

# Reviewing Your ABBMs and FPCAs



Texas Secretary of State – Elections Division



# 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/>

- **Advisories**

**No.2023-13** - NEW LAW: Senate Bill 1599 – Changes to the Corrective Action Process for Defects on Application for a Ballot by Mail and Carrier Envelope

**No.2023-23** - Registering a Voter who is Part of a Confidentiality Program

**No 2021-24** - Informal Application for Ballot by Mail (ABBM)



# 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)
  - In 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 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



# Reviewing ABBMs



# Reviewing an ABBM

1. Voter Information: Please print all information clearly and legibly	YOU MUST PROVIDE ONE of the following numbers
<p>Name: _____  <small>Last, First, Middle Suffix (Jr, Sr)</small></p> <p><b>Residence Address as shown on your Voter Registration Certificate</b></p> <p>Address: _____  <small>Street Apt. # (if any) City State Zip Code</small></p> <p><b>Optional Information:</b> Providing this information is helpful to the Early Voting Clerk to clarify any information on this application and/or your voted mail ballot.</p> <p>Date of Birth: ____/____/____ VUID #: _____ Pct #: _____</p> <p>Email: _____ Tel. #: _____</p>	<p>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#)</p> <p>_____</p> <p>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</p> <p>XXX-XX-_____</p> <p><input type="checkbox"/> I have not been issued a Texas Driver's License/Texas Personal Identification Number/Texas Election Identification Certificate or Social Security Number</p>

**Box 1:** Must include the applicant's name and address at which the applicant is registered to vote.

If the VUID, precinct number, telephone number, email address, and date of birth are not included on the application, this is **not** fatal to the application.

Sec. 84.002, Texas Election Code



# Reviewing an ABBM

## **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 EV clerk.
- You may continue to use existing stock of the official ABBM. However, you should include a sticker with the prescribed language on the application if you continue to use existing stock.

Sec. 84.011, Texas Election Code



# Reviewing an ABBM

1. Voter Information: Please print all information clearly and legibly	YOU MUST PROVIDE ONE of the following numbers
Name: _____ <small>Last, First, Middle Suffix (Jr., Sr.)</small>	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 - _____ <input type="checkbox"/> I have not been issued a Texas Driver's License/Texas Personal Identification Number/Texas Election Identification Certificate or Social Security Number
<b>Residence Address as shown on your Voter Registration Certificate</b> Address: _____ <small>Street Apt. # (if any) City State Zip Code</small>	
<b>Optional Information:</b> 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. #: _____	

## Box 1: Personal Identification Numbers – Voter must provide:

- Texas Driver's License, Texas Personal Identification Number, or Election Identification Certificate Number issued by DPS, **OR**
- Last four digits of SSN, **OR**
- Provide an indication that they have not been issued either number
- **The number provided MUST be validated off of the voter's voter registration record.**
- **If the number is missing or incorrect on the ABBM, the voter can correct this defect by submitting a new ABBM or through the Ballot by Mail Tracker.**





# Reviewing an ABBM

**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
<b>My Other Address is: (Check one)</b>				
<input type="checkbox"/> The mailing address listed on my Voter Registration Certificate				
<input type="checkbox"/> Address Outside the County (voters absent from the county)				
<input type="checkbox"/> Hospital, Nursing Home, Long-Term Care Facility, Retirement or Assisted Living Center or a Relative				(Indicate Relationship)
<input type="checkbox"/> Address of the Jail/Civil Commitment Facility or a Relative				(Indicate Relationship)

**Box 2:** The ABBM must include the:

- address of the hospital, nursing home or other long-term care facility, or retirement center, or of a person related to the applicant within the second degree by affinity (by marriage) or the third degree by consanguinity (by blood) if the mailing address is different from the residence address (age or disability).
- address outside the applicant’s county of residence to which the ballot is to be mailed (absence from the county of residence).
- address of the jail or of a person related to the applicant within the second degree by affinity or the third degree by consanguinity (confinement in jail).
- address of the facility operated by or under contract with the Texas Civil Commitment Office or of a person related to the applicant within the third degree by consanguinity (involuntarily civil commitment).

