Corrective Action Process Early Voting Clerk Actions

Elections Division – Texas Secretary of State 40th Annual Election Law Seminar – August 2022



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9/28/2022

CHANGES TO APPLICATION FOR BALLOT BY MAIL (ABBM)



CHANGES TO THE ABBM

Name: Last, First, Middle Suffix (k, St. Residence Address as shown on your Voter Registration Certificate. If you Address: Street Ant. # (if and) City	as Driver's License, Texas Personal Identification Number lection Identification Certificate Number issued by the artment of Public Safety (NOT your voter registration VUID#)
Address: Street Apt. # (if any) City State Zip Code Identi Numb	
	ou do not have a Texas Driver's License, Texas Personal tification Number or a Texas Election Identification Certificate mber, give the last 4 digits of your Social Security Number
Identi	have not been issued a Texas Driver's License/Texas Personal htification Number/Texas Election Identification Certificate or ial Security Number

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
- An indication that they have not been issued either number.
- The personal identification information provided by the voter on the ABBM MUST be validated using the voter's voter registration record.



Ballot by Mail Tracker Available at <u>www.votetexas.gov</u>

Back to My Voter Portal			<u>English</u> <u>Er</u>
	Ballot by N	1ail Tracker	
o track the status of your ballot by mai		ter your voter information below. Fields marked wit iired.	th an * are statuto
Sector Voter Information			
Subscription Voter Information		Last Name*	
		Last Name*	
		Last Name* Date of Birth (mm/dd/yyyy)	ť
First Name*			ť

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.
- Do not delay in mailing rejection notices.
- Voters are not required to use the Ballot by Mail Tracker to correct missing information. They can submit a new ABBM or a new VR application, whichever is applicable.
- County early voting clerks are REQUIRED to submit rejected ABBM information to TEAM (or through their vendor, if it provides data to TEAM). This is what populates the Ballot by Mail Tracker.



Notice of Rejected ABBM Forms

- If the early voting clerk rejects an ABBM because the voter failed to provide any of the required identification information or the information included on the ABBM does not match the voter's voter registration record, the early voting clerk must provide the voter with notice of the rejection in accordance with Section 86.001
 - Notice of Rejected ABBM (Form 6-2)
 - Notice of Rejected ABBM-Missing or Incorrect Personal Identification Numbers (Form 6-3)
 - Notice of Rejected ABBM-Required Identification Number is not Associated with Your Voter Record (Form 6-4)



Deadline to Correct Defects in ABBM

- If a voter receives a Notice of Rejected Application for a Ballot by Mail or the voter logs into the Ballot by Mail Tracker and sees that there is missing or incorrect personal identification information, the voter must either (1) complete the required validation on the Ballot by Mail Tracker no later than the 11th day before election day, or (2) complete a new ABBM that must be received by the early voting clerk no later than the 11th day before election day. (Secs. 84.007(c), 86.015).
- The early voting clerk must review all pending ABBMs that were initially rejected due to missing or incorrect personal identification information. If the applicant did not subsequently provide the missing or corrected identification information, the early voting clerk should send a final rejection notice. The early voting clerk can use the standard Notice of Rejected Application for Ballot by Mail form (Form 6-2) and mark reason 16 on the form.
- If a voter corrects a defective ABBM after early voting by personal appearance has begun, the early voting clerk should confirm that the voter did not vote in person before sending balloting materials to the voter.



