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ELECTION ADVISORY **NO. 2023-13**

To: All Election Officials
From: Christina Worrell Adkins, Director of Elections *CWA*
Date: September 21, 2023
RE: NEW LAW: Senate Bill 1599 – Changes to the Corrective Action Process for Defects on Application for a Ballot by Mail and Carrier Envelope

Introduction

This advisory details new requirements for a corrective action process for the Application for Ballot by Mail (ABBM), and provides updated guidance on the corrective action process for carrier envelopes, as a result of Senate Bill 1599 (88th Leg., R.S., effective September 1, 2023). This advisory also provides answers to certain frequently asked questions regarding these changes.

This advisory is intended to replace and supersede Election Advisory No. 2022-08 and Election Advisory No. 2022-12, which provided guidance regarding the corrective action procedures in place before September 1, 2023.

All statutory references in this advisory are to the Texas Election Code (“the Code”), unless otherwise indicated.

Additional Information Required to be Provided by the Secretary of State on the Official Application for Ballot by Mail Form

The current ABBM form allows, but does not require, a voter to provide his or her telephone number on the application. House Bill 315 (88th Leg., R.S., effective September 1, 2023) directs the Secretary of State to prescribe a statement to be included on the official ABBM form explaining the benefits of furnishing a telephone number, including how that information assists the early voting clerk. As such, the Secretary of State has issued an updated ABBM that contains an additional statement pursuant to HB 315. Counties and local political subdivisions may

continue to use existing ABBM stock for distribution as needed but they should include a sticker with the newly prescribed language regarding the benefits of furnishing a telephone number.

Ballot by Mail Tracker Authentication Changes

SB 1599 amended Section 86.015(b) of the Code to change the authentication requirements of the Secretary of State's Ballot by Mail Tracker. As of September 1, 2023, voters will be required to provide their name, date of birth, the last four digits of their social security number, and their driver's license number or personal identification card number issued by the Department of Public Safety (DPS) to access the Ballot by Mail Tracker. Voters will no longer be required to provide their registration address to access the Ballot by Mail Tracker. (Sec. 86.015(b)).

The online Ballot by Mail Tracker is available at www.votetexas.gov. This online tool enables a voter who submits an ABBM to track the location and status of the voter's application and ballot, receive notice of certain defects, and if possible, correct defects in the voter's application and ballot. (Secs. 86.015(a), 86.008(c-1), 87.0271(e-1), 87.0411(e-1)).

Opportunity for Voter to Correct Defects in the Application for Ballot by Mail (ABBM)

Notification of ABBM Defects by Mail

SB 1599 amended Section 86.008(a) of the Code to create a process by which voters are notified of certain defects in their ABBM and given an opportunity to correct those defects before the ABBM is finally rejected.

As amended, Section 86.008 provides that not later than the second day after the early voting clerk discovers a defect in an applicant's ABBM, the early voting clerk shall determine if it would be possible for the applicant to correct the defect and return an application form by mail before the 11th day before election day. If the clerk determines it would be possible to correct the defect and return an application form before the deadline, the early voting clerk shall notify the voter of the defect and deliver an official application form to the applicant to correct the defect.

Along with the blank ABBM form, the early voting clerk must include a written notice containing: (1) a brief explanation of each defect in the voter's ABBM; (2) a statement informing the voter that the voter is not entitled to vote an early voting ballot unless the application complies with all legal requirements; and (3) instructions for submitting the corrected or second application. (Sec. 86.008(b)).

Any written notice of an ABBM rejection must state the reason for the rejection and be delivered to the voter at both the voter's residence address and the mailing address on the ABBM, if different. (Sec. 86.001(c)).

Notification of ABBM Defects by Phone or Email

SB 1599 also amended Section 86.008 of the Code to provide that if the early voting clerk determines that it would not be possible for the applicant to correct the defect and return an application form by mail before the 11th day before election day, the clerk may notify the applicant by telephone or email of the defect.

In this notice, the early voting clerk must provide the applicant a brief explanation of each defect, as well as a statement informing the voter that the voter is not entitled to vote an early voting ballot unless the application complies with all legal requirements. The early voting clerk also must provide instructions for correcting the defect, including using the Secretary of State's Ballot by Mail Tracker, if possible, and inform the applicant that the applicant may come to the early voting clerk's office by the 11th day before election day and correct the defect in person.

NOTE: If the voter personally comes to the early voting clerk's office by the 11th day before election day to correct a defective application, it is recommended that the voter be provided a new ABBM to complete in person rather than correct the defect (or provide additional information) on the defective application itself. Further, the early voting clerk/deputy clerk should review the defective ABBM with the voter and address the defect(s) with the voter while in the office in order to reduce the likelihood of defects in any future ABBMs the voter may file. The early voting clerk/deputy clerk should thoroughly review the newly filed application before the voter leaves the early voting clerk's office to ensure that there are no other defects that could result in a second rejection of the application.

Notification of ABBM Defects by Personal Delivery of Second Application

The early voting clerk may also deliver in person to the voter a second application if the defective original application is timely. The voter may hand-deliver the second, corrected application to the early voting clerk no later than the 11th day before election day. If the early voting clerk utilizes this procedure, the clerk must apply the procedure uniformly to all applicants. The clerk must enter a notation on the application indicating any information added by the clerk. A poll watcher is entitled to accompany the clerk and observe these procedures. (Sec. 86.008(d)).

NOTE: Although Section 86.008 of the Code authorizes the early voting clerk to return a defective ABBM to the voter for correction, the SOS recommends against doing so. Ultimately, if the early voting clerk returns a defective application to the voter, the clerk should return a copy of the original application, **not** the original application. The original application is a filed government document that should remain in the custody of the early voting clerk's office.

Correcting ABBM Defects Through the Secretary of State's Ballot by Mail Tracker

In addition to providing a new ABBM to the voter, or notifying the voter of a defect(s) by phone or email, the early voting clerk must notify a voter of the ability to correct certain defects on the ABBM form using the Secretary of State's online Ballot by Mail Tracker.

Below is a list of ABBM defects that a voter may correct using the Ballot by Mail Tracker, effective September 1, 2023:

- Voter submitted an application for ballot by mail on the ground of disability but failed to include the affirmation required under Section 84.002 of the Code.
- Voter submitted an application for ballot by mail on the ground of expected absence from the county but did not provide an address outside of the county.
- Voter submitted an application for ballot by mail on the ground of confinement in jail or due to involuntary civil commitment but did not provide the address of the jail/civil commitment facility or a relative.
- Voter did not indicate the reason that the voter is 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.
- Voter did not provide a residence address on the application.
- Voter did not provide the voter's DPS-issued driver's license number, personal identification card number, election identification certificate number or the last four digits of the voter's social security number, or the number provided on the ABBM did not match his or her voter registration record.
- Voter indicated that he or she is 65 years of age or older or have a disability as the ground for voting by mail. The address to which the voter requested that the ballot be mailed is not associated with the voter's registration information as either the voter's residence address or the designated mailing address. If the voter wants to have the ballot mailed to an address other than the voter's residence or mailing address associated with his or her voter registration information, the voter must designate the address of a hospital, nursing home, long term-care facility, retirement center, or relative. If the voter provided the address of a relative, the voter must state the relationship to the relative.

NOTE: The early voting clerk should retain the documentation from the TEAM system that shows the voter validated his or her personal identification number(s) or corrected one of the other curable defects online. This documentation should be maintained with the voter's original ABBM and provided to the early voting ballot board so that the board is notified that the defect was corrected.

NOTE: If the voter's application contained more than one of the curable defects noted above, the voter will **NOT** be able to correct the defects using the Secretary of State's Ballot by Mail Tracker. The voter will need to submit a new ABBM by mail or in person to the early voting clerk. The early voting clerk must receive the new ABBM by the 11th day before election day.

Forms Related to Corrective Action Procedures for Defective ABBMs

As a result of SB 1599's changes to the ABBM review process, the SOS has updated forms pertaining to the corrective action procedures as of September 1, 2023.

Notice of Rejected Application for Ballot by Mail (Form 6-2)

The SOS has updated the Notice of Rejected Application for Ballot by Mail (Form 6-2) to notify voters that they may come to the early voting clerk's office to correct a defect(s). This form should be used by the early voting clerk if the defect cannot be corrected using the Secretary of State's Ballot by Mail Tracker or if there are multiple defects in the ABBM.

If the reason for the defect was that the early voting clerk could not validate the DPS-issued driver's license number, personal identification card number, election identification certificate number or the last four digits of the voter's social security number, due to the voter registration record not containing this information, the early voting clerk must also include a postage-paid voter registration application to accompany this notice so that the voter may add the number(s) to his or her voter registration record. The voter may also update his or her voter registration information online at www.Texas.gov. Updating the voter registration record will reduce the likelihood that any future ABBMs or carrier envelopes submitted by the voter will contain identification information that cannot be validated against the voter's record.

