

## Welcome to Provisional Ballots

"No Pressure" Refresher Webinar February 16, 2024





## Topics of Discussion:

Definition & When to Offer the Process

**Provisional Process Main Office Support** 

Do the Research

Ask the Right Questions

**Provide the Necessary Supplies** 

Provisional Process at the Polling Location

**Important Reminders** 





# What is a Provisional Ballot & When do You Offer the Provisional Process?

Provisional ballots are used to ensure that all voters are able to cast a ballot even if voter eligibility is uncertain at the time the voter votes.

Provisional should be offered during Early Voting and Election Day at all Polling Locations.

Remember, voters do not have to drive to the main early voting location to perform this process.

A voter should never be told he or she can't vote a provisional ballot.





## Reasons for Voting Provisionally



## **Provisional Process – Provide Support**

- Research Voter Information further before Starting the Provisional Process.
  - Help election workers if the voter was not found.
- Ask the right questions to help determine the process for the voter.
- Remind election workers of the resources that were provided to them in their supplies.
  - Checklists
  - Examples of completed forms
  - Step by Step Instructions
- If resources are available, guide the election worker through the provisional process on the phone to ensure all steps are completed.



### Help Election Workers Determine if it is a Provisional Ballot:

If the voter is not found on the Official List of Registered Voters or ePollbook, do more research:

- ☐ Is the name is misspelled or have a special character?
- ☐ Did the voter ever have a different name or change their name?
- ☐ During Early Voting, determine:
  - ☐ Is the voter registered voter in another county in the State of Texas? Or
  - ☐ Have you lived in another county in the State of Texas?
- ☐ During Election Day, determine:
  - ☐ Could the voter be registered in another voting precinct within the county (if precinct based on election day)



### **More Questions to Ask:**

- ☐When did you register to vote?
- ☐ Where did you register to vote?
- ☐ Did a Volunteer Deputy Registrar register you and do you have a receipt?
- ☐ Did you register at the DPS Office or make an update online?
  - ☐ When did you register at DPS?
- ☐ Is your date of birth correct on your ID?
- ☐ Do you have a family member, twin or sibling with a common name or numbers that causes confusion?
- ☐ When and where did you last vote?

### Determine Voter's Correct Voting Precinct:

- 1. Voter gets correct ballot style
- 2. Votes are recorded correctly if accepted or rejected



## Provide the Necessary Supplies



## Best Practices when Providing Supplies

- ☐ Create a Quick Step by Step check list for the Presiding & Alternate Judges
- ☐ Organize the Provisional paperwork in a Series of Folders or Binder step by step
- ☐ Include Examples of completed forms
- ☐ Color-code the steps (Forms or Folders)
- ☐ Provide a contact number when questions arise



### Remember to Send the Other Items:

- ☐ Required Forms
- ☐ Pens
- ☐ Label the Secure Ballot Box/Secure Bag/Secure Container as provisional
- ☐ Seals/Locks
- ☐ Tape or Envelope moistener
- ☐ Booth for Privacy

### **Best Practice:**

Designate an area for voter privacy that is away from the ballot scanner





## Polling Location Forms

### Forms used during Early Voting and Election Day

- Notice to Provisional Voter (Form 9-1)
- ☐ Notice to Provisional Voter Who Did Not Present an Acceptable Form of ID (Form 9-2)
- ☐ Summary of Provisional Ballots (Form <u>9-4</u>)
- Affidavit of Provisional Voter Envelope (Form 9-5)
- Secrecy Envelope (Form <u>7-96</u>)
- ☐ Paper Ballots or Blank Ballot Stock

