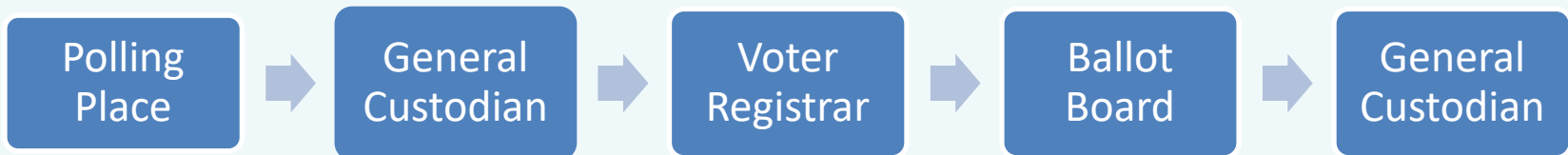


Provisional Ballots: From Start to Finish



2023 Election Law Seminar for
County Election Officials



HAVA Requirements

- Adopted in 2002, the Help America Vote Act requires 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]



Texas Election Code Requirements

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

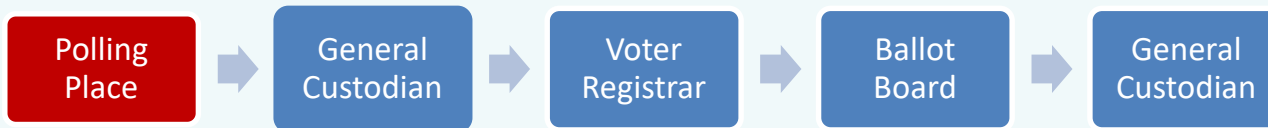
[Tex. Elec. Code § 63.011]



Provisional ballot – When do you use it?

- Provisional ballots should be offered during early voting and on election day.
- They should be offered at ALL early voting polling places and election day polling places.
 - NOTE: A voter does not have to drive to the main early voting location to vote a provisional ballot.





POLLING PLACE





Polling Place 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 official list of registered voters.
 - 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.

[1 T.A.C. 81.172]





Polling Place 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).

[1 T.A.C. 81.172]



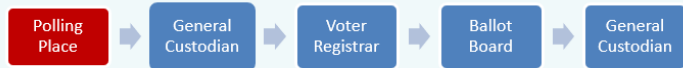


Polling Place Procedures

- 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.
 - Use an e-pollbook, or calling the voter registrar.

[1 T.A.C. 81.173]





Polling Place Procedures

- Did the voter register through DPS?
 - 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.





Polling Place 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 an acceptable ID (List A or List B), or executes a temporary affidavit (if applicable) or permanent exemption (if applicable).

[1 T.A.C. 81.173]





Polling Place Procedures

After notifications...

1. Voter should complete a green Affidavit of Provisional Voter envelope on the front side.
2. Election judge should complete their portion on the reverse side, and **sign it**.
3. Election judge should add voter's name to List of Provisional Voters/Early Voting List of Provisional Voters.
4. Election judge should add name of voter to combination form/poll list, and indicate they are a provisional voter.
5. Voter should sign the combination form/poll list.
6. The election judge should provide a Notice to Provisional Voter to the voter.

[1 T.A.C. 81.173]