Section 84.002, Texas Election Code



# Reviewing an ABBM

## 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)

**Box 3:** Must include an indication of the ground of eligibility for early voting. If it does not include this information, the application must be rejected.

Section 84.002, Texas Election Code



# Reviewing an ABBM

4. Send me a Ballot for the Following Elections:	
<p><input type="checkbox"/> <b>Annual Application</b> 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.</p> <p><b>Primary Election</b> (even numbered years only)</p> <p><input type="checkbox"/> Democratic Primary    <input type="checkbox"/> Any Resulting Runoff  <input type="checkbox"/> Republican Primary    <input type="checkbox"/> Any Resulting Runoff  <input type="checkbox"/> Do Not Send me a Primary Ballot</p>	<p><b>OR</b></p>
<p><b>Uniform Election Dates</b></p> <p><input type="checkbox"/> November Election    <input type="checkbox"/> May Election (not a primary runoff)  <input type="checkbox"/> Any Resulting Runoff    <input type="checkbox"/> Other Special Election: _____  <small>(Name or Date of Special Election, if known)</small></p> <p><b>Primary Election</b> (even numbered years only)</p> <p><input type="checkbox"/> Democratic Primary    <input type="checkbox"/> Any Resulting Runoff  <input type="checkbox"/> Republican Primary    <input type="checkbox"/> Any Resulting Runoff</p> <p><small>(Voters who are absent from the county or confined in jail/civilly committed may only apply for one election and its resulting runoff.)</small></p>	

**Box 4:** Must include, for an application for a ballot to be voted by mail on any ground, an indication of each election for which the applicant is applying for a ballot. There are some exceptions to this. See the FAQs for examples!

Section 84.002, Texas Election Code



# Reviewing an ABBM

**5. Sign Here:**

"I certify that the information given in this application is true, and I understand that giving false information in this application is a crime."

X \_\_\_\_\_

Date:  /  /

If applicant is unable to sign or make a mark (in the presence of a witness), the witness must complete the witness portion in Box 6 below. The signature or mark of the voter in the blank above must be an original signature made with a pen and ink. Electronic signatures are not permitted.

**Box 5:** Application must be in writing and signed by the applicant. An electronic signature is not permitted. If application is not dated, this is not fatal!

Section 84.001, Texas Election Code



# Reviewing an ABBM

**6. If someone helps you complete this form or mails, emails or faxes the form for you, that person must complete the section below.**

**Instructions for Witnesses and Assistants:** See back of this form for the definitions of Witness and Assistant.

**Check one or both boxes below if you served as a Witness, an Assistant or both. All information below must be completed!**

- If the applicant is unable to make a mark, you must check this box and complete all information below. Do not sign for the voter in Box 5.
- Witness – If you are acting as a Witness to the applicant’s signature or mark or signing on the applicant’s behalf, you must state your relationship to the applicant here: \_\_\_\_\_ (Indicate Relationship)
- Assistant – If you assisted the applicant in completing this application in the applicant’s presence or mailed/emailed/faxed the application on behalf of the applicant.

**Failure to complete this section is a Class A Misdemeanor if applicant’s signature was witnessed or applicant was assisted in completing this application.**

X \_\_\_\_\_  
 Signature of Witness/Assistant

\_\_\_\_\_ Printed Name of Witness/Assistant

\_\_\_\_\_ Street Address      \_\_\_\_\_ Apt. # (if any)      \_\_\_\_\_ City      \_\_\_\_\_ State      \_\_\_\_\_ Zip Code

**Box 6:** May be signed by a witness, if the voter cannot sign because of a physical disability or illiteracy. The person who cannot sign must affix the person’s mark to the document, which the witness must attest.

If the voter cannot make a mark, the witness must state that fact on the document.

A person who assisted the voter must also provide their information.

Sections 1.011, 84.003, Texas Election Code



# 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



# Methods of Submitting an ABBM

For information on how a voter may submit a request to vote by mail if he/she participates in the Attorney General Address Confidentiality Program, please see our advisory here:

**No. 2023-23** - Registering a Voter who is part of a Confidentiality Program



# Reviewing FPCAs





# What Does the FPCA Form Do?

- Dual function:
  - Registers the individual onto the permanent voter rolls 30 days after receipt by the county
  - Functions as an application for ballot by mail



# Form and Contents of Application

- Application must:
  - Be submitted on official federal postcard application form
    - Prescribed by the Federal Voting Assistance Program
  - Include information indicating the applicant is eligible to vote in the election for which ballot is requested



# FPCA and Voter Registration

EV clerk should make a copy of the FPCA (for mailing ballots, keeping records, etc.) and then must forward the original FPCA to the county voter registrar so that it may be processed for registration.

