

The State of Texas




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ELECTION ADVISORY **NO. 2022-08**

TO: Election Officials

FROM: Keith Ingram, Director, Elections Division 

DATE: January 28, 2022

RE: NEW LAW: Senate Bill 1 – Opportunity to Correct Defects on Application for a Ballot by Mail and Carrier Envelope

Senate Bill 1 (87th Leg., 2nd C.S., 2021) added new identification requirements related to the ballot by mail process. SB 1 took effect on December 2, 2021. Any elections ordered on or after December 2, 2021, must adhere to the changes in law made by SB 1 and the procedures outlined in this advisory.

This advisory details the new requirements on the Application for Ballot by Mail (ABBM) form and the carrier envelope, and it outlines the new process that allows voters to correct certain defects on their ABBM or carrier envelope. As authorized by the Legislature, the Secretary of State is prescribing these procedures to implement the corrective action process mandated in SB 1. (Secs. 87.0271(f), 87.0411(f), Texas Election Code).

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

New Requirements for Application for Ballot by Mail (ABBM)

As amended by SB 1, Section 84.002 of the Election Code provides that a voter who seeks to vote by mail must include one of the following on their ABBM:

- The number of the applicant’s driver’s license, election identification certificate (EIC), or personal identification card issued by the Department of Public Safety (DPS);
- The last four digits of the applicant’s social security number, if the applicant has not been issued a DPS number; or
- A statement that the applicant has not been issued one of these numbers. (Sec. 84.002(a)(1-a)).

A person may use the number of a DPS-issued driver’s license, EIC, or personal identification card that has expired for the purpose of fulfilling the identity requirements in Section 84.002(a)(1-a) if the license or identification is otherwise valid. (Sec. 84.002(b-1)).

The official ABBM form has been revised to include a space for the required identification information. (Sec. 84.011). If a voter requests an ABBM form, the county must send the new form that includes a space for the identification information. If a voter uses an old version of the ABBM form, the early voting clerk must follow the procedures outlined below in rejecting the application. Please be advised that there are other changes to the ABBM form that will be addressed in a separate advisory.

Requirements for Processing Applications for Ballot by Mail

It is the early voting clerk's responsibility to review applications for ballot by mail, determine whether the applicant is entitled to vote by mail, and provide ballot materials to the voter. (Secs. 86.001, 86.002).

Section 86.001 outlines the process that an early voting clerk must follow when reviewing a voter's submitted ABBM. Among other things, the early voting clerk must verify that the personal identification information provided by the voter on the application—i.e., a DPS-issued driver's license, EIC, or personal identification card number, the last four digits of the applicant's social security number, or a statement that the applicant has not been issued any of these numbers—identifies the same voter identified on the applicant's voter registration record. (Sec. 86.001(f)).

If the voter fails to provide any of the required identification information on the ABBM or the information provided by the voter on the ABBM does not match the information on the voter's voter registration record, the early voting clerk shall reject the ABBM and provide notice of the rejection (Form 6-3, Notice of Rejected Application for Ballot by Mail – Missing or Incorrect Personal Identification Number). Similarly, if the voter provides one or both of the required identification numbers but the voter's voter registration record does not contain either number, the early voting clerk must reject the ABBM and promptly notify the voter of the rejection (Form 6-4, Notice of Rejected Application for Ballot by Mail - Required Personal Identification Number Not Associated with Voter Record).

These SOS-prescribed notices include instructions on how the voter can correct the applicable defect online, as required by Section 86.001(f-1). If the rejection occurs on or before the 18th day before election day, the early voting clerk must also send the voter a new ABBM along with the rejection notice. (Sec. 86.008). Section 86.008(d) further provides that the early voting clerk may deliver a second ABBM to a voter in person if the defective original ABBM is timely and the clerk may receive, before the deadline, the corrected ABBM in person from the voter, as long as the clerk applies these procedures uniformly to all ABBMs covered by the subsection.

Below, we discuss several scenarios that early voting clerks may encounter in reviewing ABBMs, and we outline the opportunities provided to voters to cure certain ABBM defects, including additional information regarding the forms that the SOS has prescribed for early voting clerks to send voters when notifying them that their ABBMs have been rejected.

Possible Scenarios:

- **Scenario 1:** Voter provides a DPS-issued driver's license number on the ABBM. The early voting clerk validates that this number matches the driver's license number in the voter's voter registration record. If the voter is otherwise eligible to vote by mail, the early voting clerk must accept the ABBM and send a ballot to the voter.

- **Scenario 2:** Voter provides a DPS-issued driver's license number on the ABBM. The early voting clerk is unable to validate this number, as the voter registration record contains the voter's social security number but not a driver's license number. The early voting clerk must reject the ABBM and provide notice of the rejection, which must include information explaining how to correct or add information to cure the defect. (Sec. 86.001(f-1)). See Notice of Rejected Application for Ballot by Mail – Missing or Incorrect Personal Identification Number.
 - **NOTE:** If a voter has not provided the required personal identification information by the 11th day before election day, the ABBM will be finally rejected, but the voter may still vote in person if otherwise eligible. (Sec. 84.007(c)).

