

The State of Texas

Elections Division
P.O. Box 12060
Austin, Texas 78711-2060
www.sos.texas.gov
www.votetexas.gov



Phone: 512-463-5650
Fax: 512-475-2811
Dial 7-1-1 For Relay Services
(800) 252-VOTE (8683)

Jane Nelson
Secretary of State

ELECTION ADVISORY **NO. 2023-23**

To: All Election Officials
From: Christina Worrell Adkins, Director of Elections *CWA*
Date: November 17, 2023
RE: Registering a Voter who is Part of a Confidentiality Program

Background

The purpose of this advisory is to explain the different types of voter registration confidentiality programs that are available to certain voters and provide answers to frequently asked questions.

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

Public Information and Confidentiality

For specific information on public information requests as it relates to the various confidentiality programs described in this advisory, please refer to our Elections Public Information Law Outline and consult with your county public information officer. You may also direct any questions about the procedures for responding to a public information request, including the timeframes for such responses, to the Office of the Attorney General via its Open Government Hotline, (877) OPEN TEX (673-6839).

Information that is Confidential for all Voters

A voter's social security number, Texas driver's license number, number of a personal identification card issued by the Department of Public Safety and voter source code are confidential under state and federal law. ([Section 13.004, Election Code](#) and the [National Voter Registration Act \(PDF\)](#)). The registrar must ensure that this information is excluded from disclosure, except that the voter registrar shall forward to the county chair of each county

executive committee the information necessary to contact applicants who indicate interest in working as an election judge. (Section 13.004(c-1), Election Code).

The voter registrar may not transcribe, copy, or otherwise record a telephone number furnished on a registration application, but may transcribe, copy or otherwise record a social security number furnished on a registration application only in maintaining the accuracy of registration records. (Section 13.004(a) and (b), Election Code).

Information that Cannot be Posted on a Website

The voter registrar or other county official who has access to the information furnished on a registration application may not post a telephone number, a social security number, a driver's license number, a number of a personal identification card, or a date of birth of a voter on a website. (Section 13.004(d), Election Code). Similarly, a voter registrar or other county official may not post the residence address of a voter who submits documentation under Section 13.004(c)(4), (5), (6), or (7) of the Code to the voter registrar or regarding whom the registrar has received notification under Section 15.0215 of the Code.

Information that can be Suppressed from the County's Website

All voters can request that their information be suppressed from the county's website. While a voter's information will still remain subject to disclosure under the Public Information Act, that information will not be posted on the county's website. Voters should contact their local county voter registrar if they are interested in web suppression of voter information.

Dates of Birth

Date of birth is confidential for all voters, unless the request is for a list of voters with voter information under Chapter 18 of the Election Code. *Paxton v. City of Dallas*, 2015 WL 3394061 (Tex. App.—Austin May 22, 2015, pet. denied) (mem. op.). Section 18.005, Election Code provides that date of birth must be contained on the original and supplemental list of registered voters. Therefore, when providing a list of voters pursuant to Chapter 18 of the Texas Election Code, date of birth may be released.

For example, if a person requests an individual's voter registration information, the voter's date of birth would be confidential. However, if a person asked for a list of all registered voters, then the date of birth for all registered voters would not be redacted.

Different Types of Confidentiality Programs

1. Alternate Address Program through the Department of Public Safety (DPS)

The Alternate Address Program allows qualifying individuals to use an alternate address on their driver's license or ID card in lieu of their actual residential address. These voters are allowed under law to designate their work (business) address, instead of their

residence address, on their voter registration certificate if they choose. (Sections 521.121, 521.1211, Texas Transportation Code).

NOTE: If an applicant chooses to apply for this type of confidentiality, they should be informed that they will be eligible to vote **only** in the precinct where the alternate address is located, which is often not in the same precinct as the applicant's residential address.

Who is eligible?

- Federal judges, including federal bankruptcy judges;
- Marshals of the United States Marshals Service;
- United States attorneys;
- State judges;
- Family members (as defined under Section 31.006, Finance Code) of such judges and officials;
- Peace officers, special investigators, and prosecutors (as defined by Articles 2.12 and 2.122 of the Code of Criminal Procedure, Section 521.1211 of the Transportation Code, and Section 15.25, Texas Administrative Code).

