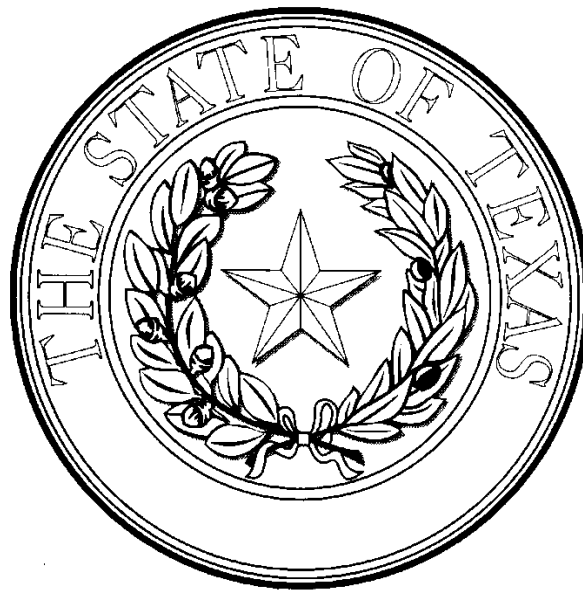


# HANDBOOK FOR SIGNATURE VERIFICATION COMMITTEE

## 2023

**FOR USE IN GENERAL, PRIMARY, AND  
OTHER POLITICAL SUBDIVISION ELECTIONS**



Issued by

The Office of the Texas Secretary of State, Elections Division

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## INTRODUCTION

The Elections Division of the Secretary of State's Office has prepared this handbook for an overview of the Signature Verification Committee. This handbook contains a thorough outline of who is able to serve on the Signature Verification Committee, convening the committee, qualifying ballots, and the corrective action procedures for the Signature Verification Committee. It incorporates changes in election laws through the Regular Session and Second Special Session of the 88th Texas Legislature (2023).

The handbook starts at the selection process of the Signature Verification Committee, whether it is for a Primary, General, or Political Subdivision Election. Throughout the handbook, references are made to the appropriate section in the Texas Election Code or the Texas Administrative Code, unless otherwise indicated. Information in *italics* relates to primary elections.

The Elections Division of the Secretary of State's Office is open during the hours that the polls are open for voting on all uniform election dates. Answers to questions on election law and procedures may be obtained by telephoning the Elections Division toll-free at 1-800-252-2216 or (512) 463-5650.

Please visit us at our Internet home page for additional election information at <https://www.sos.texas.gov/>, as well as <https://www.votetexas.gov/>.

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# **CHAPTER 1**

## **CREATION OF THE SIGNATURE VERIFICATION COMMITTEE**

The signature verification committee (“SVC”) is a group that meets prior to election day to compare the signatures on the applications for ballot by mail (“ABBMs”) to the corresponding carrier envelopes. It is not mandatory to create an SVC, but rather may be created either by the early voting clerk or by a petition submitted to the early voting clerk. The petition must be signed at least 15 registered voters in the territory in order for the committee to be created. The petition process for an SVC is only available in the general election for state and county officers. [Sec. 87.027].

If the early voting clerk determines that a signature verification committee is desirable or if, for the general election for state and county officers, the clerk receives a petition signed by 15 registered voters, the clerk shall issue a written order creating the committee. The deadline to submit a petition requesting creation of a signature is October 1 preceding the general election for state and county officers. [Secs. 87.027, 1.006]. A request submitted by mail is considered submitted at the time of its receipt by the early voting clerk. The early voting clerk determines the number of members on the committee, providing for a minimum of five (the committee chair and four members).

The early voting clerk shall post a copy of the order calling for the appointment of the signature verification committee. The copy must remain posted continuously for at least 10 days before the first day the committee meets. [Sec. 87.027(g)].

### **SECTION A. COMPOSITION OF A SIGNATURE VERIFICATION COMMITTEE**

The SVC must consist of not fewer than five members. If more than 12 members are appointed to serve on the signature verification committee, the early voting clerk may designate two or more subcommittees of not less than six members. [Sec. 87.027(l)].

In an election in which party alignment is indicated on the ballot, each county chair of a political party with a nominee or aligned candidate on the ballot shall submit to the appointing authority a list of names of persons eligible to serve on the signature verification committee in order of the county chair’s preference. The authority shall appoint at least two persons from each list in the order of preference indicated on each list to serve as members of the committee. The same number of members must be appointed from each list. The authority shall appoint as the chair of the signature verification committee the highest-ranked person on the list provided by the political party whose nominee for governor received the most votes in the county in the most recent gubernatorial general election. The authority shall appoint as vice chair of the signature verification committee the highest-ranked person on the list provided by the political party whose nominee for governor received the second most votes in the county in the most recent gubernatorial general election. [Sec. 87.027(d)].