Provisional Ballots

1 TAC 81.174 & 81.175

7-15, 12/2021 Prescribed by Secretary of State Election Code Sec. 63.011	Type of Election / Tipo de Elección	Precinct Number/Polling Location where voted Núm. de Precinto-Lugar de votación	Precinct Number where registered (if known) Núm. de Precinto-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 _____)					
<p>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 Class A Misdemeanor to vote in an election for which I know I am not eligible.</p> <p>PARA QUE EL VOTANTE LO LLENE: Estoy inscrito como votante en esta subdivisión política y en el precinto en cual estoy intentando a votar y aun 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 período de encarcelamiento, la libertad supervisada, la libertad vigilada, o he sido indultado. No me han determinado por un juicio final de una corte de la legalización de un testamento, ser totalmente incapacitado mentalmente o parcialmente incapacitado sin el derecho de votar. Entiendo que dar información falsa bajo juramento es un delito menor y entiendo que es un delito menor de clase A votar en una elección para la que sé que no soy elegible.</p>					
Last Name (Include Suffix if any) / Apellido usual (Incluir sufixo 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: A falta de estos datos, describa la localidad de su residencia. (No incluya el apartado de correos, camino rural, ni dirección comercial.)				Gender: (Optional) / Sexo (Optativo) <input type="checkbox"/> Male (Hombre) <input type="checkbox"/> Female (Mujer)	
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).				Date of Birth: Month, Day, Year Fecha de nacimiento: mes, día, año □□ / □□ / □□□□	
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 Personal de Texas, se requiere los últimos 4 números de su seguro social) XXX-XX-□□□□		<input type="checkbox"/> 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.	
Check appropriate box: ARE YOU A UNITED STATES CITIZEN? Marque el cuadro apropiado: Soy ciudadano/a de los Estados Unidos Yes <input type="checkbox"/> Si No <input type="checkbox"/> No			Signature of Voter / Firma del votante X _____		



Provisional Ballot Affidavit

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.
2. Voter not on list of registered voters.
3. Voter not on list, registered in another precinct.
4. 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.
5. Voting after 7:00 p.m. due to court order.
6. Voter on list, but registered residence address is outside the _____ political subdivision.
7. Registered at Department of Public Safety (DPS): When: _____ Where: _____
8. Other: _____ (Please explain)

Sworn and subscribed to before me this date: _____

Signature of Election Judge

TO BE COMPLETED BY THE COUNTY VOTER REGISTRAR FOR STATUS:

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 _____ political subdivision.
12. Other: _____ (Please explain)

Signature of Voter Registrar

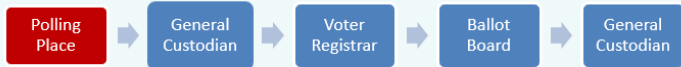
Date

Action taken by the Early Voting Ballot Board: ACCEPTED REJECTED Signature of Ballot Board Judge: _____

Print

Reset



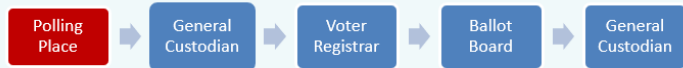


Voting a Provisional Ballot

- Paper Ballots/Ballots marked with BMD:
 - Voter should pick their own ballot from disarranged supply of provisional ballots, if applicable.
 - Voter should mark their ballot and then place inside the white secrecy envelope.
 - Voter should place white secrecy envelope into the green Affidavit of Provisional Voter envelope.
 - Voter should then deposit into **separate and secured** container for provisional ballots.

[1 T.A.C. 81.173]



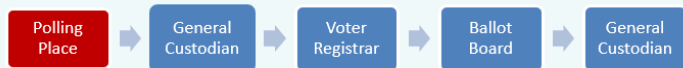


Voting a Provisional Ballot

- DREs:
 - The election judge shall prepare voting system for provisional voting in accordance with instructions provided by the general custodian and the vendor.
 - If there is a code that needs to be written on the green Affidavit of Provisional Voter envelope, or slip of paper with code needs to be placed inside by the voter, this will need to be done.
 - After submitting their ballot on the DRE, the voter should then deposit into **separate and secured container** for provisional ballots.

[1 T.A.C. 81.173]

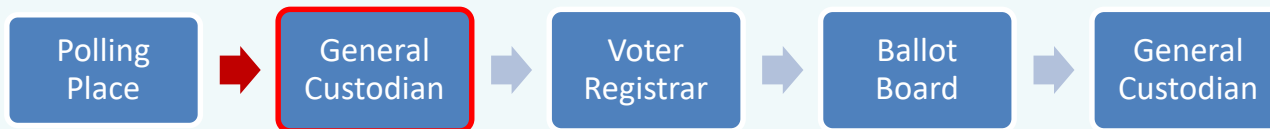




Polling Place Procedures

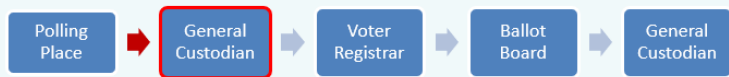
- Provisional Ballot Affidavit Envelopes are **NOT** placed in the ballot box along with regular ballots
 - Instead, the envelopes are placed in a separate secure container designated for Provisional Ballots