How does a qualifying person apply for confidentiality under the Alternate Address Program?

- By appearing in-person at a DPS office to show proof of employment or a family member's (as defined under Section 31.006, Finance Code) employment.
- If a person is a judge or the spouse of a judge, they may complete a form that is provided through the Office of Court Administration (OCA) ahead of time so DPS has verification from OCA that the person is a judge. If the person indicates at the time the application is made for the Alternate Address Program with DPS that they would like to register to vote, then the alternate, business address is provided in lieu of the individual's residence address on the voter registration application that the registrar receives from DPS. For more information on how to qualify and apply to this program, voters may contact DPS at the Alternate Address Program.

What information is made confidential once someone successfully applies under the Alternate Address Program?

- The applicant's residence address. The applicant's voter registration information will be subject to public disclosure, but because the residence address on the voter registration application is the applicant's place of work instead of their actual residence address, the actual residence address cannot be disclosed in response to public information requests.

What happens to an applicant's voter registration once they successfully apply to the Alternate Address Program?

- The applicant's registration will be updated and will allow the voter to vote using the alternate address provided.
- For county voter registrars: Do not send a notice of confirmation or treat these voters as though they are registered at a business address. However, you may send a notice of how this program may affect their voting status.

How can a confidential voter rescind this type of confidentiality request?

- Judges and their spouses who submitted a form through OCA can submit a written request to rescind confidentiality. Others who updated their driver's license through DPS can simply update their voter registration information to change their address to their residential address.

2. Confidentiality for Peace Officers and Other Government Personnel (Section 552.1175, Government Code)

This program allows qualifying individuals, as defined by Section 552.1175 of the Government Code, to have their voter registration information suppressed. These voters will be registered to vote at their residence address, but that information will be withheld from public disclosure. Section 552.1175 was amended by Senate Bill 870 (88th Leg., R.S., effective September 1, 2023) and House Bill 4504 (88th Leg., R.S., effective January 1, 2025).

Who is eligible?

- Current peace officers (as defined by Article 2.12 of the Code of Criminal Procedure);
- Honorably retired peace officers (as defined by Article 2.12 of the Code of Criminal Procedure);
- Current or honorably retired county jailers (as defined by Section 1701.001, Occupations Code);
- Current or former employees of the Texas Department of Criminal Justice (TDCJ) or of the predecessor in function of TDCJ or any division of TDCJ;
- Commissioned security officers (as defined by Section 1702.002, Occupations Code);
- A current or former district attorney (DA), criminal DA, or county or municipal attorney whose jurisdiction includes any criminal law or child protective services matters;
- A current or former employee of a DA, criminal DA, or county or municipal attorney whose jurisdiction includes any criminal law or child protective services matters;
- An officer/employee of a community supervision and corrections department established under Chapter 76 of the Government Code who performs a duty described by Section 76.004(b), Government Code;

- Criminal investigators of the United States, as defined by [Article 2.122\(a\), Code of Criminal Procedure](#);
- Any current or honorably retired police officers and inspectors of the United States Federal Protective Service;
- Current and former employees of the Office of the Attorney General (OAG) who are or were assigned to an OAG division the duties of which involve law enforcement or are performed under Chapter 231, Family Code;
- Current or former juvenile probation and detention officers certified by the Texas Juvenile Justice Department (TJJD), or the predecessors in function of TJJD, under Title 12, Human Resources Code;
- Current or former employees of a juvenile justice program or facility, as defined by Section 261.405, Family Code;
- Current or former employees of TJJD or the predecessors in function of TJJD;
- Current or former employees of the Texas Civil Commitment Office (TCCO) or of the predecessor in function of TCCO or a division of TCCO;
- Current or former child protective services caseworkers, adult protective services caseworkers, or investigators for the Department of Family and Protective Services (DFPS) or a current or former employee of a DFPS contractor performing child protective services caseworker, adult protective services caseworker, or investigator functions for the contractor on behalf of DFPS;
- A firefighter, volunteer firefighter, or emergency medical services personnel as defined by Section 773.003, Health and Safety Code;
- Current or former member of the United States Army, Navy, Air Force, Coast Guard, or Marine Corps, an auxiliary service of one of those branches, or the Texas military forces as defined by Section 473.001, Government Code;
- Special investigators, as defined by [Article 2.122\(a\), Code of Criminal Procedure](#);
- Federal judges and state judges (as defined by Section 1.005, Election Code) or a family member (as defined in Section 31.006, Finance Code) of such judges;
 - NOTE: A federal judge, state judge, or their spouse may also complete the [Confidentiality Affidavit for Voter Registration Under Texas Election Code](#).
- Elected public officers;
- Current or former United States attorney, assistant United States attorney, federal public defender, deputy federal public defender, or assistant federal public defender, and their spouse or child.

