



Texas Secretary of State
ELECTIONS DIVISION



Navigating Provisional Voting

44th Annual
Election Law Seminar
for County Election Officials
August 10–12, 2026



HAVA Requirements

Adopted in 2002, the **Help America Vote Act** requires that provisional ballots be offered to:

Any voter that declares that they are a registered and eligible voter of the precinct in which they are appearing; and

Any voter whose eligibility is called into question by an election official (such as shown to have voted early by mail).



Election Code Requirements

Texas law echoes the federal requirements, but also adds that a voter may vote provisionally if they do not have the required photo identification.



Texas Secretary of State
ELECTIONS DIVISION



Provisional Ballot – When Do You Use It?



When Do You Use It?

Provisional ballots
should be offered
during early voting
and on election day.



Should be offered at
ALL early voting polling
places and election day
polling places.

Note: A voter does not
have to drive to main
early voting location to
vote a provisional ballot.





Why Are Provisional Ballots Important?

A provisional ballot helps the voter when:

The voter went to DPS to obtain/update a license but the registration information was not transmitted to SOS.

There is an error on the list of registered voters (e.g., city annexed land and did not provide an updated map).

The voter's registration application is smudged or contains poor handwriting.

A registration update was timely post-marked but was delivered to the VR after the OLRV was printed.

A voter registered to vote through a VDR, but the VDR did not turn in the application. Contact VDR for delivery.



Why Are Provisional Ballots Important?

We often hear from voters that provisional ballots “do not matter” or that an election worker said that their provisional ballot “will not count.”

This is not true! Provisional ballots often end with a voter’s ballot being counted.

By casting a provisional ballot—even if it’s not accepted for counting—the person will become a registered voter.



When Should You Offer a Provisional Ballot?

A voter who does not provide an acceptable form of identification.

A voter whose name on their identification is not substantially similar to the name on the OLRV.

A voter whose identity cannot be verified by the identification presented.

A voter who has received a disability exemption, but does not have a voter registration certificate indicating such exemption.

A voter whose name does not appear on the OLRV and does not have a registration certificate, but states they are a registered and eligible voter of the precinct.



When Should You Offer a Provisional Ballot?

A voter who has applied for a ballot by mail, but has not yet properly cancelled the mail ballot application.

A voter who votes during the polling hours that are extended by a state or federal court.

A voter who is registered to vote but attempting to vote in a precinct other than the one in which the voter is registered.

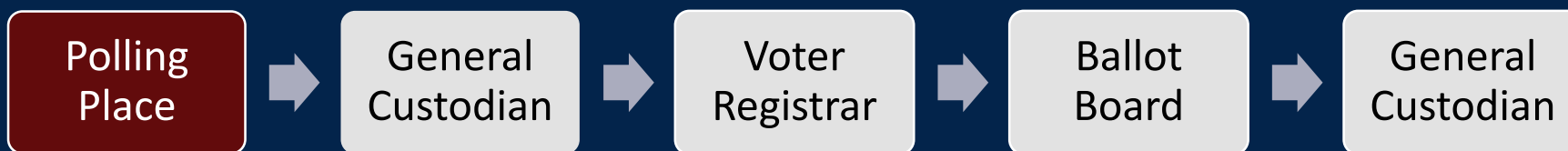
A voter who is on the precinct OLRV, but whose registered residence is outside the political subdivision for which the voter is seeking to vote.

Other:

(with an explanation).



Polling Place





Polling Place Procedures

If a voter fits into one of the above categories, the election worker **must** inform the voter of their right to cast a provisional ballot.

If the voter does not appear on the OLRV, the election worker may assist the voter in determining if they are registered in another precinct.

- Use an e-pollbook, or call the voter registrar.





Polling Place Procedures

Did the voter
register
through DPS?

If the voter
believes they
are registered,
the election
judge **must** ask
if the voter
registered, or
updated their
registration, at
DPS.

If voter went to
DPS, the election
judge **must** note
this and the
approximate date
that the voter
went to DPS on
the green
Affidavit of
Provisional Voter
envelope.



Polling Place Procedures

If the voter is not appearing on the list of registered voters, the election worker should inform the voter that the ballot will be counted if it is determined they are a registered voter of the precinct.