The voter must submit a new ABBM to the early voting clerk, either by mail or in person at the early voting clerk's office, after this notice is issued in order to receive a ballot by mail. The early voting clerk cannot issue a mail ballot to the voter if the voter failed to update his or her voter registration record as needed.

Notice of Rejected Application for Ballot by Mail Containing a Defect That May Be Corrected Online (Form 6-3)

The SOS has amended this form to include additional defects that may be corrected by a voter using the Secretary of State's Ballot by Mail Tracker. The form was also amended to inform voters that they may correct the defect on their ABBM by submitting a new application by mail or in person to the early voting clerk by the specified deadline.

The notice includes information about how to correct the defect through the online Ballot by Mail Tracker, available at www.votetexas.gov. (Sec. 86.001(f-1)). If the applicant corrects the defect on the Ballot by Mail Tracker by the deadline, the early voting clerk shall provide a ballot to the applicant. (Sec. 86.001(f-2)).

Deadline to Correct Defects in Application for Ballot by Mail

If a voter receives a Notice of Rejected Application for Ballot by Mail Containing a Defect That May Be Corrected Online (Form 6-3), or the voter logs into the Ballot by Mail Tracker and sees that there is missing or incorrect personal identification information or that there is another defect that can be corrected online (please see the above list of defects that can be corrected online), the voter must (1) complete the required validation or correct the defect 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). As a reminder, the voter may complete a new ABBM and submit the form by mail or in person at the early voting clerk's office no later than the 11th day before election day.

The early voting clerk must review all pending ABBMs for which voters were notified of a defect that can be corrected using the Secretary of State's Ballot by Mail Tracker. If the applicant did not correct the defect as indicated on the form, the early voting clerk may not send the voter a ballot by mail. The early voting clerk does not need to send another notice to the voter, as the form notifies the voter that failing to take corrective action by the deadline will result in a final rejection of the voter's ABBM.

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.

Please review the Secretary of State's election law calendar for additional details about ballot by mail deadlines.

Changes to the Early Voting Ballot Board Meeting Timeframes

SB 1599 also amended Section 87.0222 of the Code regarding the time that mail ballots may be delivered to the early voting ballot board ("EVBB"). As amended, Section 87.0222 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.**

Any jacket envelopes of early voting ballots voted by mail returned after delivery of the ballots to the EVBB may be delivered to the presiding judge of the EVBB between the end of the ninth day before election day and the closing of the polls on election day, or as soon after closing as practicable, at the time or times specified by the presiding judge. (Sec. 87.0222(a-1)). The early voting clerk shall post notice of each delivery of balloting materials that is to be made before the time for opening the polls on election day. The notice must be posted at the main early voting polling place continuously for at least 24 hours immediately preceding the delivery. (Sec. 87.0222(b)).

The mail ballots may not be counted until (i) the polls open on election day; or (ii) in an election conducted by an authority of a county with a population of 100,000 or more **or** entities that are having joint elections with such a county or who are conducting their election with such a county through a contract for election services, the end of the period for early voting in person. (Secs. 87.0222, 87.0241).

NOTE: The procedure that allows counties with a population of 100,000 or more to count mail ballots or early in person ballots before election day is only authorized for counties that used

electronic system ballots in the election. (Sec. 81.36(a)(4), Title 1, Texas Administrative Code). Further, the **results may not be released until the polls close on election day.**

Signature Comparison Requirements for Early Voting Ballot Board (EVBB) and Signature Verification Committee (SVC)

Under Section 87.041 of the Code, if the voter provides personal identification information on the carrier envelope that matches the voter's registration record, the signatures on the ABBM and the carrier envelope shall be rebuttably presumed to be the signatures of the voter. (Sec. 87.041(d-1)). SB 1599 amended Section 87.041(d-1) of the Code to clarify that the early voting ballot board **shall** compare signatures when making a determination to accept a ballot regardless of whether the presumption in favor of the voter exists due to the personal identification numbers matching the voter's registration record.

The only way to reject a mail ballot due to a signature mismatch is for a member of the signature verification committee ("SVC") or EVBB to rebut this presumption. The presumption may be rebutted by presenting other past signatures on file with the early voting clerk or voter registrar that would support a finding that the signatures on the carrier envelope and ABBM are not those of the same voter. Any findings by the SVC that the signatures are not those of the same voter can be overridden by the EVBB. (Sec. 87.027(j)). This decision can be overridden even in circumstances when the voter has been provided an opportunity to correct a signature mismatch (notified by phone or email of the defect and subsequent corrective action process), but the voter did not complete the corrective action process. (Sec. 87.027(j)).

A poll watcher has no authority to challenge the acceptance of a signature or any actions taken by the SVC or EVBB 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 respect to the watcher's observations.

Possible Scenarios:

- **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.
- **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.

- **Scenario 3:** Voter provides the last four digits of the voter’s 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).
- **Scenario 4:** Voter indicates on the carrier envelope that the voter has 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.
- **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 the 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.
- **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 the voter has not been issued one of the applicable identification numbers. The SVC or EVBB must notify the voter of the 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.

Signature Verification Committee Corrective Action Process Requirements

The signature verification committee is created by the early voting clerk and can be appointed for any election. (Sec. 87.027(a)). The SVC may begin meeting as early as 20 days before election day. (Sec. 87.027(f)). For more details on the creation and administration of an SVC, please see Section 87.027 of the Code.

SB 1599 amended Section 87.0271 of the Code to provide that not later than the second day after the SVC discovers a defect in a carrier envelope described by Section 87.0271(a) and before the committee decides whether to accept or reject a timely delivered ballot under Section 87.027, the committee shall send the voter a notice of the defect and a corrective action form developed by the Secretary of State by mail or by common or contract carrier. Examples of common or contract carriers include United Parcel Service (UPS), FedEx, DHL, or a local courier service.

The SVC must include with the notice delivered to the voter a brief explanation of each defect in the voter's carrier envelope. The notice must also inform the voter that the voter may: (A) cancel the voter's ABBM in the manner described by Section 84.032 of the Code; or (B) correct the defect in the voter's ballot by: (1) submitting a corrective action form developed and made available by the Secretary of State by mail or by common or contract carrier; or (2) coming to the early voting clerk's office not later than the sixth day after election day.

If the SVC 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 committee may notify the voter of the defect by telephone or email and inform the voter that the voter may request to have the voter's ABBM canceled in the manner described by Section 84.032, submit a corrective action form developed by the Secretary of State by mail or by 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.

In addition to sending the voter a notice of the defect or notifying the voter of the defect by phone or email, the SVC must permit the voter to correct a defect using the Secretary of State's online Ballot by Mail Tracker, if possible. **The SVC no longer has authority under Section 87.0271 of the Code to return a defective carrier envelope to the voter.**

The following defects on a carrier envelope 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.

As a reminder: Only the EVBB has the authority to open a carrier envelope for those voters who submitted their request using an ABBM. (Sec. 87.041(a)). As the SVC does not have the authority to open a carrier envelope, the SVC is unable to determine whether a carrier envelope contains a completed Statement of Residence (SOR). Because the authority to open a carrier envelope to

determine whether a voter submitted a completed SOR lies solely with the early voting ballot board, the SVC cannot notify voters of defects related to a missing SOR.

However, the SVC can open a sealed carrier envelope, or envelope used for mailing the voted ballot and balloting materials, for voters who submitted their request to vote by mail using a Federal Post Card Application (FPCA), as signature sheets are expressly authorized for this process.

Early Voting Ballot Board Corrective Action Process Requirements

As noted above, SB 1599 amended Section 87.0222 of the Code to provide 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. Thus, the early voting ballot board in all counties and local political subdivisions may begin meeting at any time they have ballots to review. The ballot board **does not** have to wait until this ninth-day deadline to meet.

SB 1599 amended Section 87.0241 of the Code to provide that the EVBB shall make a determination whether to accept early voting ballots voted by mail in accordance with Section 87.041 after the ballots are delivered to the board.

SB 1599 also amended Section 87.0411 of the Code to provide that not later than the second day after the EVBB discovers a defect in a carrier envelope described by Section 87.0411(a) and before the EVBB decides whether to accept or reject a timely delivered ballot under Section 87.041, the board shall send the voter a notice of the defect and a corrective action form developed by the Secretary of State by mail or by common or contract carrier.