*In a separate primary election, signature verification committee members are appointed by the county chair. [Sec. 87.027(b)(2)]. In a joint primary election, signature verification committee members are appointed by the county elections officer via the list procedure. [Sec. 172.126].*

The county chairs’ lists for the appointment of the signature verification committee members are not subject to the June 30th or the July 30th deadlines in Section 32.002 of the Election Code. The county election board shall appoint the members of the signature verification committee not later than the 5th day after the date the early voting clerk issues the order calling for the creation of the committee OR not later than October 15, if the committee is created after the submission of a valid petition requesting its creation. [Sec. 87.027(c)]. We recommend that the signature verification committee be appointed (if needed) by October 10 to allow time for all necessary notice requirements. Therefore, we recommend that the parties submit the lists to the chair of the county election board (county clerk or elections administrator) by August 29, to allow for appointment during the month of September or no later than the October 10 recommended date. The highest-ranked person on the list provided by the party whose candidate for governor received the highest vote total in the most recent gubernatorial election countywide shall be appointed as chair of the signature verification committee. The highest-ranked person on the list provided by the party whose candidate for governor received the second highest vote total in the most recent gubernatorial election countywide shall be appointed as vice chair of the signature verification committee. For the remaining members, the county election board must select at least two qualified individuals from each chair’s list. If clerks beyond the minimum requirement are ordered, an equal number must be chosen from each list.

Type of Election	Chair and Vice Chair	SVC Clerks
General Election for State and County Officers	County election board appoints the chair, in an election for which the board is established – from list provided by political party whose nominee for governor received the most (chair) and second-most (vice chair) votes in the county	County election board appoints, in an election for which the board is established – from list provided by the county chairs
Primary Elections (Separate)	County chair of political party	County chair of political party
Primary Elections (Joint)	County election officer via list procedure	County election officer via list procedure
All Other County-Ordered Elections	Commissioners court	Commissioners court
All Other Elections	Authority ordering election	Authority ordering election

**SECTION B. ELIGIBILITY REQUIREMENTS**

In order to serve on the signature verification committee, a person must be a qualified voter of the entity.

**IT is NOT RECOMMENDED that members who serve on the early voting ballot board (“EVBB”) also serve on the SVC. This creates a conflict because if an SVC has determined that the signatures on the application for ballot by mail or carrier envelope are not those of the same person, the EVBB may make a determination that the signatures are those of the same person by a majority vote of the EVBB’s membership. [Sec. 87.027(j)].**

## **CHAPTER 2**

### **SIGNATURE VERIFICATION COMMITTEE CONVENES**

#### **SECTION A. CONVENING THE SIGNATURE VERIFICATION COMMITTEE**

The early voting clerk shall determine the place, day or days, and hours of operation of the signature verification committee and shall state that information in the order calling for the committee's appointment. A committee may not begin operating before the 20th day before election day. [Sec. 87.027(f)].

Upon convening, the SVC must first validate the personal identification information provided on the carrier envelope, prior to comparing signatures. The committee must then compare the signature on each carrier envelope certificate (except those signed for a voter by a witness) with the signature on the voter's ballot application to determine whether the signatures are those of the voter. [Sec. 87.027(i)]. The signature verification committee may use electronic copies of the mail ballot application and carrier envelope certificate for comparing signatures.

The committee may also compare the signatures with any known signature of the voter on file with the county clerk or voter registrar to determine whether the signatures are those of the voter. [Sec. 87.027(i)]. If ballot materials or ballot applications are recorded electronically as provided by Section 87.126, the signature verification committee may use an electronic copy of a carrier envelope certificate or the voter's ballot application in making the comparison under Section 87.027(i). [Sec. 87.027(m)].

Rejection of signatures must be made by a majority vote of the committee. [Sec. 87.027(i)].

The EVBB is responsible for counting the ballots. **THE SVC SHOULD NOT COUNT BALLOTS.** [Sec. 87.027(j)].

#### **SECTION B. DELIVERY OF MATERIALS TO THE COMMITTEE**

If a signature verification committee is appointed for the election, the early voting clerk shall deliver the jacket envelopes containing the early voting ballots voted by mail to the committee instead of to the early voting ballot board. [Sec. 87.027(h)].

The following notices must be posted on an entity's website if available [Sec. 87.027(k-1)]:

- Copy of order calling for the appointment of the signature verification committee
- Early voting clerk's notice of names and addresses of members
- Notice of delivery of ballots

Deliveries may be made only during the period of the committee's operation at times scheduled in advance of delivery by the early voting clerk. The clerk shall post notice of the time of each delivery. The notice must remain posted continuously for at least two days before the date of the delivery. [Sec. 87.027(h)].