- Voter Registrar determines whether to add the voter to the registration list.



# Reviewing an FPCA

**1. Who are you? Pick one.**

I request an absentee ballot for all elections in which I am eligible to vote AND:
  I am on active duty in the Uniformed Services or Merchant Marine **-OR-**
 I am an eligible spouse or dependent.

I am a U.S. citizen living outside the country, and I intend to return.
  I am a U.S. citizen living outside the country, and my intent to return is uncertain.
  I am a U.S. citizen living outside the country, I have never lived in the United States.

Last name	<input type="text"/>	Suffix (Jr., II)	<input type="text"/>	<input type="checkbox"/> Mr.	<input type="checkbox"/> Miss
				<input type="checkbox"/> Mrs.	<input type="checkbox"/> Ms.
First name	<input type="text"/>	Previous names (if applicable)	<input type="text"/>		
Middle name	<input type="text"/>	Birth date (MM/DD/YYYY)	<input type="text"/>		
Social Security Number	<input type="text"/>	Driver's license or State ID#	<input type="text"/>		

## Box 1: Voter must:

- Select the category that best describes their situation
- Provide current name
- Provide date of birth
- Provide Texas issued ID number or last four digits of SSN. If they do not have this information, should include information in Box 6 that they do not have one of these numbers



## FPCA Affirmation Reasons as they Relate to Voter Registration and Ballot by Mail

<p>“I am on active duty in the Uniformed Services or Merchant Marine.”</p>	<ul style="list-style-type: none"> <li>• Ballot is issued by the EV clerk.</li> <li>• VR registers the individual or updates a permanent voter record.</li> </ul>
<p>“I am a U.S. citizen living outside the country, and I intend to return.”</p>	<ul style="list-style-type: none"> <li>• Ballot is issued by the EV clerk.</li> <li>• VR registers the individual or updates a permanent voter record.</li> </ul>
<p>“I am a U.S. citizen living outside the country, and my return is uncertain.”</p>	<ul style="list-style-type: none"> <li>• <b>FEDERAL BALLOT</b> only is issued by EV clerk</li> <li>• <b>NOT</b> eligible for voter registration</li> <li>• <b>CANCELS</b> an existing registration</li> </ul>
<p>“I am a U.S. citizen living outside the country, and I have never lived in the United States.”</p>	<ul style="list-style-type: none"> <li>• <b>NOT</b> eligible to receive ballots</li> <li>• <b>NOT</b> eligible for voter registration</li> <li>• <b>CANCELS</b> an existing registration</li> </ul>



# Reviewing an FPCA

**2. What is your address in the U.S. state or territory where you are registering to vote and requesting an absentee ballot?**

Your voting materials will not be sent to this address. See instructions on the other side of form.

Street address	<input type="text"/>	Apt #	<input type="text"/>
City, town, village	<input type="text"/>	State	<input type="text"/>
County	<input type="text"/>	ZIP	<input type="text"/>

## Box 2: Voter must:

- Provide the complete street address of their voting residence address where they are registering to vote. Cannot use a post office mailing address.



# Reviewing an FPCA

**3. Where are you now? You MUST give your CURRENT address to receive your voting materials.**

Your mailing address. (Different from above)

Your mail forwarding address. (If different from mailing address)

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## Box 3: Voter must:

- Provide current mailing address, even if requesting their ballot by email.
- If the voter wants their ballot sent to a different address or have a forwarding address, they must include that information in this space.



# Reviewing an FPCA

**4. What is your contact information? This is so election officials can reach you about your request.**

Provide the country code and area code with your phone and fax number. Do not use a Defense Switched Network (DSN) number.