NOTE: As a result of House Bill 4504, effective January 1, 2025, references to Article 2.12, Code of Criminal Procedure will change to Article 2A.001, Code of Criminal Procedure. Similarly, references to Article 2.122, Code of Criminal Procedure will change to Article 2A.002, Code of Criminal Procedure.

How does a qualifying person apply for confidentiality under Section 552.1175?

- By completing and submitting the [Request for Voter Registration Confidentiality Under Texas Government Code](#) and submitting it to the county voter registrar's

office. The voter must attach a photocopy of any documentation showing that the voter is eligible for confidentiality.

What information is made confidential once someone successfully applies under Section 552.1175, Government Code?

- The applicant's residence address, telephone number, emergency contact information, date of birth, social security number, or information that reveals whether the applicant has family members, in addition to all other information made confidential for voters: Texas driver's license number or number of a personal identification card issued by the Department of Public Safety.

What happens to the applicant's voter registration after they successfully apply for confidentiality?

- The applicant's residence address, telephone number, emergency contact information, date of birth, social security number, and information that reveals whether the applicant has family members will be confidential as a matter of law, not visible to poll workers on election day, and not releasable in response to a Public Information Act request.
- The voter's name will appear on public records with an asterisk (***) in place of their address.
- Under Section 552.1175(h), Government Code, upon receipt of a request for public information that includes redacted confidential information, the county voter registrar must provide the following information to the requestor on a form prescribed by the attorney general:
 - A description of the redacted or withheld information that falls under Section 552.1175, Government Code;
 - A citation to Section 552.1175(h); and
 - Instructions regarding how the requestor may seek a decision from the attorney general regarding whether the redacted or withheld information is excepted from required disclosure.

How can a confidential voter rescind this type of confidentiality request?

- Submitting, in writing, a request to rescind the confidentiality to the county voter registrar's office.

3. Confidentiality Affidavit (Section 13.004(c)(4), Election Code)

Judges and other qualified individuals may apply for confidentiality through the Alternate Address Program; under Section 552.1175, Government Code; or through the [Confidentiality Affidavit for Voter Registration Under Texas Election Code](#) per Section 13.004(c), Election Code.

Who is eligible?

- Active, retired, or former federal judges, including a federal bankruptcy judge, as defined by Section 1.005, Texas Election Code;
- Active, retired, or former state judges as defined by Section 1.005, Texas Election Code;
- Current marshal of the United States Marshals Service;
- Current United States attorney;
- Family member (as defined under Section 31.006, Finance Code) of a judge listed above, of a marshal of the United States Marshals Service, or of a United States attorney; or
- Spouse of a peace officer as defined by Article 2.12, Code of Criminal Procedure.

How does a qualifying person apply for confidentiality under Section 13.004(c)(4)?

- Complete and notarize the [Confidentiality Affidavit for Voter Registration Under Texas Election Code](#).
- Submit the form to the county voter registrar's office.

What information is made confidential once a qualifying person submits the affidavit?

- The applicant's residence address, in addition to other information which is confidential for all voters, including a social security number, Texas driver's license number, and a number of a personal identification card issued by the Department of Public Safety.

How does this form affect a voter's current voter registration?

- This form can be accompanied with an initial voter registration application and be made confidential at the point the voter registration becomes active, or it can be submitted and will change a current, active voter registration to become confidential.

How can a confidential voter rescind this type of confidentiality request?

- Submitting, in writing, a request to rescind the confidentiality to the county voter registrar's office.

4. Address Confidentiality (Section 15.0215, Election Code)

A voter registrar must omit from the registration list the residence address of a judge or official and any family members of the judge or official if the registrar receives notice from the Office of Court Administration of the person's qualification for office as a federal or state judge or a federal official. Additionally, the registrar must prepare a memorandum

of the notice received from OCA which indicates the substance and date of the notice. The memorandum must be kept on file with the individual's voter registration application.