**Early Voting:** 

**Election Day:** 

- ☐ Combination Form (7-61 Early Voting) or ePollbook whichever is applicable
- ☐ Early Voting: List of Provisional Voters (Form <u>9-3</u>)
- ☐ Register of Official Ballots for Early Voting in Main Location (Form 7-14)
- ☐ Register of Official Ballots for Early Voting at Branch Location (Form 7-15)
- ☐ Combination Form (7-59 Election Day) or ePollbook whichever is applicable
- ☐ Election Day List of Provisional Voters (Form <u>9-6</u>)
- ☐ Register of Official Ballots/Ballot and Seal Certificate (Form 7-26)
- ☐ Register of Official Ballots (Form 7-23)



https://www.sos.state.tx.us/elections/forms/pol-sub/index.shtml#chapter-9





## Affidavit of Provisional Voter Envelope - Front

9-5, 9/2023 Prescribed by Secretary of State Election Code Sec. 63.011	Múm de Dracinto Jugas de votación Múm de Dracin		ecinct Number where registere m. de Precinto-inscrito para vi				Authority Conducting Election / Autoridad Administrando la Elección	
Affidavit of	f Provisional	Voter (Decla	ración Jura	ada de Votar	te Provisi	onal) (Ball	ot numbe	er if using DRE
subdivision, have not been by a final judgment of a co understand that it is a felon; en esta subdivisión política y soy el autor de un delito grav legalización de un testamento	finally convicted of a felony or if a urt exercising probate jurisdiction y of the 2 <sup>nd</sup> degree to vote in an elv en el precinto en cual estoy intentar e, he cumplido toda mi condena inc	felon, I have completed all to be totally mentally incap action for which I know I am did a votar y aun no he vota usive el período de encarce ilmente o parcialmente incap	of my punishment in pacitated or partially inot eligible unless do en esta elección (i amiento, la libertad di acitado sin el derech	ncluding any term of inc mentally incapacitated I am convicted of an atte en persona o por correo) condicional, la libertad sup o de votar. Entiendo que	arceration, parole, without the right to mpt, in which ever Soy residente de es ervisada, la libertad dar información fals	supervision, period o vote. I understan nt it is a state jail fel- sta subdivisión polític d vigilada, o he sido i	of probation, or d that giving fal ony. PARA QUE a, no he sido del ndultado. No me	In person or by mail). I am a resident of this politica I have been pardoned. I have not been determine se information under oath is a misdemeanor, and EL VOTANTE LO LLENE: Estoy inscrito como votant initivamente declarado culpable de un delito grave o a han determinado por un juicio final de una corte de la y entiendo que es un delito grave de 2º grado votar en
	if any) / Apellido usual (Incluir sufi		rst Name / Su nom			e (if any) / Segundo	nombre (si	Former Name / Nombre anterior
							Gender: (Opti	onal) / Sexo (Optativo) Female (Mujer)
Mailing Address: City, St entregarle correspondencia	tate, and ZIP If mail cannot be of a su domicilio).	delivered to your residen	ce address. / Direc	ción postal: Ciudad, Est	ado y Código Post	tal (si es imposible	Date of Birth Fecha de nac	: Month, Day, Year imiento: mes, día, año
Número de su Licencia de	TX Personal I.D. No. (Issued by De Conducir de Texas o de su Cédu nto de Seguridad Publica de		License or TX Pe Licencia de Cond	No. (last 4 digits requirersonal I.D. Number) / Nucir de Texas ni Cedúla os 4 números de su seg	úmero de Seguro de Identidad Pers	Social. (Si no tiene	TX Pers Yo no te	ot been issued a TX Driver's License Number, onal I.D. Number or a Social Security Number. ngo una Licencia de Conducir de Texas, Cedúla idad Personal de Texas ni un Número de Seguro
	ARE YOU A UNITED STATES CI o: Soy ciudadano/a de los Estado		s NO	Sign X	ature of Voter / F	irma del votante		