POLLING PLACE → GENERAL CUSTODIAN





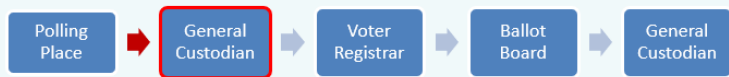
Transferring Provisional Ballots:

Polling Place → General Custodian

- Early Voting
 - During early voting, the general custodian may request that the early voting clerk, or deputy early voting clerk, deliver to the general custodian the early voting Provisional Ballot Affidavit Envelopes
 - Provisional Ballot Affidavit Envelopes must be stored and transferred in a closed and sealed transfer case provided by the general custodian of election records
 - The Early Voting List of Provisional Voters must accompany the Provisional Ballot Affidavit Envelopes

[1 T.A.C. 81.174]





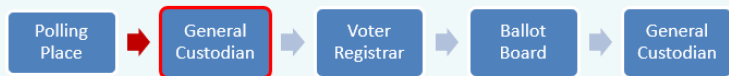
Transferring Provisional Ballots:

Polling Place → General Custodian

- Early Voting
 - If the general custodian does not request delivery of the Provisional Ballot Affidavit Envelopes during early voting, then the early voting clerk, or deputy early voting clerk, shall deliver the closed and sealed container for completed Provisional Ballot Affidavit Envelopes and the Early Voting List of Provisional Voters to the general custodian at the end of the early voting period.

[1 T.A.C. 81.174]





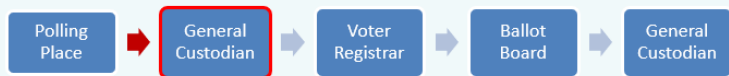
Transferring Provisional Ballots:

Polling Place → General Custodian

- Election Day
 - After the polls have closed on election day, the election judge shall enter the number of Provisional Ballot Affidavit Envelopes cast on the Register of Official Ballots and on the List of Provisional Voters
 - The election judge shall place a copy of the List of Provisional Voters form inside Envelope No. 2

[1 T.A.C. 81.174]





Transferring Provisional Ballots:

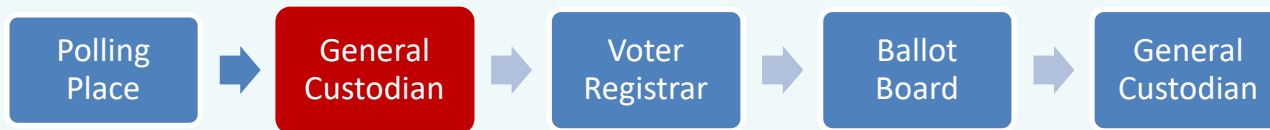
Polling Place → General Custodian

- Election Day

- The closed and sealed container for completed Provisional Ballot Affidavit Envelopes SHALL be delivered by the election judge (or designee) to the general custodian of election records

[1 T.A.C. 81.174]





GENERAL CUSTODIAN



Polling Place



General Custodian



Voter Registrar



Ballot Board



General Custodian

General Custodian

- Early Voting

- The general custodian of election records shall unseal and open the transfer case and verify the number of provisional voters on the Early Voting List of Provisional Voters matches the number of provisional ballot affidavit envelopes contained in the transfer case

- Signs the Early Voting List of Provisional Voters
 - Prepares a Summary of Provisional Ballots listing each precinct and the number of Provisional Ballot Affidavit Envelopes for each precinct

[1 T.A.C. 81.174]





General Custodian

- Early Voting

- The general custodian places the following in a transfer case:

- the Provisional Ballot Affidavit Envelopes
 - the Early Voting List of Provisional Voters
 - blank Verification of Provisional Ballots and Serial Numbers forms; and
 - seals sufficient to secure the transfer case when the voter registrar returns the Provisional Ballot Affidavit Envelopes to the custodian

- General custodian seals the transfer case and records the seal number on the Summary of Provisional Ballots