Who is eligible?

- Federal judges, including federal bankruptcy judges;
- Marshals of the United States Marshals Service;
- United States attorneys;
- State judges;
- Family members (as defined under Section 31.006, Finance Code) of a judge listed above, of a marshal of the United States Marshals Service, or of a United States attorney.

A registered voter who wishes to verify that an elected judge whose personal identifying information is confidential under Section 552.1175, Government Code, resides in the district may request in writing that the voter registrar certify that the judge lives in the district. The registrar shall determine the residence of the judge and respond to the requesting voter on whether the judge resides in the district. The response must be in writing and must be made no later than the 10th business day after the date the request is received. The voter registrar may not release the actual address of the judge. The registrar is not required to certify the judge's residence more than once in a calendar year. However, if a registrar receives subsequent requests to certify the residence of the same judge, the registrar must provide copies of the original certification to the subsequent requestors.

5. Confidentiality for Victims of Certain Crimes (Section 13.004(c)(5)-(7), Election Code)

Who is eligible?

- A voter applicant, applicant's child, or another person in the applicant's household who is a victim of family violence as defined by Section 71.004, Family Code;
- A voter applicant, applicant's child, or another person in the applicant's household who is a victim of sexual assault or abuse, stalking, or trafficking of persons; or
- A participant in the address confidentiality program administered by the attorney general under Subchapter B, Chapter 58, Code of Criminal Procedure.
 - A participant in the Attorney General Address Confidentiality Program will use this type of confidentiality to make any cancelled voter registration information confidential.

How does a qualifying person apply for confidentiality under Section 13.004?

- Complete the [Request for Voter Registration Residential Address Confidentiality](#).
- Submit the form to the county voter registrar's office, attaching any necessary documentation showing that the voter is eligible for confidentiality.

What information is made confidential once someone successfully applies under Section 13.004?

- The applicant's residence address, in addition to other information that is confidential for all voters, including social security number, Texas driver's license number, and a number of a personal identification card issued by the Department of Public Safety.

What happens to the applicant's voter registration after they successfully apply for confidentiality?

- The applicant's residence address, social security number, and Texas driver's license number or personal identification card issued by the Department of Public Safety will be confidential as a matter of law, not visible to poll workers on election day, and not releasable in response to a Public Information Act request.
- The voter's name will appear on public records with an asterisk (***) in place of their address.

How can a confidential voter rescind this type of confidentiality request?

- Submitting, in writing, a request to rescind the confidentiality to the county voter registrar's office.

6. 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, stalking, or child abduction. All mail goes through this substitute post office box to ensure confidentiality to participants in this program.

Who is eligible?

- Victims of family violence, sexual assault, human trafficking, stalking, or child abduction. See the [Attorney General Address Confidentiality Program website](#) or [Subchapter B, Chapter 58, Code of Criminal Procedure](#) for more information.

How does a qualifying person apply for confidentiality under the Attorney General Address Confidentiality Program?

- The person must complete an application and can do so by meeting with a victim's assistance counselor from a state or local agency or other organization that provides shelter or legal services to eligible victims, or by completing an application on their own.

- An applicant must provide a copy of a protective order or temporary injunction in place, or documentation of family violence, sexual assault, stalking, or child abduction. For more information on how a voter may qualify under this program, please contact the Attorney General's Office at 888-832-2322.
- More information regarding the Attorney General Address Confidentiality Program can be found on the [Attorney General's website](#).

What is the process for voting under this program?

