

Overview of the Corrective Action Process (SB 1599)

Texas Secretary of State – Elections Division

TOPICS COVERED

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Resources

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

Handbooks

- Early Voting Ballot Board Handbook
- Signature Verification Committee Handbook
- Election Judges and Clerks Handbook



Changes to Application for Ballot by Mail Form (ABBM)



2/8/2024

Texas Secretary of State Elections Division



CHANGES TO ABBM FORM

- HB 315 (2023) amended Section 84.011 of the Election Code to require a statement prescribed by the Secretary of State to be included on the official ABBM explaining the benefits of furnishing the voter's telephone number, including how that information assists the early voting clerk ("EVC").
- SOS revised the ABBM form to include the prescribed statement, effective September 1, 2023.
- A revised, fillable, accessible form is posted on the SOS website and provided to counties for posting on their websites.



Corrective Action Options for ABBMs



ABBM – Notice of Rejected ABBM

- Not later than the second day after the EVC discovers a defect in a voter's ABBM, the EVC shall deliver a Notice of Rejected ABBM to the voter and provide a new application form for the voter to complete.

ABBM – Written Notice of Rejection

- If the EVC determines that it would be possible for the voter to correct the defect and return the ABBM form **before the 11th day before election day**, the EVC shall mail a Notice of Rejected ABBM to the voter notifying them of the defect and include a new ABBM form, when applicable.
 - Notice of Rejected ABBM (Form 6-2)
 - Notice of Rejected ABBM Containing Defect that May be Corrected Online (Form 6-3)



Notifying Voter by Phone or Email

- If the EVC determines that it would NOT be possible for the voter to correct the defect and return a new ABBM before the deadline, **the EVC may notify the voter of the defect by telephone or email** and inform the voter that the voter may come to the early voting clerk's office to correct the defect, submit a new ABBM form, or utilize the Ballot by Mail Tracker, if applicable, to correct the defect. (Sec. 86.002)

Correcting Defects to ABBM Online

- In addition to submitting a new ABBM form, the voter may correct certain defects online through the Secretary of State's Ballot by Mail Tracker.
- **Defects to the ABBM that may be corrected online include:**
 - Voter fails to include **disability 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 of 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.
 - Voter did not indicate a **party preference**, which is required if the voter is voting by mail in a primary election.

Correcting Defects to ABBM Online

- **Defects to the ABBM that may be corrected online include:**
 - Voter did not provide a **residence address** on the application.
 - Voter did not provide their **required personal identification number** or indicate they do not have a number.
 - Voter indicated that they are 65 years of age or older or have a disability as the ground for voting by mail. **The address to which the voter requested the ballot be mailed 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 their residence or mailing address associated with their voter registration information, they must designate that it is either 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.

ID Requirements on Carrier Envelopes

Front of Carrier Envelope

WARNING: (1) Knowingly possessing another person's ballot or Carrier Envelope may be a crime unless you provide your signature, printed name and address (2) A person commits an offense if the person compensates another person or receives compensation for depositing a Carrier Envelope in the mail as part of a scheme in which the person is compensated based on the number of Carrier Envelopes deposited. For additional information on offenses related to Carrier Envelopes, please see the "Information About Returning Your Carrier Envelope," included with the materials sent to you with your ballot.

ADVERTENCIA: (1) El acto de poseer conscientemente la boleta o el sobre de envío de otra persona puede ser un delito a menos de que usted proporcione su firma, nombre en letra de molde, y su dirección. (2) Una persona comete un delito si recompensa o recibe compensación a cambio de depositar el sobre de envío en el correo como parte de un plan en el cual la persona es recompensada en base al número de sobres de envío depositados. Para obtener información adicional sobre los delitos relacionados con los sobres de envío, por favor vea la "Información Sobre La Devolución Del Sobre de Envío," incluido con los materiales enviados a usted con su boleta.

6-25
Prescribed by Secretary of State Section
86.013, Texas Election Code
09/2023

Place
Stamp
Here



CARRIER ENVELOPE FOR EARLY VOTING BALLOT *(SOBRE DE ENVÍO PARA LA BOLETA DE VOTACIÓN ADELANTADA)*

(Early Voting Clerk
should preprint return address or affix address label)



Envelope Closed – Outside Flap

Instructions to the Voter:

- This envelope must be sealed and signed by the voter before it leaves the voter's hands. Do not sign this envelope unless the ballot has been marked by you or at your direction. **(Instrucciones al Votante:** Este sobre debe ser sellado y firmado por el votante antes de que salga de sus manos. No firme este sobre a menos de que la boleta haya sido llenada por usted o bajo su dirección.)
- This Carrier Envelope may not be used to return more than one voter's ballot. **(Este sobre de envío no debe ser utilizado para entregar la boleta de más de un solo votante.)**
- For instructions on the methods and deadlines to deliver this Carrier Envelope, see the "Information About Returning Your Carrier Envelope," included with the materials sent to you with your ballot. **(Para obtener instrucciones sobre los métodos y plazos para entregar este sobre de envío, vea la "Información Sobre La Devolución de su Sobre de Envío," incluido con los materiales enviados a usted con su boleta.)**