Postings shall be made on the bulletin board used for posting notice of meetings of the commissioners court, in an election for which the county election board is established or a primary election, or of the governing body of the political subdivision in other elections. [Sec. 87.027(k)].

The committee chair or committee members may request from the voter registrar, county clerk, or elections administrator ahead of time signatures that are on file from the past six years. Our office recommends that this request be made ahead of time in order to give the voter registrar, county clerk or election administrator ample time. This information may be provided electronically. The signature verification committee may also compare the signatures on a voter's ballot application or carrier envelope with any known signature of the voter on file with the county clerk or voter registrar to determine whether the signatures are those of the voter. [Sec. 87.027(i)].

The SVC chair shall make arrangements with the early voting clerk to obtain the required personal identification information in the voter registration record that the committee must review on the carrier envelope prior to completing signature comparison. The early voting clerk must provide all available information necessary to fulfill the functions of the committee, including information from the statewide voter registration system. [Sec. 87.028].

### **SECTION C. RECEIPT FOR DELIVERY**

1. Upon delivery of a sealed early voting ballot box, the chair of the signature verification committee must inspect the box to determine whether the seals on the box are intact, and whether the numbers on the seals correspond to the numbers indicated on the record of serial numbers prepared by the early voting clerk. [Secs. 87.062(b), 127.068].
2. If the seals are intact and the numbers match, the committee chair should accept the ballot box and so indicate on the receipt.
3. If the seals are not intact or the numbers do not match, the committee chair should accept the ballot box, but note any discrepancies on the receipt and in his or her records.

### **SECTION D. DELIVERY OF MATERIALS TO THE EARLY VOTING BALLOT BOARD**

1. The committee places carrier envelopes and applications that are the signatures of the same person in one container and those that are not of the same person in another separate container.
2. The committee chair delivers sorted materials to the early voting ballot board as directed by the EVBB presiding judge.

### **SECTION E. SECURITY OF EARLY VOTING BALLOTS**

1. The voted early voting ballots must be secured from the last day of voting by personal appearance at a polling place until the day the ballots are counted. [1 T.A.C. § 81.34].
2. If the signature verification meets before election day, the committee chair shall, upon each adjournment of the EVBB, lock and seal each ballot box prior to delivering the boxes back to the



custodian of records. The chair shall complete a ballot box security form indicating each serial number used to seal each box. The form shall be signed by the committee chair and another committee member who has witnessed the procedure. In a general election for state and county officers, the committee member must be from a different political party than the judge. The custodian of records shall also sign the form.

3. The committee chair shall deliver the key(s) used to lock the ballot box(es) to the custodian. The key shall be retained by the authority designated in accordance with Section 66.060(a) of the Code:
  - a. the sheriff for an election ordered by the governor or county authority or for a *primary election*, except that in a year when the office of sheriff is on the ballot, the key shall be delivered to the county judge. When both these offices are on the ballot, the key shall be delivered to the county auditor or to a designated member of the commissioners court who is not on the ballot and who is appointed by the court, if the county does not have a county auditor;
  - b. the chief of police or city marshal for an election ordered by a city authority; or
  - c. the constable of the justice precinct in which the office of the political subdivision's governing body is located, or if the office of constable is vacant, the sheriff of the county in which the governing body's office is located if the election is ordered by an authority of a political subdivision other than a city or county.
4. Upon reconvening the committee, the chair shall ensure that each ballot box is intact. The chair shall follow these procedures each day except upon final delivery to the custodian of records or delivery to the central counting station.
5. If it is impracticable for the chair to deliver the ballot boxes each day upon adjournment, the authority conducting the election shall submit an alternate security procedure to the Secretary of State for approval.

## **CHAPTER 3**

### **QUALIFYING SIGNATURES FOR THE SIGNATURE VERIFICATION COMMITTEE**

#### **SECTION A. REQUIRED PERSONAL IDENTIFICATION INFORMATION**

Applications for ballot by mail and carrier envelopes containing voted ballots must include the number of the voter's driver's license, election identification certificate, or personal identification card issued by the Department of Public Safety ("DPS"). If the voter has not been issued one of these DPS numbers, the voter must include the last four digits of the voter's social security number on the application for ballot by mail and carrier envelope. If the voter has not been issued any of these numbers, the application for ballot by mail and carrier envelope must include a statement that the voter has not been issued any of the numbers. The provided number must be associated with the voter's registration record.

**NOTE: The voter must also provide this personal identification information on the application for ballot by mail. However, if the voter includes an identification number on the carrier envelope, the number on the carrier envelope does NOT have to match the type of number on the voter's application for ballot by mail as long as both numbers are associated with the voter's registration record. [Secs. 84.002(a)(1-a), 86.002(g)].**

If a ballot is received and the voter did not sign the carrier envelope, or it cannot be determined that the signature on the carrier envelope is the voter's signature, or the carrier envelope has missing or incorrect personal identification information, or the witness information is incomplete, the signature verification committee must follow the corrective action process in Section 87.0271. See Chapter 4 of this handbook for more details.