The EVBB must include with the notice delivered to the voter a brief explanation of each defect in the voter's carrier envelope. The notice must also inform the voter that the voter may: (A) cancel the voter's ABBM in the manner described by Section 84.032 of the Code; or (B) correct the defect in the voter's ballot by: (1) submitting a corrective action form developed and made available by the Secretary of State by mail or by common or contract carrier; or (2) coming to the early voting clerk's office not later than the sixth day after election day.

If the 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 board may notify the voter of the defect by telephone or email and inform the voter that the voter may request to have the voter's ABBM canceled in the manner described by Section 84.032 of the Code, submit a corrective action form developed by the Secretary of State by mail or by 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.

In addition to sending the voter a notice of the defect or notifying the voter of the defect by phone or email, the board must permit the voter to correct a defect using the Secretary of State's

online Ballot by Mail Tracker, if possible. **The EVBB no longer has authority under Section 87.0411 of the Code to return the defective carrier envelope to the voter.**

The following defects on a carrier envelope 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 and will result in a rejected mail ballot.

Corrective Action Process Timelines for EVBB/SVC

The SVC or EVBB has two methods by which they can notify a voter of the ability to correct one or more of the defects outlined above. As explained below, **voters now have until the sixth day after election day to correct a defect in their carrier envelope, regardless of how the SVC or EVBB notifies the voter of the defect.**

Notifying the Voter by Mail: Not later than the second day after the SVC/EVBB discovers a defect in a carrier envelope and before the SVC/EVBB decides whether to accept or reject a timely delivered ballot, the SVC/EVBB shall send the voter a notice of the defect and a corrective action form by mail or by common or contract carrier. The SVC/EVBB must include with this notice a brief explanation of each defect in the voter's carrier envelope. The notice must also inform the voter that the voter may cancel his or her ABBM in the manner described by Section 84.032 of the Code, or correct the defect in the voter's ballot by submitting a corrective action form by mail or by common or contract carrier or coming to the early voting clerk's office not later than the sixth day after election day. In addition, the SVC/EVBB must permit the voter to correct a defect using the Secretary of State's online Ballot by Mail Tracker, if possible. (Secs. 87.0271, 87.0411).

Notifying the Voter 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 request to have the voter's ABBM canceled in the manner described by Section 84.032 of the Code, submit a corrective action form by mail or by 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. The SVC/EVBB also must permit the voter to correct a defect using the Secretary of State's online Ballot by Mail Tracker, if possible. (Secs. 87.0271, 87.0411).

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)).

Corrective Action Procedures for EVBB/SVC

The SOS recommends that when notifying the voter of a defect, the SVC or EVBB take certain actions, including the following:

- **If notifying by email:**

1. Send the voter the Notice of Defective Carrier Issued by Signature Verification Committee or Early Voting Ballot Board (Form) via email.
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 his or her attorney regarding any requests for such emails, as certain information may be exempt from disclosure under the Public Information Act.

- **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 his or her voter registration address and whether the voter 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(s) should be explained.
 5. The SVC or EVBB should explain the process for the voter to correct the defect in the carrier envelope by appearing at the early voting clerk's office, by submitting a corrective action form by mail or common or contract carrier, or by cancelling the voter's mail ballot and voting in person during early voting or on election day.
 6. The SVC or EVBB should provide a return phone number that the voter may use to confirm that the voter was 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 of Voters with Defective Carrier Envelopes – Notified by Phone or Email, and the action taken by the SVC or EVBB should be noted on the roster.
- **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 Defective Carrier Issued by Signature Verification Committee or Early Voting Ballot Board (Form) and corrective action form to inform the voter of the ability to correct the defect by appearing at the early voting clerk's office, by submitting a corrective action form by mail or common or contract carrier, or by cancelling the voter's 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 – Notified by Phone or Email, 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 send the voter a Notice of Defective Carrier Issued by Signature Verification Committee or Early Voting Ballot Board (Form) and the corrective action form by mail or common or contract carrier to inform the voter of the ability to correct the defect by appearing at the early voting clerk's office, by submitting a corrective action form by mail or common or contract carrier, or by cancelling the voter's mail ballot and voting in person during early voting or on election day.

If a voter's carrier envelope has a defect that may be corrected, the SVC or EVBB must provide this status information to the county early voting clerk, who submits the information via TEAM to update the Ballot by Mail Tracker.

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.

Recommended Timelines/Plan for the SVC and EVBB

The SOS recommends that before qualifying mail ballots, the early voting clerk meet with the SVC or EVBB 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 notices and corrective action forms will be submitted to the voter by mail or common or contract carrier versus when voters will be notified of the defect by phone or email. See recommendations below regarding establishing a specific deadline for transitioning to phone/email notification.
- 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.

Recommended Timelines for Notification Process

When the SVC or EVBB is determining whether there is adequate time to submit the notice and corrective action form to the voter by mail or common or contract carrier, we strongly recommend that it takes into account postal delivery time frames. According to the United States Postal Service (USPS), first-class delivery can take up to five business days. The SOS recommends that the SVC or EVBB implement 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).

Rolling Review of Carrier Envelopes

To ensure that voters are given the maximum amount of time to correct a defective carrier envelope, the SOS recommends that the SVC or EVBB meet on the first possible day allowed under the Code to qualify all mail ballots received up until that point (as identified in the chart below). The SOS recommends the SVC or EVBB continue their qualification of ballots on a rolling basis throughout the authorized meeting period to ensure that voters who are eligible to correct

defects are notified as quickly as possible of the defect and their correction options. Notice of all SVC or EVBB meeting times should be posted timely to ensure that poll watchers are aware of when the SVC or EVBB meetings will occur.

As noted above, effective September 1, 2023, the EVBB in all counties 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.** (Sec. 87.0222).

	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 begin meeting at any time they have ballots to review. The first meeting must take place not later than the ninth day before election day.	Sec. 87.0222(a)

Methods of Correcting Defects in Carrier Envelope

Correcting Defect by Returning Corrective Action Form by Mail or Common or Contract Carrier

If the SVC or EVBB determines that it would be possible for the voter to receive the notice of defect within a reasonable time to correct the defect(s) by the sixth day after election day, the SVC or EVBB shall send the voter a notice of the defect and a corrective action form. (Secs. 87.0271(b), 87.0411(b)).

Procedures

The SOS recommends that when preparing to mail the voter a notice of the defect and a corrective action form, the SVC or EVBB take several actions, including the following:

1. Stamp or mark the voter’s carrier envelope with the words “Corrective Action Required.”
2. Note the appropriate defect on the Notice of Defective Carrier Issued by Signature Verification Committee or Early Voting Ballot Board (Form).
3. Send the voter’s Notice of Defective Carrier Issued by Signature Verification Committee or Early Voting Ballot Board and corrective action form by mail or by common or contract carrier. The early voting clerk should include an envelope for the voter to return the corrective action form to the early voting clerk. This envelope should contain the Official

Election Mail logo prescribed by the USPS. The voter must be notified if the return envelope needs additional postage.

4. Enter the voter's information on the Roster of Voters with Defective Carrier Envelopes.

Correcting Defect by Appearing in Person at Early Voting Clerk's Office

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(s) by the sixth day after election day, the SVC or EVBB may notify the voter of the defect by telephone or email. The notice must inform the voter that the voter may come to the early voting clerk's office in person not later than the sixth day after election day to correct the defect, request to have the voter's ABBM cancelled in a manner described by Section 84.032 of the Code, or correct the defect using the Secretary of State's Ballot by Mail Tracker, if possible. (Secs. 87.0271(c), 87.0411(c)).

Upon appearing at the early voting clerk's office, the voter will be asked to submit the Corrective Action Form for Defective Carrier Envelope. This form allows the voter to provide the information necessary to address the defect(s) in the voter's carrier envelope.

Correcting Certain Defects Through Ballot by Mail Tracker and Updating Residence Address Through Texas.gov

If the SVC or EVBB determines that 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, the voter may correct this defect through the Secretary of State's Ballot by Mail Tracker. The Notice of Defective Carrier Issued by Signature Verification Committee or Early Voting Ballot Board provides information on how to utilize the tracker. Information validated through the Ballot by Mail Tracker should be provided to the EVBB for its final review of the ballot before determining acceptance or rejection.

If a voter's carrier envelope has a defect that may be corrected, the SVC or EVBB must give this information to the early voting clerk, who submits it via TEAM to update the tracker.

If the reason for the defective carrier was that the voter failed to include a Statement of Residence with the voter's carrier envelope, if required, the voter may update the residence address associated with his or her voter registration record online at www.Texas.gov. The early voting clerk must review the online record to confirm whether the voter updated the residence address associated with his or her voter registration record by the required deadline in order to provide this information to the EVBB.

Cancellation of a Ballot by Mail Under Section 84.032 of the Election Code

Please see below for the various methods by which a voter may cancel the voter's ABBM per Section 84.032 of the Code.