If the voter is casting a provisional ballot due to lack of an acceptable or supporting ID, the election worker should inform the voter that the ballot will only be counted if the voter appears at the voter registrar's office and shows an acceptable ID (List A or List B), or executes a temporary affidavit (if applicable) or permanent exemption (if applicable).





Polling Place Procedures – After Notifications

Voter should complete a green Affidavit of Provisional Voter envelope on the front side.

Election judge should complete their portion on the reverse side, and **sign it**.

Election judge should add voter's name to List of Provisional Voters/ Early Voting List of Provisional Voters.

Election judge should add name of voter to combination form/ poll list, and indicate they are a provisional voter.

Voter should sign the combination form/poll list.

The election judge should provide a Notice to Provisional Voter to the voter.



Polling Place Procedures

Provisional Ballot Affidavit Envelopes are **NOT** placed in the ballot box along with regular ballots

- Instead, the envelopes are placed in a separate secure container designated for Provisional Ballots





Texas Secretary of State

ELECTIONS DIVISION



Affidavit of Provisional Voter

9-5, 9/2025 Prescribed by Secretary of State Election Code Sec. 63.011	Type of Election / Tipo de Elección	Precinct Number/Polling Location where voted Núm. de Precinto-lugar de votación	Precinct Number where registered (if known) Núm. de Precinto-inscrito para votar (si se sabe)	Date of Election / Fecha de la Elección	Authority Conducting Election / Autoridad Administrando la Elección
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Affidavit of Provisional Voter (Declaración Jurada de Votante Provisional) (Ballot number if using DRE _____)

TO BE COMPLETED BY VOTER: I am a registered voter of this political subdivision and in the precinct in which I'm attempting to vote and have not already voted in this election (either in person or by mail). I am a resident of this political subdivision, have not been finally convicted of a felony or if a felon, I have completed all of my punishment including any term of incarceration, parole, supervision, period of probation, or I have been pardoned. I have not been determined by a final judgment of a court exercising probate jurisdiction to be totally mentally incapacitated or partially mentally incapacitated without the right to vote. I understand that giving false information under oath is a misdemeanor, and I understand that it is a felony of the 2nd degree to vote in an election for which I know I am not eligible unless I am convicted of an attempt, in which event it is a state jail felony. PARA QUE EL VOTANTE LO LLENE: Estoy inscrito como votante en esta subdivisión política y en el precinto en cual estoy intentando a votar y aún no he votado en esta elección (en persona o por correo). Soy residente de esta subdivisión política, no he sido finalmente condenado por un delito grave, o si soy un delincuente, he purgado mi pena por completo, incluyendo cualquier plazo de encarcelamiento, libertad condicional, supervisión, período de libertad condicional, o he sido indultado. No he sido determinado por un fallo final de un tribunal que ejerce la jurisdicción testamentaria que estoy totalmente incapacitado mentalmente o parcialmente incapacitado mentalmente sin derecho a voto. Entiendo que dar información falsa bajo juramento es un delito menor, y entiendo que es un delito grave de 2^o grado votar en una elección para la que sé que no soy elegible, a menos que me condenen por un intento, en cuyo caso es un delito grave de cárcel estatal.)

Last Name (Include Suffix if any) / Apellido (Incluya el sufijo si lo hay)	First Name / Primer Nombre	Middle Name (if any) / Segundo nombre (si corresponde)	Former Name (if any) / Nombre anterior (si corresponde)
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Residence Address: Street Address, Apt/Unit, City, State, Zip Code, and County. (If none, describe where you live. No P.O. Box, Rural Route, or business address.) Dirección de Residencia: Número y calle, Apt./Unidad, Ciudad, Estado, Código Postal, y Condado. (A falta de estos datos, describa dónde vive. No use P.O. Box, Ruta Rural o Dirección de Negocios.)	Gender: (Optional) / Género (Opcional) ☐ Male (Masculino) ☐ Female (Femenino)
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Mailing Address: Street Address, Apt/Unit, City, State, and Zip Code. (If mail cannot be delivered to your residence address.) Dirección Postal: Número y calle, Apt./Unidad, Ciudad, Estado, y Código Postal. (Si no se puede entregar el correo en su dirección de residencia.)	Date of Birth: Month, Day, Year Fecha de nacimiento: mes, día, año □□ / □□ / □□□□
--	---