Email:	<input type="text"/>	Phone:	<input type="text"/>
Alternate email:	<input type="text"/>	Fax:	<input type="text"/>

## Box 4: Voter should:

- Provide contact information so election official can contact if needed.
- Provide email address if requesting to receive ballot by email.





# Reviewing an FPCA

## 5. What are your preferences for upcoming elections?

A. How do you want to receive voting materials from your election office? (Select One)

Mail

Email or online

Fax

B. What is your political party for primary elections?

### Box 5: Voter should:

- Select their preferred method of receiving voting materials.
- Provide email address if requesting to receive ballot by email.
- Provide the name of the party ballot they wish to receive for the primary election.



# Reviewing an FPCA

## 6. What additional information must you provide?

Puerto Rico and Vermont require more information, see back for instructions. **Additional state guidelines** may be found at FVAP.gov. You may also use this space to clarify your voter information.

### Box 6: Voter should:

- Provide any additional information that may assist the EV clerk in accepting the application.



# Reviewing an FPCA

**7. You must read and sign this statement.**

**I swear or affirm, under penalty of perjury, that:**

- The information on this form is true, accurate, and complete to the best of my knowledge. I understand that a material misstatement of fact in completion of this document may constitute grounds for conviction of perjury.
- I am a U.S. citizen, at least 18 years of age (or will be by the day of the election), eligible to vote in the requested jurisdiction, and
- I am not disqualified to vote due to having been convicted of a felony or other disqualifying offense, nor have I been adjudicated mentally incompetent; or if so, my voting rights have been reinstated; and
- I am not registering, requesting a ballot, or voting in any other jurisdiction in the United States, except the jurisdiction cited in this voting form.

<b>Sign here</b>	<b>X</b>		<b>Today's date</b> (MM/DD/YYYY)	
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**Box 7:** Voter should:

- Sign and date the form.
- May be signed by a witness, if the voter cannot sign because of a physical disability or illiteracy. The person who cannot sign must affix the person’s mark to the document, which the witness must attest.
- If the voter cannot make a mark, the witness must state that fact on the document.
- A person who assisted the voter must also provide their information.



# Intent to Return / Timeliness

- Applicant is entitled to receive a full ballot (federal and nonfederal offices) if the FPCA is submitted on or before the 20<sup>th</sup> day before Election Day and application contains information for registering to vote
- Applicant also receives a full ballot if FPCA is submitted after the 20<sup>th</sup> day and by the 11<sup>th</sup> day deadline and the **applicant is already registered to vote**
- If the FPCA does not have a postmark, it is timely if received by the EV clerk by the 15<sup>th</sup> day before the election
- If the FPCA is postmarked after the 20<sup>th</sup> day but received no later than the 11<sup>th</sup> day before the election with a postmark, FPCA voter gets federal ballot only.



# Frequently Asked Questions

**Question:** If a voter calls to request an ABBM, can the election officer fill in the voter's name and residence address at the top of the application?

**Answer:** No. Section 276.016(a)(4) of the Election Code prohibits an election official from completing any portion of the ABBM form and distributing that form to the applicant.



# Frequently Asked Questions

**Question:** The EV clerk received a timely ABBM for an upcoming election from a voter who is not currently registered to vote in the county/political subdivision. Can the EV clerk process the application and send the voter a ballot by mail?

**Answer:** The application must be rejected and the voter must be sent a Notice of Rejected Application for Ballot by Mail if the voter is not registered in the county/political subdivision and the voter registration records reflect that the voter will not have an effective voter registration by election day in the county/political subdivision.

Per Section 13.143 of the Code, a voter registration is effective for purposes of early voting if it will be effective on election day. As such, if the voter registration records reflect that the voter's registration will be effective by election day, and the single-use ABBM or Annual ABBM contains the required information, the application should be processed and the voter should be sent a ballot by mail.



# Frequently Asked Questions

**Question:** What if the residence address the voter provided on the ABBM is different from the residence address at which the voter is registered?

**Answer:** As long as the voter is registered in the political subdivision holding the election, **and** as long as the address on the ABBM is also within that county (or political subdivision), then the EV clerk should process the ABBM (if the voter is otherwise eligible to vote in the election) and send the voter a Statement of Residence along with the balloting materials. When mailing a ballot to the voter, the EV clerk must make a notation on the carrier envelope that a Statement of Residence is included so that the early voting ballot board knows to look for the Statement of Residence with the marked ballot; the early voting ballot board cannot count that ballot if the Statement of Residence is not returned by the voter.