CHANGES TO FEDERAL POST CARD APPLICATION (FPCA) PROCESS



Prescribed by the Secretary of State Section 181.505, Texas Election Code 12/2021						
OFFICIAL ELECTION SIGNATURE SHEET FOR AN FPCA VOTER Voter Signature Sheet from Absentee Voter to Local Election Official						
Notice to Voter: If you received your order for your ballot to be counted. Instructions for Voter: Please place th secrecy envelope and this signature sh	e marked ballot into a ball	ot secrecy enve	Hope. Please pla	ce the sealed ballot		
Voting Clerk for your county of resider				iope to one carry		
TO: Early Voting Clerk of	Count	y, Texas				
	FROM VOTER	Ŀ				
Last Name	First Name Middle Name Suffix, if any		Suffix, if any			
Mailing Address City	State	Postal Co	ide/APO/FPO	Unit/Apt., if any		
Email Address Used on FPCA Applicati	ion		Telephone Nu	mber		
REQUIRED INFORMATION: YOU MUS WITH YOUR VOTER REGISTRATION RE		LLOWING NUM	IBERS AND IT M	UST BE ASSOCIATED	1	
Texas Driver's License or Texas Personal Identification Card Number or Disction Identification Card Number Issued by the Texas Despartment of Public Safety (NOT your Voter Registration VUID#)	If you do not have a Texas D or Texas Personal identificat Election identification Certifi give the last 4 digits of your to Number XXX-XX-	ion Number or icate Number,	Driver's License o Identification Nur	tificate Number or a		
Instructions to Assistant (if applicable): A disability that renders the voter unable to you are assisting the voter; you must read Outh of Person Assisting Voter; "I sweet", evelopible to receive assistance; i voll not assistance to reading the ballot to the vote voter to mark the ballot; twill perpare the me to provide assistance; I am not the voto understand that if assistance is provided to Assistant; YOU MUST NIOCATE YES OR No candidate, campaign or political committee	write or see, or has an inabilit the oath and complete every or affirm junder penalty of pa suggest, by word, sign, or ges r, directing the voter to read voter's ballot as the voter dir r's employer, an agent of the numicate information about h o a voter who is not eligible fo 0 ot the following statement	y to read the lan part of the sector rjury that the vo ture, how the vo the ballot, marki rets; I did not pro voter's employs ow the voter has r assistance, the : Did you receiv	guage in which the on below, before as ter I am assisting ter should vote; I ter ing the voter's ballo essure or coerce th ir, or an officer or a voted to another j voter's ballot may e compensation or	ballot is written. If sisting the voter. epresented to me they ediconfine my et, or directing the e voter into choosing agent of a labor union person; and 1 not be counted."		
XSignature of Assistant Printed	Name of Assistant St	eet Address, City, St	ate, Zip	Relationship to Voter		
SIGN HERE: Please sign below to indic: "I have received my ballot via email an voted ballot with this signature sheet, dictation or undue persuasion by any	nd am returning my marke I certify that the enclosed	d ballot by ma				
x		Date:	1_1_1			
Instructions to Wilness: If you are serving as a or if the voter cannot make a mark. If the voter X			on below if you withe	ss the mark of the voter	i	
Signature of Witness Printed	Name of Assistant St	reet Address, City, S	ute, Zip	Relationship to Voter	Į	
If you have any questions about how to the Secretary of State. We do not have Voting Clerk's by County, see <u>https://w</u> Contact information for Texas Secreta Telephone: 1-800-252-8683 (VOTE) Email: elections@isoc texas.gov	a list of contact informatio www.sos.state.tx.us/election	n for local elec	tions; however, f			
THE PRESENCE AND DESIGNATION					1	

FPCA Signature Sheet

- Voter Information
- Personal Identification Information
 - Witness/Assistant information, if applicable
 - Voter Signature



Impacts on FPCA Voters

- To facilitate the mailing of FPCA balloting materials, early voting clerks may use any type of mailing envelope that contains the Official Election Mail logo and the required postage-paid information <u>as long as the early voting clerk includes a required</u> <u>signature sheet for the voter to complete</u>.
- All FPCA voters must be provided with an Official Election Signature Sheet for an FPCA Voter if their balloting materials were sent by email.
- If the balloting materials were sent by physical mail, but the early voting clerk is using one of the FVAP envelopes that does not contain all of the requirements for the carrier envelope, the voter MUST be provided with an Official Election Signature Sheet for an FPCA Voter to return with their marked ballot.
- What this means for SVC/EVBB review? There may be an increased number of signature sheets for FPCA voters.



NEW REQUIREMENTS FOR THE CARRIER ENVELOPE



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 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, related to Carrier Envelope, 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 envio 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 envio en el correo como parte de un plan en el cual la persona es recompensada en base al número de sobres de envio depositados. Para obtener información adicional sobre los delitos relacionados con los sobres de envio, por favor vea la "Información Sobre La Devolución Del Sobre de Envio", incluido con los materiales enviados a usted con su boleta.

6-15

Prescribed by Secretary of State Section 86.013, Texas Election Code 07/2022 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):

Did you receive compensation or other i

assistance? Circle one: Yes No ¿Recibió compensación a otro baneficio de un can

Marque con un Círculo: Sí No

Printed Name (Nombre en letra de molde)

Relationship to Voter (Relación al votante)

- 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. (Instructiones 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)

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

Oath of Person Assisting Vote: "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."

idato, campaña o comité político a cambio de brindar

Street Address (Domicilio residencial)

Signature (Firma)

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 ______.

