the voter may still vote in person if otherwise eligible.



## Early Voting Ballot Board Correction Process

The following defects are eligible for correction when identified by the early voting ballot board (Sec. 87.0411(a)):

- The voter did not sign the carrier envelope certificate.
- The EVBB cannot determine whether the signature on the carrier envelope is that of the voter.
- **The voter did not include the required Statement of Residence.**
- The personal identification information required under Section 84.002(a)(1-a) (ABBM) or Section 86.002 (carrier envelope) was missing or contained incorrect information.
- If a voter used a witness for completion of the carrier envelope, the witness information was incomplete.

**NOTE:** Incomplete information about an assistant cannot be corrected by EVBB/SVC and will result in a rejected mail ballot, but the voter may still vote in person if otherwise eligible.

**Only the EVBB has the authority to open the sealed part of carrier envelope to determine if a Statement of Residence (SOR) has been submitted.**

- The only exception is for FPCA voters. An SVC must open the sealed envelope to obtain the Signature Sheet for FPCA Voter, as this is necessary for the signature verification process.



## Carrier Envelopes - Corrective Action Timelines

**Notifying Voter by Mailing Notice of Defect and Corrective Action Form:** Not later than the second day after the SVC or EVBB discovers a defect, and before the SVC or EVBB decides whether to accept or reject a timely delivered mail ballot, the SVC or EVBB shall send the voter a notice explaining the defect and a corrective action form.

(Secs. 87.0271, 87.0411).

## Carrier Envelopes – Corrective Action Timelines

**Notifying the Voter of Defect by Phone or Email:** If the SVC or EVBB determines that it would NOT be possible for the voter to receive the notice of defect within a reasonable time to correct the defect, **the SVC or EVBB may notify the voter of the defect by telephone or email.**

**If the SVC or EVBB takes one of the actions described above, the committee or board must take that action with respect to each ballot in the election to which these options apply.**

Recommend that before qualifying mail ballots, the EVBB/SVC meet with the early voting clerk to determine dates to convene and to establish timelines for the corrective action process.

(Secs. 87.0271(d), 87.0411(d)).



## Establishing Timelines and Guidelines for the Corrective Action Process

- The SVC or EVBB must set a uniform policy for when notice will be mailed to the voter versus when voters will be notified of the defect by phone or email.
- The SVC or EVBB should determine whether it will notify voters of a defect by both phone and email, if both are available.
- The SVC or EVBB should establish a policy for making multiple attempts to reach a voter if it is unsuccessful in reaching a voter by phone or email on the first attempt.
- Consider U.S. Postal Service (USPS) guidelines. Ask your EVC to consult with your local post office.
- **SOS Recommendation:** The SVC or EVBB should consider implementing a policy to provide notification of a defect by phone or email to all voters whose ballots are reviewed by the SVC or EVBB on or after the 14th day before election day (approximately 10 business days). This may be modified based on discussions with your local USPS representatives.





## Notifying Voter by Sending Notice and Corrective Action Form

1. Mail the voter a Notice of Carrier Defect/Corrective Action Form (Form 10-32)
2. Enter the voter's information on the Roster of Voters mailed a Notice of Defect/Corrective Action Form. (Form 10-28, 10-29, and 10-30)

**\*The actions above can be delegated to the Early Voting Clerk by the SVC/EVBB as these are administrative functions that carry out the instructions and actions of the SVC/EVBB**



## Notifying Voter by Phone or Email

### If notifying by email:

1. Send the voter the Notice of Carrier Defect/Corrective Action Form.
2. The voter's name should be entered on the Roster of Voters with Defective Carrier Envelopes – Notified by Phone or Email, and the action taken by the voter should be noted on the roster.
3. **Parameters for Email Notification:** The SOS recommends that the early voting clerk set up an email address for corrective action notifications. The early voting clerk and the SVC or EVBB should establish rules and procedures for utilizing this email address.

**\*The actions above can be delegated to the Early Voting Clerk by the SVC/EVBB as these are administrative functions that carry out the instructions and actions of the SVC/EVBB.**



