

## **Address Confidentiality**

### **General Confidentiality**

Under Section 18.005 of the Texas Election Code, a person's name, date of birth, and voter identification number are public information. Additionally, what elections you voted in (but not how you voted) is also public information. The county registrar (and the Secretary of State's office) are required by law to respond to a request for public information. While all voters can request that their information be suppressed from the web, a voter's information will still remain subject to disclosure under the Public Information Act.

That does not mean everything about your voter registration records is available. A voter's social security number, Texas driver's license number, and number of a personal identification card issued by the Department of Public Safety are confidential and do not constitute public information. (Section 13.004, Election Code, and the National Voter Registration Act (PDF)).

Additionally, 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).

Finally, 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.

### **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. Individuals who qualify for the Alternate Address Program include: 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 of the 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 and Section 521.1211 of the Transportation Code).

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.

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.

If an applicant chooses to apply for this type of confidentiality, they must understand that they will then 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 judge, including a federal bankruptcy judge, a marshal of the United States Marshals Service, a United States attorney, or a state judge, and any family member (as defined under Section 31.006, Finance Code) of the judge or official.
- Peace officers, as defined by Article 2.12, Code of Criminal Procedure, including special investigators, as defined by Article 2.122, Code of Criminal Procedure (Section 521.1211, Transportation Code and Section 15.25, Texas Administrative Code).
- Prosecutor, defined as a county attorney, district attorney, criminal district attorney, assistant county attorney, assistant district attorney, or assistant criminal district attorney. (Section 521.1211, Transportation Code).

### **How to apply**

By appearing in-person at a DPS office to show proof of employment or spouse's employment, or family member's (as defined under Section 31.006, Finance Code) employment.

If a person is a judge or the spouse of a judge, or family member (as defined under Section 31.006, Finance Code), 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, contact DPS at DPS Alternate Address Program.

### **Confidentiality for Peace Officers and Other Government Personnel (Section 552.1175, Government Code)**

This program allows certain government employees or peace officers to request that their address be kept confidential from an open records request or any postings.

The applicant's residence address, social security number, telephone number, emergency contact information, date of birth, 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.

### **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;
- A current or former juvenile probation and detention officer 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 a federal or state judge.
  - NOTE: A federal judge, state judge, or spouse of a judge may also complete the [Confidentiality Affidavit for Voter Registration Under Texas Election Code form](#).
- 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.

### **How to apply**

By completing a [Request for Voter Registration Confidentiality Under Texas Government Code](#) form and submitting it to the county voter registrar's office. You must attach a photocopy of any documentation showing that you are eligible for confidentiality.

### **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.

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

### **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 to apply

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

## 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 551.1175, 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.

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

These provisions allow certain individuals to request that their address be kept confidential from an open records request or any postings.

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.

### **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 to apply**

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 you are eligible for confidentiality.

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

**Please note:** Any prior voter registration information for 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.

### **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 to apply**

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 to 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](#).

### **Process for voting**

Voters who have been qualified through the Attorney General's Office and already have their assigned P.O. Box may, 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, 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 remains valid. ([Section 81.38\(d\), 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. We highly recommend that the early voting clerk ensures that any potential defects in the application are addressed while the applicant is present in the early voting clerk's office. If the application requires corrective action under Section 86.008 of the Election Code, the early voting clerk must notify the applicant that the applicant must return to the early voting clerk's office to complete the corrective action. For this reason, it is especially important for the early voting clerk to inform the applicant of the importance of providing a telephone number or email address on the application so that the applicant can be quickly notified of any defects. Additionally, the early voting clerk should mail a notice of any potential defects to the applicant's Attorney General P.O. Box. 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) and (b)(4)(B), Title 1, Texas Administrative Code).

**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).

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 that 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](mailto:elections@sos.texas.gov) that the voter's cancelled registration is confidential under Section 13.004, Election Code.



Type	Where to file	What County are they registered in	Where do they vote	What is confidential	Duration of confidentiality
Alternate Address Program	DPS	In the county of their alternate address	In the precinct where their alternate address is located	Nothing on the voter profile is confidential	Remains until registration is cancelled or updated
Confidentiality for Peace Officers and Other Government Personnel under Gov. Code 552.1175	County voter registrar	In the county where they reside	In the precinct where they reside	Residence, telephone, emergency contact, date of birth, and whether the applicant has family members	Remains until request is updated or cancelled by the voter
Confidentiality under Tex. Elec. Code 13.004  Judges and other qualified individuals	County voter registrar	In the county where they reside	In the precinct where they reside	The applicant's residence address	Remains until request is updated or cancelled by the voter, or receives note from OCA
Address confidentiality under Tex. Elec. Code 13.004  Victims of certain crimes	County voter registrar	In the county where they reside	In the precinct where they reside	The applicant's residence address	Remains until registration is cancelled or updated
Attorney General Address Confidentiality Program	County early voting clerk	They are NEVER registered	<b>By mail only!</b> Through the early voting	The voter is not registered and therefore not subject to	3 years or until the registrar receives notice that

Type	Where to file	What County are they registered in	Where do they vote	What is confidential	Duration of confidentiality
			clerk in the county where they physically reside	public disclosure	the individual is no longer in the program

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