Signature (Firma)

Street Address (Domicilio residencial)





Printed Name (Nombre en letra de molde)

Envelope Open – Inside Flap

REQUIRED INFORMATION: YOU MUST PROVIDE ONE OF THE FOLLOWI INFORMACIÓN REQUERIDA: DEBE PROPORCIONAR UNO DE LOS SIGUI Texas Driver's License or Texas Personal Identification Card or Election Identification Certificate Number issued by the Texas Department of PublicSafety(NOTyour/VoterRegistration/UJID#)(NúmerodeLicenciade Conducir de Texas ONúmero de Tarjeta de Identificación Personal de Texas o Certificación Electorial execidida por el Departamento				
de Seguridad Pública de Texas) (NO ES el número de su Registro Electoral VUIDH) XXX - XX CONTACT INFORMATION (INFORMACIÓN DE CONTACTO): Phone (Feléfono): Electrónico):				
SEAL ENVELOPE AND SIGN OVER SEALED FLAP (SELLE EL SOBRE Y FIRME SOBRE LA SOLAPA SELLADA)	v oter I am assisting represented to me they voter should vote; I will prepare the voter's to provide assistance; I am not the voter's i, to which the voter belongs; I will not be counted." Juramento de la Persona the al que estoy assistendo me representó como debe votar el votante; preparar fa lara que me eligiera como asistente; no soy gente de un sindicato al cual el votante bersona; y entiendo que si se proporciona podría no ser contada."	SIGNATURE OR MARK OF VOTER (FIRMA O MARCA DEL VOTANTE) 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): Date of Election (Fecha de Elección): 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		
If you are an essistency, provide information below: [Si usted es un asistence o testigo, marque la Did you receive compensation or other banefit from a candidate, campaign or politi assistence? Circle one; Yes No ¿Reciblé compensatió; a circo banefició de un candidato, campaign o comité politico Marque con un Circulo: SI No	ical committee in exchange for providing	I: 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)		
Printed Name (Nombre en letra de molde) Signature (Firma)		Signature (Firma) Printed Name (Nombre en letra de molde)		
Relationship to Voter (Relación al votante) Street Address (Do	micilio residencial)	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.



NEW PROCESS FOR EVBB/SVC



9/28/2022

Texas Secretary of State Elections Division

New 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.



EARLY VOTING CLERK PROVIDING 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.



- What defects can an early voting clerk provide notice about?
 - Missing signature
 - Missing or incomplete **witness** information
 - Missing or incomplete **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



- 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.
- The SOS recommends keeping a log to track the ballots mailed to voters and the ballots in the possession of the early voting clerk before ballots are delivered to the SVC or EVBB.
- The early voting clerk may return defective carrier envelopes by mail under Section 86.011(d) up until the point when SVC/EVBB begins notifying voters of defects by phone or email. The early voting clerk should determine this cutoff date in coordination with the SVC/EVBB.



- Poll watchers may be present for this process. (Sec. 86.011(d)).
- Poll watchers are not authorized to remain in the early voting clerk's office at all times to wait for a potential notification to a voter. However, if a poll watcher is present in the office when an early voting clerk is notifying voters of defects by phone or a voter appears to correct a defect in person, the poll watcher may observe this process.
- There is no specific posting requirement for this notification.



Notice of Carrier Defects

- EVC Notice of Carrier Defect Mailed with Corrective Action Form (Form 6-11)
- EVC Notice of Carrier Defect Phone with Corrective Action Form (Form 6-12)



Correcting Defect by Cancellation

- If the voter received a defective carrier envelope in the mail or was notified by telephone or email about a defect, the voter may request to have their ABBM/marked ballot cancelled in accordance with Section 84.032.
- If the voter has possession of the defective carrier envelope, it may be surrendered at an early voting or election day polling place in order to vote a regular ballot in person.
- The voter may also surrender the ballot at the early voting clerk's office and be given a Notice of Surrendered Ballot by Mail to take to the polling place and vote a regular ballot.



Resources

- <u>No.2022-08</u> NEW LAW: Senate Bill 1 Opportunity to Correct Defects on Application for a Ballot by Mail and Carrier Envelope
- <u>No.2022-12</u> Additional Procedures Regarding Correction of Defects on Application for Ballot by Mail or Carrier Envelope
- Training and Educational Resources Page



Questions?

elections@sos.texas.gov



9/28/2022

Texas Secretary of State Elections Division