Cancellation Options

All cancellations must be completed in accordance with Section 84.032 of the Code. 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 the voter's Annual ABBM. (Sec. 84.038). Please see below for information regarding various cancellation scenarios:

- **Cancellation by Surrendering Mail Ballot at Polling Place During Early Voting or on Election Day:** If a voter has possession of his or her mail ballot, the voter may surrender that ballot at any early voting or election day polling place. Upon surrendering the ballot and completing the Application to Cancel a Ballot by Mail for Use in the Polling Place form, the voter will be given a regular ballot for voting. (Sec. 84.032(c), (d)).
- **Cancellation at Polling Place Without Surrendering Mail Ballot:** If a voter appears at a polling place during early voting or on election day, but does not have a mail ballot to surrender, and does not present a Notice of Improper Delivery or a Notice of Surrendered Ballot, the voter may complete the Application to Cancel a Ballot by Mail for Use in the Polling Place form. The voter should vote provisionally and the election judge/deputy early voting clerk should check reason #4 on the Affidavit of Provisional Voter Envelope. (Secs. 84.032(c), 84.035(b)).
- **Cancellation at Early Voting Clerk's Office:**
 - If the voter appears at the early voting clerk's office and submits a cancellation request in writing and surrenders the mail ballot, the voter will be permitted to vote a regular ballot in person. The voter will be issued a Notice of Surrendered Ballot by Mail. This notice will be taken to the polling place and presented to the presiding judge/deputy early voting clerk. The presiding judge/deputy early voting clerk must issue the voter a regular ballot for voting. (Secs. 84.032(a), (c), (d), 84.035(b)).
 - If the voter appears at the early voting clerk's office and submits a cancellation request in writing but does **not** surrender his or her mail ballot, the voter will be permitted to vote, but the voter must be issued a provisional ballot. The voter must complete a proper affidavit on the cancellation form. The voter should be sent to the voter's applicable polling location to vote provisionally. (Secs. 84.032(a), (c), 84.035(b)).
 - **NOTE:** The early voting clerk's office may not always contain the main early voting polling place. If a voter appears during early voting, the voter should be directed to the nearest early voting location to vote.
- **Cancellation by Voter who was Notified of a Defective Carrier by Mail, Common or Contract Carrier, Phone, or Email:** If a voter was notified of the defect in his or her carrier envelope by mail, common or contract carrier, phone, or email, the voter may cancel his or her mail ballot application and vote in person.

- If the voter appears at the early voting clerk's office and submits a cancellation request in writing and the early voting clerk can verify that the ballot is in the possession of the SVC/EVBB, the early voting clerk can issue a Notice of Surrendered Ballot by Mail. This notice will be taken to the polling place during early voting in person or on election day and presented to the presiding judge/deputy early voting clerk. The presiding judge/deputy early voting clerk must issue the voter a regular ballot for voting. (Secs. 84.032(a), (c), (d), 84.035(b)).
- If the voter appears at the polling place during early voting in person or on election day and completes a written cancellation request, but the voter does not present a Notice of Surrendered Ballot or a Notice of Improper Delivery, the voter must be given a provisional ballot. The presiding judge/deputy early voting clerk should mark reason #4 on the Affidavit of Provisional Voter Envelope. The presiding judge/deputy early voting clerk may also want to add a notation that the voter was notified of a defect on the voter's carrier envelope by mail, common or contract carrier, phone, or email. (Sec. 84.032(b), (c)).

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 Code. A written, signed, and scanned copy of a cancellation request may be submitted by email or fax. The request must contain an original, wet ink signature; an electronic or digital signature is not permissible.

SB 1599 amended Section 66.026 of the Code to require election workers to maintain a register of surrendered mail ballots returned at a polling place when a voter cancels his or her mail ballot and votes in person. Specifically, ballots surrendered at the polling place shall be deposited in Ballot Box Number 4 for delivery to the general custodian on election day. (Secs. 66.026, 84.036). During early voting by personal appearance, ballots surrendered at branch early voting locations must be delivered with the voted ballots but in a separate locked container to the main early voting polling place. (Sec. 85.071).

SB 1599 also amended Section 84.032 of the Code to provide that the presiding judge/deputy early voting clerk must enter certain information on a register of mail ballots that are returned at a polling place on election day and during early voting by personal appearance. Specifically, the presiding judge/deputy early voting clerk must enter the name of each voter who returns a mail ballot and the ballot's number on the register. (Sec. 84.032(d-1)) To that end, the SOS has created a Register of Surrendered Ballots by Mail form (Form 7-64) for use at election day polling places and early voting polling places. The presiding judge and deputy early voting clerks may use this register to record the name of each voter and the ballot number pursuant to Section 84.032.

Provisional Voting

If the voter does not have possession of the carrier envelope, Notice of Improper Delivery, or Notice of Surrendered Ballot by Mail, but would like to cancel the voter's mail ballot, the voter can go to an early voting polling place or election day polling place and vote a provisional ballot.

Correcting a Defect at the Early Voting Clerk's Office

As indicated above, the voter may appear in person at the early voting clerk's office not later than the sixth day after election day to take certain corrective actions. (Secs. 87.0271(c), 87.0411(c)). Upon appearing at the early voting clerk's office and informing the early voting clerk that the voter has been notified that the voter's carrier envelope had a defect, the early voting clerk should review the appropriate Roster of Voters with Defective Carrier Envelopes (or other applicable records) provided to the early voting clerk by the SVC or EVBB to determine what corrective action is necessary.

If the voter has a completed Corrective Action Form for Defective Carrier Envelope, the early voting clerk will take the form and make a notation on the appropriate roster that the form was received.

If the voter does not have a completed Corrective Action Form for Defective Carrier Envelope, the early voting clerk shall provide the form to the voter and have the voter complete the paperwork in the early voting clerk's office. After completion of the paperwork, the early voting clerk will take the corrective action form and make a notation on the appropriate roster that the form was received.

The early voting clerk must review the documentation provided by the voter to ensure that the voter has completed the necessary corrective actions. The early voting clerk or deputy early voting clerk will then complete the remaining notations on the roster. The Corrective Action Form for Defective Carrier Envelope must be securely retained until the records are transferred back to the SVC or EVBB.

The early voting clerk should make arrangements with the SVC chair and/or the EVBB presiding judge to receive an updated copy of the Roster of Voters with Defective Carrier Envelopes after each meeting of the SVC or EVBB in which the committee or board qualifies voted ballots for signature comparison or makes a determination to accept or reject voted ballots. Additionally, the early voting clerk shall provide any Corrective Action Form for Defective Carrier Envelope received along with an updated copy of the roster to the EVBB for the board's final review of ballots. The SOS recommends that this information be provided to the EVBB prior to any meeting of the EVBB. On election day, if the EVBB is meeting prior to the closing of the polls, it should be provided with any Corrective Action Form for Defective Carrier Envelope received before its meeting and any forms received up until the polls close on election day.

The early voting clerk should provide instructions about how to process voters who appear in person to correct defects in their carrier envelopes to all deputy early voting clerks who may be assisting with the corrective action process or answering phone or email inquiries.

Required Actions by Early Voting Ballot Board for all Ballots Subject to Corrective Action Process

Upon receiving any Corrective Action Form for Defective Carrier Envelope that voters provided in person, or a notification from the early voting clerk that a voter provided missing or incorrect personal identification information through the Secretary of State's Ballot by Mail Tracker, or a notification that the voter updated the residence address associated with his or her voter registration record online at www.Texas.gov, the EVBB must review the carrier envelope and associated paperwork to make a determination whether to accept or reject the ballot. (Sec. 87.0411(g)).

Because a voter has until the sixth day after election day to correct the defect(s), the voter's ballot may not be finally rejected for the reason provided in the Notice of Defective Carrier Issued by Signature Verification Committee or Early Voting Ballot Board before the seventh day after election day. (Secs. 87.0271(g), 87.0411(g)).

Impacts on Federal Post Card Application (FPCA) Voters

The requirements that an ABBM contain a voter's personal identification information apply to Federal Post Card Application voters. The FPCA form already includes a place for a voter to provide this information, as the form is also used for voter registration purposes. If a voter fails to include his or her personal identification number on the FPCA, the voter may correct this defect by submitting a new FPCA. If the voter is already registered, the voter may validate his or her identification information in the Secretary of State's Ballot by Mail Tracker.

Likewise, the identification requirements for carrier envelopes apply to mail ballots for FPCA voters. Many FPCA voters receive their balloting materials by email, and an FPCA voter cannot construct the carrier envelope with a sufficient secrecy flap. Additionally, all FPCA ballots must be carried by the USPS free of postage. 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 as long as the early voting clerk includes a required signature sheet for the voter to complete.