Poll watchers are entitled to observe this process. [Sec. 87.0271].

#### **SECTION B. PROCEDURES FOR COMPARISON**

1. If the secrecy flap has not already been removed by the early voting clerk, the SVC shall remove the secrecy flap on the carrier envelope to expose the required personal identification information.
2. Check the voter's application for ballot by mail and the carrier envelope to be sure that the number of the voter's driver's license, election identification certificate, or personal identification card issued by the DPS is included and is associated with the voter's registration record. If the voter has not been issued one of these DPS numbers, the last four digits of the voter's social security number must be included on the application for ballot by mail and the carrier envelope and must be associated with the voter's registration record. If the voter has not been issued any of these numbers, the application for ballot by mail and the carrier envelope must include a statement that the voter has not been issued any of the numbers. The voter's registration record should also reflect that the voter has not been issued any of the numbers.

**NOTE: The voter must also provide this personal identification information on the application for ballot by mail. However, if the voter includes an identification number on the carrier envelope, the number on the carrier envelope does NOT have to match the type**

**of number on the voter's application for ballot by mail as long as both numbers are associated with the voter's registration record.** [Secs. 84.002(a)(1-a), 86.002(g)].

3. If the voter did not provide a number for comparison or if the number provided does not match the number in the voter registration record, the SVC shall initiate the corrective action process in Section 87.0271. See Chapter 4 of this handbook for more details.
4. The committee compares signatures on mail ballot applications and corresponding carrier envelopes only to determine that the signatures on these documents are of the same person or not. [Sec. 87.027(i)].
  - a. The signature verification committee may use electronic copies of the mail ballot application and carrier envelope certificate for comparing signatures.
  - b. The standard should be whether the two signatures could have been made by the same person.
  - c. If using electronic signatures to compare, have a plan in place and use that procedure throughout the duration.
5. Check to see that the certificate on the carrier envelope was properly executed. The certificate is the statement the voter signs and may include portions filled out by assistants or witnesses. [Sec. 87.027(i)].
6. Check the signatures of the applicant on the application and on the carrier envelope to confirm that both signatures have been executed by the voter, unless either document was signed by a witness. [Sec. 87.027(i)].
7. A voter may use different witnesses/assistants on the voter's application for ballot by mail and on the voter's certificate. If a voter uses a witness, you would not compare signatures and the ballot should be accepted pending all other qualifications.
8. The signature verification committee may also compare the signatures on a voter's ballot application or carrier envelope with any known signature of the voter on file with the county clerk or voter registrar to determine whether the signatures are those of the voter. [Sec. 87.027(i)].
9. If there is no signature on the carrier envelope (by the voter or witness), you must follow the corrective action process in Section 87.0271 (see Chapter 4 of this handbook). If the signature is not on the certificate but elsewhere on envelope, this satisfies Section 87.027(i).

**NOTE: Incomplete information about an assistant cannot be corrected and will result in a rejected mail ballot.**

-- **EXCEPTIONS:**

- a. If the voter was unable to sign his or her name, the application and/or carrier envelope must each be signed by a witness. Different people may have witnessed the voter's mark on the application and on the carrier envelope. If the voter was unable to sign the application and/or carrier envelope himself or herself and one or both were signed by witnesses, then the signature will not be compared. [Sec. 87.027(i)].
- b. If the voter applied for an early voting ballot on the Application for Emergency Early Ballot Due to Death in Family or the Affidavit for Voting at Early Voting Place on Election Day, the certificate on the carrier envelope does not need to be signed by the applicant. The carrier envelope will have a notation "103" or "104" written on it by the early voting clerk when the voter applies under these procedures. [Secs. 103.004(c), 104.004(c)].

**NOTE:** A voter's witnessed application or witnessed carrier envelope are not invalid merely because there is no explanation of the voter's inability to make his or her mark. A ballot may not be rejected merely because the voter signed either the application or the carrier envelope and the other document was witnessed.

