

Limited Ballots, Provisional Ballots, and Presidential Ballots

Webinar
September 19, 2024



Limited Ballots – When are they used?

- Limited ballots are used when a voter has their Texas registration in a county ***other than*** their new county of residence
- Limited ballots are ***only*** an option during ***early voting*** – they **cannot** be used on election day
- **Personal appearance** limited ballots are ***only*** available at the main early voting polling place (Chapters 111 and 112)



Limited Ballots – Who can use one?

- To vote a limited ballot, a voter must:
 - Be eligible to vote in the county of registration if they still lived there
 - Be registered to vote in the county of former residence at the time the person:
 - Offers to vote in the new county of residence, or
 - Submitted a voter registration application in their new county of residence and
 - Their registration will not be effective in their new county of residence by election day (Sec. 112.002)



Limited Ballots – Personal Appearance

- A personal appearance limited ballot can ONLY be voted during early voting by personal appearance and ONLY at the main early voting polling place
 - Limited ballots are NOT available on election day
 - Limited ballot are NOT available at branch locations
- Remember, your Notice of Election must clearly designate which location is the main early voting location, so voters know where to go for limited ballots.



Limited Ballots – Voting in Person

- For step-by-step procedures for processing a voter casting a limited ballot in person, please review our Limited Ballot Voters Advisory No. 2024-27 and District Chart.



Limited Ballots – Voting by Mail

- Limited ballots are available to voters who are voting by mail.
- Voters **must** meet the eligibility requirements to vote by mail
 - Ask the voter to complete:
 - An Application for Limited Ballot; AND
 - An Application for Ballot by Mail (ABBM)



Limited Ballot Reminders

- The limited ballot application is a voter registration application and will update the voter's registration to your county (assuming they are otherwise eligible).
- Train your early voting workers, even those at the branch locations, on the difference between limited ballots and provisional ballots.
 - One of the biggest complaints we receive from voters is that they go to a polling location and the worker did not inform the voter of their options or where to go to vote a limited ballot.



Limited Ballot Reminders

- Do NOT send voters back to their old county to vote!
 - There is no such thing as “fail-safe” voting for these voters. The only way they can legally vote is to vote a limited ballot in their new county during early voting.
- Do NOT present a provisional ballot as the only option to these voters during early voting.
 - They are eligible to vote a limited ballot.*
 - But if voter is offering to vote on election day, they are too late for a limited ballot.



Provisional Ballots

3-5, 9/2003
 Prescribed by Secretary of State
 Election Code Sec. 63.011

Type of Election / Tipo de Elección _____ Precinct Number where voted / Núm. de Precincto-lugar de votación _____ Precinct Number where registered (if known) / Núm. de Precincto-inscrito para votar (si se sabe) _____ Date of Election / Fecha de la Elección _____ Authority Conducting Election / Autoridad Administrando la Elección _____

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. PARA QUE EL VOTANTE LO LLENE: Estoy inscrito como votante en esta subdivisión política y en el precinto en el cual estoy intentando votar y aún no he votado en esta elección (en persona o por correo). Soy residente de esta subdivisión política, no he sido definitivamente declarado culpable de un delito grave o si soy el autor de un delito grave, he cumplido toda mi condena inclusive el periodo de encarcelamiento, la libertad condicional, la libertad supervisada, la libertad vigilada, o he sido indultado. No me han determinado por un juicio final de una corte de la legalización para la que sé que no soy elegible, a menos que me condenen por un intento, en cuyo caso es un delito grave de 2º grado votar en una elección para la que sé que no soy elegible.

Last Name (Include Suffix if any) / Apellido usual (Incluir sufijo si lo hay) _____ First Name / Su nombre de pila _____ Middle Name (if any) / Segundo nombre (si tiene) _____ Former Name / Nombre anterior _____

Residence Address: Street Address and Apartment Number, City, State, and ZIP. If none, describe where you live (Do not include P.O. Box, Rural Rt. Or Business Address) / Domicilio: calle y número de apartamento, Ciudad, Estado, y Código Postal. (si es imposible incluir el apartado de correo, camino rural, ni dirección comercial.) _____ City, State, and ZIP _____

Mailing Address: City, State, and ZIP. If mail cannot be delivered to your residence address, / Dirección postal: Ciudad, Estado y Código Postal (si es imposible entregarle correspondencia a su domicilio.) _____

TX Driver's License No. or TX Personal I.D. No. (Issued by Dept. of Public Safety) / Número de su Licencia de Conducir de Texas o de su Cédula de Identidad de Texas expedida por el Departamento de Seguridad Pública de Texas _____ Social Security No. (last 4 digits required if you do not have a TX Driver's License or TX Personal I.D. Number) / Número de Seguro Social. (Si no tiene Licencia de Conducir de Texas ni Cédula de Identidad de Texas, se requiere los últimos 4 números de su seguro social) XXX-XX-XXXX

Date of Birth: Month, Day, Year / Fecha de nacimiento: mes, día, año ____/____/____

Gender: (Optional) / Sexo (Opcional) Male (Hombre) Female (Mujer)

I have not been issued a TX Driver's License Number, TX Personal I.D. Number or a Social Security Number. / Yo no tengo una Licencia de Conducir de Texas, Cédula de Identidad Personal de Texas ni un Número de Seguro Social.

Signature of Voter / Firma del votante _____

Check appropriate box: ARE YOU A UNITED STATES CITIZEN? / Marque el cuadro apropiado: Soy ciudadano de los Estados Unidos Yes No

I, _____, County 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)

Sworn and subscribed to before me this date: _____ (Please explain) _____

Signature of Election Judge _____

Action taken by the Early Voting Ballot Board: ACCEPTED REJECTED

Signature of Voter Registrar _____ Date _____
 Signature of Ballot Board Judge: _____



Provisional Ballots – HAVA Requirements

- In 2002, the Help America Vote Act required that provisional ballots be offered to:
 1. Any voter that declares that they are a registered and eligible voter of the precinct in which they are appearing; and
 2. Any voter whose eligibility is called into question by an election official, e.g. shown to have voted early by mail.

