

Early Voting by Mail (ABBM and FPCA)



**Texas Secretary of State – Elections Division
Webinar-December 2023**



Resources

- **Elections Forms Index**

<https://www.sos.state.tx.us/elections/forms/pol-sub/index.shtml#photo-id>

- **Conducting Your Elections Page**

<https://www.sos.texas.gov/elections/laws/local-laws.shtml>

- **Texas Election Code**

<https://statutes.capitol.texas.gov/>



TOPICS COVERED

1. Eligibility to Vote by Mail
2. Methods of Submitting an ABBM
3. Reviewing ABBMs
4. Accepting and Rejecting ABBMs



ELIGIBILITY TO VOTE BY MAIL



Eligibility to Vote by Mail

- **A qualified voter may vote by mail if the voter:**
 - Will be 65 or older on Election Day (Annual or Regular ABBM)
 - Has a Disability (Annual or Regular ABBM)
 - Is Expecting to Give Birth Within Three Weeks Before or After Election Day (Regular ABBM)
 - Is Civilly Committed Under Chapter 841, Health and Safety Code (Regular ABBM)
 - Expects to be Absent from County during Early Voting and on Election Day (Regular ABBM)
 - Is Confined in Jail (Regular ABBM)
 - Is in the Attorney General Address Confidentiality Program (Regular ABBM)
 - Is Military or Dependent of Military & Outside of Home Texas County (FPCA)
 - Is Temporarily Living Outside the United States (FPCA)
 - Is Living Outside the United States and the Voter has Indicated their Intent to Return is Uncertain (FPCA)
 - Is a member of the National Guard or Dependent (FPCA)

Chapters 82 and 101, Texas Election Code



Annual ABBM

- Certain voters may submit a single Annual ABBM and receive ballots for all elections held by all entities in which the voter is eligible to vote in that calendar year.
- **Eligible Voters:**
 - **ONLY** for Voters 65+ or with Disability
 - Applicant must **indicate** they want the ABBM to be an Annual ABBM (not automatic) OR applicant does not specify the election for which a ballot is requested
 - Voters applying for reason of absence from county do not qualify for Annual ABBM.
- Submitted to the early voting clerk of **ANY** political subdivision, not just to the county early voting clerk. Sec. 86.0015.



Annual ABBM

A qualified voter is eligible for early voting by mail if the voter has a sickness or physical condition that prevents the voter from appearing at the polling place on election day without a likelihood of needing personal assistance or of injuring the voter's health.

Section 82.002(a)(1), Texas Election Code



Eligibility to Vote by Mail

- The following do not constitute sufficient cause to entitle a voter to vote by mail under the disability category:
 - (1) a lack of transportation;
 - (2) a sickness that does not prevent the voter from appearing at the polling place on election day without a likelihood of needing personal assistance or of injuring the voter's health; or
 - (3) a requirement to appear at the voter's place of employment on election day.

Section 82.002(b), Texas Election Code



Type	Who Can Use?	Application Delivery	Filing Period	Expiration Date	Ballots Received
Regular ABBM	<ul style="list-style-type: none"> 65+ on Eday Disability Expected to Give Birth Within Three Weeks Before or After Eday Absent from County Confined in Jail Civilly Committed under Chapter 841, Health and Safety Code Address Confidentiality 	<ul style="list-style-type: none"> In person by voter not later than the 11th day before Eday Regular Mail Common or Contract Carrier Fax Email (signed, scanned attachment) 	January 1 of calendar year through 11 th day before election day for which ballot is requested.	Good for one election only (plus runoff if requested). Expires after the election for which ballot was requested. OR Voter cancels ABBM.	Ballot(s) for election(s) held by early voting clerk to whom application submitted (and runoff ballot, if requested).
Annual ABBM	<ul style="list-style-type: none"> 65+ on Eday Disability 	<ul style="list-style-type: none"> Same as Regular ABBM 	January 1 of calendar year*+ *On or before 11 th day before Eday, to receive ballot for that election +Up to 60 days before election held in January or February.	December 31 OR Until: <ul style="list-style-type: none"> Voter cancels ABBM Registration cancelled Voter registers in a new county 	All ballots for all elections held by all political subdivisions in the year in which submitted.+
FPCA	<ul style="list-style-type: none"> Military Voter Outside Home Texas County (or Dependent) National Guard (or Dependent) U.S. Citizen Overseas 	<ul style="list-style-type: none"> In person by voter not later than the 11th day before Eday Regular Mail Common or Contract Carrier Fax Email (signed, scanned attachment) 	January 1 of calendar year*+ *If registered, on or before 11 th day before Eday, to receive ballot for that election. If not registered but eligible to register, not later than 20 th day before Eday. +Up to 60 days before election held in January or February.	Same as Annual ABBM	All ballots for all elections held by the county, city, or school district, in the year in which submitted (unless eligible for federal ballot only).+

METHODS OF SUBMITTING AN ABBM OR FPCA



Unlawful Solicitation and Distribution of an Application to Vote by Mail

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 ABBM to a person who did not request the application unless the distribution is expressly authorized by another provision of the Texas Election Code;
3. Authorizes or approves the expenditure of public funds to facilitate third-party distribution of an ABBM to a person who did not request the application; or
4. Completes any portion of an ABBM and distributes the application to an applicant.