## Affidavit of Provisional Voter Envelope - Back

TO BE COMPLETED BY ELECTION JUDGE:  VOTER PRESENTED ACCEPTABLE FORM OF IDENTIFICATION OR A SUPPORTING FORM OF IDENTIFICATION AND EXECUTED A REASONABLE IMPEDIMENT DECLARATION  Yes No  REASON FOR VOTING PROVISIONALLY  1. Failed to present acceptable form of photo identification, a supporting form of identification with an executed Reasonable Impediment Declaration, or voter registration certificate with exemption.  Voter not on list of registered voters.  Voter not on list, registered in another precinct.  Voter on list of people who voted early by mail, and voter has not surrendered mail ballot, presented a Notice of Improper Delivery, or presented Notice of Surrendered Ballot.  Voting after 7:00 p.m. due to court order.  Voter on list, but registered residence address is outside the political subdivision.  Registered at Department of Public Safety (DPS): When:  Where:  Other: (Please explain)	I, the voter registrar/deputy registrar, did research the records of my office and the following conclusion(s) was made:  FOR VOTERS WHO DID NOT PRESENT ACCEPTABLE PHOTO IDENTIFICATION AT THE POLLING PLACE  1. Voter presented acceptable form of identification OR a supporting form of identification and executed a Reasonable Impediment Declaration within 6 calendar days of election day.  2. Voter met disability exemption within 6 calendar days of election day.  3. Voter executed religious objection affidavit within 6 calendar days of election day.  4. Voter executed natural disaster affidavit within 6 calendar days of election day.  5. Voter did not satisfy identification or affidavit requirements, listed in categories 1-4 above, within 6 calendar days of election day.  FOR VOTERS WHO VOTED PROVISIONALLY FOR OTHER REASONS  6. Not a registered voter or registration not effective in time for this election.  7. Registered to vote, erroneously listed in wrong precinct.  8. Registered to vote in a different precinct within the county.  9. Information on file indicating applicant completed a voter registration application, but it was never received in the voter registrar's office.  10. Voter erroneously removed from the list.  11. Voter is not registered to vote in
Signature of Election Judge	Signature of Voter Registrar Date



# 

Line Ref #	Voter Assistant - Include: Name, Address of Assistant If more lines are needed, use the back of this form.  Asistente del Votante – Incluya: Nombre, Dirección del Asistente Si necesita más líneas, utilice el reverso de este formulario.				Check if Applicable Marque si Corresponde				COMBINATION FORM			Form 7-61 Prescribed by the Secretary of State Sections 63.001, 63.0011, 63.002, 63.003, 63.004, 63.006, 63.009,						
					01(i)	01(c)			an	d Early Voting	352255	Election 1/2024	m-					
Location Sitio		Date of Election Fecha de Elección  Type of Election Tipo de Elección			lm. Dec. 63.0	r Name 63.00	ional 63.011	n List 63.006	If the voter cannot sign the voter's name, an election worker shall enter the voter's name reason for the voter's inability to sign the roster. (63.002)(c) Place a checkmark in the Check the reason in the signature space. Si el votante no puede firmar su nombre, un funcionario electoral anotará el nombre del votar la razón por la cual el votante no puede firmar la lista. (63.002)(c) Coloque un a marca de vi de Marca de Verificación y anote la razón en el espacio para la firma.			<ul> <li>) Place a checkmark in the Checkmark column and no ctoral anotará el nombre del votante con una anotació 002)(c) Coloque un a marca de verificación en la colu</li> </ul>	nark column and notate ite con una anotación de					
Register Pct. #	red VUI	D	Poll List Lista de Votantes	Address of Voter Dirección del Votante	Reas	Simil	Provi	Noto	to	9	5 5	to			√		Signature Firma	
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Line Ref							1 3 5 5 5 5 5 5	ue si Co			Authority Conducting the Election	Form 7-59 Prescribed by the Secretary of State Sections 63.001, 63.0011, 63.002, 63.003, 63.004, 63.006, 6			
						ļ		8 - 5	.001(c)	1(1)		63.0101, 63.011, 64.032, 162.004, Texas 1/2024			
Preci	Precinct #/Polling Location Núm. del Precinto/Sitio de Votación  Date of Voting Fecha de Votación  Type of Election Tipo de Elección  J  If the voter cannot sign the voter's name, an election worker shall enter the voter's name with a notation of the reason for the voter's inability to sign the roster.						List 63.006	onal 63.011	Name 63.00	m. Dec. 63.00	СОМВІІ	ection Day NATION FORM nature Roster, Affidavits			
(63.002 Si el vol	)(c) Place a ch ante no puede	heckmark in the Check e firmar su nombre, un	mark column and notate the reason in funcionario electoral anotara el nomb		or la cual el votante no puede firmar	V	Noton	Provisi	Similar	Reas. In	Poll List VUII Lista de Votantes		/UID		
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8					-	55					-		8		