## Notifying Voter by Phone or Email

### If notifying by phone:

1. Contact the voter using any known phone number on file with the early voting clerk or in the possession of the SVC or EVBB.  
**NOTE:** As a reminder, the voter registrar may not transcribe, copy or otherwise record a telephone number furnished on a voter registration application. (Sec. 13.004). The SVC or EVBB may be able to review a voter registration application at the voter registrar's office to obtain a phone number. The registrar may also read a phone number from a voter registration application to a member of the SVC or EVBB, if necessary.
2. The SVC or EVBB should create a phone script that explains to the voter that the voter's mail ballot was received by the early voting clerk's office and has been reviewed by the SVC or EVBB, whichever is applicable.
3. **The SOS recommends that the SVC or EVBB confirm the voter's identity using publicly available information. Example:** Ask the voter to confirm their voter registration address and whether they requested a mail ballot for the given election.
4. The voter should be told that upon review of the carrier envelope, the SVC or EVBB discovered a defect in the carrier envelope. **The specific defect should be explained.**
5. The SVC or EVBB should explain the process for the voter to correct the defect as well as the process to cancel their mail ballot and vote in person during early voting or on election day.
6. Provide a return phone number that the voter may use to confirm that they were contacted by the SVC or EVBB. The number provided should be the number of the early voting clerk's office so the voter can verify this information and obtain details about the corrective action process during times that the SVC or EVBB are not meeting.
7. The voter's name should be entered on the Roster and the action taken by the SVC or EVBB should be noted on the roster.



## If the SVC or EVBB is Unable to Contact the Voter

1. The SVC or EVBB should leave a detailed message explaining that the SVC or EVBB determined there was a defect in the voter's carrier envelope and explain the process for correcting the defect.
  2. The SVC or EVBB should NOT provide any details related to a voter's personally identifiable information on a voicemail or with a person who is not the voter.
  3. The SVC or EVBB should leave a return number that the voter may use to validate the information provided by phone.
  4. The SVC or EVBB should mail the voter a Notice of Carrier Defect/Corrective Action form to inform the voter of their ability to correct the defect by appearing at the early voting clerk's office or by cancelling their mail ballot and voting in person during early voting or on election day.
  5. The voter's name should be entered on the Roster of Voters with Defective Carrier Envelopes, and the action taken by the SVC or EVBB should be noted on the roster.
- **If the SVC or EVBB does not have a phone number or email to notify the voter:** The SVC or EVBB should mail a Notice of Carrier Defect/Corrective Action Form to inform the voter of their ability to correct the defect by appearing at the early voting clerk's office or by cancelling their mail ballot and voting in person during early voting or on election day.

**\*Many of the actions above can be delegated to the Early Voting Clerk by the SVC/EVBB as these are administrative functions that carry out the instructions and actions of the SVC/EVBB.**



## Key Points to Remember

- Any actions taken by the SVC or EVBB shall be uniformly applied to every ballot in the election to which this procedure applies. (Secs. 87.0271(d), 87.0411(d)).
- A poll watcher is entitled to observe any action taken by the SVC or EVBB related to the corrective action process. (Secs. 87.0271(e), 87.0411(e)).
- Poll watchers may not transcribe or make notes of any voter's personally identifiable information while observing the activities of the SVC or EVBB.



# Correcting Defects

## How do Voters Correct Defects?

- Voters may submit a corrective action form by mail or common or contract carrier to the Early Voting Clerk.
- Voters may utilize the Secretary of State's Ballot by Mail Tracker for defects related to missing or incorrect personal identification numbers.
- Voters may appear in person at the early voting clerk's office and submit a corrective action form.
- Voters may cancel their mail ballot and vote in person.

**Deadline for Correction:** This corrective action process must occur no later than the 6th day after election day. The EVBB cannot finally reject a ballot before the 7th day after election day. (Secs. 87.0271(g), 87.0411(g)).

**Corrective actions taken by the voter MUST be provided to the EVBB for their final review of the ballot before determining acceptance or rejection.**



## Correcting Defect by Cancellation

- After receiving a Notice of Carrier Defect by mail or receiving notification via email or phone, the voter may opt to cancel their ballot by mail and vote a regular ballot in person.
  - Cancellations must be completed in accordance with Section 84.032
- There is no process under Texas law by which a voter can cancel a mail ballot application by phone. **All cancellations must be in writing and completed in accordance with Section 84.032 of the Texas Election Code.**





# Impacts on FPCA Voters

## Impacts on FPCA Voters

- If the FPCA voter provides incorrect identification information on their carrier envelope or signature sheet, or did not include the Official Election Signature Sheet for an FPCA Voter, the voter must be notified of the defect in the same manner as a regular ABBM voter.
- An FPCA voter may submit a corrected signature sheet by email, fax, personal delivery, or mail.



## Early Voting Clerk Notification of Defects

- Under Section 86.011(d) of the Code, if an early voting clerk receives a timely carrier envelope that does not comply with the applicable requirements of the Code, the early voting clerk may deliver the carrier envelope in person or by mail to the voter so that the voter may correct the defect.
- Early voting clerk may notify the voter of the defect by phone and advise the voter that they may come to the early voting clerk's office to correct the defect or cancel their ABBM and vote in person.
  - **Early voting clerks may return carrier to voter for correction.**
  - **Early voting clerks may notify voter of defect by phone and inform the voter they can come to the EVC's office to correct defect or cancel their application.**



Any Questions?

Call: 1-800-252-8683

Email: [elections@sos.texas.gov](mailto:elections@sos.texas.gov)