Section 276.016, Texas Election Code



Methods of Submitting an ABBM or FPCA

- **There are different ways for a voter to submit an ABBM or FPCA:**
 - In person by voter not later than the 11th day before Election Day (unless that day is a Saturday, Sunday, or legal state or national holiday, in which case the last day is the first preceding regular business day)
 - By regular mail
 - By common or contract carrier
 - By email
 - By facsimile

Sections 84.007 and 84.008, Texas Election Code



Methods of Submitting an ABBM or FPCA

- Voters may personally deliver their ABBM or FPCA to the early voting clerk not later than the close of regular business in the early voting clerk's office or 12 noon, whichever is later, on the 11th day before election day (unless that day is a Saturday, Sunday, or legal state or national holiday, in which case the last day is the first preceding regular business day.)
- For the primary election date, this deadline is **Friday, February 23, 2024.**
- For the primary runoff election date, this deadline is **Friday, May 17, 2024.**
- However, see the slide on the next page regarding voters voting by mail due to absence from the county of residence.

Sections 84.007, 84.008, and 101.052, Texas Election Code



Methods of Submitting an ABBM or FPCA

For voters voting by mail due to absence from the county of residence:

- If a voter's early voting ballot application is submitted on or after the first day of the period for early voting by personal appearance, the voter is ineligible for early voting by mail unless the voter is absent from the county when the application is submitted.
- This means that once early voting in person has started, the voter may no longer deliver their ABBM or FPCA in person to the early voting clerk. This is due to the fact that the voter must be absent from the county when the application is submitted.

Sections 82.001 and 101.002, Texas Election Code



Methods of Submitting an ABBM

- On request of the applicant, an application for a ballot to be voted by mail on the ground of confinement in jail may be submitted to the early voting clerk, at the discretion of the authority in charge of the jail, by personal delivery by the jail authority or by a designated subordinate of the authority.

Section 84.009, Texas Election Code



Methods of Submitting an ABBM or FPCA

- If an ABBM is faxed or emailed or if an FPCA is faxed, then the applicant **must** submit the ORIGINAL application BY MAIL to the early voting clerk so that the early voting clerk **receives the original no later than the 4th business day after receiving the emailed or faxed ABBM or faxed FPCA.**
- If the early voting clerk does not receive the original ABBM or FPCA by that deadline, then the emailed or faxed ABBM or faxed FPCA will be considered incomplete, and the early voting clerk may **NOT** send the applicant a ballot. The early voting clerk should retain a copy of the FPCA for their own records, but should send the FPCA submitted by the voter to the voter registrar for registration purposes.

Section 84.007, Texas Election Code



ABBM Ballot Tracker

- Election Code 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 is only available for elections in which the county election officer is the early voting clerk.

Section 86.015, Texas Election Code



ABBM Ballot Tracker

New Law: Senate Bill 1599 (Effective September 1, 2023)

- Amended Section 86.015(b) of the Code to reflect that a voter is required to provide the following information to access the Ballot by Mail Tracker:
 - Name;
 - Date of birth;
 - Last four digits of the voter’s social security number; and
 - Voter’s driver’s license number or their personal identification card number issued by the Department of Public Safety
 - Voters are no longer required to provide their registration address to access the Ballot by Mail Tracker.



Methods of Submitting an ABBM

Voters may use either:

- An SOS official (formal) application (Sec. 84.011); or
- An informal application (Sec. 84.002)
 - For additional information regarding informal applications, please see Advisory No. 2021-24



Informal Application

- In writing (i.e., not verbal)
- Signed by applicant or witness
- Contain Applicant's Name
- State Registered Residence Address
- Contain Address to which ballot to be mailed
- State Grounds for voting by mail
- Indicate which election the application is for
- DL No., Election ID Cert. No., or Personal ID Card No.



Formal Application – Prescribed by SOS

Application for a Ballot by Mail

If someone helps you complete this form or mails, emails or faxes this form for you, that person must complete the Witness/Assistant Box 6 below. If you email or fax this form to the Early Voting Clerk, you must also send the original hardcopy to the Early Voting Clerk. If you are faxing or emailing this form on or near the deadline to apply for a Ballot by Mail, you must send the original hardcopy so that the Clerk receives it no later than the fourth business day after the day the Clerk received your email or fax. Original signatures are required on both the fax or email image and the physical hard copy. Electronic signatures are not permitted. **THE HARDCOPY OF THIS APPLICATION MUST BE RECEIVED BY THE EARLY VOTING CLERK AND MEET ALL LEGALLY REQUIRED DEADLINES. Please read the instructions on the back of this form completely. If you have any questions, please call the Early Voting Clerk in your county of registration or the office of the Texas Secretary of State at 1-800-252-8683 or log on to www.sos.texas.gov for a list of County Early Voting Clerks and their email and physical addresses.**

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

YOU MUST PROVIDE ONE of the following numbers

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 to clarify any information on this application and/or your voted mail ballot.
 Date of Birth: ____/____/____ VUID #: _____ Pct #: _____
 Email: _____ Tel. #: _____

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

2. Mail my Ballot to:

My Residence Address (as listed on my Voter Registration Certificate)
 Other Address - You may use the Other Address line only if the other address fits one of the categories below.

