

# Early Voting Ballot Board & Signature Verification Committee



34th Annual Election Law Seminar  
for Cities, Schools and Other Political Subdivisions



# Purpose of EVBB

- To serve as the authority that processes early voting ballots and provisional ballots.
- The Early Voting Ballot Board (the “Board”) generally meets twice during an election. First, the Board meets to qualify ballots by mail on election day or after the last day to vote early by personal appearance. Second, the Board meets after election day to review any provisional ballots and to qualify mail-in ballots received by the NBD/5<sup>th</sup>/6<sup>th</sup> day after the election from voters casting a ballot from outside the country.



# Composition of EVBB

- Presiding judge, an alternate presiding judge, and at least 1 other member
  - **NEW LAW:** SB 1 (87th Leg., 2nd C.S., 2021) requires an alternate presiding judge to be appointed to the EVBB in the same manner as presiding judge.
- Presiding Judge appoints clerks
- How many members are appointed?
  - General Election for State and County officers (if joint ballot board):
    - The same number of members must be appointed from each list provided by political parties.
  - Local elections:
    - Authority ordering election sets number of members.



## Who appoints Presiding Judge and Clerks?

Type of Election	Presiding Judge	EVBB Clerks
General Election for State and County Officers	County Election Board -- from list provided by political party whose nominee for Gov received the most votes in the county	County Election Board -- from lists provided by political parties (same number from each list)
Primary Elections	County Chair of Political Party with approval of County Executive Committee	Presiding Judge of EVBB
All Other County ordered elections	Commissioners Court	Presiding Judge of EVBB
All other Elections	Authority ordering election	Presiding Judge of EVBB



# Eligibility to Serve on Board

- Same qualifications for Election Judges/Clerks
  - Qualified voter of the political subdivision served by the **early voting clerk.** Sec. 32.051
- Ineligible if:
  - Hold public elective office
  - Opposed candidate in election on the same day
  - Related to an opposed candidate within 2<sup>nd</sup> degree by blood or marriage
  - Serving as campaign treasurer/campaign manager for candidate in election



# Compensation

- Same hourly compensation as election judges EXCEPT Sec. 32.091
  - If work is less than 10 hours – payable for up to 10 hours.
  - Board members serving as election judges/clerks cannot be compensated for performing both tasks at the same time.
  - Presiding Judge of EVBB may be compensated at a higher rate at the discretion of the appropriate authority.



# Signature Verification Committee (SVC)



# Purpose of SVC

- Compares signatures on applications and corresponding carrier envelopes only to determine that the signatures on these documents are of the same person. Sec. 87.027(i)
- SVC is optional; these functions may be left with the EVBB.





# Signature Verification Committee

Type of Election	Chair	SVC Clerks
General Election for State and County Officers	County Election Board appoints who is the chair, in an election for which the board is established -- from list provided by the county chairs	County Election Board appoints, in an election for which the board is established --from list provided by the county chairs
Primary Elections	County Chair of Political Party with approval of County Executive Committee	County Chair of Political Party with approval of County Executive Committee
All Other County ordered elections	Commissioners Court	Commissioners Court
All other Elections	Authority ordering election	Authority ordering election



# Convening the Early Voting Ballot Board



# Convening the EVBB

- The board **must** convene to complete the following tasks:
  - Qualify and Process Regular Ballots by Mail
  - Qualify and Process Various Late Ballots
  - Qualify and Process Provisional Ballots
- The EVBB usually meets a minimum of **two** times.
- At first meeting, take oath.



# Who may be present during EVBB operation?

- a presiding judge or member of the board;
- a watcher;
- a state inspector;
- a voting system technician, as authorized by Section 125.010;
- the county election officer, as defined by Section 31.091, as necessary to perform tasks related to the administration of the election; or
- a person whose presence has been authorized by the presiding judge in accordance with the Election Code.



# When is the last day the EVBB can complete their duties?

- Review of all late-qualified ballots must be completed by:
  - The 9th day after date of the election, (General Rule); OR
  - The 13th day after the date of the election (elections held on the date of the general election for state and county officers – November of even-numbered years)



# WARNING

**If the EVBB does not complete their duties by the last day allowed under Texas law, they MUST get a court order to continue their review of ballots.**



# Convening the SVC

- The early voting clerk may determine whether or not the committee will need to reconvene after election day to verify signatures or leave that authority with the early voting ballot board.
- Recommendations:
  - This decision should be made prior to election day.
  - If the authority is left with the committee, the committee should coordinate with the board and the early voting clerk for delivery of the jacket envelope ballots by mail.
- If there is a SVC, the SVC must verify the signatures before the EVBB meets. The SVC would follow the same procedures used when first convening.



# Notice Requirements





# Notice of Delivery of Ballots

- Early Voting Clerk must post Notice of Delivery of Ballots to the EVBB 24 hours before each delivery that is made prior to the time the polls open on election day.
- SOS has prescribed forms for this notice: AW6-6 (Mail ballots only) & AW6-7 (Mail and paper balloting materials).
- Recommendation: Notices should be posted on website if possible.



# SVC Notices

- The following notices must be posted on an entity's website if available:
  - Copy of order calling for the appointment
  - EV Clerk's notice of names and addresses of members
  - Notice of delivery of ballots



# Delivery of Provisional Ballots

- Presiding Judge must post notice of the EVBB meeting on provisional ballots on the same bulletin board used for posting notices of meetings of the governing body ordering election.
- Notice must be posted no later than 24 hours before EVBB meets.
- Recommendation: Notices should be posted on website if possible.