# Frequently Asked Questions

**Question:** It appears the voter may have recently gotten married/divorced and is now using a different last name on the ABBM than the last name the voter is registered to vote with. May the application be accepted?

**Answer:** If the EV clerk is able to confirm that the individual is a registered voter of the political subdivision, then the ABBM should not be rejected. However, if possible, the voter should be advised that there may be a problem later when the early voting ballot board (EVBB) reviews the name on the carrier envelope compared to the name on the list of registered voters. There is a possibility that the EVBB will reject the ballot. If possible, the EV clerk should contact the voter and have the voter update their information as to the name change. Once updated, the EV clerk can process the ABBM.





# Frequently Asked Questions

**Question:** A voter has contacted our office and indicated that the personal identification number in their voter registration record is wrong; what can the voter do?

**Answer:** The voter registrar should review the voter's record to determine whether the voter's personal identification number was properly recorded by the voter registrar's office. If this review reflects that the voter's personal identification number was properly recorded by the voter registrar as previously provided by the voter, the voter should update their voter registration record. They can do so by submitting a new voter registration application to the registrar or by validating their personal identification numbers on Texas.gov if the voter has a DPS-issued driver's license or personal identification card.

The process for updating the voter registration record is explained to the voter in the Notice of Rejected Application for Ballot by Mail (Form 6-2)



# Frequently Asked Questions

**Question:** The voter submitted an ABBM by mail. The physical application did not include the voter's residence address. However, the envelope in which the application was delivered by mail included the voter's residence address. Should the application be rejected and the voter notified of a defect?

**Answer:** No, the application should not be rejected. Section 84.005 of the Election Code provides that each document that contains information required for an early voting ballot application and that is submitted to the EV clerk and any envelope in which an application is submitted are part of the early voting ballot application. The envelope in which the voter's application was received by the EV clerk is part of the voter's application. If the residence address provided on the envelope is the same residence address at which the voter is registered to vote, the application should be processed and a ballot should be sent to the voter.



# Frequently Asked Questions

**Question:** A voter submitted an ABBM and provided two types of personal identification numbers (ex: driver's license number and last four digits of social security number) on their application. The voter registration record contains both types of personal identification numbers; one number on the ABBM matches the record, but the other does not match. Should the application be rejected?

**Answer:** No, the application should not be rejected. Because the EV clerk was able to validate one of the numbers to the voter's voter registration record (and thus verify the identity of the voter), the clerk must accept the ABBM and send a ballot to the voter.



# Frequently Asked Questions

**Question:** Can a voter call and ask what personal identification number the voter registrar has on file for that voter?

**Answer:** Yes. A voter can ask to confirm the number listed, but the number should be provided by the voter and the EV clerk can confirm whether that number is accurate. The clerk should not provide any personal identification number from the voter registration record to a person over the phone. If the voter provides an incorrect number, the voter registrar can tell the voter that the number is incorrect, but the voter registrar should not read the number to the voter over the phone. The voter registrar can also confirm the type of number listed on file (driver's license or social security number).



# Frequently Asked Questions

**Question:** How may facilities such as jails, nursing homes, or assisted living facilities obtain blank applications for multiple voters?

**Answer:** These facilities may request ABBMs from the Secretary of State's office, which has express statutory authority to provide ABBMs to voters and organizations, in reasonable quantities, upon request. They may also be directed to download the application by visiting [Votetexas.gov](http://Votetexas.gov) and on the EV clerk's Internet website (if the clerk maintains a website).

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.



# Frequently Asked Questions

**Question:** The EV clerk received a single-use ABBM from a voter who is confined in jail. The application was personally delivered to the EV clerk by a person from the jail authority. May the application be processed and a ballot mailed to the voter?

**Answer:** Yes, the application may be processed and a ballot mailed to the voter. 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 EV 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. [Sec. 84.009]



# Frequently Asked Questions

**Question:** May a voter under 65 years of age submit an Annual ABBM if the voter will turn 65 before the first election in which he/she will vote by mail?