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

My Other Address is: (Check one)

The mailing address listed on my Voter Registration Certificate
 Address Outside the County (voters absent from the county)
 Hospital, Nursing Home, Long-Term Care Facility, Retirement or Assisted Living Center or a Relative _____ (Indicate Relationship)
 Address of the Jail/Civil Commitment Facility or a Relative _____ (Indicate Relationship)

3. Reason For Voting by Mail:

65 Years of Age or Older
 Disability (as defined in Texas Election Code 82.002(a), see instructions on reverse) By checking this box, I affirm that, "I have a sickness or physical condition that prevents me from appearing at the polling place on election day without a likelihood of needing personal assistance or injuring my health."
 Expected to give birth within three weeks before or after Election Day
 Expected Absence from the County (You may apply for a ballot for one election and its resulting runoff, if your dates of absence from the county include both elections)
 Date you can begin to receive mail at your out of county address: ____/____/____ Date of return to residence address: ____/____/____
 Confined in Jail or Involuntary Civil Commitment (You may only apply for a ballot for one election and any resulting runoff)

4. Send me a Ballot for the Following Elections:

Annual Application
 Send me a ballot for all Elections in this voting year (January – December) Annual Applications only available for voters 65 and older and voters with disabilities. You must select a party if you wish to vote in a primary. Select only one party's primary and its resulting runoff.

Primary Election (even numbered years only)
 Democratic Primary Any Resulting Runoff

OR

Uniform Election Dates
 November Election May Election (not a primary runoff)
 Any Resulting Runoff Other Special Election: _____ (Name or Date of Special Election, if known)

Primary Election (even numbered years only)
 Democratic Primary Any Resulting Runoff
 Republican Primary Any Resulting Runoff



Official Application for Ballot by Mail

New Law: House Bill 315 (Effective September 1, 2023)

- Requires a statement on the officially prescribed application for ballot by mail form that explains the benefits to a voter of furnishing the voter's telephone number and how providing that number assists the early voting clerk.
 - Counties and local political subdivisions may continue to use existing stock of the official ABBM for distribution as needed. However, counties and local political subdivisions should include a sticker with the prescribed language to be included on the application if you continue to use existing stock.

Sec. 84.011, Texas Election Code



Web Posting Requirements for ABBMs

New Law: Senate Bill 477 (Effective June 18, 2023)

- Amended Section 84.013 of the Election Code, which directs the Secretary of State to provide a printable application for a ballot by mail in a format that complies with Section 84.0121(a) of the Code.
- Added Section 84.0121 to the Code to provide that an EV Clerk must post the official application form for an early voting ballot on the clerk's Internet website, if the clerk maintains an Internet website, in a format that allows a person to easily complete the application directly on the website before printing.
 - The web posting requirement addressed above is not limited to county election officers. As such, the EV Clerk for a local political subdivision that does not contract with a county or conduct its election jointly with a county is required to provide a link to the ABBM on the EV Clerk's Internet website if the clerk maintains a website.
 - It is recommended that the EV Clerk provide a link to the ABBM for voters on a permanent basis.



New Requirements for Reviewing and Processing an ABBM



New Requirements for Reviewing and Processing an ABBM

- It is the EV Clerk's responsibility to review applications for ballot by mail, determine whether the applicant is entitled to vote by mail, and provide ballot materials to the voter.
 - As a reminder, the EV Clerk must verify that the personal identification information provided by the voter on the application—i.e., a DPS-issued driver's license, EIC, or personal identification card number, the last four digits of the applicant's social security number, or a statement that the applicant has not been issued any of these numbers — identifies the same voter identified on the applicant's voter registration record.

Secs. 86.001, 86.002



Reviewing ABBMs

- There is active litigation challenging portions of Senate Bill 1 (87th Legislature, Second Called Session), including provisions relating to the acceptance or rejection of applications for ballot by mail (ABBMs) and carrier envelopes containing completed ballots.
- Section 86.001(f) requires the EV Clerk to determine if the identification information provided by a voter on an ABBM identifies the same voter identified on the applicant's voter registration record. Section 87.041(b)(8) provides that the early voting ballot board, in reviewing whether a mail-in ballot should be accepted, must verify that the identification information included on the carrier envelope identifies the same voter identified on the voter's voter registration record.
- On December 15, the Fifth Circuit issued a full stay of the district court's November 29 order pending the resolution of the State's appeal. As a result, **all of the existing Election Code provisions regarding the acceptance or rejection of ABBMs and carrier envelopes, including Sections 86.001(f) and 87.041(b)(8) of the Code, remain in full effect at this time.**



New Requirements for Reviewing and Processing an ABBM

New Law: Senate Bill 1599 (Effective September 1, 2023)

- Amended Section 86.008(a) of the Code to provide that the opportunity to correct an application applies to a ballot to be voted by mail for which the applicant failed to comply with a requirement provided by:
 - Section 84.002 of the Code (contents of application);
 - Section 84.0021 (contents of application for participant in the Attorney General Address Confidentiality Program); or
 - Section 84.003(a) (signing application by witness) in a manner that would lead, if not corrected, to the rejection of the applicant's ABBM.



New Requirements for Reviewing and Processing an ABBM

New Law: Senate Bill 1599 (Effective September 1, 2023)

- Amended Section 86.008 of the Code to provide that not later than the second day after the EV Clerk discovers a defect(s) on an application, the EV Clerk shall:
 - (1) determine if it would be possible for the applicant to correct the defect and return an application form by mail by the 11th day before election day, as applicable; and
 - (2) notwithstanding any other law, if the clerk determines it would be possible to correct the defect and return an application form before the deadline, the clerk must deliver an official application form to the applicant.