[1 T.A.C. 81.174]



Polling
PlaceGeneral
CustodianVoter
RegistrarBallot
BoardGeneral
Custodian

General Custodian

- Election Day

- The general custodian of election records (or central counting personnel) shall verify that the number of provisional voters on the List of Provisional Voters matches the number of Provisional Ballot Affidavit Envelopes recorded on the ballot register
 - Signs the List of Provisional Voters
 - Prepares a Summary of Provisional Ballots listing each precinct and the number of Provisional Ballot Affidavit Envelopes for each precinct
 - A poll watcher, if available, may sign the Summary of Provisional Ballots

[1 T.A.C. 81.174]



Polling Place

General Custodian

Voter Registrar

Ballot Board

General Custodian

General Custodian

- Election Day

- The general custodian places the following in a transfer case:

- the Provisional Ballot Affidavit Envelopes
 - the List of Provisional Voters
 - blank Verification of Provisional Ballots and Serial Numbers forms; and
 - seals sufficient to secure the transfer case when the voter registrar returns the Provisional Ballot Affidavit Envelopes to the custodian

- General custodian seals the transfer case and records the number on the Summary of Provisional Ballots

[1 T.A.C. 81.174]





GENERAL CUSTODIAN → VOTER REGISTRAR



Polling Place



General Custodian



Voter Registrar



Ballot Board



General Custodian

Transferring Provisional Ballots:

General Custodian → Voter Registrar

- Early Voting

- The general custodian SHALL post Notice of Delivery of Provisional Ballot Affidavit Envelopes at **24 hours** before first delivery to the voter registrar

[1 T.A.C. 81.174]



Polling Place



General Custodian



Voter Registrar



Ballot Board



General Custodian

Transferring Provisional Ballots:

General Custodian → Voter Registrar

- Early Voting

- The voter registrar SHALL sign the following to verify receipt of the Provisional Ballot Affidavit Envelopes:

- the Early Voting List of Provisional Voters,
 - the Summary of Provisional Ballots, and
 - the Verification of Provisional Ballots and Serial Numbers

[1 T.A.C. 81.174]



Polling Place



General Custodian



Voter Registrar



Ballot Board



General Custodian

Transferring Provisional Ballots:

General Custodian → Voter Registrar

- Early Voting

- If the voter registrar does not request delivery of the Provisional Ballot Affidavit Envelopes during the early voting period, then the general custodian SHALL deliver the Provisional Ballot Affidavit Envelopes no later than the first business day after the completion of early voting

[1 T.A.C. 81.174]



Polling Place



General Custodian



Voter Registrar



Ballot Board



General Custodian

Transferring Provisional Ballots:

General Custodian → Voter Registrar

- Election Day

- The general custodian SHALL deliver the transfer case containing the Provisional Ballot Affidavit Envelopes and the List of Provisional Voters, along with the Summary of Provisional Ballots, on **the next business day after the election**

[1 T.A.C. 81.174]



Polling Place



General Custodian



Voter Registrar



Ballot Board



General Custodian

Transferring Provisional Ballots:

General Custodian → Voter Registrar

- Election Day

- If the voter registrar wishes to take possession of the transfer cases containing the Provisional Ballot Affidavit Envelopes on election night, the voter registrar must inform the general custodian AND post a Notice of Delivery of Provisional Ballots no later than 24 hours before election day

[1 T.A.C. 81.174]



Polling Place



General Custodian



Voter Registrar



Ballot Board



General Custodian

Transferring Provisional Ballots:

General Custodian → Voter Registrar

- Election Day

- Upon receipt of the transfer cases, the voter registrar SHALL sign the following to verify receipt of the Provisional Ballot Affidavit Envelopes:

- the Summary of Provisional Ballots, and
- the Verification of Provisional Ballots and Serial Numbers

[1 T.A.C. 81.174]





VOTER REGISTRAR



Polling
PlaceGeneral
CustodianVoter
RegistrarBallot
BoardGeneral
Custodian

Voter Registrar Review

- The voter registrar **MUST** complete their review of the Provisional Ballot Affidavit Envelopes no later than the sixth day after election day. (This includes Provisional Ballot Affidavit Envelopes for ballots cast on a DRE.)
 - Poll watchers are not entitled to be present during the voter registrar's review.
 - The voter registrar's review of provisional ballots is **NOT** subject to the livestream requirements of Election Code 127.1232(b).