52 U.S.C. § 21082



Provisional Ballots – Texas Election Code

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

Tex. Elec. Code § 63.011



Provisional Ballots – When do you use it?

- Provisional ballots can be offered during early voting AND election day.
- Provisional ballots should be offered at ALL early voting polling places (main + branch locations) and ALL election day polling places.
 - **NOTE:** Unlike limited ballots, a voter does not have to drive to the 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.



Provisional Ballot Procedures

A provisional ballot **must** be offered to...

- 1) A voter who does not provide an acceptable form of identification.
- 2) A voter whose name on their identification is not substantially similar to the name on the OLRV.
- 3) A voter whose identity cannot be verified by the identification presented.
- 4) A voter who has received a disability exemption, but does not have a voter registration certificate indicating such exemption.
- 5) A voter whose name does not appear on the list of registered voters and does not have a registration certificate, but states they are a registered and eligible voter of the precinct.



Provisional Ballot Procedures

A provisional ballot **must** be offered to... (cont.)

- 6) A voter who has applied for a ballot by mail, but has not yet properly cancelled the mail ballot application.
- 7) A voter who votes during the polling hours that are extended by a state or federal court.
- 8) A voter who is registered to vote but attempting to vote in a precinct other than the one in which the voter is registered.
- 9) A voter who is on the precinct list of registered voters, but whose registered residence address is outside the political subdivision for which the voter is seeking to vote.
- 10) Other _____ (with an explanation).



Provisional Ballot Procedures

- If a voter fits into one of the above categories, the election worker shall inform the voter of their right to cast a provisional ballot.
 - If the voter does not appear on the list of registered voters, the election worker may assist the voter in determining if they are registered in another precinct.
 - Using an e-pollbook or calling Voter Registrar.
- 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.



Provisional Ballot 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 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 acceptable ID (List A or List B), or executes a temporary affidavit (if applicable, Form 21-8) or permanent exemption (if applicable, Form 21-7).



Presidential Ballots



Presidential Ballots – When are they used?

- Presidential Ballots are used when a voter has a Texas registration and has **moved to a new state** within 30 days of election day.
- Presidential Ballots are **only** an option during ***early voting*** through ***election day***
- Presidential Ballots are used **only** at the main EV location (Chapters 111 and 113)



Presidential Ballots – Who can use one?

Section 113.002 – in order to be eligible to vote a Presidential ballot, it is required that the voter:

- (1) is domiciled in another state;
- (2) was registered to vote in Texas at the time the former resident ceased to be a resident;
- (3) would be eligible for registration to vote in Texas if a resident; AND
- (4) **on presidential election day will not have resided in the state of present domicile for more than 30 days and is not eligible to vote in the presidential election in their new state.**



Presidential Ballots - Voting by Mail

- An [Application for a Presidential Ballot](#) (Form 5-43) to be voted by mail must be submitted to the early voting clerk serving the **county of the applicant's most recent registration to vote**.
- Voters who request a presidential ballot by mail must complete the presidential application **and** an application for Ballot by mail.
- Prepare Presidential Ballot (methods below).
- Give the Presidential Ballot (with appropriate races removed) to the voter for voting.
- Add the voter to the [Restricted Ballot Roster \(PDF\)](#).

Section 113.003

9/19/2024

Texas Secretary of State



Presidential Ballot – Voting in Person

- **Step 1:** Verify voter's registration status in your county.
- **Step 2:** If voter is eligible for a Presidential Ballot, ask the voter to complete an Application For Presidential Ballot.
- **Step 3:** Give the Presidential Ballot (with appropriate races removed) to the voter for Voting.

Remember, the voter **MAY NOT VOTE** for any other offices, and those races must be marked off the ballot.



Presidential Ballot – Voting in Person

- **Step 4:** Use ballot by mail materials, mark and seal the ballot, **except carrier certificate need not be executed.**
- EV Clerk should note on Carrier “Presidential Ballot”.
- Process with other ballots by mail (goes to EVBB).
- **Step 5:** Add the voter to the [Restricted Ballot Roster \(PDF\)](#). **You will not add in-person voters to the combination form.**
- **Notify the voter registrar in your county to cancel the voter.**



Presidential Ballot Reminders

- Common Misconception: Presidential Ballot means anyone can travel anywhere on election day without needing to be registered at all.
This is incorrect.
- For more information on Presidential Ballots, please review [Election Advisory 2024-24](#) on Presidential Ballots.

COMPARE:

- “Little move” – within county, return to **old precinct**
- “Medium move” – county to county, limited ballot in **new county**
- “Big move” – state to state (but too late for new state), return to **old state** of Texas for one last vote



	When are they used?	When are they available?	Where are they available?	What can the voter vote on?	Impact on Voter Registration
Limited Ballots	When a voter has a Texas registration in a county other than their new county of residence	Early voting ONLY	Only at the main early voting polling place	Races and propositions their old county and new county have in common	Updates voter registration to new county
Provisional Ballots	When there is some issue with the voter that requires further investigation (VR status or ID issue)	Early voting and election day	All early voting and election day locations	The ballot style the voter is presenting to be eligible for	Updates voter registration
Presidential Ballots	When a voter has a Texas registration and has moved to a new state within 30 days of election day.	Early voting through election day	Only at the main early voting polling place	President only	Cancels any existing voter registration



Any Questions?

Call: 1-800-252-8683

Email: elections@sos.texas.gov