New Requirements for Reviewing and Processing an ABBM

- The clerk must include with the application form delivered to the applicant a written notice containing:
 - (1) a brief explanation of each defect in the noncomplying application;
 - (2) a statement informing the voter that the voter is not entitled to vote an early voting ballot unless the application complies with all legal requirements; and
 - (3) instructions for submitting the second application.
- Any written notice of an ABBM rejection must state the reason for the rejection and be delivered to the voter at both the voter's residence address and the mailing address on the ABBM, if different.

Secs. 86.001, 86.008



New Requirements for Reviewing and Processing an ABBM

New Law: Senate Bill 1599 (Effective September 1, 2023)

- Amended Section 86.008 of the Code to provide that if the EV Clerk determines that it would **not** be possible for the applicant to correct the defect and return an application by mail by the 11th day before election day, the clerk may:
 - Notify the applicant of the defect(s) by telephone or email and provide the applicant a brief explanation of each defect in the application;
 - Provide a statement informing the voter that the voter is not entitled to vote an early voting ballot unless the application complies with all legal requirements; and
 - Provide instructions for submitting a corrected application.
 - The EV Clerk must also provide the applicant instructions for correcting the defect using the Ballot by Mail Tracker, if possible.



New Requirements for Reviewing and Processing an ABBM

- The EV Clerk must also inform the applicant that the applicant may come to the EV Clerk's office by the 11th day before election day and correct the defect in person.
- If the voter personally comes to the EV Clerk's office by the 11th day before election to correct a defective application, it is recommended that the voter be provided a new ABBM to complete in person rather than correct the defect or provide additional information on the defective application.
- The EV Clerk/deputy clerk should review the defective ABBM with the voter and address the defect(s) with the voter while in the office in order to reduce the likelihood of defects in any future ABBMs submitted by the voter.
 - The EV Clerk/deputy clerk should thoroughly review the newly filed application before the voter leaves the EV Clerk's office to ensure that there are no other defects or issues with the application that could result in a second rejection of the application.



New Requirements for Reviewing and Processing an ABBM

- A voter must also be provided notice about the ability to correct certain defects on the application using the online tool and if possible, permit the applicant to correct such defects using the online tool.
 - The online tool is the Secretary of State’s online Ballot by Mail Tracker, available at www.votetexas.gov.
 - The online tool enables a voter who submits an application for a ballot by mail to track the location and status of the voter’s application and ballot, receive notice of certain defects, and if possible, correct said defects in the voter’s application and carrier envelope.

Secs. 86.015(a), 86.008(c-1), 87.0271(e-1), 87.0411(e-1)



New Requirements for Reviewing and Processing an ABBM

- As a reminder, the EV Clerk may also deliver in person to the voter a second application if the defective original application is timely and may receive, by the 11th day before election day, the corrected application in person from the voter.
 - If this procedure is used, it must be applied uniformly to all applicants.
 - A poll watcher is entitled to accompany the clerk and observe the procedures.

Sec. 86.008



New Requirements for Reviewing and Processing an ABBM

- As a result of the notice requirements provided by SB 1599 and Section 86.008 of the Code, the SOS amended certain prescribed forms. Below is a list of defects on the application which a voter may correct using the Ballot by Mail Tracker, **effective September 1, 2023**:
 - Voter submits an application for ballot by mail on the ground of disability but fails to include the 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 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



New Requirements for Reviewing and Processing an ABBM

- Voter did not indicate a party preference, which is required if the voter is voting by mail in a primary election
- Voter did not provide a residence address on the application
- Voter did not provide their Texas Driver's License Number, Texas Personal Identification Card Number, Texas Election Identification Certificate Number or the last four (4) digits of their Social Security Number or the number provided did not match their voter registration record
- Voter indicated that they are 65 years of age or older or have a disability as the ground for voting by mail. The address the voter requested that the ballot be mailed to is not associated with the voter's registration information as either their residence address or the designated mailing address. If the voter wants to have the ballot mailed to an address other than the residence or mailing address associated with their voter registration information, they must designate that it is the address of a hospital, nursing home, long term-care facility, retirement center or that of a relative. If a relative, the voter must state the relationship to the relative.



New Requirements for Reviewing and Processing an ABBM

- **NOTE:** If the voter's application included more than one of the eight defects addressed in the previous slides, the voter will **NOT** be able to correct the defects using the Ballot by Mail Tracker.
 - The voter will need to submit a new ABBM by mail or in person to the EV Clerk, which must be received by the 11th day before election day.



New Requirements for Reviewing and Processing an ABBM

- The SOS updated forms pertaining to these procedures, which were made available on September 1, 2023.



New Requirements for Reviewing and Processing an ABBM

- **Notice of Rejected Application for Ballot by Mail (Form 6-2)**
 - The SOS updated the Notice of Rejected Application for Ballot by Mail to notify voters that they may come to the EV Clerk's office in person to correct a defect(s). Form 6-2 should be used by the EV Clerk if the defect(s) included one which cannot be corrected using the Ballot by Mail Tracker **or** included multiple defects.
 - If the reason for the defect was that the EV Clerk could not validate the Texas Driver's License Number, Texas Personal Identification Card Number, Texas Election Identification Certificate Number, or the last 4 digits of a Social Security Number due to the voter registration record not containing this information, the EV Clerk must also include a postage-paid voter registration application to accompany this notice so that the voter may add the number(s) to his or her voter registration record. The voter may also update his/her voter registration information online at www.Texas.gov.