Previous Residence Address: Street Address, Apt/Unit, City, State, Zip Code, and County. (If none, describe where you lived.) (Dirección de Residencia Anterior: Número y calle, Apt./Unidad, Ciudad, Estado, Código Postal, y Condado. (A falta de estos datos, describa dónde vivía.)	
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Texas Driver's License (TX DL) or Texas Identification (TX ID) Card number (issued by the Texas Department of Public Safety): Número de licencia de conducir de Texas (TX DL) o tarjeta de identificación de Texas (TX ID) (expedida por el Departamento de Seguridad Pública de Texas) □□□□□□□□	I have not been issued a TX DL or TX ID number, and the last four digits of my Social Security Number are: No se me ha expedido un número de licencia de conducir de Texas (TX DL) ni un número de identificación de Texas (TX ID), y los últimos cuatro dígitos de mi número de Seguridad Social son XXX-XX-□□□□	☐ I have not been issued a TX DL, TX ID, or Social Security Number. No se me ha expedido un número de TX DL, TX ID, o de Seguridad Social.
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Check appropriate box: ARE YOU A UNITED STATES CITIZEN? Marque el cuadro apropiado: ¿Es usted ciudadano de los Estados Unidos? Yes Si ☐ NO No ☐	Signature of Voter / Firma del votante X _____
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Affidavit of Provisional Voter

TO BE COMPLETED BY ELECTION JUDGE:

VOTER PRESENTED ACCEPTABLE FORM OF IDENTIFICATION OR A SUPPORTING FORM OF IDENTIFICATION AND EXECUTED A REASONABLE IMPEDIMENT DECLARATION

☐ Yes ☐ No

REASON FOR VOTING PROVISIONALLY

1. ☐ Failed to present acceptable form of photo identification, a supporting form of identification with an executed Reasonable Impediment Declaration, or voter registration certificate with exemption.
2. ☐ Voter not on list of registered voters.
3. ☐ Voter not on list, registered in another precinct.
4. ☐ Voter on list of people who voted early by mail, and voter has not surrendered mail ballot, presented a Notice of Improper Delivery, or presented Notice of Surrendered Ballot.
5. ☐ Voting after 7:00 p.m. due to court order.
6. ☐ Voter on list, but registered residence address is outside the _____ political subdivision.
7. ☐ Registered at Department of Public Safety (DPS): When: _____ Where: _____
8. ☐ Other: _____ (Please explain)

Sworn and subscribed to before me this date: _____.

Signature of Election Judge

TO BE COMPLETED BY THE COUNTY VOTER REGISTRAR FOR STATUS:

I, the voter registrar/deputy registrar, did research the records of my office and the following conclusion(s) was made:

FOR VOTERS WHO DID NOT PRESENT ACCEPTABLE PHOTO IDENTIFICATION AT THE POLLING PLACE

1. ☐ Voter presented acceptable form of identification **OR** a supporting form of identification and executed a Reasonable Impediment Declaration within 6 calendar days of election day.
2. ☐ Voter met disability exemption within 6 calendar days of election day.
3. ☐ Voter executed religious objection affidavit within 6 calendar days of election day.
4. ☐ Voter executed natural disaster affidavit within 6 calendar days of election day.
5. ☐ Voter did not satisfy identification or affidavit requirements, listed in categories 1-4 above, within 6 calendar days of election day.

FOR VOTERS WHO VOTED PROVISIONALLY FOR OTHER REASONS

6. ☐ Not a registered voter or registration not effective in time for this election.
7. ☐ Registered to vote, erroneously listed in wrong precinct.
8. ☐ Registered to vote in a different precinct within the county.
9. ☐ Information on file indicating applicant completed a voter registration application, but it was never received in the voter registrar's office.
10. ☐ Voter erroneously removed from the list.
11. ☐ Voter is not registered to vote in _____ political subdivision.
12. ☐ Other: _____ (Please explain)

Signature of Voter Registrar

Date

Action taken by the Early Voting Ballot Board: ☐ ACCEPTED ☐ REJECTED Signature of Ballot Board Judge: _____



Voting a Provisional Ballot

Paper Ballots/ Ballots Marked With a BMD

Voter should pick their own ballot from disarranged supply of provisional ballots, if applicable.

Voter should mark their ballot and then place inside the white secrecy envelope.

Voter should place white secrecy envelope into the green Affidavit of Provisional Voter envelope.