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 his or her marked ballot.

The SOS previously prescribed a version of the carrier envelope that contains the required postage-paid information to be used only for FPCA voters. The personal identification number requirements were added to the FPCA signature sheet.

Actions by Signature Verification Committee or Early Voting Ballot Board Regarding FPCA Voters

The SVC or EVBB, whichever is applicable, must review an FPCA voter's returned carrier envelope or signature sheet just as they would for a regular ABBM voter. However, as many FPCA voters will be utilizing a signature sheet that is contained within a sealed envelope, the SVC may have to open the sealed envelope to determine if the voter included a required signature sheet. The SVC may ONLY open FPCA carrier envelopes containing these voted ballots to ensure that the signature sheet has been included and that it contains the necessary information required for validation of personal identification numbers and/or signatures.

Correction of Defects by FPCA Voters

If the FPCA voter provided incorrect identification information on his or her carrier envelope or signature sheet, did not provide any identification information, failed to sign the carrier envelope or signature sheet or the signature provided could not be determined to be that of the voter, failed to provide complete information with respect to a witness, 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. Because the signature sheet is separate from the voted ballot and is authorized under state and federal law, FPCA voters who have a defect in their signature sheet have additional methods for returning this corrected or missing required documentation. Specifically, 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). FPCA voters must also correct the defect(s) in their carrier envelope or signature sheet by the sixth day after election day.

Early Voting Clerk Notification to Voter of Defects in Carrier Envelope

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 the voter may come to the early voting clerk's office to correct the defect or cancel the voter's ABBM and vote in person. The early voting clerk may utilize this provision for defects such as a missing signature by the voter, a partially completed witness or assistant box (if applicable), a ballot that is not returned in a carrier envelope, or missing/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. Additionally, 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. If the early voting clerk notifies a voter of a defect in his or her carrier envelope by mail, the clerk should include a letter explaining the actions that the voter needs to take to correct and return the carrier envelope.

Please be advised that the early voting clerk can only notify voters of certain defects under Section 86.011(d). If the early voting clerk receives a mail ballot with an obvious defect, but it is within the time frame that the SVC or EVBB can meet, the early voting clerk should expeditiously deliver these ballots to the SVC or EVBB so that they may complete their review and notify the voter of defects in a timely fashion. The SVC or EVBB should review the ballots with obvious defects first to ensure that those voters are timely notified of their options to correct or cancel their mail ballot.

Removing the Secrecy Flap on Carrier Envelope

The early voting clerk is authorized to remove the secrecy flap on a returned carrier envelope to facilitate the processing and review of voted mail ballots. If, in removing the secrecy flap, the early voting clerk discovers that the voter did not fully seal the carrier envelope, the clerk may take actions such as taping or sealing the flap to ensure that the envelope containing the ballot is not separated from the carrier envelope.

Returning the Carrier Envelope to Voter

If the early voting clerk discovers that the carrier envelope is missing the voter's signature, has missing or incomplete witness or assistant information, or has missing or incorrect personal identification information, 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. If the early voting clerk sends the carrier envelope to the voter by mail, the clerk should include a notice explaining the defect and provide instructions on how the voter can correct and return the carrier envelope or cancel the voter's ABBM and vote in person. The early voting clerk may provide his or her own letter to the voter explaining these defects.

If an early voting clerk delivers the carrier envelope to the voter in person, the clerk should document this delivery. This hand-delivery option must be applied uniformly to all voters in similar circumstances. In addition, poll watchers are entitled to follow the early voting worker when making the delivery and observe the correction process. Upon receipt of the carrier envelope, the voter may correct the defect immediately and surrender the carrier envelope to the early voting clerk personnel, who would return to the clerk's office with the corrected carrier envelope. Alternatively, the early voting worker could leave the carrier envelope in the voter's possession and allow the voter to either make the correction on his or her own and mail the ballot to the early voting clerk or cancel the mail ballot and vote in person.

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. At that point, the early voting clerk should not provide these notifications, as the SVC/EVBB has additional options to contact voters of defective carrier envelopes—and voters notified of such defects by the SVC/EVBB have until the 6th day after election day to correct the defect.

Deadline to Return Carrier Envelope to the Early Voting Clerk

As the carrier envelope was returned to the voter prior to review by the EVBB, the regular delivery deadlines for carrier envelopes apply. These deadlines are listed in the Secretary of State’s election law calendars. Any carrier envelopes returned to the early voting clerk after the regular return deadlines will not be sent to the EVBB for review, as they were not timely returned. (Sec. 86.011(c)).

Tracking Mail Ballots Returned to Voter by Early Voting Clerk

If an early voting clerk opts to return a defective carrier envelope to the voter, the early voting clerk should leave this ballot in the “Ballot Sent” status for the Secretary of State’s Ballot by Mail Tracker. These ballots should be entered as “Ballot Received” until the ballot has been returned by the voter.

Notifying Voter of Defective Carrier Envelope by Phone

Alternatively, if the early voting clerk discovers that the carrier envelope is missing the voter’s signature, has missing or incomplete witness or assistant information, or has missing or incorrect personal identification information, the early voting clerk may notify the voter by phone of this defect and inform the voter that the voter may appear at the early voting clerk’s office in person to correct the defect or cancel the voter’s ABBM and vote in person. The early voting clerk is not permitted to notify voters of a defective carrier envelope by email. However, if the voter requests additional information regarding the correction process, the early voting clerk may email instructions to the voter on how to correct defects—as long as the clerk takes the same action for all voters who request additional information by email.

The early voting clerk may notify voters of defective carrier envelopes by phone until the SVC/EVBB begins notifying voters of defects by phone or email. At that point, the early voting clerk should refrain from providing these notifications and should deliver the defective carrier envelopes expeditiously to the SVC/EVBB. The SVC or EVBB should review the ballots with obvious defects first to ensure that those voters are timely notified of their options to correct or cancel their mail ballot.

Deadline to Appear in Person at Early Voting Clerk's Office to Correct Defects

A voter who is notified of a defective carrier envelope by the early voting clerk under Section 86.011(d) must act on the defect(s) by 7:00 p.m. on election day. If the voter does not take such corrective action by 7:00 p.m. on election day, the early voting clerk shall deliver the defective carrier envelope to the EVBB for review. The EVBB will then make its own determination as to whether there are any defects in the carrier envelope and may also inform the voter of the ability to correct the defect(s). A voter who is notified of a defective carrier envelope by the SVC/EVBB has until the 6th day after election day to correct the defect(s) in person at the early voting clerk's office.

Uniform Treatment of Voters

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.

Poll Watchers May be Present for Early Voting Clerk Notifications

Poll watchers are entitled to observe the procedures described under Section 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.

Forms Related to Corrective Action Process for Defective Carrier Envelopes

The SOS has updated certain forms pertaining to the corrective action procedures for defective carrier envelopes as of September 1, 2023. Additionally, several previously prescribed forms remain in place, as described below.

Notice of Carrier Defect Issued by the Early Voting Clerk (Defective Carrier Envelope Returned to the Voter by Mail) (Form 6-14)

The SOS previously prescribed the Notice of Carrier Defect Issued by the Early Voting Clerk (Defective Carrier Envelope Returned to the Voter by Mail). This form may continue to be used by the early voting clerk if the clerk discovers that the carrier envelope is missing the voter's signature, has missing or incomplete witness or assistant information, or has missing or incorrect personal identification information. The early voting clerk may deliver the carrier envelope in person or by mail to the voter per Section 86.011 of the Code so that the voter may correct the defect. If the early voting clerk sends the carrier envelope to the voter by mail, the clerk should

include this notice, which explains the defect and provides instructions on how the voter can correct and return the carrier envelope or cancel the voter's ABBM and vote in person. The early voting clerk may provide his or her own letter to the voter explaining these defects.

Notice of Carrier Defect Issued by the Early Voting Clerk (Ballot by Mail Held at the Early Voting Clerk's Office Awaiting Correction) (Form 6-15)

The SOS previously prescribed the Notice of Carrier Defect Issued by the Early Voting Clerk (Ballot by Mail Held at the Early Voting Clerk's Office Awaiting Correction). The early voting clerk may notify the voter by phone of a defective carrier envelope under Section 86.011 of the Code and inform the voter that the voter may appear at the early voting clerk's office in person to correct the defect or cancel the voter's ABBM and vote in person. The early voting clerk is not permitted to notify voters of a defective carrier envelope by email. However, if the voter requests additional information regarding the corrective action process, the early voting clerk may email this form to the voter to explain how to correct defects—as long as the clerk takes the same action for all voters who request additional information by email.