Instructions to Assistant (if applicable):

- A voter may only be assisted with reading or marking the ballot if the voter has a physical disability that renders the voter unable to write or see, or has an inability to read the language in which the ballot is written. If you are assisting the voter, you must read the oath and complete the section below, before assisting the voter. **(Instrucciones al Asistente (si es aplicable):** Un votante sólo puede recibir ayuda para leer o marcar la boleta si el votante tiene una discapacidad física la cual le impide escribir o ver, o si no tiene la habilidad de leer el idioma en el cual la boleta está escrita. Si usted asiste al votante, debe leer el juramento y completar la siguiente sección abajo, antes de asistir al votante.)

Instructions to Person Depositing Carrier Envelope in Mail or to Common or Contract Carrier:

- If you are assisting a voter by depositing the Carrier Envelope in the mail or with a common or contract carrier, you must complete the assistant section below. **(Instrucciones para la Persona Que Deposita el Sobre de Envío en el Correo o al Transportista Común o Contratado:** Si asiste a un votante depositando el sobre de envío en el correo o con un transportista común o contratado, debe completar la sección de asistente que aparece a continuación.)

I certify that the enclosed ballot expresses my wishes independent of any dictation or undue persuasion by any person. **(Certifico que la boleta adjunta expresa mis deseos independientemente de ningún dictado o persuasión indebida por parte de cualquier persona.)**

**SEAL ENVELOPE AND SIGN OVER SEALED FLAP
(SELLE EL SOBRE Y FIRME SOBRE LA SOLAPA SELLADA)** ➔

X _____
SIGNATURE OR MARK OF VOTER (FIRMA O MARCA DEL VOTANTE)

Completed by Early Voting Clerk (Completado por el Secretario de Votación Adelantada):

Name of Election (Nombre de Elección): _____

Name of Voter (Nombre del votante): _____

Date of Election (Fecha de Elección): ____/____/____

Instructions to Witness: You are serving as a witness for _____ (name of voter). You must complete the section below if you witness the mark of the voter, or if the voter cannot make a mark. If the voter cannot make a mark, check here .
(Instrucciones al Testigo: Usted está sirviendo como testigo para _____ (nombre del votante). Debe completar la sección a continuación si es testigo de la marca del votante, o si el votante no puede hacer una marca. Si el votante no puede hacer una marca, marque aquí .

Signature (Firma) Printed Name (Nombre en letra de molde)

Street Address (Domicilio residencial)

Oath of Person Assisting Voter: "I swear (or affirm) under penalty of perjury that the voter I am assisting represented to me they are eligible to receive assistance; I will not suggest, by word, sign, or gesture, how the voter should vote; I will prepare the voter's ballot as the voter directs; I did not pressure or coerce the voter into choosing me to provide assistance; I am not the voter's employer, an agent of the voter's employer, or an officer or agent of a labor union to which the voter belongs; I will not communicate information about how the voter has voted to another person; and I understand that if assistance is provided to a voter who is not eligible for assistance, the voter's ballot may not be counted." **Juramento de la Persona Asistiendo al Votante:** "Yo juro (o afirmo) bajo pena de perjurio que el votante al que estoy asistiendo me representó que es elegible para recibir asistencia; no sugeriré, con palabra, señal, o gesto, como debe votar el votante; prepararé la boleta del votante según lo indique el votante; no presioné ni coaccioné al votante para que me eligiera como asistente; no soy el empleador del votante, un agente del empleador del votante, o un oficial o agente de un sindicato al cual el votante pertenece; no comunicaré información sobre cómo el votante ha votado a otra persona; y entiendo que si se proporciona asistencia a un votante que no es elegible para recibir asistencia, la boleta del votante podría no ser contada."

If you are an assistant, provide information below: (Si usted es un asistente proporcione la siguiente información):

Did you receive compensation or other benefit from a candidate, campaign or political committee in exchange for providing assistance? Circle one: Yes No
¿Recibí compensación u otro beneficio de un candidato, campaña o comité político a cambio de brindar asistencia? Marque con un Círculo: Sí No

Printed Name (Nombre en letra de molde) Signature (Firma)

Relationship to Voter (Relación al votante) Street Address (Domicilio residencial)