- Voters who have been qualified through the Attorney General's Office and already have their assigned P.O. Box may proceed with submitting their confidential voter registration early voting ballot application.
- At any time during the year or at least by the close of regular business in the 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](#). (Section 84.007(c), Election Code). This is an application for 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, though their information is never entered into the voter registration system while the applicant is in the Attorney General Address Confidentiality Program. ([Section 81.38\(b\)\(1\), Title 1, Texas Administrative Code](#)).
 - The Confidential Voter Registration Form and Early Voting Ballot Application constitutes the voter's application to register to vote for so long as the applicant remains in the program, or until such time as the voter's application remains valid. A voter in this program shall not be permitted to vote by personal appearance either during early voting or on election day in any election for so long as the voter's application for ballot by mail remains valid. ([Section 81.38\(d\), Title 1, Texas Administrative Code](#)).
 - Upon acceptance of the Confidential Voter Registration Form and Early Voting Ballot Application, the early voting clerk shall list the applicant's name on the [Roster for Early Voting by Mail for Address Confidential Applicants](#), the date the ballot was mailed out, and the date the voted ballot was received by the early voting clerk. A protected applicant to whom a ballot is provided is not included on the regular early voting roster. Information contained on the [Roster for Early Voting by Mail for Address Confidential Applicants](#) is not subject to public disclosure under the Public Information Act. ([Section 81.38\(g\)-\(h\), Title 1, Texas Administrative 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. (Section 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. It is highly recommended that the early voting clerk work closely with the applicant in completing the application so that any potential defects in the application can be addressed while the voter is present in 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.
- If a defect in the Confidential Voter Registration Form and Early Voting Ballot Application is not discovered by the early voting 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) in order to afford the voter an opportunity to correct the defect(s). (Sec. 86.008). If the early voting clerk discovers a defect(s) in a voter's application, the early voting clerk must determine not later than the second day after discovering the defect if it would be possible to mail the voter a notice of the defect with sufficient time so that the voter receives the notice of defect and is able to 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 Confidential Voter Registration Form and Early Voting Ballot Application Containing a Defect that May Be Corrected](#). (Sec. 86.008).
- 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. (Section 81.38(b)(3), (b)(4)(B), Title 1, Texas Administrative Code).
- If the early voting clerk determines that it would not be possible to mail the voter a notice of defect with sufficient time for the voter to receive the notice, 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 personally appear on the voter's behalf.

NOTE: The early voting clerk is responsible for providing ballots to the protected applicant for any election conducted by the county. In order to receive a ballot for an election conducted by a local political subdivision other than a county, the protected applicant must appear in person at the office of the local political subdivision's early voting clerk and submit a Confidential Voter Registration Form

and Early Voting Ballot Application. ([Section 81.38\(e\), Title 1, Texas Administrative Code](#)).

What information is made confidential for someone who is part of the Attorney General Address Confidentiality Program?

- 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 but the Confidential Voter Registration Form and Early Voting Ballot Application, which is confidential.
- The early voting clerk retains all information in the Confidential Voter Registration Form and Early Voting Ballot Application. However, that form does not contain the actual residential address of the applicant, and the form itself is confidential as a matter of law and not subject to public disclosure under the Public Information Act. ([Section 81.38\(h\), Title 1, Texas Administrative Code](#)).
- Any prior voter registration information in a cancelled voter registration will remain on record at the county voter registrar's office for two years. We recommend that the voter complete and submit a [Request for Voter Registration Residential Address Confidentiality](#) to the county voter registrar of any county in which the voter has been registered in the past two years in order for information on the cancelled voter registration to remain confidential.

What happens to an applicant's voter registration once they successfully enter the Attorney General Address Confidentiality Program?

- If a voter still has a previous active voter registration, the early voting clerk should inform the voter that they should cancel their previous registration for that county and any other county where they may be currently registered. We recommend that the voter cancel, in writing, their previous voter registration with the county, if applicable, once becoming part of the program. This program functions differently than other forms of confidentiality, as a person in this program should not ever have their address or other voter information on file with the voter registrar in any way.
- Any cancelled voter registration may still be considered public information for two years following the cancellation. We recommend that the early voting clerk provide a [Request for Voter Registration Residential Address Confidentiality](#) to a voter under this program when they cancel their previous registration, because this form will serve to make confidential any information in their cancelled voter registration. If a public information request is submitted for cancelled voters, these voter addresses would be suppressed under Section 13.004 of the Election Code, but their names would appear on the list of canceled voters. The early voting clerk should then notify the Secretary of State at elections@sos.texas.gov that the voter's cancelled registration is confidential under Section 13.004.

How can a confidential voter rescind this type of confidentiality request?

- We recommend that the voter discuss the cancellation of a request with the Office of the Attorney General at 888-832-2322 and register to vote when ready and no longer participating in the program.