New Requirements for Reviewing and Processing an ABBM

- **Notice of Rejected Application for Ballot by Mail Containing a Defect That May Be Corrected Online (Form 6-3)**
 - The SOS amended Form 6-3 to include additional defects that may be corrected by a voter using the Ballot by Mail Tracker. The form was also amended to inform voters that they may correct the defect on their application by submitting a new application by mail or in person to the EV Clerk by the deadline provided.
 - The notice includes information explaining how to correct the defect by using the online Ballot by Mail Tracker, available at www.votetexas.gov. If the applicant corrects the defect through the Ballot by Mail Tracker by the deadline, the EV Clerk shall provide a ballot to the applicant.
 - If the reason for the defect was that the voter's application did not contain any of the personal identification numbers associated with his/her voter registration record, or the number provided on the application did not match the number on the voter's registration record, the EV Clerk should use this form (not Form 6-2).



New Requirements for Reviewing and Processing an ABBM

- **Notice of Rejected Application for Ballot by Mail Containing a Defect That May Be Corrected Online (Form 6-3)**
 - The EV Clerk must review all pending ABBMs wherein voters were notified of a rejected application which included a defect that can be corrected using the Ballot by Mail Tracker. (Form 6-3)
 - If the applicant did not subsequently correct the defect as indicated on the form, the EV Clerk may not send the voter a ballot by mail.
 - The EV Clerk **does not** need to send the voter another notice as amended Form 6-3 informs the voter that failing to take corrective action by the required deadline will result in a final rejection of their application but that no additional notice would be provided.



New Requirements for Reviewing and Processing an ABBM

- If a voter corrects a defective ABBM after early voting by personal appearance has begun, the EV Clerk should confirm that the voter did not vote in person before sending balloting materials to the voter.



Voters who Participate in the Attorney General Address Confidentiality Program



AG Confidentiality Program

- At any time during the year or at least by the close of regular business in the clerk's office or 12 noon, whichever is later, on the 11th day before election day in any given election, an applicant must appear **in person** at the EV Clerk's office and complete and sign a **Confidential Voter Registration Form and Early Voting Ballot Application**.

Sec. 81.38, Title 1, Texas Administrative Code

Secs. 13.002, 84.0021, 84.007, Texas Election Code



AG Confidentiality Program

- Because the voter who participates in the Attorney General Address Confidentiality Program **must** appear in person at the EV Clerk's office to submit his or her application, we **strongly** recommend that the EV Clerk and the deputy EV clerks thoroughly review the voter's application before the voter leaves the EV Clerk's office.
- If any defect(s) or missing information is discovered while the voter is still at the EV Clerk's office, it should be immediately addressed before the voter leaves the office.



AG Confidentiality Program

New Law: Senate Bill 1599 (Effective September 1, 2023)

- If a defect in the Confidential Voter Registration Form and Early Voting Ballot Application is not discovered by the EV Clerk or deputy clerk until **after** the voter has left the EV Clerk's office, the EV Clerk must notify the voter of the defect(s) in order to afford the voter an opportunity to correct said defect(s).

Sec. 86.008



AG Confidentiality Program

- Voters who participate in this program **are not** registered to vote using the county's voter registration system, and no information for that voter will appear on any form but the Confidential Voter Registration Form and Early Voting Ballot Application, which is confidential.
- This means that voters who participate in the Attorney General Address Confidentiality Program are not authorized to correct a defect on their application using the Ballot by Mail Tracker.
- Further, voters who participate in this program must submit their applications for voting by mail in person at the EV Clerk's office. As such, these voters also cannot submit a new application to the EV clerk by mail.



AG Confidentiality Program

- If the EV Clerk discovers a defect(s) in a voter's application, the EV Clerk must determine not later than the second day after discovering the defect if it would be possible to mail the voter in the Attorney General Address Confidentiality Program a notice of the defect with sufficient time so that the voter receives the notice of defect and is able to return to the EV Clerk's office by the 11th day before election day to correct the defect(s).
- If the EV Clerk determines that there is sufficient time, the clerk should mail the voter the notice of rejected application.



AG Confidentiality Program

- **Notice of Rejected Confidential Voter Registration Form and Early Voting Ballot Application Containing a Defect that May be Corrected (Form 6-18)**
 - The SOS prescribed a form that EV Clerks may use to notify voters who participate in the Attorney General Address Confidentiality Program of defect(s) with their application.
 - Notice of Rejected Confidential Voter Registration Form and Early Voting Ballot Application Containing a Defect that May be Corrected
 - This notice was made available effective September 1, 2023 and can be used to notify voters of the defect(s) and that the voter **must** return to the EV Clerk's office in person by the 11th day before election day to correct the defect(s) if they wish to vote by mail.



AG Confidentiality Program

- If the EV Clerk determines that it would **not** be possible to mail the voter this notice with sufficient time for the voter to receive the notice, the clerk may notify the voter by telephone or email and provide the voter a brief explanation of each defect in the application, a statement informing the voter that the voter is not entitled to vote an early voting ballot unless the application complies with all legal requirements, and that the voter must return to the EV Clerk's office in person to correct the defect(s) by the 11th day before election day.
- The voter may not have a family member, friend, or representative personally appear on the voter's behalf.