Envelope Open – Inside Flap

REQUIRED INFORMATION: YOU MUST PROVIDE ONE OF THE FOLLOWING NUMBERS AND IT MUST BE ASSOCIATED WITH YOUR VOTER REGISTRATION RECORD INFORMACIÓN REQUERIDA: DEBE PROPORCIONAR UNO DE LOS SIGUIENTES NÚMEROS Y DEBE ESTAR ASOCIADO CON SU REGISTRO DE VOTANTE	
Texas Driver's License or Texas Personal Identification Card or Election Identification Certificate Number issued by the Texas Department of Public Safety (NOT your Voter Registration VUID#) (Número de Licencia de Conducir de Texas o Número de Tarjeta de Identificación Personal de Texas o Certificado de Identificación Electoral expedida por el Departamento de Seguridad Pública de Texas) (NO ES el número de Registro Electoral VUID#)	If you do not have a Texas Driver's License or Personal Identification Card or a Texas Election Identification Certificate Number, give the last 4 digits of your Social Security Number (Si no tiene una Licencia de Conducir de Texas o una Tarjeta de Identificación Personal de Texas o Certificado de Identificación Electoral de Texas, proporcione los 4 últimos dígitos de su número de Seguro Social) XXX - XX - _____
<input type="checkbox"/> I have not been issued a Texas Driver's License or Texas Personal Identification Card or Texas Election Identification Certificate or a Social Security Number (No se me ha expedido una Licencia de Conducir de Texas o Tarjeta de Identificación Personal de Texas o un Certificado de Identificación Electoral de Texas ni un número de Seguro Social.)	
CONTACT INFORMATION (INFORMACIÓN DE CONTACTO): Phone (Teléfono): _____ Email (Correo Electrónico): _____	
SEAL ENVELOPE AND SIGN OVER SEALED FLAP (SELLE EL SOBRE Y FIRME SOBRE LA SOLAPA SELLADA)	
	
X SIGNATURE OR MARK OF VOTER (FIRMA O MARCA DEL VOTANTE)	
Oath of Person Assisting Voter: "I swear (or affirm) under penalty of perjury that the voter I am assisting represented to me they are eligible to receive assistance; I will not suggest, by word, sign, or gesture, how the voter should vote; I will prepare the voter's ballot as the voter directs; I did not pressure or coerce the voter into choosing me to provide assistance; I am not the voter's employer, an agent of the voter's employer, or an officer or agent of a labor union to which the voter belongs; I will not communicate information about how the voter has voted to another person; and I understand that if assistance is provided to a voter who is not eligible for assistance, the voter's ballot may not be counted." Juramento de la Persona Asistiendo al Votante: "Yo juro (o afirmo) bajo pena de perjurio que el votante al que estoy asistiendo me representó que es elegible para recibir asistencia; no sugeriré, con palabra, señal, o gesto, como debe votar el votante; prepararé la boleta del votante según lo indique el votante; no presioné ni coaccioné al votante para que me eligiera como asistente; no soy el empleador del votante, un agente del empleador del votante, o un oficial o agente de un sindicato al cual el votante pertenece; no comunicaré información sobre cómo el votante ha votado a otra persona; y entiendo que si se proporciona asistencia a un votante que no es elegible para recibir asistencia, la boleta del votante podría no ser contada."	
Completed by Early Voting Clerk (Completado por el Secretario de votación Adelantada): Name of Election (Nombre de Elección): _____ Name of Voter (Nombre del votante): _____ Date of Election (Fecha de Elección): ____ / ____ / ____	
Instructions to Witness: You are serving as a witness for _____ (name of voter). You must complete the section below if you witness the mark of the voter, or if the voter cannot make a mark. If the voter cannot make a mark, check here _____. (Instrucciones al Testigo: Usted está sirviendo como testigo para _____ (nombre del votante). Debe completar la sección a continuación si es testigo de la marca del votante, o si el votante no puede hacer una marca. Si el votante no puede hacer una marca, marque aquí _____.)	
Signature (Firma) _____ Printed Name (Nombre en letra de molde) _____ Street Address (Domicilio residencial) _____	
If you are an assistant, provide information below: (Si usted es un asistente o testigo, marque la casilla correcta y proporcione su información): Did you receive compensation or other benefit from a candidate, campaign or political committee in exchange for providing assistance? Circle one: Yes No ¿Recibió compensación u otro beneficio de un candidato, campaña o comité político a cambio de brindar asistencia? Marque con un Círculo: Sí No Printed Name (Nombre en letra de molde) _____ Signature (Firma) _____ Relationship to Voter (Relación al votante) _____ Street Address (Domicilio residencial) _____	

- Voter must add their personal identification information to the Carrier Envelope



Key Points to Remember

- Voters are not required to provide both types of identification numbers.
- If a voter provides both numbers, only one number has to match the VR record.
- The secrecy flap may be opened by the early voting clerk's staff for processing.
- Be mindful with these carrier envelopes, as they have personally identifiable information that needs to be guarded.
- Carrier envelopes are not public information at this point in the election process.