[1 T.A.C. 81.175]



Polling
PlaceGeneral
CustodianVoter
RegistrarBallot
BoardGeneral
Custodian

Voter Registrar Review

- The voter registrar SHALL review information from the following sources to attempt to determine a provisional voter's status:
 - The voter registrar's own county voter registration files and records;
 - The Department of Public Safety;
 - Volunteer deputy registrars;
 - Other records that may establish the provisional voter's eligibility (ex: responses to Notice of Address Confirmation or a Statement of Residence)

[1 T.A.C. 81.175]



Polling
PlaceGeneral
CustodianVoter
RegistrarBallot
BoardGeneral
Custodian

Voter Registration Resources

What is the DPS Web Portal?

- Secure platform in TEAM where voter registration officials can submit inquiries to DPS.
- Deadlines to submit inquiries:
 - 12:00 pm on the Friday following a Tuesday Election.
 - 5:00 pm on the Wednesday following a Saturday Election.
- DPS will research and respond **via the portal** with their findings, to ensure security of information provided.
- The county will be notified via automated email within 24 hours **after** DPS has set the record to “**Resolved**” status.



Polling
PlaceGeneral
CustodianVoter
RegistrarBallot
BoardGeneral
Custodian

Voter Registration Resources

When to use the 701 DPS email?

Examples:

- Record Clarification:
 - Name/hyphenated/spelling
 - Updated address information
- ✓ These types of requests may be sent to: 701@dps.texas.gov



Polling
Place

General
Custodian

Voter
Registrar

Ballot
Board

General
Custodian

Voter Registration Resources

DocShare site – TEAM Voter Registration

- Resources available:
 - DPS Web Portal Presentation
 - DPS Web Portal Manual



Polling
PlaceGeneral
CustodianVoter
RegistrarBallot
BoardGeneral
Custodian

Voter Registrar Review

- The voter registrar SHALL sign and date each Provisional Ballot Affidavit Envelope after the registrar completes their review

[1 T.A.C. 81.175]



Polling
PlaceGeneral
CustodianVoter
RegistrarBallot
BoardGeneral
Custodian

Voter Registrar Review

- The voter registrar shall copy the Provisional Ballot Affidavit Envelope of:
 - Each voter who was NOT registered to vote;
 - Each voter who was not registered but whose information contained updated voter registration information;
 - Each voter who was erroneously cancelled;
 - Each voter who was listed in the wrong precinct; or
 - Any other reason the voter registrar deems necessary

[1 T.A.C. 81.175]



Polling
PlaceGeneral
CustodianVoter
RegistrarBallot
BoardGeneral
Custodian

Voter Registrar Review

- For purposes of voter registration, the copied Provisional Ballot Affidavit Envelope serves as an original voter registration application or change form
 - The effective date of registration will be calculated as 30 days from the election date for which the Provisional Ballot Affidavit Envelope was submitted

[1 T.A.C. 81.175]



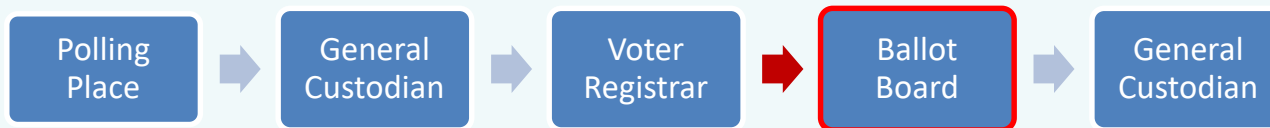
Polling
PlaceGeneral
CustodianVoter
RegistrarBallot
BoardGeneral
Custodian