Voter should then deposit into **separate and secured** container for provisional ballots.

Polling
Place

General
Custodian

Voter
Registrar

Ballot
Board

General
Custodian



Polling Place → General Custodian





Polling Place → General Custodian

Early Voting

- During early voting, the general custodian may request that the early voting clerk, or deputy early voting clerk, deliver to the general custodian the early voting Provisional Ballot Affidavit Envelopes
- Provisional Ballot Affidavit Envelopes must be stored and transferred in a closed and sealed transfer case provided by the general custodian of election records
- The Early Voting List of Provisional Voters must accompany the Provisional Ballot Affidavit Envelopes



Polling Place → General Custodian

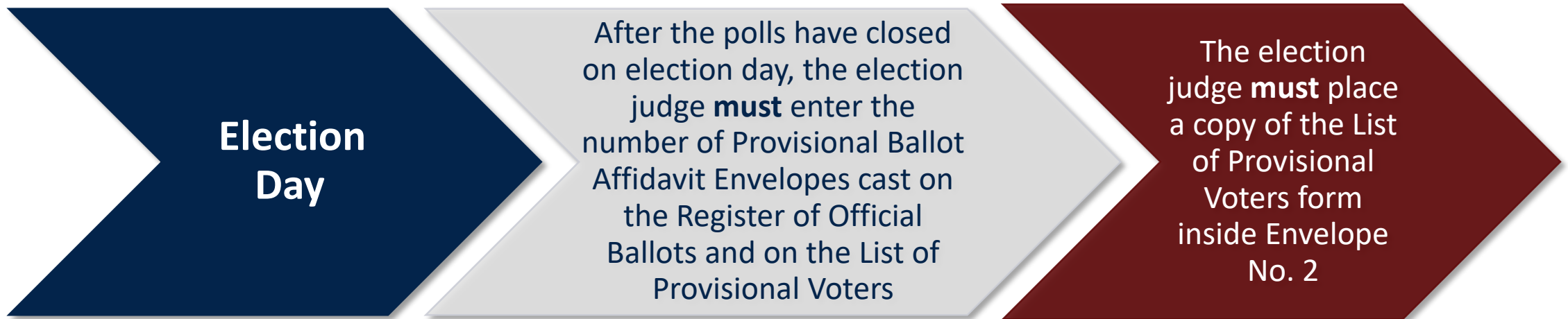
Early Voting

- If the general custodian does not request delivery of the Provisional Ballot Affidavit Envelopes during early voting, then the early voting clerk, or deputy early voting clerk, **must** deliver the closed and sealed container for completed Provisional Ballot Affidavit Envelopes and the Early Voting List of Provisional Voters to the general custodian at the end of the early voting period.





Polling Place → General Custodian





Polling Place → General Custodian

Election Day

- The closed and sealed container for completed Provisional Ballot Affidavit Envelopes **must** be delivered by the election judge (or designee) to the general custodian of election records.





General Custodian





General Custodian

Early Voting

- The general custodian of election records **must** unseal and open the transfer case and verify the number of provisional voters on the Early Voting List of Provisional Voters matches the number of provisional ballot affidavit envelopes contained in the transfer case
 - Signs the Early Voting List of Provisional Voters
 - Prepares a Summary of Provisional Ballots listing each precinct and the number of Provisional Ballot Affidavit Envelopes for each precinct





General Custodian

Early Voting

- The general custodian places the following in a transfer case:
 - The Provisional Ballot Affidavit Envelopes
 - The Early Voting List of Provisional Voters
 - Blank Verification of Provisional Ballots and Serial Numbers forms; and
 - Seals sufficient to secure the transfer case when the voter registrar returns the Provisional Ballot Affidavit Envelopes to the custodian
- General custodian seals the transfer case and records the seal number on the Summary of Provisional Ballots



General Custodian

Election Day

- The general custodian of election records (or central counting personnel) **must** verify that the number of provisional voters on the List of Provisional Voters matches the number of Provisional Ballot Affidavit Envelopes recorded on the ballot register.
 - Signs the List of Provisional Voters
 - Prepares a Summary of Provisional Ballots listing each precinct and the number of Provisional Ballot Affidavit Envelopes for each precinct.
 - A poll watcher, if available, may sign the Summary of Provisional Ballots.