- c. If the voter applied for a ballot on the Application for Emergency Early Voting Ballot Due to Sickness or Physical Disability, the name, address, and signature of the representative who delivered the application to the early voting clerk must appear on the application and on the carrier envelope containing the voted ballot. The same representative who submitted the voter's application must deliver the voter's ballot back to the early voting clerk, and the same representative's name must appear on both the application and the carrier envelope. [Secs. 102.002, 102.004(b), 102.006(a), (b)].
  - d. Applicants applying for a limited ballot or a presidential ballot also known as a restricted ballot must have two applications if voting this procedure by mail (i.e., the application for early ballot by mail and the application for the "restricted" ballot) enclosed in the jacket envelope. [Secs. 111.004, 112.005, 113.003].
10. If a voter provides personal identification information on the carrier envelope that matches the voter's registration record, the signatures on the application for ballot by mail and on the carrier envelope shall be rebuttably presumed to be the signatures of the voter. However, the committee **MUST** 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. [Sec. 87.041(d-1)].
11. The only way to reject a mail ballot due to a signature mismatch is for a member of the committee to rebut the 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 the application are not those of the same voter.
12. **Signatures that have been either accepted or rejected need to be separated. If the committee has determined that the signatures are not those of the same person, the EVBB may make a determination that the signatures are those of the same person by a majority vote of the EVBB's membership.** [Sec. 87.027(j)].

## CHAPTER 4

### CORRECTIVE ACTION PROCEDURES

#### SECTION A. CARRIER ENVELOPE DEFECTS THAT ARE SUBJECT TO CORRECTIVE ACTION PROCEDURES

The following defects are eligible for correction when identified by the signature verification committee [Sec. 87.0271(a)]:

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

**NOTE:** Incomplete information about an assistant cannot be corrected and will result in a rejected mail ballot.

#### SECTION B. PROCEDURES FOR CORRECTIVE ACTION

1. Not later than the second day after the SVC discovers one of the above defects and before the committee decides whether to accept or reject a timely delivered ballot, the SVC 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.
2. **Notifying Voter by Mailing Notice of Defect and Corrective Action Form:** The SVC must include with the notice delivered to the voter a brief explanation of each defect in the carrier envelope. The notice must also inform the voter that the voter may: (A) cancel the voter's application to vote by mail in the manner described by Section 84.032; or (B) correct the defect in the voter's ballot by: (i) submitting a corrective action form developed and made available by the Secretary of State by mail or by common or contract carrier; or (ii) coming to the early voting clerk's office not later than the sixth day after election day. **The SVC no longer has authority under Section 87.0271 of the Code to return the defective carrier envelope to the voter.** Poll watchers are entitled to observe this process. [Sec. 87.0271(e)].
3. The SOS recommends that when preparing to mail the voter a notice of the defect and a corrective action form, the SVC take several actions, including the following:
  - i. Stamp or mark the voter's carrier envelope with the words "Corrective Action Required."

- ii. Note the appropriate defect on the Notice of Defective Carrier Issued by Signature Verification Committee or Early Voting Ballot Board (Form).
  - iii. 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 United States Postal Service (USPS). The voter must be notified if the return envelope needs additional postage.
  - iv. Enter the voter's information on the Roster of Voters with Defective Carrier Envelopes.
4. **Notifying the Voter by Phone or Email:** 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 SVC 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 application to vote by mail 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. [Sec. 87.0271(c)].
5. If the SVC takes one of the actions described above, the SVC must take that action with respect to each ballot in the election to which these options apply. [Sec. 87.0271(d)].

#### 6. **Notifying the Voter by Email**

- i. If the SVC notifies the voter by email, the SVC should send the voter the Notice of Carrier Defect Issued by Signature Verification Committee or Early Voting Ballot Board via email. 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.
- ii. The early voting clerk should set up an email address for corrective action notifications. The early voting clerk and the SVC 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.

#### 7. **Notifying the Voter by Phone**

- i. If the SVC notifies the voter by phone, the voter should be contacted using any known phone number on file with the early voting clerk or in the possession of the SVC.
- ii. The voter registrar may not transcribe, copy or otherwise record a telephone number furnished on a voter registration application. Therefore, the SVC 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, if necessary.

- iii. The SVC should create a phone script that explains to the voter that the voter's ballot by mail was received by the early voting clerk's office and has been reviewed by the SVC. The SVC should confirm the voter's identity using publicly available information. For example, the SVC may ask the voter to confirm his or her voter registration address and whether the voter requested a ballot for a given election. The voter should be told that a defect was discovered in the carrier envelope and the specific defect(s) should be explained. The SVC 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. The SVC should provide a return phone number that the voter may use to confirm that the voter was contacted by the SVC. The number provided should be the number of the early voting clerk's office so that the voter can verify this information and obtain details about the corrective action process during times that the SVC is not meeting. 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 should be noted on the roster.
  - iv. If the SVC is unable to contact the voter, the SVC should leave a detailed message explaining that the SVC determined there was a defect in the voter's carrier envelope and explain the process for correcting the defect. The SVC 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. The SVC should leave a return number that the voter may use to validate the information provided by phone.
  - v. The SVC should also mail the voter a Notice of Carrier Defect Issued by Signature Verification Committee or Early Voting Ballot Board 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. 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 should be noted on the roster.
8. **If the SVC does not have a phone number or email to notify the voter**, the SVC should send the voter a Notice of Carrier Defect 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.
9. 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 must provide this status information to the

county early voting clerk, who submits the information via TEAM to update the Ballot by Mail Tracker. As noted above, **the SVC no longer has authority under Section 87.0271 of the Code to return the defective carrier envelope to the voter.**