Process for EVBB/SVC



Early Voting Ballot Board

- SB 1599 amended Section 87.0222 of the Code regarding the time that mail ballots may be delivered to the early voting ballot board (“EVBB”).
 - Provides that not later than the ninth day before election day, the jacket envelopes containing early voting ballots voted by mail **MUST** be delivered to the EVBB.
 - This means that the EVBB in all counties and local political subdivisions may begin meeting at any time they have ballots to review. However, the first meeting must take place not later than the ninth day before election day.
 - **This requirement applies regardless of the county’s population size.**

ID Comparison Requirements

- The EVBB shall only accept a ballot if the personal identification information (ex: SSN or TXDL) matches the voter registration record.
- The SVC/EVBB is matching the information on the carrier envelope to the **VR record**.
- The number on the carrier envelope does not have to be the same number on the ABBM – it must only match the VR record.

Rebuttable Presumption

- If the personal identification information provided matches the VR record, the signatures on the ABBM and the carrier envelope are rebuttably presumed to be those of the voter.
- The presumption may be rebutted by presenting other past signatures on file with the EVC or VR that would support a finding that the signatures on the carrier envelope and ABBM are not those of the voter.
- **The EVBB/SVC shall compare signatures regardless of whether the rebuttable presumption exists.**

Poll Watcher Challenges

- A poll watcher has no authority to challenge the acceptance of a signature or any actions taken by the EVBB or SVC during the course of their regular meetings. The poll watcher can point out an election irregularity to the EVBB presiding judge or the SVC chair, after which the poll watcher has no further authority to take any actions with the EVBB or SVC relating to their observations.

Possible Scenarios Regarding Carrier Envelopes

Possible Scenarios – Carrier Envelopes

- **Scenario 1:** Voter provides a personal identification number on the carrier envelope that matches the number in the voter's voter registration record. The SVC or EVBB has completed the verification of personal identification information and should perform its remaining duties in the ballot review process. If the SVC or EVBB does not identify any other ground for rejection, **the ballot would be accepted.**

Possible Scenarios – Carrier Envelopes

- **Scenario 2:** Voter provides a personal identification number on the carrier envelope that matches the number in the voter's voter registration record, but it is a different type of number than what the voter listed on the ABBM. (Example: Voter provided last four digits of social security number on ABBM and a driver's license number on carrier envelope.) Because the voter's voter registration record contains both personal identification numbers, the SVC or EVBB is able to verify the voter's identity. The SVC or EVBB should perform its remaining duties in the ballot review process. If the SVC or EVBB does not identify any other ground for rejection, **the ballot would be accepted.**



Possible Scenarios – Carrier Envelopes

- **Scenario 3:** Voter provides the last four digits of their social security number on the carrier envelope. The voter registration record contains a driver's license number and social security number. The SVC or EVBB is able to validate that the partial social security number on the carrier envelope matches the number in the voter's voter registration record. The SVC or EVBB should perform its remaining duties in the ballot review process. If the SVC or EVBB does not identify any other ground for rejection, **the ballot would be accepted.**
- **NOTE:** The obligation of the SVC or EVBB in reviewing the identification information on a carrier envelope is to determine if the information provided by the voter on the envelope identifies the same voter identified on the voter's voter registration record. (Secs. 87.027, 87.0271, 87.041(b)(8), 87.0411).

Possible Scenarios – Carrier Envelopes

- **Scenario 4:** Voter indicates on the carrier envelope that they have not been issued any of the required personal identification numbers, and the voter's voter registration record does not contain any of these numbers. The SVC or EVBB has completed the verification of personal identification information, and it must rely on the signature comparison process for this part of the review. The SVC or EVBB should perform its remaining duties in the ballot review process. If the SVC or EVBB does not identify any other ground for rejection, **the ballot would be accepted.**

Possible Scenarios – Carrier Envelopes

- **Scenario 5:** Voter provided one of the required personal identification numbers on the ABBM that matched the voter's voter registration record, but the voter does not include an identification number on the carrier envelope. The SVC or EVBB must notify the voter of their ability to correct this defect in the carrier envelope, as described in more detail below. If the voter timely corrects the defect, and there are no other grounds for rejection, **the ballot would be accepted.**

Possible Scenarios – Carrier Envelopes

- **Scenario 6:** Voter provided one of the required personal identification numbers on the ABBM that matched the voter's voter registration record, but the voter indicates on the carrier envelope that they have not been issued one of the applicable identification numbers. The SVC or EVBB must notify the voter of their ability to correct this defect in the carrier envelope. If the voter timely corrects the defect, and there are no other grounds for rejection, **the ballot would be accepted.**

Notifying Voters of Defects



Meeting Requirements for EVBB/SVC

	First Day Mail Ballots can be Reviewed	Texas Election Code Section
Signature Verification Committee (All counties and local political subdivisions)	20th day before election day	Sec. 87.027(f)
Early Voting Ballot Board (All counties and local political subdivisions)	May meet anytime after ballots have been returned. If the EVBB has not met by the 9th day before election day, they must have their first meeting by the 9th day.	Sec. 87.0222 (NEW LAW – SB 1599)

Signature Verification Committee Corrective Action Process

- The following defects are eligible for correction when identified by the signature verification committee (Sec. 87.0271(a)):
 - The voter did not sign the carrier envelope certificate.
 - The SVC cannot determine whether the signature on the carrier envelope is that of the voter.
 - The personal identification information required under Section 84.002(a)(1-a) (ABBM) or Section 86.002 (carrier envelope) was missing or contained incorrect information.
 - If a voter used a witness for completion of the carrier envelope, the witness information was incomplete.
 - **NOTE:** Incomplete information about an assistant cannot be corrected and will result in a rejected mail ballot, but the voter may still vote in person if otherwise eligible.