General Custodian

Election Day

- The general custodian places the following in a transfer case:
 - The Provisional Ballot Affidavit Envelopes
 - The List of Provisional Voters
 - Blank Verification of Provisional Ballots and Serial Numbers forms; and
 - Seals sufficient to secure the transfer case when the voter registrar returns the Provisional Ballot Affidavit Envelopes to the custodian.
- General custodian seals the transfer case and records the number on the Summary of Provisional Ballots.



General Custodian → Voter Registrar





General Custodian → Voter Registrar

Early Voting

The general custodian must post Notice of Delivery of Provisional Ballot Affidavit Envelopes at least **24 hours** before first delivery to the voter registrar.





General Custodian → Voter Registrar

Early Voting

The voter registrar must sign the following to verify receipt of the Provisional Ballot Affidavit Envelopes:

- The Early Voting List of Provisional Voters,
- The Summary of Provisional Ballots, and
- The Verification of Provisional Ballots and Serial Numbers.





General Custodian → Voter Registrar

Early Voting

If the voter registrar does not request delivery of the Provisional Ballot Affidavit Envelopes during the early voting period, then the general custodian must deliver the Provisional Ballot Affidavit Envelopes no later than the first business day after the completion of early voting





General Custodian → Voter Registrar



Election Day

The general custodian must deliver the transfer case containing the Provisional Ballot Affidavit Envelopes and the List of Provisional Voters, along with the Summary of Provisional Ballots, on **the next business day after the election**





General Custodian → Voter Registrar



Election Day

If the voter registrar wishes to take possession of the transfer cases containing the Provisional Ballot Affidavit Envelopes on election night, the voter registrar must inform the general custodian AND post a Notice of Delivery of Provisional Ballots no later than 24 hours before election day





General Custodian → Voter Registrar



Election Day

Upon receipt of the transfer cases, the voter registrar must sign the following to verify receipt of the Provisional Ballot Affidavit Envelopes:

- Summary of Provisional Ballots, and
- Verification of Provisional Ballots and Serial Numbers





Voter Registrar





Voter Registrar Review

The voter registrar **must** complete their review of the Provisional Ballot Affidavit Envelopes no later than the sixth day after election day. (This includes Provisional Ballot Affidavit Envelopes for ballots cast on a DRE.)

- Poll watchers are not entitled to be present during the voter registrar's review.
- The voter registrar's review of provisional ballots is **NOT** subject to the livestream requirements of 127.1232(b).





Voter Registrar Review

The voter registrar must review information from the following sources to attempt to determine a provisional voter's status:

The voter registrar's own county voter registration files and records

The Department of Public Safety

Volunteer deputy registrars

Other records that may establish the provisional voter's eligibility (such as responses to Notice of Address Confirmation or a Statement of Residence)

Polling Place

General Custodian

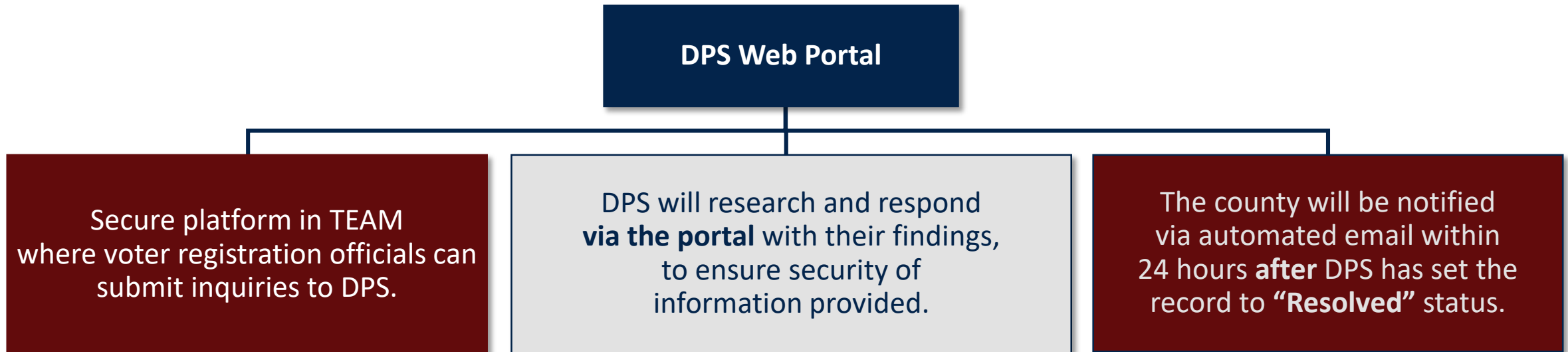
Voter Registrar

Ballot Board

General Custodian



Voter Registration Resources





Voter Registration Resources

**When to use the
701 DPS email?**



Examples:

- Record Clarification
 - Name/hyphenated/spelling
 - Updated address information
- These types of requests may be sent to: 701@dps.texas.gov





Voter Registrar Review

The voter registrar must sign and date each Provisional Ballot Affidavit Envelope after the registrar completes their review





Voter Registrar Review



The voter registrar **must** copy the Provisional Ballot Affidavit Envelope of:

- Each voter who was **NOT** registered to vote;
- Each voter who was not registered but whose information contained updated voter registration information;
- Each voter who was erroneously cancelled;
- Each voter who was listed in the wrong precinct; or
- Any other reason the voter registrar deems necessary.



Voter Registrar Review

For purposes of voter registration, the copied Provisional Ballot Affidavit Envelope serves as an original voter registration application or change form

The effective date of registration will be calculated as 30 days from the election date for which the Provisional Ballot Affidavit Envelope was submitted

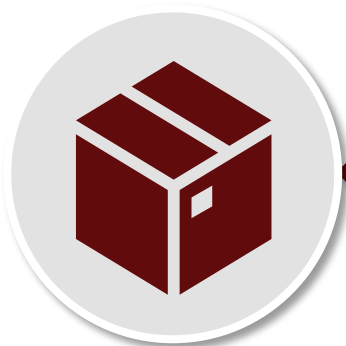




Voter Registrar Review



If the residence address provided on the Provisional Ballot Affidavit Envelope falls outside the voter registrar's jurisdiction, the voter registrar **must** forward a **copy** of the Provisional Ballot Affidavit Envelope to the appropriate voter registrar.



The original Provisional Ballot Affidavit Envelope **must** be transferred by the general custodian to the appropriate voter registrar after the preservation period (22 months) upon the voter registrar's request.





Voter Registrar → Ballot Board





Voter Registrar → Ballot Board

The voter registrar **must** place the Provisional Ballot Affidavit Envelopes in a closed and sealed container (provided by the general custodian) along with copies of the List of Provisional Voters and the copy of the Summary of Provisional Ballots

The serial number of the seal **must** be recorded on the Verification of Provisional Ballots and Serial Number form





Voter Registrar → Ballot Board

The general custodian or presiding judge of the early voting ballot board **must** pick up the closed and sealed transfer cases and all other materials at the time, date, and location designated by the voter registrar

The voter registrar may designate more than one time and there may be multiple deliveries

The voter registrar **must** sign the Verification of Provisional Ballots and Serial Numbers form verifying the transfer, and the general custodian or presiding judge of the EVBB **must** sign indicating receipt



Voter Registrar → Ballot Board

The presiding judge of EVBB may convene the board as soon as practicable after the voter registrar has begun delivery of the provisional ballots

The presiding judge **MUST** post notice on the bulletin board used for posting notices no later than **24 hours** before the board is scheduled to meet

The board may convene while the voter registrar continues their review





Ballot Board





Ballot Board Review

The EVBB **must** review both the election judge's and the voter registrar's notation on each Provisional Ballot Affidavit Envelope to determine whether or not the ballot should be counted

- If either the judge or the voter registrar failed to sign the Provisional Ballot Affidavit Envelope, the EVBB may contact them and have them sign the envelope





Ballot Board Review

A provisional ballot **MAY NOT** be counted for the following reasons:

- If the election judge indicated the voter did not provide an acceptable form of identification AND the voter did not present an acceptable form of identification to the voter registrar by the sixth day after election day;
- If the voter voted provisionally due to having an outstanding mail ballot that has not been cancelled;
- If the voter has already voted;





Ballot Board Review

A provisional ballot **MAY NOT** be counted for the following reasons:

- If the voter registrar indicated that the provisional voter is not registered to vote in the territory or the registration was not effective in time for the election;
- If the voter registrar indicated that the provisional voter is registered to vote in a different precinct other than the one the voter voted in;
- If the election judge indicated the voter was on the list of registered voters, but the voter's registration address is outside of the political subdivision;
- If the voter registrar indicated that an incomplete application was received from the provisional voter but the additional information was not returned.