## EV List of Provisional Voters EDay List of Provisional Voters

Date of Election (Pecho de la Elección)  Date of Election (Pecho de la Elección)  Early Voting List of Provisional Voters  De Completed by the Early Voting Clerk Name of Provisional Voter  Precinct Number  Accepted for Counting Rejected for Counting
Fecho de la Elección   (Autoridad Administrando la Elección)
be Completed by the Early Voting Clerk  To be Completed by the Ballot Board Judg  Name of Provisional Voter  Precinct Accepted for Counting Rejected for Counting
Name of Provisional Voter Precinct Accepted for Counting Rejected for Countin
* * *
visional Ballots in Ballot 8ox:

Prescribed by Secretary of State ection 63.011, Texas Election Code //2023	Type of Election (Tipo de Elección)	Precinct. No. (Nám. de Precinto)  Authority Conducting Election (Autoridad Administrando la Elección)			
	Date of Election (Fecha de la Elección)				
List of Prov	isional Vote	rs			
To be Completed by the Election Judge	To be	Completed by t	he Ballot Board Judge		
Name of Provisional Voter	Accepte	ed for Counting	Rejected for Counting		
1.	- +				
2.					
3.					
4.					
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19.	- F	*			
20.	-	×			
21.		1			
22.					
23.					
24.					
25. Number of Provisional Ballots in Ballot Box: (as shown on list)	<u> </u>	*	<u> </u>		
I certify that the numbers represented above	are true and correct a	s <mark>evidenced by</mark>	my signature.		
Signature of Custodian receiving ballots from Presiding	g Judge:				
	52300 074 000				





### Regular Notice to Provisional Voter

9-1 Prescribed by Secretary of State Section 65.059, Texas Election Code 9/2023

### Notice to Provisional Voter

A determination whether your ballot will be counted will be made by the early voting ballot board after the election. A notice will be mailed to you within 30 days of the election at the address you provided on your affidavit to vote a provisional ballot indicating either (1) that your ballot was counted or (2) if it was not counted, the reason your ballot was not counted.

Your affidavit will be retained by the voter registrar who will use the information on the affidavit to update your voter registration information or if you are not a registered voter, the affidavit will be submitted to the voter registrar as a new voter registration application.

If you have any questions, call the Secretary of State's Office toll free 1-800-252-VOTE(8683).

### Notificación al Votante Provisional

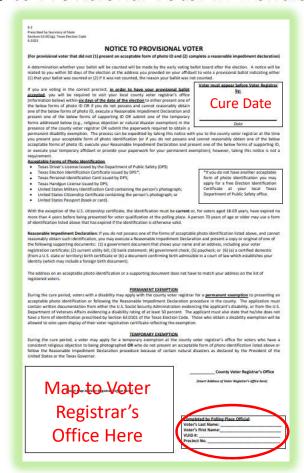
La junta de votación temprana tomará una determinación, después de la elección, sobre si su boleta se contará o no. Dentro de 30 días después de la elección, se le enviará una notificación a la dirección que usted proporcionó en su declaración jurada para votar en una boleta provisional. En dicha notificación se indicará si (1) su boleta se contó o (2) si no se contó y la razón por la cual no se contó.