Instructions to the early voting clerk in mailing and processing ballots under this program (Section 81.38(i)-(j), Title 1, Texas Administrative Code):

- Upon acceptance of the Confidential Voter Registration Form and Early Voting Ballot Application, the early voting clerk shall list the applicant's name on the Confidential Roster of Protected Applicants, the date the ballot was mailed out, and the date the voted ballot was received by the early voting clerk. A protected applicant to whom a ballot is provided is not included on the regular early voting roster. Information contained on the Confidential Roster of Protected Applicants is not subject to public disclosure under the Public Information Act. (Section 81.38(g)-(h), Title 1, Texas Administrative Code).
- The early voting clerk will check with the applicant to determine whether the applicant has cancelled their previous voter registration and will provide the voter with a [Request for Voter Registration Residential Address Confidentiality](#) in order to make confidential the information in the cancelled registration. The early voting clerk will then notify the Secretary of State at elections@sos.texas.gov that the voter's cancelled registration is confidential under Section 13.004 of the Election Code.
- On the later of 45 days before any election conducted in the protected applicant's territory or as soon as ballots are available and ready to be mailed to any by-mail voter, overseas citizen, or military voter, the early voting clerk shall mail a ballot for that election to the protected applicant at the substitute P.O. Box address provided on the [Confidential Voter Registration Form and Early Voting Ballot Application](#).

What if a returned carrier envelope is defective but received timely?

- When the carrier envelope containing the ballot from a protected applicant is received, the early voting clerk shall make a note on the Roster for Early Voting by Mail for Address Confidential Applicants showing the date of receipt. The results shall be processed in accordance with the procedures applicable to processing early voting ballots voted by mail, except that the signature comparison on the confidential ballot application and the carrier envelope shall be conducted by the early voting clerk and not the early voting ballot board. The early voting clerk must also confirm that the personal identification number provided on the carrier envelope matches a personal identification number provided on the Confidential Voter Registration Form and Application for Ballot by Mail. If the 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. (Sec. 83.031, Texas Election Code; Sec. 81.38(d), Texas Administrative Code).

- Similar to the Signature Verification Committee (SVC) and Early Voting Ballot Board (EVBB), not later than the second day after the early voting clerk discovers a defect(s) in a protected applicant's carrier envelope, the early voting clerk must determine if it would be possible for the voter to receive a notice of defect within a reasonable time to correct the defect by the sixth day after election day. If the early voting clerk determines that there is reasonable time to mail the voter the notice of defect and a corrective action form by mail or by common or contract carrier, the early voting clerk shall mail the voter a [Notice of Carrier Defect Issued by the Early Voting Clerk for Confidential Voters](#). (Sec. 86.011). The early voting clerk should NOT mail the voter the defective carrier envelope with the notice.
- 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.
- The early voting clerk shall record on the [Roster for Early Voting by Mail for Address Confidential Applicants](#) all ballots accepted for counting after the review of the carrier envelopes is completed. If the voter fails to correct the defect(s) on a carrier envelope by the sixth day after election day, the clerk shall treat the ballot as not timely returned in accordance with [Section 86.011, Election Code](#) and indicate this reason on the confidential roster. ([Section 81.38\(i\), Title 1, Texas Administrative Code](#)).
- The carrier envelopes from voters in the Attorney General Address Confidentiality Program which are accepted for counting by the early voting clerk shall be delivered to the early voting ballot board in an envelope designated as "Envelopes for Confidential Ballots" together with the Confidential Roster of Protected Applicants. The confidential applications are not delivered to the early voting ballot board, but are kept by the early voting clerk. ([Section 81.38\(i\), Title 1, Texas Administrative Code](#)).

For additional information regarding corrective action procedures for voters in the Attorney General Address Confidentiality Program, please see [Tex. Sec'y of State Election Advisory No. 2023-13](#).

How does the early voting ballot board count confidential ballots? ([Section 81.38\(j\), Title 1, Texas Administrative Code](#))

- The early voting ballot board shall verify the carrier envelopes received with the Confidential Roster of Protected Applicants to ensure that the number of carrier envelopes do not exceed the number of names on the roster. If there is no date

- of receipt indicated on the roster, there will not be a carrier envelope for that person. The early voting ballot board will then count the ballot.
- The early voting ballot board shall treat as valid all carrier envelopes marked as containing confidential ballots voted under the Attorney General Address Confidentiality Program that were received in the envelope for confidential ballots. The carrier envelopes shall be opened and set aside, and the security envelopes containing the voted confidential ballots shall be set aside with all other accepted ballots by mail. The ballots shall be counted with the other accepted ballots by mail.
 - The number of ballots voted and counted under this section would have already been recorded on the Confidential Roster of Protected Applicants pursuant to Section 81.38(i), Title 1, Texas Administrative Code.