Voter Registrar Review

- If the residence address provided on the Provisional Ballot Affidavit Envelope falls outside the voter registrar's jurisdiction, the voter registrar shall forward **a copy** of the Provisional Ballot Affidavit Envelope to the appropriate voter registrar.
- The original Provisional Ballot Affidavit Envelope shall be transferred by the general custodian to the appropriate voter registrar after the preservation period (22 months) upon the voter registrar's request

[1 T.A.C. 81.175]





VOTER REGISTRAR → BALLOT BOARD





Transferring Provisional Ballots:

Voter Registrar → Ballot Board

- The voter registrar shall place the Provisional Ballot Affidavit Envelopes in a closed and sealed container (provided by the general custodian) along with copies of the List of Provisional Voters and the copy of the Summary of Provisional Ballots
 - The serial number of the seal shall be recorded on the Verification of Provisional Ballots and Serial Number form

[1 T.A.C. 81.175]





Transferring Provisional Ballots:

Voter Registrar → Ballot Board

- The general custodian or presiding judge of the early voting ballot board shall pick up the closed and sealed transfer cases and all other materials at the time, date, and location designated by the voter registrar
 - The voter registrar may designate more than one time and there may be multiple deliveries
- The voter registrar shall sign the Verification of Provisional Ballots and Serial Numbers form verifying the transfer, and the general custodian or presiding judge of the early voting ballot board shall sign indicating receipt

[1 T.A.C. 81.175]





Transferring Provisional Ballots:

Voter Registrar → Ballot Board

- The presiding judge of EVBB may convene the board as soon as practicable after the voter registrar has begun delivery of the provisional ballots
- The presiding judge **MUST** post notice on the bulletin board used for posting notices no later than **24 hours** before the board is scheduled to meet
 - The board may convene while the voter registrar continues their review

[1 T.A.C. 81.176]





BALLOT BOARD



Polling
PlaceGeneral
CustodianVoter
RegistrarBallot
BoardGeneral
Custodian

Ballot Board Review

- The EVBB shall review both the election judge's and the voter registrar's notation on each Provisional Ballot Affidavit Envelope to determine whether or not the ballot should be counted
 - If either the judge or the voter registrar failed to sign the Provisional Ballot Affidavit Envelope, the EVBB may contact them and have them sign the envelope

[1 T.A.C. 81.176]



Polling
PlaceGeneral
CustodianVoter
RegistrarBallot
BoardGeneral
Custodian

Ballot Board Review

- A provisional ballot may NOT be counted for the following reasons:
 - If the election judge indicated the voter did not provide an acceptable form of identification AND the voter did not present an acceptable form of identification to the voter registrar by the sixth day after election day;
 - If the voter voted provisionally due to having an outstanding mail ballot that has not been cancelled;
 - If the voter has already voted;
 - If the voter registrar indicated that the provisional voter is not registered to vote in the territory or the registration was not effective in time for the election;
 - If the voter registrar indicated that the provisional voter is registered to vote in a different precinct other than the one the voter voted in;
 - If the election judge indicated the voter was on the list of registered voters, but the voter's registration address is outside of the political subdivision;
 - If the voter registrar indicated that an incomplete application was received from the provisional voter but the additional information was not returned

[1 T.A.C. 81.176]



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RegistrarBallot
BoardGeneral
Custodian

Ballot Board Review

- A provisional ballot MAY be counted for the following reasons:
 - If the voter failed to submit identification at the polling place, but the voter registrar indicated the voter presented an acceptable form identification at the registrar's office within six days after the election;
 - If the voter claimed they never received their mail ballot, or they wish to cancel their mail ballot, and the voter's mail ballot has not already been received by EVBB;
 - If the voter registrar indicated that the voter is registered to vote but was erroneously listed in the wrong precinct;
 - If the voter was erroneously removed from the voter registration list and is otherwise qualified to vote
 - If the voter registrar has information in the office that the voter did complete an application, and the voter is otherwise qualified
 - **This includes 701 inquires to DPS**

[1 T.A.C. 81.176]



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Ballot Board Review

- The presiding judge shall indicate the disposition of each provisional ballot on the appropriate space of the Provisional Ballot Affidavit Envelope

[1 T.A.C. 81.176]



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Notice of Outcome to Provisional Voters

- Not later than the tenth day after the local canvass, the presiding judge of EVBB shall deliver written notice to the provisional voter regarding the outcome of their provisional ballot.
 - If the provisional ballot was counted
 - If the provisional ballot was NOT counted, the reason the ballot was not counted.
 - The presiding judge shall use the information provided on the Provisional Ballot Affidavit Envelope to obtain the proper mailing address and final resolution of the provisional ballot.