Notice of Defective Carrier Issued by Signature Verification Committee or Early Voting Ballot Board (Form 10-32)

The SOS previously issued two different Notice of Carrier Defect forms to notify voters of defects in their carrier envelope and the available corrective actions. These forms were the Notice of Carrier Defect – Carrier Envelope Returned to Voter by Mail and the Notice of Carrier Defect – Voter Notified by Phone or Email. As a result of changes from SB 1599, both forms are no longer in use as of September 1, 2023.

The SOS has prescribed a new form, Notice of Defective Carrier Issued by Signature Verification Committee or Early Voting Ballot Board, for use as of September 1, 2023. This form can be used by the SVC/EVBB when notifying the voter of a defect by mail, common or contract carrier, or email. **The SOS created one combined form for defective carrier notices because voters now have until the sixth day after election day to correct the defect(s), regardless of how the SVC or EVBB notifies the voter of the defect.** Further, all voters can correct the defect by cancelling their ABBM, returning a corrective action form by mail or common or contract carrier, or correcting the defect by personally appearing at the early voting clerk's office. The SVC and EVBB no longer have authority to return a defective carrier envelope to a voter by mail.

The new Notice of Defective Carrier Issued by Signature Verification Committee or Early Voting Ballot Board also reflects that if the reason for the defective carrier was that the voter failed to include a Statement of Residence with the voter's carrier envelope, if required, the voter may update the residence address associated with his or her voter registration record online at www.Texas.gov. To access the Texas.gov portal, voters must have their (1) DPS-issued driver's license or personal identification card number; (2) the audit number located on their DPS-issued driver's license or personal identification card; (3) their social security number; AND (4) their voter unique identification number (VUID). If the voter updates his or her residence address using the Texas.gov portal by the sixth day after election day, the voter will not need to correct the

defect by mailing a completed Statement of Residence to the early voting clerk or appear in person at the early voting clerk's office to present a signed SOR. The early voting clerk must review the online record to confirm whether the voter updated the residence address associated with his or her voter registration record by the required deadline in order to provide this information to the EVBB.

Similarly, if the reason for the defective carrier was that the voter failed to provide a personal identification number associated with his or her voter registration record, the Notice of Defective Carrier Issued by Signature Verification Committee or Early Voting Ballot Board form informs the voter that the voter may correct this defect online through the Secretary of State's Ballot by Mail Tracker at www.votetexas.gov. The voter must enter his or her name, date of birth, the last four digits of his or her social security number, and his or her DPS-issued driver's license number or personal identification card number. The early voting clerk should retain the documentation from TEAM that shows the voter validated the voter's personal identification information.

Roster of Voters with Defective Carrier Envelopes (Form 10-28) (Form 10-29) (Form 10-30)

The SVC or EVBB should create a Roster of Voters with Defective Carrier Envelopes – Corrective Action Form Mailed to the Voter (previously named Roster of Voters with Defective Carrier Envelopes – Returned to the Voter by Mail) and a Roster of Voters with Defective Carrier Envelopes – Notified by Phone or Email to record and detail the voters who have had a corrective action form mailed to them or are pending review by the SVC or EVBB. The roster should include the following information:

- Voter's name/VUID;
- Type of defect on the carrier envelope;
- Date the SVC or EVBB provided notice of defect, if applicable;
- How notice was provided (corrective action form mailed to the voter, phone call, email); and
- Who on the SVC or EVBB provided the notice.

A copy of the roster should be provided to the early voting clerk on a regular basis so that they are aware of voters who may appear at the early voting clerk's office to complete any corrective actions associated with their carrier envelope or cancel their mail ballot application.

The SOS previously prescribed three different sample rosters to use for these purposes. The SVC or EVBB may choose to complete the roster or track this information electronically, as long as the SVC or EVBB is able to generate a report with the required information that can be provided to the early voting clerk to assist with the corrective action process.

Voters' names entered on this roster are not eligible for public inspection until after the voter has returned the corrected carrier envelope, canceled the voter's mail ballot, or appeared in person to correct any necessary defects. (Sec. 87.121).

Corrective Action Form for Defective Carrier Envelope (Form 6-17)

The SOS previously prescribed a specific form that voters should use when appearing in person at the early voting clerk's office to correct certain defects in their carrier envelope. This form can continue to be used to provide the missing or incorrect information from a voter's carrier envelope. When completed, the early voting clerk must provide this form to the EVBB so that the board can make a final determination on acceptance or rejection of a voted mail ballot.

The Corrective Action Form for Defective Carrier Envelope also contains the elements of a Statement of Residence. Voters may want to consider completing all portions of the corrective action form; if the EVBB subsequently discovers a different defect in the carrier envelope (such as a missing SOR form), and the voter provided all the required information in the corrective action form, this form can be used to correct the newly found defects.

Although the SOS prescribed a standalone Corrective Action Form for Defective Carrier Envelope, this form is also included on the reverse side of the Notice of Defective Carrier Issued by Signature Verification Committee or Early Voting Ballot Board form. A voter may not sign the corrective action form electronically.

Notice of Surrendered Ballot by Mail (Form 6-13)

The SOS previously prescribed a Notice of Surrendered Ballot by Mail to use when a voter surrenders his or her mail ballot to the early voting clerk and is eligible to vote a regular ballot in person. Upon surrendering his or her mail ballot, the voter will be issued the Notice of Surrendered Ballot by Mail. The SOS did not make any changes to this form in light of SB 1599. The voter will take this form to the early voting or election day polling place and present the form to the election judge or deputy early voting clerk, entitling the voter to vote a regular ballot in person.

If the voter appears at the early voting clerk's office and submits a cancellation request in writing and the early voting clerk can verify that the ballot is in the possession of the SVC/EVBB after a notice of defective carrier was mailed to the voter, or the voter was notified of a defective carrier by phone or email, the early voting clerk can issue a Notice of Surrendered Ballot by Mail. This notice will be taken to the polling place during early voting in person or on election day and presented to the presiding judge/deputy early voting clerk. The presiding judge/deputy early voting clerk must issue the voter a regular ballot for voting.

Notice of Carrier Defect Issued by the Early Voting Clerk for Confidential Voters (Form 6-16)

The SOS has prescribed a form, Notice of Carrier Defect Issued by the Early Voting Clerk for Confidential Voters, to notify voters who participate in the Attorney General Address Confidentiality Program of defect(s) in their carrier envelope. The early voting clerk can use this form to notify voters of the defect(s) and that the voter may either correct the defect on the corrective action form provided with his or her notice and return it to the early voting clerk by mail or by 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. The voter's name is not entered on the Roster of Voters with Defective Carrier Envelopes. Instead, a notation of the defect is made on the Roster for Early Voting by Mail for Address Confidential Applicants.

Validating Voter Registration Information When an Entity or Political Subdivision Does Not Contract with the County Election Officer

As a reminder, the requirements to verify voters' personal identification information with their voter registration records apply to all elections regardless of whether a political subdivision contracts with the county election officer to conduct the election on its behalf. For those entities that are conducting their own elections, the following verification process must be completed.

Verifying Personal Identification Information on ABBM/FPCA

- For Annual ABBM/FPCA voters who file applications with the county: When the county election office forwards the list of ABBM/FPCA voters along with copies of their mail ballot applications, the county shall only forward those applications for which the personal identification information provided on the ABBM/FPCA matches the information in the voter's voter registration record. The county election officer should prepare a certification, included with the forwarded list, confirming that the information provided on each forwarded application matches the voter's voter registration record. If the early voting clerk from the local political subdivision does not want to rely on the county's certification, the clerk must coordinate with the county election officer to determine a date and time to go to the county's office to validate the information on the ABBM/FPCA with the voter's voter registration record.
- If a local entity receives an ABBM or FPCA directly from a voter, the early voting clerk must make arrangements with the county election officer to verify that the information provided on the application matches the voter's voter registration record. This verification may be made over the telephone or in person before the early voting clerk sends the voter's balloting materials. Verification of personal identification information should be confirmed on a separate document or directly on the ABBM (as long as the notation does not obscure any of the applicant's markings). The notation should indicate that the verification occurred and include the date of verification.

NOTE: If a local entity receives an Annual ABBM/FPCA, the entity must forward the application to the county as soon as possible for the county's use. (Sec. 86.0015(d)).

Participation in the Attorney General Address Confidentiality Program

The Attorney General Address Confidentiality Program provides a substitute post office box address and mail forwarding service for certain victims of family violence, sexual assault, human trafficking, or stalking. All mail is sent through the substitute post office box to ensure

confidentiality to participants in this program. For more information regarding the program, please review the [Attorney General Address Confidentiality Program website](#) or Chapter 58 of the Code of Criminal Procedure.