Early Voting Ballot Board Correction Process

The following defects are eligible for correction when identified by the early voting ballot board (Sec. 87.0411(a)):

- The voter did not sign the carrier envelope certificate.
- The EVBB cannot determine whether the signature on the carrier envelope is that of the voter.
- **The voter did not include the required Statement of Residence.**
- The personal identification information required under Section 84.002(a)(1-a) (ABBM) or Section 86.002 (carrier envelope) was missing or contained incorrect information.
- If a voter used a witness for completion of the carrier envelope, the witness information was incomplete.

NOTE: Incomplete information about an assistant cannot be corrected by EVBB/SVC and will result in a rejected mail ballot, but the voter may still vote in person if otherwise eligible.

Only the EVBB has the authority to open the sealed part of carrier envelope to determine if a Statement of Residence (SOR) has been submitted.

- The only exception is for FPCA voters. An SVC must open the sealed envelope to obtain the Signature Sheet for FPCA Voter, as this is necessary for the signature verification process.



Carrier Envelopes - Corrective Action Timelines

- **Notifying Voter by Mailing Notice of Defect and Corrective Action Form:** Not later than the second day after the SVC or EVBB discovers a defect, and before the SVC or EVBB decides whether to accept or reject a timely delivered mail ballot, the SVC or EVBB shall send the voter a notice explaining the defect and a corrective action form. (Secs. 87.0271, 87.0411).

Carrier Envelopes – Corrective Action Timelines

- **Notifying the Voter of Defect by Phone or Email:** If the SVC or EVBB 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 SVC or EVBB may notify the voter of the defect by telephone or email** and inform the voter that the voter may cancel their mail ballot in accordance with Section 84.032, submit a corrective action form by mail or common or contract carrier, or come to the early voting clerk's office in person not later than the sixth day after election day to correct the defect. (Secs. 87.0271(c), 87.0411(c)).

If the SVC or EVBB takes one of the actions described above, the committee or board must take that action with respect to each ballot in the election to which these options apply.

(Secs. 87.0271(d), 87.0411(d)).

Recommendation

- The SOS recommends that before qualifying mail ballots, the EVBB/SVC meet with the early voting clerk to determine dates to convene and to establish timelines for the corrective action process. (Secs. 87.0411, 87.0271).

Establishing Timelines and Guidelines for the Corrective Action Process

- The SVC or EVBB must set a uniform policy for when notice will be mailed to the voter versus when voters will be notified of the defect by phone or email.
- The SVC or EVBB should determine whether it will notify voters of a defect by both phone and email, if both are available.
- The SVC or EVBB should establish a policy for making multiple attempts to reach a voter if it is unsuccessful in reaching a voter by phone or email on the first attempt.
- Consider U.S. Postal Service (USPS) guidelines. Ask your EVC to consult with your local post office.
- **SOS Recommendation:** The SVC or EVBB should consider implementing a policy to provide notification of a defect by phone or email to all voters whose ballots are reviewed by the SVC or EVBB on or after the 14th day before election day (approximately 10 business days). This may be modified based on discussions with your local USPS representatives.



Notifying Voter by Sending Notice and Corrective Action Form

1. Mail the voter a Notice of Carrier Defect/Corrective Action Form (Form 10-32)
2. Enter the voter's information on the Roster of Voters mailed a Notice of Defect/Corrective Action Form. (Form 10-28, 10-29, and 10-30)

***The actions above can be delegated to the Early Voting Clerk by the SVC/EVBB as these are administrative functions that carry out the instructions and actions of the SVC/EVBB**

Notifying Voter by Phone or Email

If notifying by email:

1. Send the voter the Notice of Carrier Defect/Corrective Action Form.
2. The voter's name should be entered on the Roster of Voters with Defective Carrier Envelopes – Notified by Phone or Email, and the action taken by the voter should be noted on the roster.
3. **Parameters for Email Notification:** The SOS recommends that the early voting clerk set up an email address for corrective action notifications. The early voting clerk and the SVC or EVBB should establish rules and procedures for utilizing this email address. Any emails sent or received through the corrective action process are considered election records under the Election Code, are subject to the Public Information Act, and should be retained by the general custodian of election records. The general custodian should consult with their attorney regarding any requests for such emails, as certain information may be exempt from disclosure under the Public Information Act.