Ballot Board Review

A provisional ballot **MAY** be counted for the following reasons:

- If the voter failed to submit identification at the polling place, but the voter registrar indicated the voter presented an acceptable form identification at the registrar's office within six days after the election;
- If the voter claimed they never received their mail ballot, or they wish to cancel their mail ballot, and the voter's mail ballot has not already been received by EVBB;
- If the voter registrar indicated that the voter is registered to vote but was erroneously listed in the wrong precinct;



Ballot Board Review

A provisional ballot **MAY** be counted for the following reasons:

- If the voter was erroneously removed from the voter registration list and is otherwise qualified to vote
- If the voter registrar has information in the office that the voter did complete an application, and the voter is otherwise qualified
 - **This includes 701 inquiries to DPS**





Ballot Board Review

The presiding judge **must** indicate the disposition of each provisional ballot on the appropriate space of the Provisional Ballot Affidavit Envelope





Notice of Outcome to Provisional Voters

Not later than the tenth day after the local canvass, the presiding judge of EVBB **must** deliver written notice to the provisional voter regarding the outcome of their provisional ballot.

- If the provisional ballot was counted
- If the provisional ballot was **NOT** counted, the reason the ballot was not counted.
- The presiding judge **must** use the information provided on the Provisional Ballot Affidavit Envelope to obtain the proper mailing address and final resolution of the provisional ballot.





If the Provisional Ballot Is to Be Counted:

The ballots **must** be removed from their Provisional Ballot Affidavit Envelopes and counted under the normal procedure for counting ballots by mail.

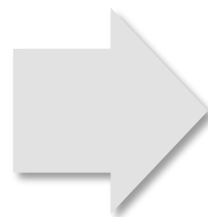
If counted by hand, the ballots **must** be tallied by precinct in the regular manner. The EVBB **must** prepare the returns and submit the returns to the general custodian of election records.





If the Provisional Ballot Is to Be Counted Using Optical Scan:

The manager of the central counting station **must** decide whether the EVBB **must** manually count the ballots and manually add to the computer count for a canvass total; or



Whether the CCS **must** reconvene.





If Central Count Reconvenes

Prior to beginning the count at central count, the manager **must** run the required second logic and accuracy test.

The test must be successful.

Once the ballots have been counted, the results **must** be prepared in the regular manner.

The manager **must** prepare a certification and attach it to the returns, and place the certification and returns in envelope #1 to be delivered to the presiding officer of the canvassing board.

After the count is complete, the manager **must** run the required third logic and accuracy test.

If the test is not successful, the count is void.



Storage After Review

The Provisional Ballot Affidavit Envelopes for accepted ballots **must** be placed in an envelope or container for Provisional Ballot Affidavit Envelopes marked “**Accepted**”.



The Provisional Ballot Affidavit Envelopes and rejected provisional ballots **must** be placed in an envelope or container Provisional Ballot Affidavit Envelopes marked “**Rejected**”.





Ballot Board → General Custodian





Ballot Board → General Custodian

Once counted, the Provisional Ballot Affidavit Envelopes, along with any corresponding paperwork, **must** be re-sealed in the container and returned to the general custodian.

The List of Provisional Voters for each precinct, along with any copies of the List forms, **must** be delivered to the general custodian in the envelope or container for accepted Provisional Ballot Affidavit Envelopes.





Voting History

The general custodian is responsible for submitting each voter's voting history to the Secretary of State.

This action **must** be completed no later than the 30th day after election day.





Public Information

All Provisional Ballot Affidavit Envelopes and the List of Provisional Voters are subject to public disclosure after the EVBB has completed their review and returned the Provisional Ballot Affidavit Envelopes and the List of Provisional Voters to the general custodian.

Rejected Provisional Ballot Affidavit Envelopes may NOT be opened (except by court order).



Request for Return of Original Envelopes

Upon request from the voter registrar, the general custodian **must** deliver the original Provisional Ballot Affidavit Envelopes to the voter registrar after the preservation period (22 months).





Available Support



WEBINARS



TRAINING



RESOURCES

elections@sos.texas.gov

800-252-VOTE • 512-463-5650

sos.texas.gov