# Security of Ballots



# Security of Ballots

- Presiding judge must inspect box, seals, numbers on seals and indicate on receipt any discrepancies.
- Presiding Judge cannot refuse delivery of ballot boxes.
- Custodian of second ballot box key must deliver key when requested.



# Security of Ballots

AW5-39  
Prescribed by Secretary of State  
Sections 53.032(9), 137.054, 137.064, Texas Election Code  
3/07

RECEIPT OF SEALED EARLY VOTING BALLOT BOX

I, the Presiding Judge of the Early Voting Ballot Board for the \_\_\_\_\_ Election, do hereby certify that the early voting ballot box was delivered to me in a locked and sealed condition.

I further certify that the serial number of the seal used to seal the ballot box to prevent unauthorized opening of the box was \_\_\_\_\_.

I also certify that the serial number of the paper seal used to prevent unauthorized deposit of ballots in the box was \_\_\_\_\_.

\_\_\_\_\_  
Signature of Early Voting Ballot Board Judge

\_\_\_\_\_  
Signature of Clerk of Early Voting Ballot Board

\_\_\_\_\_  
Signature of Poll Watcher (if present)

\_\_\_\_\_  
Signature of Poll Watcher (if present)

Attach a copy of this receipt to the Record of Early Voting Ballot Seals and return to the general custodian of the records.

- PJ must lock and seal each ballot box before delivering to the custodian of records
- PJ must complete Ballot Security Form
- Form must be signed by another member of EVBB that witnessed the procedure.
- Counties with populations over 100,000 must implement a video surveillance system (via live stream) that retains a record of all areas containing voted ballots from delivery to EVBB/SVC/CCS until canvass of the election
  - See 2022-10 Ballot Security Requirements for more info.



# Ballot By Mail Procedures



# Ballot by Mail Procedures

- Review of ABBM/FPCA & Carrier Envelope
  - Reasons for voting by mail
  - Verify PII provided on ABBM and Carrier is associated with voter's registration record
  - Voter registration status
  - Procedures for submitting ballot properly followed
  - If ABBM marked disability, must contain the statement, "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."
- Signature Verification
- Return materials to General Custodian





# Qualifying Ballots By Mail

- Signature Verification
  - Authorized to use electronic copies of balloting materials
  - Board may also compare signatures with **ANY** known signature of the voter on file with the VR or county clerk.
  - “ID” Voters
    - Must provide copy of one of the 7 valid forms of photo identification OR RID plus supporting form of ID
- Witnessing v. Assisting a voter
  - NO limit on number of carrier envelopes that a person may witness or assist.
    - A Witness may only witness 1 ABBM unless certain exceptions apply.



# Provisional Ballot Procedures



# Reviewing Provisional Ballots

- Authority appointing EVBB may determine which members of the board will review the provisional ballots.
- Entire board does not need to be present.
- Minimum of three EVBB members must be present.



# Administrative Duties



# Return of Materials to Custodian

- Delivered to General Custodian of Election Records.
  - Re-locked ballot boxes containing ballots
  - Key to ballot box returned to general custodian
  - List of Provisional Voters
- General custodian prepares amended unofficial return
- Ballots and Envelopes retained for preservation period
- Public Records
  - Carrier Envelopes
  - Application for Ballot By Mail (Annual ABBMs available after earliest occurring election for which the application was submitted)
  - Provisional Ballot Affidavit Envelope
  - List of Provisional Voters
- Rejected Ballots may only be opened by court order



# Notice to Voters

- Ballots by Mail
  - ***Notice of Rejected Ballot***
  - Within 10 days of election
- Provisional Ballots
  - ***Notice of Outcome to Provisional Voters***
  - No later than 10<sup>th</sup> day after the local canvass
  - Use mailing address provided on Provisional Ballot Affidavit.



# Notice of Rejected Ballot

The EV clerk shall, not later than the 30<sup>th</sup> day after election day, deliver notice to the Attorney General, including certified copies of the carrier envelope and corresponding ballot application, of any ballot rejected because:

- 1) the voter was deceased;
- 2) the voter already voted in person in the same election;
- 3) the signatures on the carrier envelope and ballot application were not executed by the same person;
- 4) the carrier envelope certificate lacked a witness signature;
- 5) the carrier envelope certificate was improperly executed by an assistant; or
- 6) the EVBB or SVC determined that another violation of the Election Code occurred [Sec. 87.0431]

For questions, you may contact: [mailinballotreporting@oag.texas.gov](mailto:mailinballotreporting@oag.texas.gov).



# Additional EVBB Provisions

- Section 87.126 provides that electronic records made under this section shall record both sides of any application, envelope, or ballot recorded, and all such records shall be provided to the early voting ballot board, signature verification committee, or both.
- Section 87.128 permits the early voting ballot board and signature verification committee to take any notes reasonably necessary to perform the members' duties. Notes taken by these individuals may not contain personally identifiable information. Each member who takes notes shall sign the notes and deliver them to the presiding judge or committee chair, as applicable, for delivery to the custodian of election records. Notes collected under Section 87.128 shall be preserved in the same manner as precinct election records under Section 66.058.





Thank you for your time.

Questions?

[Elections@sos.texas.gov](mailto:Elections@sos.texas.gov)