***The actions above can be delegated to the Early Voting Clerk by the SVC/EVBB as these are administrative functions that carry out the instructions and actions of the SVC/EVBB**

Notifying Voter by Phone or Email

If notifying by phone:

1. Contact the voter using any known phone number on file with the early voting clerk or in the possession of the SVC or EVBB.
 - **NOTE:** As a reminder, the voter registrar may not transcribe, copy or otherwise record a telephone number furnished on a voter registration application. (Sec. 13.004). The SVC or EVBB may be able to review a voter registration application at the voter registrar's office to obtain a phone number. The registrar may also read a phone number from a voter registration application to a member of the SVC or EVBB, if necessary.
2. The SVC or EVBB should create a phone script that explains to the voter that the voter's mail ballot was received by the early voting clerk's office and has been reviewed by the SVC or EVBB, whichever is applicable.
3. **The SOS recommends that the SVC or EVBB confirm the voter's identity using publicly available information. Example:** Ask the voter to confirm their voter registration address and whether they requested a mail ballot for the given election.
4. The voter should be told that upon review of the carrier envelope, the SVC or EVBB discovered a defect in the carrier envelope. **The specific defect should be explained.**
5. The SVC or EVBB should explain the process for the voter to correct the defect as well as the process to cancel their mail ballot and vote in person during early voting or on election day.
6. Provide a return phone number that the voter may use to confirm that they were contacted by the SVC or EVBB. The number provided should be the number of the early voting clerk's office so the voter can verify this information and obtain details about the corrective action process during times that the SVC or EVBB are not meeting.
7. The voter's name should be entered on the Roster and the action taken by the SVC or EVBB should be noted on the roster.

***Many of the actions above can be delegated to the Early Voting Clerk by the SVC/EVBB as these are administrative functions that carry out the instructions and actions of the SVC/EVBB**



If the SVC or EVBB is unable to contact the voter...

1. The SVC or EVBB should leave a detailed message explaining that the SVC or EVBB determined there was a defect in the voter's carrier envelope and explain the process for correcting the defect.
 2. The SVC or EVBB should NOT provide any details related to a voter's personally identifiable information on a voicemail or with a person who is not the voter.
 3. The SVC or EVBB should leave a return number that the voter may use to validate the information provided by phone.
 4. The SVC or EVBB should mail the voter a Notice of Carrier Defect/Corrective Action form to inform the voter of their ability to correct the defect by appearing at the early voting clerk's office or by cancelling their mail ballot and voting in person during early voting or on election day.
 5. The voter's name should be entered on the Roster of Voters with Defective Carrier Envelopes, and the action taken by the SVC or EVBB should be noted on the roster.
- **If the SVC or EVBB does not have a phone number or email to notify the voter:** The SVC or EVBB should mail a Notice of Carrier Defect/Corrective Action Form to inform the voter of their ability to correct the defect by appearing at the early voting clerk's office or by cancelling their mail ballot and voting in person during early voting or on election day.

***Many of the actions above can be delegated to the Early Voting Clerk by the SVC/EVBB as these are administrative functions that carry out the instructions and actions of the SVC/EVBB**



Key Points to Remember

- Any actions taken by the SVC or EVBB shall be uniformly applied to every ballot in the election to which this procedure applies. (Secs. 87.0271(d), 87.0411(d)).
- A poll watcher is entitled to observe any action taken by the SVC or EVBB related to the corrective action process. (Secs. 87.0271(e), 87.0411(e)).
- Poll watchers may not transcribe or make notes of any voter's personally identifiable information while observing the activities of the SVC or EVBB.

Correcting Defects



How do Voters Correct Defects?

- **Voters may submit a corrective action form by mail or common or contract carrier to the Early Voting Clerk.**
- Voters may utilize the Secretary of State's Ballot by Mail Tracker for defects related to missing or incorrect personal identification numbers.
- Voters may appear in person at the early voting clerk's office and submit a corrective action form.
- Voters may cancel their mail ballot and vote in person.

Deadline for Correction: This corrective action process must occur no later than the 6th day after election day. The EVBB cannot finally reject a ballot before the 7th day after election day. (Secs. 87.0271(g), 87.0411(g)).

Corrective actions taken by the voter MUST be provided to the EVBB for their final review of the ballot before determining acceptance or rejection.



Correcting Defect by Cancellation

- After receiving a Notice of Carrier Defect by mail or receiving notification via email or phone, the voter may opt to cancel their ballot by mail and vote a regular ballot in person. All cancellations must be completed in accordance with Section 84.032. If the voter is an Annual ABBM voter, a cancellation request submitted for these purposes applies only to the current election unless the voter specifically requests to cancel their Annual ABBM. (Sec. 84.038).
- There is no process under Texas law by which a voter can cancel a mail ballot application by phone. **All cancellations must be in writing and completed in accordance with Section 84.032 of the Texas Election Code.**

Impacts on FPCA Voters

Impacts on FPCA Voters

- If the FPCA voter provides missing or incorrect identification information on their carrier envelope or signature sheet, or did not include the Official Election Signature Sheet for an FPCA Voter, the voter must be notified of the defect in the same manner as a regular ABBM voter.
- An FPCA voter may submit a corrected signature sheet by email, fax, personal delivery, or mail. The SVC or EVBB should make an appropriate notation on their roster to indicate how FPCA voters were notified of a defect and how the FPCA voter provided the corrected signature sheet to the SVC or EVBB. (Secs. 1.007, 31.003, 31.004, 87.0271(f), 87.0411(f), 101.007, 101.109).