El registrador de votantes guardará su declaración jurada y él usará la información de la misma para actualizar la información de su registro electoral o, si usted no estuviera inscrito como votante, la declaración jurada se le entregará al registrador de votantes como una nueva solicitud de registro electoral

Si tiene alguna pregunta, llame gratis a la oficina del Secretario de Estado al 1-800-252-VOTE(8683).

### Notices to Provisional Voter

### Notice to Provisional Voter ID Deficiencies







### Central Office Forms

- ☐ Verification of Provisional Ballots and Serial Numbers (Form <u>9-7</u>)
- □ Notice of Delivery of Provisional Ballots (Form <u>9-8</u>)
- □ Notice of Outcome to Provisional Voter (Form <u>9-9</u>)

Forms are located on the Secretary of State Website:

Forms, Resources & Legal Library
Select Main Election Forms Manual
Select the Category or select control(CTRL) F and type the word that you are looking for...

https://www.sos.state.tx.us/elections/forms/pol-sub/index.shtml#chapter-9





## Notice of Outcome to Provisional Voter [TAC 81.176]

	NOTICE OF OUTCOME TO PROVISIONAL VOTER
This i	s to notify you that your provisional ballot was:
	Counted
	Rejected for counting
The r	eason for rejecting the ballot is:
1	Not registered in this county or registered less than 30 days before the election.
2	Registered to vote but voted in the incorrect precinct.
3	Registered to vote in the county but not in the political subdivision.
4	Improper or No identification was provided by voter.
5	Already voted (records indicate you voted early either in person or by mail).
6	Other





# Provisional Process at the Polling Location





voter.

## Steps at the Polling Location

☐ Remember, if the voter cannot be found in the Official List of Registered Voters/ePollbook, this should initiate an automatic call for support to the	county.
☐ Voter should complete a green Affidavit of Provisional Voter envelope or side.	the front
☐ Election judge should <b>verify</b> that the voter completed the required inform <b>complete</b> the portion at the top and on the reverse side. The Judge must envelope!	
☐ Election judge should add voter's name to List of Provisional Voters.	
☐ Election judge should add name of voter to combination form/poll list/el and indicate he or she is a provisional voter.	Pollbook,
☐ Voter should sign the combination form/poll list/ePollbook.	

☐ The election judge should provide the correct Notice to Provisional Voter to the

### **Reminder:**

Before issuing a ballot, make sure <u>all</u> paperwork is complete.



## Voting a Provisional Ballot with Paper Ballots/Ballots Marked with Ballot Marking Devices

- ☐ Voter should pick a ballot from disarranged supply of provisional ballots, if applicable
- ☐ Voter should mark the ballot and place it inside white secrecy envelope
- ☐ Voter should place the white secrecy envelope into the Affidavit of Provisional Voter Envelope
- ☐ Voter should then deposit the green Affidavit of Provisional Voter Envelope into a **separate** and secure container for provisional ballots.

Provisional Ballots should be clearly labeled *Provisional* to differentiate them from regular ballots

- a. Stamp or Label the Provisional Ballot
- b. Ensure the voting system marks the ballot as Provisional.



### After the polls have closed, the presiding judge shall:

- ☐ Enter the number of Provisional Ballot Affidavit Envelopes cast on the Register of Official Ballots and on the List of Provisional Voters
- ☐ Place a copy of the List of Provisional Voters form inside Envelope No. 2
- ☐ Deliver the sealed Provisional Ballot container to the general custodian of election records.

## Important Reminders

- 1. Do your Research and ask the right questions
- 2. Have a Secure Separate Container for Provisional Ballots
- 3. Verify Provisional Ballot Affidavit Envelopes to ensure that the application is complete and legible
- 4. Fill out all of the required paperwork before the voter gets their ballot
- 5. Provisional Ballots should be marked differently than the regular ballots
  - a. Stamp Marking Provisional
  - b. Marking Provisional Box
- 6. Have an area for privacy for the voter and away from the ballot scanner
- Voters should pick their own ballot from a disarranged supply of provisional ballots, if applicable







**WEBINARS** 



**TRAINING** 





**RESOURCES** 