[1 T.A.C. 81.176]



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Ballot Board Review

- If the provisional ballot is to be counted:
 - The ballots shall be removed from their Provisional Ballot Affidavit Envelopes and counted under the normal procedure for counting ballots by mail
 - If counted by hand, the ballots shall be tallied by precinct in the regular manner. The ballot board shall prepare the returns and submit the returns to the general custodian of election records

[1 T.A.C. 81.176]



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Ballot Board Review

- If the provisional ballot is to be counted using optical scan:
 - The manager of the central counting station shall decide whether the EVBB shall manually count the ballots and manually add to the computer count for a canvass total; or
 - Whether the central counting station shall reconvene

[1 T.A.C. 81.176]



If Central Count Reconvenes

- Prior to beginning the count at central count, the manager shall run the required second logic and accuracy test.
 - The test must be successful.
- Once the ballots have been counted, the results shall be prepared in the regular manner.
 - The manager shall prepare a certification and attach it to the returns, and place the certification and returns in envelope #1 to be delivered to the presiding officer of the canvassing board.
- After the count is complete, the manager shall run the required third logic and accuracy test.
 - If the test is not successful, the count is void.

[1 T.A.C. 81.176]



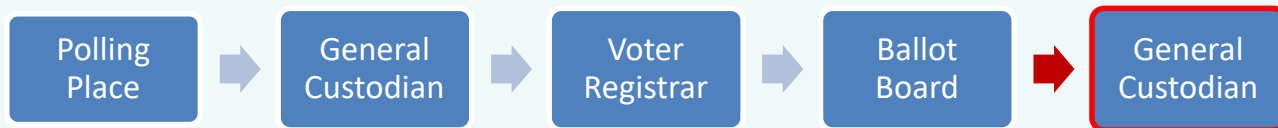
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Storage After Review

- The Provisional Ballot Affidavit Envelopes for accepted ballots shall be placed in an envelope or container for Provisional Ballot Affidavit Envelopes marked “Accepted”
- The Provisional Ballot Affidavit Envelopes and rejected provisional ballots shall be placed in an envelope or container Provisional Ballot Affidavit Envelopes marked “Rejected”

[1 T.A.C. 81.176]





BALLOT BOARD → GENERAL CUSTODIAN





Transferring Provisional Ballots:

Ballot Board → General Custodian

- Once counted, the Provisional Ballot Affidavit Envelopes, along with any corresponding paperwork, shall be re-sealed in the container and returned to the general custodian
- The List of Provisional Voters for each precinct, along with any copies of the List forms, shall be delivered to the general custodian in the envelope or container for accepted Provisional Ballot Affidavit Envelopes

[1 T.A.C. 81.176]





GENERAL CUSTODIAN



Polling Place



General Custodian



Voter Registrar



Ballot Board



General Custodian

Voting History

- The general custodian is responsible for submitting each voter's voting history to the Secretary of State.
 - This action must be completed no later than the 30th day after election day.

[Sec. 18.069]



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Public Information

- All Provisional Ballot Affidavit Envelopes and the List of Provisional Voters are subject to public disclosure after the EVBB has completed their review and returned the Provisional Ballot Affidavit Envelopes and the List of Provisional Voters to the general custodian
- Rejected Provisional Ballot Affidavit Envelopes may NOT be opened (except by court order)

[1 T.A.C. 81.176]



Polling Place



General Custodian



Voter Registrar



Ballot Board



General Custodian

Request for Return of Original Envelopes

- Upon request from the voter registrar, the general custodian shall deliver the original Provisional Ballot Affidavit Envelopes to the voter registrar after the preservation period (22 months)

[1 T.A.C. 81.176]



Any Questions?

Elections@sos.texas.gov

