


TEXAS SECRETARY OF STATE

FAQs with the Elections Division

Texas Secretary of State – Elections Division

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TOPICS COVERED


- Paper Questions
- Reviewing ABBMs
- EV Clerk Notifying Voters of Defects
- EVBB/SVC Webinar – February 8

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PAPER QUESTIONS



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- Most election forms are not required to be a specific color by statute.
- Consult with the post office regarding envelopes that are you are mailing.
- **EXCEPTIONS:**
 - **Voter registration certificates must be blue in accordance with VR directive. Can use blue stock from previous years.**
 - Sample ballots must be yellow. If you are unable to procure yellow paper, printing a yellow bar or label on the top of the sample ballot with the phrase "SAMPLE BALLOT" should fulfill the requirements of Section 52.008 of the Election Code.




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REVIEWING ABBMs

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Does the number the voter provided have to match the number on the voter's original VR application?

- No. The number the voter provides MUST match what is in the Voter Registration RECORD (TEAM). Most voters have both numbers in TEAM. If a voter provides a number and it matches what you have in TEAM, then the ABBM or Carrier Envelope would be accepted.

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Additional Information on Scenario 2 - ABBMs

- **Scenario 2:** Voter provides a DPS-issued driver's license number on the ABBM. The early voting clerk is unable to validate this number, as the voter registration record contains the voter's social security number but not a driver's license number. The early voting clerk must reject the ABBM and provide notice of the rejection, which must include information explaining how to correct or add information to cure the defect. (Sec. 86.001(f-1)). See Notice of Rejected Application for Ballot by Mail – Missing or Incorrect Personal Identification Number.
 - **NOTE:** If a voter has not provided the required personal identification information by the 11th day before election day, the ABBM will be finally rejected, but the voter may still vote in person if otherwise eligible. (Sec. 84.007(c)).

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Additional Information on Scenario 2 - ABBMs


- Additional corrective action step is available for a voter in this scenario.
- Voter can:
 - Submit new ABBM with missing/incorrect number
 - Validate personal ID information on BBM Tracker
 - **Update VR record to include missing number**
- **Best Practice: With rejection letter, send out both a new ABBM and a VR application.**

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EARLY VOTING CLERK NOTIFICATION OF DEFECTS

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Early Voting Clerk Notification of Defects


- If an early voting clerk chooses to notify voters of defects in their carrier envelope under Section 86.011(d), **the clerk must apply these procedures uniformly to all voters in similar circumstances.**
- **Poll watchers may be present for this process.** (Sec. 86.011(d)).

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EV Clerk CAN Remove Secrecy Flap


- The early voting clerk is authorized to remove the secrecy flap on returned Carrier Envelopes to facilitate the processing and review of voted mail ballots.
- If, in removing the secrecy flap, the EVC discovers that the voter did not fully seal the Carrier Envelope, the EVC may take actions such as taping or sealing the flap to ensure that the ballot envelope containing the ballot is not separated from the Carrier Envelope.

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What defects can EV Clerk notify voter about?


- If the Carrier Envelope does not comply with the applicable provisions of the Texas Election Code. This includes:
 - Missing or Incomplete Signature
 - Missing or Incorrect Personal Identification Information
 - Missing or Incomplete Witness Information
 - **Missing or Incomplete Assistant Information**

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EV Clerk Returning Carrier to Voter


- Returning Carrier by Mail
 - Send notice explaining defects along with Carrier.
- Returning Carrier in Person
 - EV Clerk representative may hand-deliver ballot to voter. Voter can fix and return ballot to EV Clerk Representative OR voter can keep ballot and return on their own.
- **Poll watchers are allowed to be present.**
- **Actions by EVC must be applied uniformly.**

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EV Clerk Returning Carrier To Voter

- **Recommendation:** This process can occur until EVBB/SVC begins notifying voters of defects by phone or email.
- **Deadline:** Ballots that are mailed back to the voter must be received by the standard deadlines associated with mail ballots.
 - EX: 5:00 PM next business day or later (5th/6th day after election day) for applicable military/overseas voters.

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BBM Tracker Implications

- If an early voting clerk opts to return the ballot to the voter, the early voting clerk will need to leave the ballot in the “Ballot Sent” status in TEAM and/or the county voter registration system.
- The Ballot by Mail Tracker will continue to show the ballot as “Ballot Sent” until the ballot is returned by the voter. **Upon return**, the ballot status should be updated to “Ballot Received” and a date entered into the county system.



EV Clerk Notifying Voter by Phone


- Can notify voters by phone of defect.
- After notification by phone, early voting clerk can mail notice to voter explaining defects -- voter cannot correct defect by mail if Carrier Envelope is in EVC's possession.
- Voter has the option to come to EV Clerk's office to correct defect OR cancel their ABBM and vote in person.



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EV Clerk Notifying Voter by Phone


- EV Clerk should stop notifying by phone when EVBB/SVC begins notifications by phone or email.
 - EVBB/SVC notifications give the voter more time to correct defect. (6th day after election day to correct)
- **Deadline:** Voter must appear at EV Clerk’s office before the polls close on election day. Ballots must then be given to EVBB for review.

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EV Clerk Notifications


- If an early voting clerk chooses to notify voters of defects in their carrier envelope under Section 86.011(d), the clerk must apply these procedures uniformly to all voters in similar circumstances.
- The SOS recommends keeping a log to track the ballots mailed to voters and the ballots in the possession of the early voting clerk before ballots are delivered to the SVC or EVBB.

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Poll Watchers Allowed

- Poll watchers are entitled to observe the procedures described under Section 86.011(d).
- Poll watchers are NOT entitled to remain in the early voting clerk’s office at all times to wait for a potential notification to a voter.
- Poll watchers may wait in public areas of EVC’s office or county can work out an informal notification process.
- No specific posting requirement for poll watchers.

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EVBB/SVC WEBINAR – FEBRUARY 8

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EVBB/SVC Webinar

- Webinar will explain legal requirements for SVC/EVBB corrective action process. We will be directing them to EVC to work out county specific procedures.
- Target Audience: EVBB/SVC members.
- The webinar will be recorded and posted on the Secretary of State's website.
- You are welcome to notify your EVBB/SVC members of the webinar so that they can attend.

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Questions?

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