Frequently Asked Questions

- 1. I received a voter registration application from DPS and the person is part of the Attorney General Address Confidentiality Program using their P.O. Box. Do I register them?**

No. The person is only considered temporarily registered for purposes of each election and is not entered into the voter registration system. If you receive an application from DPS, you would send the applicant a [Notice of Incomplete Information on Voter Registration Application](#). The notice would state that the person would need to come in person to register. You may also send them the prescribed [Confidential Voter Registration Form and Early Voting Ballot Application](#) that would serve as a voter registration application and application for ballot by mail. Procedures under Section 13.073, Election Code would apply to the notice of incomplete. If the voter appears in person with a completed [Confidential Voter Registration Form and Early Voting Ballot Application](#), the early voting clerk retains all voter information in that form. However, that form does not contain the actual residential address of the applicant, and the form itself is confidential as a matter of law and not subject to public disclosure under the Public Information Act. (Section 81.38(h), Title 1, Texas Administrative Code).

If a voter in the Attorney General Address Confidentiality Program still has a previous active voter registration, the early voting clerk should inform the voter that they should cancel their registration for that county. In addition, any cancelled registration may still be considered public information for two years following the cancellation. We recommend that the early voting clerk provide a [Request for Voter Registration Residential Address Confidentiality](#) to a voter under this program when they cancel their current registration, because this form will serve to make confidential any information in their cancelled voter registration. If a public information request is submitted for canceled voters, these voter addresses would be suppressed under Section 13.004 of the Code, but their names would appear on the list of canceled voters. The early voting clerk should then notify the Secretary of State at elections@sos.texas.gov that the voter's cancelled registration is confidential under Section 13.004.

- 2. I received a voter registration application from DPS using the Alternate Address Program. Should I send the voter a notice informing them about the program and its effect on their voter registration application?**

You may, but are not required to, send a letter informing the voter of the Alternate Address Program and its effect on their voter registration application. You may include in the letter that the Alternate Address Program will only allow a voter to vote in elections in which the alternate address is located. The voter would only be allowed to vote at the alternate address, not at their residential address. You may inform the voter that if they choose to use the Section 552.1175, Government Code confidentiality program or the Confidentiality Affidavit for Voter Registration instead of the Alternate Address Program, this would only affect their voter registration and not their driver's license and that they may vote in elections in which they reside with their address being suppressed. You may also include the following SOS prescribed forms: [Request for Voter Registration Residential Address Confidentiality](#) or the [Confidentiality Affidavit for Voter Registration Under Texas Election Code](#).

- 3. May a federal or state judge defined under Section 1.005, Election Code qualify under multiple ways for confidentiality?**

Yes, a federal or state judge or spouse may qualify for confidentiality in several ways.

First, a person may qualify through the Office of Court Administration. Once elected as a judge, the Secretary of State will send that information to OCA, which will contact the newly elected judge informing them of voter confidentiality and send paperwork to be completed. Once OCA receives the completed paperwork, OCA will send the paperwork to the appropriate county, informing the county that the voter qualifies for confidentiality.

Second, a person may qualify by completing the [Confidentiality Affidavit for Voter Registration Under Texas Election Code](#) form pursuant to Section 13.004(c)(5), Election Code. Only a judge or spouse of a judge may complete this form. An applicant will need to complete the form and have that form signed by a notary. A spouse of a judge does not need to show proof of marriage.

Third, a federal or state judge may qualify by completing the [Request for Voter Registration Confidentiality Under Texas Government Code](#) form pursuant to Section 552.1175, Government Code. The applicant would need to provide proof they are a judge or spouse of a judge.