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

### **SECTION C. POSSIBLE SCENARIOS RELATED TO PERSONAL IDENTIFICATION REQUIREMENTS**

- **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 has completed the verification of personal identification information and should perform its remaining duties in the ballot review process. If the SVC 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 is able to verify the voter's identity. The SVC should perform its remaining duties in the ballot review process. If the SVC 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 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 should perform its remaining duties in the ballot review process. If the SVC does not identify any other ground for rejection, the ballot would be accepted.
  - **NOTE:** The obligation of the SVC 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].
- **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 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 should perform its remaining duties in the ballot review process. If the SVC 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 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 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.

#### **SECTION D. ESTABLISHING TIMELINES AND GUIDELINES FOR THE CORRECTIVE ACTION PROCESS**

1. The SVC 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.
2. The SVC should determine whether it will notify voters of a defect by both phone and email, if both are available.
3. The SVC 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.
4. When the SVC 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 USPS, first-class delivery can take up to five business days. The SOS recommends that the SVC implement a policy to provide notification of a defect by phone or email to all voters whose ballots are reviewed by the SVC on or after the 14th day before election day (approximately 10 business days).
5. The SOS recommends the SVC 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 meeting times should be posted timely to ensure that poll watchers are aware of when the SVC meetings will occur.

#### **SECTION E. METHODS OF CORRECTING DEFECTS IN CARRIER ENVELOPE**

A voter may correct a defect in his or her carrier envelope in the following ways:

- Returning the corrective action form by mail or by common or contract carrier.
- Appearing in person and completing a corrective action form.

- Utilizing the Secretary of State's Ballot by Mail Tracker, for missing or incorrect personal identification information.
- For a missing Statement of Residence, the voter may update the residence address associated with his or her voter registration record online at [www.Texas.gov](http://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.

#### **SECTION F. AFTER CORRECTIVE ACTION HAS BEEN COMPLETED BY THE VOTER**

1. The early voting clerk should make arrangements with the SVC chair to receive an updated copy of the Roster of Voters with Defective Carrier Envelopes after each meeting of the SVC in which the committee qualifies voted ballots for signature comparison or makes a determination to accept or reject voted ballots.
2. 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.
3. 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.
4. 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 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](http://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)].
5. 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. [Sec. 87.0271(g)].

#### **SECTION 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.

1. The SVC 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 signature.
2. 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.
3. 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 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. [Secs. 1.007, 31.003, 31.004, 87.0271(f), 101.007, 101.109].
4. FPCA voters must also correct the defect(s) in their carrier envelope or signature sheet by the sixth day after election day.

## **CHAPTER 5**

### **RECONVENING THE SIGNATURE VERIFICATION COMMITTEE**

The early voting ballot board must reconvene after the election to review and qualify provisional ballots and to qualify ballots that were cast from outside the United States on or before election day and that are received by the sixth day after election day.

The early voting clerk may determine whether or not the SVC will need to reconvene after election day to verify signatures or leave that authority with the early voting ballot board. We recommend that this decision be made prior to election day. If the authority is left with the SVC, we recommend that the SVC coordinate with the EVBB and the early voting clerk for delivery of the jacket envelope ballots by mail. If there is an SVC, the SVC must verify the signatures before the EVBB meets. The SVC would follow the same procedures of when they first convene.

## **CHAPTER 6**

### **EARLY VOTING BALLOT BOARD ACTIONS**

If the signature verification committee has decided that the signatures are from the same person, the EVBB may not override the committee's decision. If the signature verification committee has decided that the signatures are not from the same person, the EVBB may override the committee's decision that the signatures are of the same person by a majority vote of the EVBB. [Sec. 87.027(j)].

A determination that signatures are not from the same person must be made by a majority vote of the committee or subcommittee as applicable. If the early voting clerk has designated subcommittees within the signature verification committee, the subcommittee makes its signature determinations by a majority vote of the subcommittee members. [Sec. 87.027(l)]. There is nothing in the Election Code that states what constitutes a majority vote. This may be something that is discussed among the committee to determine what constitutes a majority vote. Please note that if the committee has determined what constitutes a majority vote, the committee must use that process throughout the entire process.

The EVBB makes a determination if the signature verification committee cannot determine whether the signatures are made by the same person.