A qualified voter who is participating in the Attorney General Address Confidentiality Program is eligible for early voting by mail if: (1) the voter submitted a registration application by personal delivery as required by Section 13.002(e); and (2) at the time the voter's early voting ballot application is submitted, the voter is certified for participation in the Attorney General Address Confidentiality Program under Subchapter B, Chapter 58, Code of Criminal Procedure. (Sec. 82.007, Election Code; Sec. 81.38, Title 1, Texas Administrative Code).

An early voting ballot application submitted by a qualified voter who is eligible for early voting by mail under Section 82.007 of the Code must include: (1) the applicant's name and address at which the applicant is registered to vote; (2) the substitute post office box address designated by the attorney general under Article 58.052(b), Code of Criminal Procedure, for use by the voter in place of the voter's true residential, business, or school address; and (3) an indication of each election for which the applicant is applying for a ballot. (Sec. 84.0021).

Voters who participate in this address confidentiality program must submit the Confidential Voter Registration Form and Early Voting Ballot Application (Form 6-54) if the voter wishes to vote by mail.

The information contained in an application under Section 84.0021 of the Code relating to the address at which the applicant is registered to vote is confidential, except that the information must be disclosed if: (1) requested by a law enforcement agency; or (2) required by court order. (Sec. 84.0021(b)).

The Confidential Voter Registration Form and Early Voting Ballot Application requests a confidential ballot by mail to be sent to the applicant's Attorney General P.O. Box. This application also acts as a form of voter registration, although the voter's information is **never** entered into the voter registration system while the applicant is in the Attorney General Address Confidentiality Program. (Sec. 81.38(b)(1), Title 1, Texas Administrative Code). Further, a voter in this program shall not be permitted to vote in person during early voting or on election day in any election while the voter's mail ballot application remains valid. (Sec. 81.38(d), Title 1, Texas Administrative Code).

At any time during the year or at least by the close of regular business in the early voting clerk's office or 12 noon, whichever is later, on the 11th day before election day in any given election, an applicant must appear **in person** at the early voting clerk's office and complete and sign a Confidential Voter Registration Form and Early Voting Ballot Application (Form). (Sec. 84.007(c), Election Code). The applicant must then point to a specific area on an official map of the political subdivision if able to do so, or may orally describe the location in sufficient detail to permit identification of the political subdivisions in which the protected applicant resides. The applicant must swear or affirm to the early voting clerk that the protected applicant's place of residence

as defined in Section 1.015 of the Election Code is located within that specifically identified location. (Sec. 81.38(b)(2), Title 1, Texas Administrative Code).

Upon the applicant's indication or description of the geographic location of the voter's residence, the early voting clerk must record the jurisdictional codes for every political subdivision in which the protected applicant resides on the protected applicant's confidential early voting ballot application. The early voting clerk may not transcribe, copy, or otherwise record any information on the applicant's Confidential Voter Registration Form and Early Voting Ballot Application (Form). (Sec. 81.38(b)(3), (b)(4)(B), Title 1, Texas Administrative Code). The voter is not registered to vote using the county's voter registration system, and no information for that voter will appear on any form other than the Confidential Voter Registration Form and Early Voting Ballot Application, which is confidential.

Because the voter who participates in the Attorney General Address Confidentiality Program must appear in person at the early voting clerk's office to submit an application, we **strongly** recommend that the early voting clerk/deputy early voting clerks thoroughly review the voter's application before the voter leaves the early voting clerk's office. If any defect(s) or missing information is discovered while the voter is still at the early voting clerk's office, it should be immediately addressed before the voter leaves the office.

Corrective Action Procedures for Voters in the Attorney General Address Confidentiality Program – Application for Ballot by Mail

If a defect in the Confidential Voter Registration Form and Early Voting Ballot Application is not discovered by the early voting clerk or deputy clerk until **after** the voter has left the early voting clerk's office, the early voting clerk must notify the voter of the defect(s) pursuant to Section 86.008 of the Code.

Because voters who participate in the Attorney General Address Confidentiality program are not registered to vote using the county's voter registration system and no information for that voter will appear on any form other than the Confidential Voter Registration Form and Early Voting Ballot Application, these voters are not authorized to correct a defect in their application using the Secretary of State's Ballot by Mail Tracker. Further, voters who participate in this program must submit their applications for voting by mail in person at the early voting clerk's office. (Secs. 13.002(e)). As such, these voters also cannot submit a new application to the early voting clerk by mail.

If the early voting clerk discovers a defect(s) in a voter's application, the clerk must determine not later than the second day after discovering the defect if it would be possible for the voter to receive the notice of defect and return to the early voting clerk's office by the 11th day before election day to correct the defect(s). If the early voting clerk determines that there is sufficient time for such a correction, the clerk shall mail the voter the notice of rejected application.

To that end, the SOS has prescribed a form, Notice of Rejected Confidential Voter Registration Form and Early Voting Ballot Application Containing a Defect that May Be Corrected (Form 6-18), that early voting clerks may use to notify voters who participate in the Attorney General Address Confidentiality Program of defect(s) with their application. This notice indicates that the voter **must** return to the early voting clerk's office in person by the 11th day before election day to correct the defect(s) if the voter wishes to vote by mail.

If the early voting clerk determines that it would not be possible for the voter to receive the notice of defect and return to the early voting clerk's office by the 11th day before election day to correct the defect(s), the clerk may notify the voter by telephone or email. The notice should provide the voter a brief explanation of each defect in the application; inform the voter that the voter is not entitled to vote an early voting ballot unless the application complies with all legal requirements; and state that the voter must return to the early voting clerk's office in person to correct the defect(s) by the 11th day before election day. (Sec. 86.008). The voter may not have a family member, friend, or representative appear on the voter's behalf.

Because voters who participate in this program may only correct defects on their applications in person, it is imperative that early voting clerks and deputy clerks properly review the application for defects before the voter leaves the early voting clerk's office.

Corrective Action Procedures for Voters in the Attorney General Address Confidentiality Program – Carrier Envelope

When reviewing the Confidential Voter Registration Form and Early Voting Ballot Application of a voter in the Attorney General Address Confidentiality Program, the early voting clerk will not compare the personal identification information on the application form to a voter registration record as these voters are not registered voters in the statewide voter registration system.

After an Attorney General Address Confidentiality Program voter returns his or her carrier envelope, the early voting clerk or deputy early voting clerk must confirm that the personal identification number provided on the carrier envelope matches a personal identification number provided on the Confidential Voter Registration Form and Early Voting Ballot Application. If the identification information does not match, the carrier envelope was not signed, it could not be immediately determined that the signatures on the application and the carrier envelope were made by the same person, or the carrier envelope contained incomplete information with respect to a witness or assistant, the early voting clerk must notify the voter of the defect.

Similar to the SVC and EVBB, not later than the second day after the early voting clerk discovers a defect(s) in a carrier envelope, the early voting clerk must determine if it would be possible for the voter to receive the notice of defect within a reasonable time to correct the defect by the sixth day after election day. If the early voting clerk makes this determination, the early voting clerk shall send the voter a notice of the defect and a corrective action form. (Sec. 86.011). The early voting clerk should NOT mail the voter the defective carrier envelope with the notice of defect and corrective action form. Further, because these voters participate in the Attorney

General Address Confidentiality Program, the review of their carrier envelope is performed by the early voting clerk/deputy early voting clerks, not the SVC/EVBB. (Sec. 83.031, Election Code; Sec. 81.38(d), Title 1, Texas Administrative Code).

If the early voting clerk 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 early voting clerk may notify the voter of the defect by telephone and email (similar to the procedure followed by the SVC/EVBB) and inform the voter that the voter may submit a corrective action form by mail or by 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.

As a reminder, a voter in the Attorney General Address Confidentiality Program shall not be permitted to vote by personal appearance either during early voting or on election day in any election while the voter's application remains valid. (Sec. 81.38(d), Title 1, Texas Administrative Code). As such, there is no authority for the voter to cancel his or her ABBM under Section 84.032 of the Code and vote in person during early voting or on election day. In addition, as these individuals are not registered voters in the statewide registration system, they cannot correct a defect on their carrier envelope by using the Secretary of State's Ballot by Mail Tracker.

The SOS has prescribed a form, Notice of Carrier Defect Issued by the Early Voting Clerk for Confidential Voters (Form 6-16), that early voting clerks may use to notify voters who participate in the Attorney General Address Confidentiality Program of defect(s) in their carrier envelope. This form indicates that the voter may either correct the defect on the corrective action form provided with the voter's notice and return it to the early voting clerk by mail or by 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. The voter's name is not entered on the Roster of Voters with Defective Carrier Envelopes. Instead, a notation of the defect is made on the Roster for Early Voting by Mail for Address Confidential Applicants.