- 4. Do the confidentiality forms under Section 13.004, Election Code and Section 552.1175, Government Code serve as a voter registration application?**

No. Unlike the Alternate Address Program and the Attorney General Address

Confidentiality Program, a person who qualifies for confidentiality under Section 13.004, Election Code or Section 552.1175, Government Code must be a registered voter before they can complete the [Confidentiality Affidavit for Voter Registration Under Texas Election Code](#), [Request for Voter Registration Confidentiality Under Texas Government Code](#), or [Request for Voter Registration Residential Address Confidentiality](#) forms. If a voter is concerned that their information will be disclosed while waiting for their registration to become effective, the voter may submit their voter registration application simultaneously with their confidentiality form.

5. How should a voter's information appear on the Early Voting Roster?

This depends on the type of confidentiality used by the voter.

- For a person using the Attorney General Address Confidentiality Program, they would not appear on the list.
- For a person using the Alternate Address Program, their name and alternate address would be on the list, but that address would be their business address, not the voter's actual residential address.
- For a person using confidentiality under Section 13.004, Election Code or Section 552.1175, Government Code, the voter's name should appear on the list and there should be an asterisk (***) in place of their address.

6. How should a voter's registration appear on the original list of registered voters?

This also will depend on the type of confidentiality used by the voter.

- For a person using the Attorney General Address Confidentiality Program, they would not appear on the list.
- For a person using the Alternate Address Program, their name and alternate address would be on the list, but that address would be their business address, not the voter's actual residential address.
- For a person using confidentiality under Section 13.004, Election Code or Section 552.1175, Government Code, the voter's name should appear on the list and there should be an asterisk (***) in place of their address.

7. Is a voter allowed to use more than one method of confidentiality for voter registration?

No. For **voter registration purposes only**, if a person qualifies for confidentiality in multiple ways, the person must choose one method. For example, a judge could not use the Alternate Address Program **and** suppress their address under Section 13.004, Election Code or Section 552.1175, Government Code. However, the voter could use the alternate address for their driver's license (with DPS) and apply for confidentiality under Section 13.004, Election Code or Section 552.1175, Government Code for voter registration purposes.

8. Does confidentiality transfer from one county to another if the voter moves?

Yes, the confidentiality would transfer to the new county. However, a voter registrar may require proof from the voter that they qualify under Section 13.004, Election Code or Section 552.1175, Government Code. If a peace officer is using the Alternate Address Program and their occupation, marriage status, or residence changes, they must update their information with DPS within 30 days of the change under Section 521.1211, Transportation Code.

9. How long does the voter’s confidentiality last?

This depends on the type of confidentiality. For the Attorney General Address Confidentiality Program, the person is entitled to receive a ballot for three years after submitting the [Confidential Voter Registration Form and Early Voting Ballot Application](#) for all county or county-contracted elections, or until your office receives notice that the voter no longer qualifies under the program or their ballot by mail has been returned as undeliverable, whichever occurs first. For the Alternate Address Program, the person may use this address as long as the person qualifies under the program. For confidentiality under Section 13.004, Election Code and Section 552.1175, Government Code, the person may have their address and other information suppressed as long as the person qualifies under the program. However, if a voter moves to another county, the voter registrar may request proof from the voter that they still qualify under this program.

10. How does the voter registrar indicate (in TEAM) that voter registration information is considered confidential?

This depends on the type of confidentiality used by the voter.

- Alternate Address Program – You do not need to include anything in TEAM, as the voter’s address will be a designated alternate address at their place of work instead of their actual residential address.
- Attorney General Address Confidentiality Program – You would not indicate this in TEAM as the voter should not be registered to vote. That information will be kept on the Confidential Roster of Protected Applicants. Please note that a **Restrict Public Access** designation can also be set for a voter’s previous or cancelled voter registration record.
- Section 13.004, Election Code and Section 552.1175, Government Code – Once you have the appropriate paperwork or notification, then you will designate the voter record as **Restrict Public Access**, which by default **also sets Website Suppression** (meaning the person will not be able to locate their information through the “Am I Registered?” website). Offline counties complete this through Voter Import. Online Counties complete this through the Attributes portion of the Change Voter Screen. Any person designated as Restrict Public Access will have asterisks (***) appear in lieu of their address on all **reports requested** for use for public purposes (**Do Not Show Restricted**).

11. Does a spouse need to show proof of marriage under Section 13.004, Election Code and Section 552.1175, Government Code?

No, a spouse does not need to provide a marriage certificate or other proof. The spouse will need to provide documentation showing their spouse qualifies under this confidentiality program.

CA:AM