AG Confidentiality Program

- In light of the fact that voters who participate in this program may only correct defects on their applications in person, it is imperative that EV Clerks and deputy clerks properly review the application for defects before the voter leaves the EV Clerk's office.



AG Confidentiality Program

- After the voter who participates in this confidentiality program returns their carrier envelope, the EV Clerk or deputy EV Clerk must confirm that the personal identification number provided on the carrier envelope matches a personal identification number provided on the Confidential Voter Registration Form and Application for Ballot by Mail.
- If the information does not match, the carrier envelope was not signed, the signature on the application was compared to the signature on the carrier envelope but it could not be immediately determined that the signatures were made by the same person, the carrier envelope contained incomplete information with respect to a witness, or the carrier envelope contained incomplete information with respect to an assistant, the EV Clerk must notify the voter of the defect.

Sec. 86.011, Texas Election Code

Sec. 81.38(d), Title 1, Texas Administrative Code



AG Confidentiality Program

- Not later than the second day after the EV Clerk discovers a defect(s) in a carrier envelope, the EV Clerk must determine if it would be possible for the voter to receive a notice of defect within a reasonable time to correct the defect by the sixth day after election day.
- If the EV Clerk believes that there is reasonable time to mail the voter the notice of defect and a corrective action form by mail or by common or contract carrier, the EV Clerk shall send the voter a notice of the defect and a corrective action form.
- The EV Clerk should NOT mail the voter the defective carrier envelope with the notice of defect and corrective action form. Further, because these voters participate in the Attorney General Address Confidentiality Program, the review of their carrier envelope is performed by the EV Clerk/deputy EV clerks, not the SVC/EVBB.

Sec. 86.011, Texas Election Code

Sec. 81.38(d), Title 1, Texas Administrative Code



AG Confidentiality Program

- If the EV Clerk 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 EV Clerk may notify the voter of the defect by telephone and email and inform the voter that the voter may submit a corrective action form by mail or by common or contract carrier, or come to the EV Clerk's office in person not later than the sixth day after election day to correct the defect.



AG Confidentiality Program

- **Notice of Carrier Defect Issued by the Early Voting Clerk for Confidential Voters (Form 6-16)**
 - The SOS prescribed a form, Notice of Carrier Defect Issued by the Early Voting Clerk for Confidential Voters, that EV Clerks may use to notify voters who participate in the Attorney General Address Confidentiality Program of defect(s) with their carrier envelope.
 - This notice can be used to notify voters of the defect(s) and that the voter may either correct the defect on the corrective action form provided with their notice and return it to the EV Clerk by mail or by common or contract carrier, or come to the EV Clerk's office in person not later than the sixth day after election day to correct the defect.
 - The voter's name is not entered on the Roster of Voters with Defective Carrier Envelopes. Instead, a notation of the defect is made on the **Roster for Early Voting by Mail for Address Confidential Applicants.**



Best Practices When Reviewing ABBMs

- The EV Clerk should review the following items on an ABBM:
 - Timeliness
 - Proper Delivery (mail, common/contract carrier, fax, in person by voter, email)
 - Correct Clerk (if not, forward)
 - **Registration Status**
 - **Residence and Mailing Address**
 - Additional Considerations
 - Outside county, disability, 65 or older
 - Ensure ALL required information was provided
- Recommend date-stamping the application on the date it is received by the EV Clerk
- Please see **Advisory No. 2023-13** for additional guidance on SB 1599 and reviewing ABBMs



Best Practices When Reviewing ABBMs

Because Section 84.002 of the Election Code requires the applicant to provide their driver's license number, election identification certificate number, or personal identification card number issued by the Department of Public Safety on the ABBM, the EV Clerk will work directly with the voter registrar of their county to confirm the voter's registration information and status.



Best Practices When Reviewing ABBMs

Per Section 1.011 of the Election Code, the application may be signed by a witness if the voter cannot sign the application due to physical disability or illiteracy.

- If the voter cannot sign his/her name, the voter must affix his/her mark to the ABBM, to which the witness must attest.
- If the voter cannot make the mark, the witness must state that fact on the application.
- The witness **MUST** affix the witness's own signature to the application and state the witness's own name, in printed form. The witness must also state his/her residence address unless the witness is an election officer, in which case the witness must state the witness's official title.



Best Practices When Reviewing ABBMs

A voter also may be assisted with completing and submitting an ABBM.

- There is no requirement in the Election Code that applicants must be eligible for assistance under Section 64.031 of the Election Code in order to be assisted in completing an ABBM.
- However, the best practice is that the applicant only be assisted if the applicant requests assistance.



Best Practices When Reviewing ABBMs

Mistakes with respect to completing the assistance portion on an ABBM do not cause rejection of the application. However, a person who in the presence of the applicant otherwise assists an applicant in completing an early voting ballot application commits a Class A misdemeanor offense if the person knowingly fails to comply with Section 1.011(d) of the Code in the same manner as a witness.