Procedures

The SOS recommends that when notifying the voter of a defect(s) on the ABBM or the Confidential Voter Registration Form and Early Voting Ballot Application, the early voting clerk take certain actions if informing the voter by email or phone, including the following:

- **If notifying the voter by email:**
 1. Send the voter the Notice of Rejected Application for Ballot by Mail (Form), the Notice of Rejected Application for Ballot by Mail Containing a Defect that May Be Corrected Online (Form), or the Notice of Rejected Confidential Voter Registration Form and Early Voting Ballot Application Containing a Defect that May Be Corrected (Form), as appropriate, via email.
 2. The voter's name should be entered on the Roster of Voters with Defective Applications for Ballot by Mail that is specifically used for confidential voters and

is separate from any other roster used to track the corrective action process for non-confidential voters.

3. **Parameters for Email Notification:** The SOS recommends that the early voting clerk set up an email address for corrective action notifications regarding defective ABBMs and defective Confidential Voter Registration Form and Early Voting Ballot Applications. The early voting clerk 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 his or her attorney regarding any requests for such emails, as certain information may be exempt from disclosure under the Public Information Act.

- **If notifying the voter by phone:**

1. Contact the voter using any known phone number on file with the early voting clerk.

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 early voting clerk may be able to review a voter registration application at the voter registrar's office to obtain a phone number previously provided by the voter. The registrar may also read a phone number from a voter registration application to the early voting clerk, if necessary.

2. The early voting clerk should create a phone script that explains to the voter that the voter's ABBM or Confidential Voter Registration Form and Early Voting Ballot Application was received and reviewed by the early voting clerk's office.
3. The SOS recommends that the early voting clerk confirm the voter's identity using publicly available information.
 - **Example:** Ask the voter to confirm his or her voter registration address and whether the voter requested a mail ballot for the given election.
4. The voter should be told that upon review of the ABBM or Confidential Voter Registration Form and Early Voting Ballot Application, the early voting clerk discovered a defect in the application. The specific defect(s) should be explained.
5. The early voting clerk should explain the process for the voter to correct the defect(s) in the application.
6. The early voting clerk should provide a return phone number that the voter may use to confirm that the voter was contacted by the early voting clerk. 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 if needed.
7. The voter's name should be entered on the Roster of Voters with Defective Applications for Ballot by Mail that is specifically used for confidential voters.

- **If the early voting clerk is unable to contact the voter:**

1. The early voting clerk should leave a detailed message explaining that the clerk determined there was a defect in the voter's application and explain the process for correcting the defect(s).
 2. The early voting clerk 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 early voting clerk should leave a return number that the voter may use to validate the information provided by phone.
 4. The early voting clerk should mail the voter the Notice of Rejected Application for Ballot by Mail (Form), the Notice of Rejected Application for Ballot by Mail Containing a Defect that May Be Corrected Online (Form), or the Notice of Rejected Confidential Voter Registration Form and Early Voting Ballot Application Containing a Defect that May Be Corrected (Form).
 5. The voter's name should be entered on the Roster of Voters with Defective Applications for Ballot by Mail that is specifically used for confidential voters.
- **If the early voting clerk does not have a phone number or email to notify the voter:** The early voting clerk should mail one of the notices referenced above as appropriate.

Frequently Asked Questions (FAQs)

Q: The voter submitted an ABBM that has one or more defects. How should the early voting clerk notify the voter of the defect(s)?

A: Section 86.008 of the Code provides that not later than the second day after the early voting clerk discovers a defect(s) in an applicant's ABBM, the early voting clerk must determine if it would be possible for the applicant to correct the defect and return an application form by mail before the 11th day before election day. If the clerk determines it would be possible to correct the defect and return an application form before the deadline, the clerk shall notify the voter of the defect and deliver an official application form to the applicant to correct this defect.

Although Section 86.008 authorizes the early voting clerk to return a defective ABBM to the voter, the SOS recommends against doing so. Ultimately, if the early voting clerk returns a defective application to the voter, the clerk should return a copy of the original application, **not** the original application. The original application is a filed government document that should remain in the custody of the early voting clerk's office.

If the early voting clerk determines that it would not be possible for the applicant to correct the defect and return an application form by mail before the 11th day before election day, the clerk may notify the applicant by telephone or email. The notice must provide the applicant a brief explanation of each defect in the application, a statement that the voter is not entitled to vote an early voting ballot unless the application complies with all legal requirements, and instructions for submitting a second application. The early voting clerk must also inform the applicant that the applicant may come to the early voting clerk's office by the 11th day before election day and

correct the defect in person or correct the defect using the Secretary of State's online Ballot by Mail Tracker (if the defect is one that can be corrected using the online tool).

Q: What information does a voter need to access the Ballot by Mail Tracker?

A: To access the Ballot by Mail Tracker on www.votetexas.gov, the voter must enter his or her name, date of birth, the last four digits of his or her social security number, and his or her DPS-issued driver's license number or personal identification card number. As of September 1, 2023, voters are no longer required to provide their registration address to access the Ballot by Mail Tracker. (Sec. 86.015(b)).

Q: A voter can't access the Ballot by Mail Tracker because his or her voter registration record does not contain a required personal identification number. What should the voter do?

A: If a voter is unable to enter the Ballot by Mail Tracker because the voter does not have an identification number associated with his or her voter registration record, the voter needs to update his or her voter registration record. The voter can do so by submitting a new voter registration application to the registrar or by validating his or her personal identification numbers on www.Texas.gov if the voter has a DPS-issued driver's license or personal identification card. The process for updating the voter registration record is explained to the voter in the Notice of Rejected Application for Ballot by Mail.

Q: A voter has contacted our office and indicated that the personal identification number in his or her voter registration record is wrong; what can the voter do?

A: The voter registrar should review the voter's record to determine whether the voter's personal identification number was properly recorded by the voter registrar. If this review reflects that the voter's personal identification number was properly recorded by the voter registrar as previously provided by the voter, the voter should update his or her voter registration record. The voter can do so by submitting a new voter registration application to the registrar or by updating the voter's personal identification information on www.Texas.gov if the voter has a DPS-issued driver's license or personal identification card. The process for updating the voter registration record is explained to the voter in the Notice of Rejected Application for Ballot by Mail.

Q: A voter has contacted our office and indicated that he or she would like to correct the defect in the voter's ABBM in person. May the voter do this?

A: Yes, the voter may personally come to the early voting clerk's office by the 11th day before election day and correct the defect(s) in person. If the voter comes to the early voting clerk's office by the 11th day before election day to correct a defective application, it is recommended that the voter be provided a new ABBM to complete in person rather than provide additional information on the defective application itself. Further, the early voting clerk/deputy clerk should review the defective ABBM with the voter and address the defect(s) with the voter while in the office to reduce the likelihood of possible defects in any future ABBMs the voter may file. The

early voting clerk/deputy clerk should thoroughly review the newly filed application before the voter leaves the early voting clerk's office to ensure that there are no other defects or issues with the application that could result in a second rejection of the application. The voter may not have a family member, friend, or representative appear on the voter's behalf.

Q: If the voter lists a personal identification number on an ABBM that is not contained in his or her voter registration record, can the early voting clerk update the voter registration record?

A: No. The voter should be notified that his or her voter registration record does not contain the identification number listed on the ABBM. The voter can update his or her voter registration record by submitting a new voter registration application to the registrar or by validating the voter's personal identification numbers on www.Texas.gov.

Q: Can the early voting clerk retain the voter's ABBM and a copy of the Notice of Rejected Application for Ballot by Mail electronically?

A: Yes. There is no prohibition on an early voting clerk scanning these documents for storage and retention. However, the original document must be kept for the retention period associated with precinct election records.

Q: Can a voter call and ask what personal identification number the voter registrar has on file for that voter?

A: Yes. A voter can ask to confirm the number listed, but the number should be provided by the voter and the early voting clerk can confirm whether that number is accurate. The early voting clerk should not provide any personal identification number from the voter registration record to a person over the phone. If the voter provides an incorrect number, the voter registrar can tell the voter that the number is incorrect, but the voter registrar should not read the number to the voter over the phone. The voter registrar can also confirm the type of number listed on file (driver's license or social security number).

Q: If a county election officer is forwarding applicable annual ABBMs and FPCAs to a local entity, how should that information be transmitted to the entity?

A: The county election officer should transmit copies of the applicable ABBMs and FPCAs through a secure method. This may include hand-delivering the copies, arranging for the local entity to pick up the copies, or utilizing an encrypted email or file transfer protocol.

If you have any questions regarding this advisory, please contact the Elections Division toll-free at 1-800-252-2216.

CA:HM