Forms



ABBM Forms

- Application for Ballot by Mail (Revised)
- Notice of Rejected Application for Ballot by Mail (Form 6-2)
- Notice of Rejected Application for Ballot by Mail for Defects that may be Corrected Online (Form 6-3)
- OAG Confidentiality Program
 - Notice of Rejected Confidential Voter Registration Form and Early Voting Ballot Application Form (Form 6-18)
 - Confidentiality Voter Registration Form and Early Voting Ballot Application (Form 6-54)

Carrier Envelope Forms

- Notice of Carrier Defect Issued by the Early Voting Clerk (Defective Carrier Envelope Returned to the Voter by Mail)(Form 6-14)
- Notice of Carrier Defect Issued by the Early Voting Clerk (Defective Carrier Held at the Early Voting Clerk's Office Awaiting Correction) (Form 6-15)
- Corrective Action Form for Defective Carrier Envelope (Form 6-17)
- Notice of Defective Carrier Issued by Signature Verification Committee or Early Voting Ballot Board (Form 10-32)
- OAG Confidentiality
 - Roster for Early Voting by Mail for Address Confidential Applications (Form 6-55)
 - Notice of Carrier Defect Issued by the Early Voting Clerk for Confidential Voters (Form 6-16)

Prescribed by the Secretary of State
Sections 83.0031, 87.0271, 87.0411
Texas Election Code
1/2/2022

Authority Conducting the Election (Autoridad Administrando la Elección)	Date of Correction (Fecha de la Corrección)
Title of Election (Título de la Elección)	Printed Name of Early Voting Clerk's Representative (Nombre de Representante del Secretario de Elección Administrada)

CORRECTIVE ACTION FORM FOR DEFECTIVE CARRIER ENVELOPE

Name of Voter (Nombre del Votante) _____ Voter's VUID# (Número de registración del votante / VUID#) _____

Early Voting Clerk: Circle the number(s) to indicate the voter's Carrier Envelope Defect(s)

- Voter Did Not Sign the Carrier Envelope Certificate (El votante no firmó el Sobre de Envío)
- Signature on Carrier Envelope Certificate Could Not Immediately be Determined to be That of the Voter (No se pudo determinar inmediatamente que la firma en el Certificado del Sobre de Envío es la del votante)
- Required Statement of Residence Was Not Included with the Carrier Envelope (La Constancia de Domicilio Permanente requerida no se incluyó con el Sobre de Envío)
- Missing or Incorrect Personal Identification Numbers or Social Security Number (Números de Identificación Personal o Número de Seguro Social faltantes o incorrectos)

or (o)

 Texas Driver's License or Texas Personal Identification Card _____ Last 4 Digits of Social Security Number _____
 (Licencia de Conducir de Texas o Tarjeta de Identificación Personal de Texas) (Los 4 últimos dígitos de número de Seguro Social)

I have not been issued a Texas Driver's License or Personal Identification Card or Social Security Number (No se me ha emitido una Licencia de Conducir de Texas o Tarjeta de Identificación Personal de Texas o Número de Seguro Social)

5. Incomplete information with respect to a Witness (información incompleta con respecto a un testigo)

Signature of Witness (Firma del testigo) _____ Printed Name of Witness (Nombre en letra de molde del testigo) _____

Street Address of Witness (Domicilio residencial del testigo) _____

I, _____, on ____/____/____ submit this form to correct the defect on my Carrier Envelope that was identified above. By my signature below, I attest that all information that I have given is true and correct. (No, _____, an el día ____/____/____ presento este formulario para corregir el defecto en mi Sobre de Envío que se identificó anteriormente. Con mi firma a continuación, doy fe de que toda la información que he dado es verdadera y correcta).

Signature Box: _____ _____

Corrective Action Form for Defective Carrier Envelope

- Top half of form contains the Corrective Action Form

STATEMENT OF RESIDENCE (CONSTANCIA DE DOMICILIO PERMANENTE)

For persons whose residence address does not match the voter registration address on the list of registered voters
Para personas cuya dirección no coincide con la que aparece en la lista oficial de votantes inscritos

