

Voting by Mail Updates

**Elections Division – Texas Secretary of State
41st Annual Election Law Seminar – August 2023**



Basic Resources

- **Elections Forms Index**

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

- **Conducting Your Elections Page**

<https://www.sos.state.tx.us/elections/conducting/index.shtml>

- **Texas Election Code**

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



Voting by Mail Handbook

Coming Soon! The SOS will release a comprehensive voting by mail handbook after this seminar with helpful information and resources that early voting clerks may use in the performance of their duties.



Voting by Mail Handbook

- **Overview of Table of Contents:**
 - Eligibility to vote by mail
 - Methods of submitting an application to vote by mail
 - Witness and assistance issues with applications
 - Processing an ABBM and receiving multiple applications from voters
 - Participation in the Attorney General Address Confidentiality Program
 - Voter registrars and applications to vote by mail
 - Forwarding and maintenance of list of annual ABBMs
 - Early voting rosters
 - Public information requests
 - Cancellation of ABBMs



Topics Covered

- Update to official Application for Ballot by Mail
- New web posting requirements
- New requirements for reviewing and processing an ABBM
- Updates to forms regarding rejection of an ABBM
- Voting by mail for voters who participate in the Attorney General Address Confidentiality Program
- Review of carrier envelopes for voters who participate in the Attorney General Address Confidentiality Program
- Update to procedure for surrendered ballots at the polling place
- TEAM Reporting Process of ABBM



Official Application for Ballot by Mail



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. The SOS will issue an updated ABBM for counties and local political subdivisions which includes the required information on September 1, 2023.
 - 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)

- Amends 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.
- Adds 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



New Requirements for Reviewing and Processing an ABBM

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

- Amends 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)

- Amends 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)

- Amends 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

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

- Amends 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
 - Effective September 1, 2023, voters will no longer be required to provide their registration address to access the Ballot by Mail Tracker.



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 has 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 has updated forms pertaining to these procedures, which will be 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 has 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 has 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 Voter Registration Form and Early Voting Ballot Application Containing a Defect that May be Corrected**
 - The SOS has 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 Voter Registration Form and Early Voting Ballot Application Containing a Defect that May be Corrected
 - This notice will be 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**
 - The SOS has 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 will be made available effective September 1, 2023 and 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.**



Cancellation of a Ballot by Mail Under Section 84.032 of the Election Code



Cancellation of a Ballot by Mail Under Section 84.032 of the Election Code

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

- Amends Section 84.032 of the Code to provide that the presiding judge/deputy EV clerk must enter certain information on a register of ballots to be voted by mail which are returned at a polling place on election day and during early voting by personal appearance.
 - Specifically, the presiding judge/deputy EV clerk must enter the name of each voter who returns a ballot to be voted by mail and the ballot's number on the register.



Cancellation of a Ballot by Mail Under Section 84.032 of the Election Code

- The SOS has created a form, Register of Surrendered Ballots by Mail, for use at election day polling places and early voting polling places. The presiding judge and deputy EV clerks may use this register to record the name of each voter and the ballot number as required.



TEAM Reporting Process of ABBM (Application Ballot By Mail)



Ballot by Mail

Reporting Requirements

Section 86.015 of the Texas Election Code requires the Secretary of State to develop or otherwise provide an online tool to each early voting clerk that enables a person who submits an application for a ballot to be voted by mail **to track the location and status** of the person's **application** and **ballot** on the Secretary's Internet website and on the county's Internet website if the early voting clerk is the county clerk of a county that maintains an Internet website.



Ballot by Mail Reporting Requirements

Specific Reporting Requirements

- Allow a voter the opportunity **to track the status** of their application and/or ballot.
- Allow a voter the opportunity **to correct certain defects**.



Ballot by Mail Reporting Requirements

Applications for Ballot by Mail:

- Application for Ballot by Mail Received;
- Application for Ballot by Mail Accepted/Rejected;
- Date of acceptance or rejection of Application for Ballot by Mail.

*All applications, including rejected applications, must be entered in TEAM. Offline counties must submit this information to TEAM through daily voting history updates.



Ballot by Mail

Reporting Requirements

Online Correction Available

- Applications that are rejected for reasons stated in slides 19 and 20 may be corrected through the mail ballot tracking application.
- Once the rejection is recorded using the appropriate codes, the information will be **immediately** available to the voter through the Ballot by Mail Tracker.
- For offline counties, the information will be available to the voter once the information **is received** by the statewide system.

*The correction process is only available for rejected applications that **have been entered** in the TEAM system. Offline counties must provide this information through a daily voting history submission. No applications should remain in a received status but must show a final determination of accepted or rejected.



Ballot by Mail Reporting Requirements

Reviewing Ballot Tracker Corrections

- To review a Ballot Tracker record from the **dashboard**, select **Review** and **select desired record**. This will direct the system back to the ballot by mail record associated with the voter.
- Following a review of the information, necessary status updates can be made and saved.
- Updated status will be reflected on the tracker when the system saves the new information.



Ballot by Mail

Reporting Requirements

Reviewing Ballot Tracker Corrections

Offline counties will receive this information through the daily export file (ET71). Any update to the application or carrier envelope/mail ballot status should be included in the daily voter history file submitted to the statewide system. Correct and timely submission of this information facilitates the availability of information and correction opportunities to the county voters through the online tracking application.



Resource Guide

TEAM Docshare:

- Ballot by Mail Manual (PDF)
- Ballot by Mail Presentation (PDF)
- Ballot by Mail: Reporting Requirements Presentation (PDF)

Ballot Tracker:

- <https://teamrv-mvp.sos.texas.gov/BallotTrackerApp/#/login>

Application for a Ballot by Mail:

- <https://www.sos.state.tx.us/elections/voter/reqabbm.shtml>



Questions?

Legal Team (800) 252-2216, Option 2
TEAM Team (800) 252-2216, Option 1
elections@sos.texas.gov

We are here to help!

Thank you!