## APPENDIX A

### Frequently Asked Questions Regarding Signature Verification

**1. Do the signatures on the voter's mail ballot application and carrier envelope have to be identical?**

The signature verification committee's duty is to compare signatures, but the committee members are not handwriting experts. The committee members should use their best judgment in determining whether the signatures on the voter's mail ballot application and carrier envelope are those of the same voter. The committee chair or committee members may request from the county clerk, election administrator, or voter registrar any signatures that are on file for a voter. This information may be provided electronically. The committee must decide by a majority vote that the signatures are of the same person, or not of the same person. The standard should be whether the two signatures could have been made by the same person.

In addition, if the voter provides personal identification information on the carrier envelope that matches the voter's registration record, the signatures on the mail ballot application and the carrier envelope shall be rebuttably presumed to be the signatures of the voter. [Sec. 87.041(d-1)]. However, the signature verification committee **MUST** 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. [Sec. 87.041(d-1)]. The only way to reject a mail ballot due to a signature mismatch is for a member of the signature verification committee 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)].

**2. What if the carrier envelope is signed by a witness? What is used for signature comparison?**

If the carrier envelope is witnessed, then there would be no signature to be compared by the committee. However, that does not invalidate the signature. A carrier envelope may be witnessed, as long as the witness portion is completed correctly.

**3. What if the ABBM is signed by the voter, but the voter's carrier envelope is witnessed?**

A voter may complete his or her ABBM and then have the carrier envelope witnessed. For example, if a person suffers an injury that would prevent the voter from signing (such as a broken hand) after the voter submits his or her ABBM, the voter may have a person witness the carrier envelope. The answer would be the same if a person has someone witness the voter's ABBM but the voter signed the carrier envelope. This does not invalidate the signature, as long as the witness portion is completed correctly.

**4. What if the signature that is signed by the witness on the carrier envelope and the application for ballot by mail do not match?**

A voter may have someone witness his or her application for ballot by mail and the carrier envelope. The voter does not have to use the same witness. The witness must include the printed name of the person that cannot sign, affix the witness' own signature to the document, print the witness' own name, and state the witness' residence address or official title, if the witness is an election officer. The only time a witness may not fill out the witness' information would be if the witness is a relative within the 2nd degree by affinity or 3rd degree by consanguinity OR the witness was physically living in the same dwelling as the voter at the time of witnessing the carrier. [Sec. 86.0051(a),(e)]. If the witness fits under one of these categories, then the witness would need to include that information on the carrier.

**5. When does the committee need to ask for copies of signatures from the county clerk or voter registrar?**

There is nothing in the Election Code that states when such a request should be made. The committee members may ask for these documents of voters' signatures in advance as long as it is reasonable. We recommend that the request be made with ample time to allow the clerk or registrar to prepare the requested documents. Electronic copies of these documents may be sent to the committee. Only committee members can request this information.

**6. What is a majority vote?**

The Election Code does not state what constitutes a majority of the SVC. Some counties will determine by the full committee, committee members present, or members of the subcommittees. Our recommendation is that the committee come to an agreement of what constitutes a majority and that the committee use that standard throughout the process.

**7. May the SVC keep notes?**

The SVC may not disclose the results of the accepted and rejected ballots. However, the committee may keep notes. Please keep in mind that these notes are subject to public information requests.

**8. Are the carrier envelopes and applications public information?**

Yes. A copy of an application for a ballot to be voted by mail is not available for public inspection, except to the voter seeking to verify that the information pertaining to the voter is accurate, until the first business day after the election day of the earliest occurring election for which the application is submitted. Originals of the applications and carrier envelopes are not available for public inspection until those materials are delivered to the general custodian of election records after the election. [Sec. 86.014].

**9. Does the SVC separate rejected and accepted ballots?**

Yes. The SVC needs to separate the rejected and accepted ballots, because if the SVC has determined that the signatures are not those of the same person, the EVBB may make a determination that the signatures are those of the same person by a majority vote of the EVBB's membership. The EVBB **may not** determine whether a voter's signatures on the carrier envelope certificate and ballot application are those of the same person if the committee has determined that the signatures are those of the same person. [Sec. 87.027(j)].

**10. When is the earliest the SVC can meet?**

The first day the SVC can meet is 20 days before the election day. There is no county population requirement for meeting 20 days before Election Day. [Sec. 87.027(f)].

**11. Is there a limit on how many times the SVC may meet?**

No. There is no limit on the times the SVC may meet. The clerk shall post notice of the time of each delivery. The notice must remain posted continuously for at least two days before the date of the delivery. [Sec. 87.027(h)]. Postings required by this section shall be made on the bulletin board used for posting notice of meetings of the commissioners court, in an election for which the county election board is established or a primary election, or of the governing body of the political subdivision in other elections. [Sec. 87.027(k)]. The SVC may meet after Election Day to verify signatures of late ballots; however, that is to the discretion of the early voting clerk.

**12. May a vacancy be filled if the SVC has convened?**

Yes. A vacancy on the committee shall be filled by appointment from the original list or from a new list submitted by the appropriate county chair. [Sec. 87.027(d)].