Last Name (include suffix, if any) Apellido (incluya sufixo, si lo hay) (Mr., Sr., M)	First Name Nombre de Pila	Middle Name (if any) Segundo Nombre (si lo hay)	Former Name Apellido 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 Route, or Business Address). Domicilio Residencial: Número y calle, y número de apartamento, Ciudad, Estado, y Código Postal. (Si no existe un domicilio, describa dónde vive (no incluya direcciones postales, rutas rurales o dirección de negocio))			Gender (Optional) Sexo (Opcional) <input type="checkbox"/> Male Masculino <input type="checkbox"/> Female Femenino
Mailing Address: Address, City, State, and Zip (if mail cannot be delivered to your residence address) Dirección Postal: Número y calle, y número de apartamento, Ciudad, Estado, y Código Postal (si no se puede entregar correo en su domicilio residencial)		Date of Birth: Month, Day, Year Fecha de Nacimiento: Mes, Día, Año ____/____/____	
City and County of Former Residence in Texas: Ciudad y Condado de residencia anterior en Texas	City and County of Current Residence in Texas: Ciudad y Condado de residencia actual en Texas	Telephone Number (Optional) (Include Area Code) Teléfono (Opcional) - Incluya Código de Área	
Texas Driver's License Number or Texas Personal Identification Card Number (issued by the Department of Public Safety) Número de Licencia de Conducir de Texas o Número de Tarjeta de Identificación Personal de Texas (Emitido por el Departamento de Seguridad Pública)		If you do not have a Texas Driver's License or Personal Identification Card, give the last 4 digits of your Social Security Number. Si no tiene una Licencia de Conducir de Texas o número de Tarjeta de Identificación Personal, proporcione los 4 últimos dígitos de su número de Seguro Social.	

I have not been issued a Texas Driver's License or Personal Identification Card or Social Security Number (Yo no tengo una Licencia de Conducir de Texas o Tarjeta de Identificación Personal de Texas o número de Seguro Social)

I understand that giving false information to procure a voter registration is perjury, and a crime under state and federal law. Conviction of this crime may result in imprisonment up to one year in jail, a fine up to \$4,000, or both. Please read all three statements to affirm before signing. Entiendo que el dar información falsa para obtener una tarjeta de registro electoral constituye un delito de perjurio bajo las leyes estatales y federales. La condena por este delito puede resultar en encarcelamiento de hasta un año de cárcel, una multa de hasta \$4,000, o ambas cosas. Por favor, lea cada una de las tres declaraciones antes de firmar.

- I am a resident of this County and a U.S. citizen; and
- I 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, suspension, period of probation, or I have been pardoned; and
- 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.

• Soy residente de este condado y ciudadano de los Estados Unidos; y

• No he sido finalmente condenado por un delito grave, o si soy un delincuente, he pagado mi pena por completo, incluyendo cualquier plazo de encarcelamiento, libertad condicional, supervisión, período de libertad condicional, o he sido indultado; y

• No he sido determinado por un fallo final de un corte que ejerce la jurisdicción testamentaria que estoy totalmente incapacitado mentalmente o parcialmente incapacitado mentalmente sin derecho a voto

_____ Date: ____/____/____
(fecha)

Signature of Applicant or Agent and Relationship to Applicant or printed Name of Applicant if Signed by Witness and Date.
Firma del solicitante o su agente (apoderado) y relación de éste con el solicitante, o nombre en letra de molde del solicitante si la firma es la de un testigo, y fecha.

- Bottom half of form is the Statement of Residence



Roster of Voters with Defective Carrier Envelopes

- EVBB/SVC should create a roster to track the corrective action process.
- SOS has prescribed three different sample forms for use by EVBB/SVC.
- EVBB/SVC can also track the information electronically or create their own roster.

Notice of Surrendered Ballot

- Upon surrendering their mail ballot at the Early Voting Clerk's office, the voter will be issued the **Notice of Surrendered Ballot by Mail**. The voter will take this form to their early voting or election day polling place and present the form to the election judge, entitling the voter to vote a regular ballot in person.

Early Voting Clerk Providing Notification of Defects

Early Voting Clerk Notification of Defects

- Under Section 86.011(d) of the Code, if an early voting clerk receives a timely carrier envelope that does not comply with the applicable requirements of the Code, **the early voting clerk may deliver the carrier envelope in person or by mail to the voter so that the voter may correct the defect.** Additionally, **the early voting clerk may notify the voter of the defect by phone** and advise the voter that they may come to the early voting clerk's office to correct the defect or cancel their ABBM and vote in person.
 - Early voting clerks may return carrier to voter for correction.
 - Early voting clerks may notify voter of defect by phone and inform the voter they can come to the EVC's office to correct defect or cancel their application.

Early Voting Clerk Notification of Defects

- What defects can an early voting clerk provide notice about?
 - Missing signature
 - Missing or incomplete witness information
 - Missing **assistant** information
 - If the early voting clerk is removing the secrecy flap before the ballot is sent to the SVC/EVBB:
 - Missing personal identification information
 - Incorrect personal identification information

Early Voting Clerk Notification of Defects

- If an early voting clerk chooses to notify voters of defects in their carrier envelope under Section 86.011(d), **the clerk must apply these procedures uniformly to all voters in similar circumstances.**
- **Poll watchers may be present for this process.** (Sec. 86.011(d)).

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