Section 84.003, Texas Election Code



Deadline to Mail Ballots

- Per the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA), the deadline to mail ballots to military or overseas voters who submitted a Federal Post Card Application (FPCA) or via a standard application for ballot by mail (ABBM) and indicated that they are outside the United States is the 45th day before election day.
 - For the primary election, the 45th day before election day is **Saturday, January 20, 2024**
 - For the primary runoff election, the 45th day before election day is **Saturday, April 13, 2024**
- If the early voting clerk cannot meet this 45th-day deadline, the clerk **must** notify the Secretary of State within 24 hours. (Sec. 86.004(b)).
- See **Advisory No. 2023-21** for deadlines



Deadline to Mail Ballots

- **For all Other Voters (not Military or Overseas):**
 - EV Clerk must mail the balloting materials not later than the 7th day after the later of:
 - the date the EV Clerk has accepted a voter's application for a ballot by mail; OR
 - the date the ballots become available for mailing.
 - However, if the 7th day falls earlier than the 37th day before election day, the voter's mail ballot must be mailed no later than the 30th day before election day. (Sec. 86.004(a)).



Deadline to Mail Ballots

- For the primary election, this means that if the 7th day falls earlier than the 37th day before election day (Sunday, January 28), the voter's mail ballot must be mailed no later than the 30th day (Sunday, February 4) before election day. (Sec. 86.004(a)).
- For the primary runoff election, this means that if the 7th day falls earlier than the 37th day before election day (Sunday, April 21), the voter's mail ballot must be mailed no later than the 30th day (Sunday, April 28) before election day.
- Ballots should continue to be mailed on a rolling basis as ABBMs come in and are processed.



Carrier Envelope

The carrier envelope sent to the voter must include a space that is hidden from view when the envelope is sealed for the voter to enter:

- (1) the number of the voter's driver's license, election identification certificate, or personal identification card issued by the DPS;
- (2) the last four digits of the voter's social security number, if the voter has not been issued a DPS number described above; or
- (3) a statement that the voter has not been issued a number described by (1) or (2) above. (Sec. 86.002(g)).

A voter may use the number of an expired driver's license, EIC, or personal identification card to fulfill this requirement if the license or identification is otherwise valid. (Sec. 86.002(h)).



Carrier Envelope

WARNING: (1) Knowingly possessing another person's ballot or Carrier Envelope may be a crime unless you provide your signature, printed name and address. (2) A person commits an offense if the person compensates another person or receives compensation for depositing a Carrier Envelope in the mail as part of a scheme in which the person is compensated based on the number of Carrier Envelopes deposited. For additional information on offenses related to Carrier Envelopes, please see the "Information About Returning Your Carrier Envelope," included with the materials sent to you with your ballot.

ADVERTENCIA: (1) El acto de poseer conscientemente la boleta o el sobre de envío de otra persona puede ser un delito a menos de que usted proporcione su firma, nombre en letra de molde, y su dirección. (2) Una persona comete un delito si recompensa o recibe compensación a cambio de depositar el sobre de envío en el correo como parte de un plan en el cual la persona es recompensada en base al número de sobres de envío depositados. Para obtener información adicional sobre los delitos relacionados con los sobres de envío, por favor vea la "Información Sobre La Devolución Del Sobre de Envío," incluido con los materiales enviados a usted con su boleta.

6-25
Prescribed by Secretary of State Section
86.013, Texas Election Code
09/2023

Place
Stamp
Here





CARRIER ENVELOPE FOR EARLY VOTING BALLOT
(SOBRE DE ENVÍO PARA LA BOLETA DE VOTACIÓN ADELANTADA)

(Early Voting Clerk
should preprint return address or affix address label)



Envelope Closed – Outside Flap

<p>Instructions to the Voter:</p> <ul style="list-style-type: none"> This envelope must be sealed and signed by the voter before it leaves the voter's hands. Do not sign this envelope unless the ballot has been marked by you or at your direction. (Instrucciones al Votante: Este sobre debe ser sellado y firmado por el votante antes de que salga de sus manos. No firme este sobre a menos de que la boleta haya sido llenada por usted o bajo su dirección.) This Carrier Envelope may not be used to return more than one voter's ballot. (Este sobre de envío no debe ser utilizado para entregar la boleta de más de un solo votante.) For instructions on the methods and deadlines to deliver this Carrier Envelope, see the "Information About Returning Your Carrier Envelope," included with the materials sent to you with your ballot. (Para obtener instrucciones sobre los métodos y plazos para entregar este sobre de envío, vea la "Información Sobre La Devolución de su Sobre de Envío," incluido con los materiales enviados a usted con su boleta.) 	
<p>Instructions to Assistant (if applicable):</p> <ul style="list-style-type: none"> A voter may only be assisted with reading or marking the ballot if the voter has a physical disability that renders the voter unable to write or see, or has an inability to read the language in which the ballot is written. If you are assisting the voter, you must read the oath and complete the section below, before assisting the voter. (Instrucciones al Asistente (si es aplicable): Un votante sólo puede recibir ayuda para leer o marcar la boleta si el votante tiene una discapacidad física la cual le impide escribir o ver, o si no tiene la habilidad de leer el idioma en el cual la boleta está escrita. Si usted asiste al votante, debe leer el juramento y completar la siguiente sección abajo, antes de asistir al votante.) <p>Instructions to Person Depositing Carrier Envelope in Mail or to Common or Contract Carrier:</p> <ul style="list-style-type: none"> If you are assisting a voter by depositing the Carrier Envelope in the mail or with a common or contract carrier, you must complete the assistant section below. (Instrucciones para la Persona Que Deposita el Sobre de Envío en el Correo o al Transportista Común o Contratado: Si asiste a un votante depositando el sobre de envío en el correo o con un transportista común o contratado, debe completar la sección de asistente que aparece a continuación.) <p>I certify that the enclosed ballot expresses my wishes independent of any dictation or undue persuasion by any person. (Certifico que la boleta adjunta expresa mis deseos independientemente de ningún dictado o persuasión indebida por parte de cualquier persona.)</p>	
<p>SEAL ENVELOPE AND SIGN OVER SEALED FLAP (SELLE EL SOBRE Y FIRME SOBRE LA SOLAPA SELLADA)</p> 	
<p>Oath of Person Assisting Voter: 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. Juramento de la Persona Asistiendo al Votante: "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."</p>	
<p>If you are an assistant, provide information below: (Si usted es un asistente proporcione la siguiente información):</p> <p>Did you receive compensation or other benefit from a candidate, campaign or political committee in exchange for providing assistance? Circle one: Yes No ¿Recibió compensación u otro beneficio de un candidato, campaña o comité político a cambio de brindar asistencia? Marque con un Círculo: Sí No</p> <p>Printed Name (Nombre en letra de molde) _____ Signature (Firma) _____</p> <p>Relationship to Voter (Relación al votante) _____ Street Address (Domicilio residencial) _____</p>	
<p>SEAL ENVELOPE AND SIGN OVER SEALED FLAP (SELLE EL SOBRE Y FIRME SOBRE LA SOLAPA SELLADA)</p> 	
<p>Completed by Early Voting Clerk (Completado por el Secretario de Votación Adelantada):</p> <p>Name of Election (Nombre de Elección): _____</p> <p>Name of Voter (Nombre del votante): _____</p> <p>Date of Election (Fecha de Elección): _____ / _____ / _____</p>	
<p>Instructions to Witness: 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 _____.</p> <p>(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 _____.)</p> <p>Signature (Firma) _____ Printed Name (Nombre en letra de molde) _____</p> <p>Street Address (Domicilio residencial) _____</p>	