**Answer:** Yes. Pursuant to Section 82.003, a voter must be “65 years of age or older on election day” to vote early by mail.



# Frequently Asked Questions

**Question:** The voter submitted an application on the ground of being outside of the county of residence using the official ABBM provided by the Secretary of State. However, the voter did not provide the dates that they are out of the county on the official application. Should the application be rejected on those grounds?

**Answer:** No, the application should not be rejected, assuming that the application included all other legally required information. Section 84.002 of the Election Code, which provides the law regarding the contents of an application, does not require a voter to provide the dates the voter will be out of the county.





# Frequently Asked Questions

**Question:** A voter submitted an ABBM and provided two grounds for voting by mail. The voter selected the grounds of expected to give birth within three weeks before or after Election Day and expected absence from the county. Should the application be rejected and the voter notified of a defect because the EV clerk cannot determine which eligibility ground the voter is using?

**Answer:** Yes, the application must be rejected and the voter notified of a defect per Section 86.008 of the Election Code because the clerk is unable to determine the reason the voter is eligible to vote by mail.



# Frequently Asked Questions

**Question:** A voter submitted an ABBM and provided two grounds for voting by mail. In this example, the voter selected voting by mail on the grounds of being 65 years of age or older and disability. The voter selected the “Annual Application” box on the application. Should the application be rejected and the voter notified of a defect because the EV clerk cannot determine which eligibility ground the voter is using?

**Answer:** No, the application should not be rejected if it was otherwise properly completed. In this example, the voter has selected two eligibility grounds which allow the voter to submit an Annual ABBM. The EV clerk should select one of the grounds.



# Frequently Asked Questions

**Question:** What if a voter does not check *any* boxes indicating for which election(s) they wish to receive a ballot?

**Answer:** It depends on the elections within that calendar year. If the Annual ABBM voter did not select any elections during a primary election year, e.g. 2024, and the voter did not select which party's ballot they would like to receive, the EV clerk should reject the ABBM for purposes of the primary election, but otherwise process the application as an Annual ABBM.

The EV clerk should notify the voter of the rejection of the ABBM as it applies to the primary election, but also check the box that indicates the application will be considered an Annual ABBM. [Secs. 86.0015, 86.001] If it is an odd-numbered year, e.g. 2025, and the Annual ABBM voter did not select any elections, the application would be considered an Annual ABBM and processed accordingly. [Sec. 86.0015(a)]



# Frequently Asked Questions

**Question:** What if a voter submitted an application on the ground of age or disability but did not select the “Annual Application” option on the form and only requested a ballot for the primary election and the general election for state and county officers (during a primary election year). Specifically, the voter opted not to mark the May Uniform election date.

**Answer:** If a voter only requested a mail ballot for selected elections but did not select the annual option on the form, in this case the primary election and the general election for state and county officers, you would NOT treat this as an Annual ABBM. Instead, you would treat this as a request for the specific elections identified by the voter.



# Frequently Asked Questions

**Question:** The EV clerk received a single-use ABBM from a voter but the voter did not indicate that he/she wanted a ballot for any resulting runoff. Our political subdivision is conducting a runoff election. Should a ballot be mailed to the voter for the runoff election?

**Answer:** No, a ballot should not be mailed to the voter for the runoff election. An applicant for a ballot to be voted by mail may apply for ballots for the main election and any resulting runoff election on the same application. [Sec. 84.001] However, a ballot for the runoff election should not be mailed to the voter if the voter did not request a ballot for any resulting runoff on the single-use ABBM.



# Frequently Asked Questions

**Question:** How many Annual ABBMs may a person witness in a calendar year?

**Answer:** Unless a close relative of the voter (parent, grandparent, spouse, child, or sibling) or an EV clerk or deputy EV clerk, a person may witness one single-use ABBM per election in a calendar year, or one Annual ABBM for the entire calendar year. Note, a violation of this law does not invalidate the ABBM. [Sec. 84.004]



# Frequently Asked Questions

**Question:** The EV clerk received an application that reflects that the voter received assistance in completing the application. However, the assistant did not provide their signature/printed name and/or residence address. May the application be accepted?

**Answer:** Yes, the application may be accepted. 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.



# Questions?

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