## APPENDIX B

### Common Situations that Arise in Signature Verification Committees

#### SITUATION 1: Voter's Signature does not Match

1. The SVC's duty is to compare signatures, but the committee members are not handwriting experts. The committee members should use their best judgment in determining whether the signatures on the voter's mail ballot application and carrier envelope are those of the same voter. The committee chair or committee members may request from the county clerk, election administrator, or voter registrar any signatures that are on file for a voter. This information may be provided electronically. The committee must decide by a majority vote that the signatures are of the same person, or not of the same person. The standard should be whether the two signatures could have been made by the same person.
2. If the voter provides personal identification information on the carrier envelope that matches the voter's registration record, the signatures on the mail ballot application and the carrier envelope shall be rebuttably presumed to be the signatures of the voter. [Sec. 87.041(d-1)]. However, the signature verification committee MUST 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. [Sec. 87.041(d-1)]. The only way to reject a mail ballot due to a signature mismatch is for a member of the signature verification committee 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)].
3. A majority vote must be decided by the committee members. For example, if there are 5 members, you may decide 3 out of 5 is a majority, or 4 out of 5. Once decided, the committee needs to be consistent with that process. If you have subcommittees, they must consist of at least two members each, with the chair as the deciding vote.
4. If committee members are unsure whether a signature is that of the voter or not, they should put those aside. The committee may decide if all members will need to look at the signature as a whole or let the subcommittees decide amongst themselves. If the committee is unsure of certain signatures, they may request from the county clerk, election administrator or voter registrar copies of signatures that are on file.
5. A rejected signature must be decided by a majority vote. If there are subcommittees, the committee needs to decide whether the subcommittees may make a majority vote with the chair as the tie breaker if needed, or if they must put those potential rejected ballots aside and decide as whole which ones should be rejected by a majority.

6. Even if unsure, the committee must make a decision whether to accept or reject a signature.
7. If the signature is rejected, the committee must place and separate the rejected and accepted carrier envelopes.
8. Once the committee has accepted and rejected all carrier envelopes, the committee has no authority to review the signatures again once delivered to the general custodian of the election.

#### **SITUATION 2: Voter's Signature is not on the Signature Line for the Carrier Envelope**

If a voter's signature does not appear on the signature line (also known as the certificate of the carrier envelope), but is located elsewhere on the envelope, then the signature is valid. As long as the signature is somewhere on the envelope, then the signature would be valid.

#### **SITUATION 3: Committee did not Separate Rejected and Accepted Ballots**

If the committee did not separate the rejected and accepted carrier envelopes, it does not have to restart its review process. If the committee cannot determine what carrier envelopes were accepted and rejected, then they would pass all carrier envelopes to the EVBB. There is nothing in the Election Code that states the SVC may review all carrier envelopes again. However, the EVBB has authority to review rejected signatures and overturn rejected decisions made by the SVC. [Sec. 87.027(j)]. Therefore, our office recommends that since the EVBB has the authority to review rejected signatures by the SVC, the carrier envelopes should be forwarded to the EVBB for review. The SVC may still continue to verify signatures after taking this action.

#### **SITUATION 4: Creating a Subcommittee**

If more than 12 members are appointed to serve on the signature verification committee, the early voting clerk may designate two or more subcommittees of not less than six members. If subcommittees have been designated, a determination as to whether or not the signature on the application for ballot by mail and the signature on the carrier envelope are the signatures of the voter is made by a majority of the subcommittee. [Sec. 87.027(l)].

If the SVC has less than 12 members, you still may have a subcommittee. Please keep in mind that the subcommittees need to be even. If there is an election where party alignment is indicated on the ballot, you should take that into consideration when making subcommittees. If possible, try to have different party alignment in each subcommittee. This should be done amongst the committee and before the committee begins verifying signatures. Whatever process is decided should be used throughout the whole verification process.

A determination that the signature on the application for ballot by mail or the signature on the carrier envelope are the signatures of the voter may be made by a subcommittee of less than six members. However, a determination that the signature on the application for ballot by mail or the signature on the carrier envelope are not the signatures of the voter may not be made by a subcommittee of less than six members. If the SVC has 12 or fewer total members and subcommittees consist of less than six members,

a determination that the signature on the application for ballot by mail or the signature on the carrier envelope are not the signatures of the voter must be made by a majority of the entire SVC.

If a subcommittee is created, the chair should be the tie breaker. Therefore, the chair should not be part of a subcommittee.

If there are subcommittees, the full signature verification committee needs to decide whether the subcommittees have authority to accept or reject ballots using a majority vote of the subcommittee members. Alternatively, the whole committee could decide to give the subcommittee authority to accept ballots and set aside rejected ballots and decide as a whole which ones should be rejected by a majority.