Envelope Open – Inside Flap

REQUIRED INFORMATION: YOU MUST PROVIDE ONE OF THE FOLLOWING NUMBERS AND IT MUST BE ASSOCIATED WITH YOUR VOTER REGISTRATION RECORD
INFORMACIÓN REQUERIDA: DEBE PROPORCIONAR UNO DE LOS SIGUIENTES NÚMEROS Y DEBE ESTAR ASOCIADO CON SU REGISTRO DE VOTANTE

<p>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 su Registro Electoral VUID#)</p>	<p>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)</p> <p>XXX-XX-_____</p>	<p><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.)</p>
---	---	--

CONTACT INFORMATION (INFORMACIÓN DE CONTACTO): Phone (Teléfono): _____ Email (Correo Electrónico): _____

SEAL ENVELOPE AND SIGN OVER SEALED FLAP (SELLE EL SOBRE Y FIRME SOBRE LA SOLAPA SELLADA) →

Oath of Person Assisting Voter (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.) **Juramento de la Persona Asistiendo al Votante:** "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."

If you are an assistant, provide information below: (Si usted es un asistente o testigo, marque la casilla correcta y proporcione su información):

Did you receive compensation or other benefit from a candidate, campaign or political committee in exchange for providing assistance? Circle one: Yes No
¿Recibió compensación u otro beneficio de un candidato, campaña o comité político a cambio de brindar asistencia? Marque con un Círculo: Sí No

Printed Name (Nombre en letra de molde) _____ Signature (Firma) _____
 Relationship to Voter (Relación al votante) _____ Street Address (Domicilio residencial) _____

Completed by Early Voting Clerk (Completado por el Secretario de votación Adelantada):

Name of Election (Nombre de Elección): _____
Name of Voter (Nombre del votante): _____
Date of Election (Fecha de Elección): ____/____/____

Instructions to Witness: 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) _____

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



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.



Notice to the Texas Attorney General

The EV Clerk shall, not later than the 30th day after election day, deliver notice to the Attorney General of cancellation requests received, including certified copies of cancellation requests, applications, and carrier envelopes, if available. (Section 84.037(b), Election Code)

If you have not already created an account with the Attorney General's office to provide the required information, go to <https://oagtx.force.com/mbsr>, acknowledge the information screen, then:

Click the "Sign Up" link near the login prompt and create an account as head election official;

Wait for your account to be validated/confirmed (this is a manual verification process);

Once you are confirmed and logged in, follow the on-screen prompts to report data and upload documents.



ABBM Transparency and Public Information

- A copy of an ABBM, including the Annual ABBM, is not available for public inspection (except to the voter whose application it is) until the first business day after the election day of the **EARLIEST** occurring election (rather than latest) for which the application is submitted. (Sec. 86.014(a)).
 - So it's available after the first election, rather than the last.
 - Originals of any ABBMs and carrier envelopes are not available for public inspection until those materials are delivered to the custodian after the election. (Sec. 86.014(b)).
- **Early Voting Rosters**
 - Information on the early voting roster for a person to whom a ballot has been mailed is not available until the 1st business day after election day. (Sec. 87.121(f)).
 - Except to a voter seeking to verify the accuracy of his or her own ballot by mail. (Sec. 87.121(f)).
 - The name of a voter who voted by mail is available no later than the day following the day the early voting clerk receives the ballot. (Sec. 87.121(h)).



Questions?

elections@sos.texas.gov