- **Scenario 3:** Voter provides the last four digits of their social security number on the ABBM. The voter registration record contains a driver's license number and social security number. The early voting clerk is able to validate that the partial social security number on the ABBM matches the number in the voter's registration record. The early voting clerk must accept the ABBM and send a ballot to the voter.
 - **NOTE:** As a reminder, the early voting clerk's obligation in reviewing the identification information on an ABBM is to determine if the information provided by the voter on the ABBM identifies the same voter identified on the applicant's voter registration record. (Sec. 86.001(f)).

- **Scenario 4:** Voter indicates on their ABBM that they have not been issued any of the required personal identification numbers, but the voter registration record contains one or both numbers. The early voting clerk must reject the ABBM and provide notice of the rejection, which must include information explaining how to correct or add information to cure the defect. (Sec. 86.001(f-1)). See Notice of Rejected Application for Ballot by Mail – Missing or Incorrect Personal Identification Number.
 - **NOTE:** If a voter has not provided the required personal identification information by the 11th day before election day, the ABBM will be finally rejected, but the voter may still vote in person if otherwise eligible. (Sec. 84.007(c)).

- **Scenario 5:** Voter provides one of the required personal identification numbers on their ABBM, but the voter's voter registration record does not contain either number. The early voting clerk must reject this ABBM and provide notice of the rejection, which must include instructions on how the voter can update their voter registration record to include the personal identification numbers. (Sec. 86.001(f)). See Notice of Rejected Application for Ballot by Mail – Required Personal Identification Number Not Associated with Voter Record.
 - **NOTE:** A voter cannot vote by mail unless at least one of the required numbers is added to the voter's registration record. If the ABBM is otherwise valid, the voter must be given the opportunity to update their voter registration record in order to finish processing the ABBM. The early voting clerk will need to re-check ABBMs in this category to determine if the voter updated their voter registration record with one or more required personal identification numbers. If a voter has not updated their voter registration record by the 11th day before election day, the ABBM will be finally rejected, but the voter may still vote in person if otherwise eligible. (Sec. 84.007(c)).

- **Scenario 6:** Voter provides both types of personal identification numbers (ex: driver's license number and last four digits of social security number) on their ABBM. The voter registration record contains both types of personal identification numbers; one number on the ABBM matches the record, but the other does not match. Because the early

voting clerk is able to validate one of the numbers to the voter's voter registration record (and thus verify the identity of the voter), the clerk must accept the ABBM and send a ballot to the voter.

- **Scenario 7:** Voter provides both types of personal identification numbers (ex: driver's license number and last four digits of social security number) on their ABBM. The voter registration record only contains the social security number, which matches with the partial number on the ABBM. The early voting clerk must accept the ABBM and send a ballot to the voter.
- **Scenario 8:** Voter indicates on the ABBM that they have not been issued any of the required personal identification numbers. If the voter's voter registration record does not contain any of these numbers, the early voting clerk must accept the ABBM and send a ballot to the voter.
- **Scenario 9:** The voter uses an old ABBM form that does not contain any of the required identification information or leaves the personal identification information section blank and does not indicate that they have not been issued any of the required numbers. The early voting clerk must reject the ABBM and provide notice of the rejection, which must include information explaining how to correct or add information to cure the defect. (Sec. 86.001(f-1)). See Notice of Rejected Application for Ballot by Mail – Missing or Incorrect Personal Identification Number.
 - **NOTE:** If a voter has not provided the required personal identification information by the 11th day before election day, the ABBM will be finally rejected, but the voter may still vote in person if otherwise eligible. (Sec. 84.007(c)).

Opportunity to Correct Rejection of ABBM

As described above, if the early voting clerk rejects an ABBM because the voter failed to provide any of the required identification information or the information included on the ABBM does not match the voter's voter registration record, the early voting clerk must provide the voter with notice of the rejection in accordance with Section 86.001(c). (Sec. 86.001(f-1)). The notice must include information explaining how to correct the defect by using the online Ballot by Mail Tracker, available at www.votetexas.gov. (Sec. 86.001(f-1)). The SOS has prescribed Notice of Rejected Application for Ballot by Mail – Missing or Incorrect Personal Identification Number (Form 6-3) for this rejection notice. If the applicant corrects the missing or incorrect number by validating the required information through the Ballot by Mail Tracker, and this information subsequently identifies the same voter identified on the applicant's voter registration record, the early voting clerk shall provide a ballot to the applicant. (Sec. 86.001(f-2)).

NOTE: The early voting clerk should retain the documentation from TEAM that shows the voter validated their personal identification number(s). This documentation should be retained with the voter's original ABBM and provided to the early voting ballot board so that the board is notified that the defect has been cured.

If the early voting clerk rejects an ABBM because the voter's voter registration record does not contain any of the personal identification information provided on the ABBM, the clerk must offer the voter an opportunity to correct this defect. The notice must include instructions on how the voter can update their voter registration record to include one or more of the required identification numbers by submitting a new voter registration application to the registrar or by validating their personal identification numbers on texas.gov. The SOS has prescribed Notice of Rejected Application for Ballot by Mail – Required Personal Identification Number Not Associated with Voter Record (Form 6-4) for this rejection notice.

Missing or incorrect personal identification information on the ABBM or the voter registration record is the only defect that can be corrected on an ABBM. If the application is rejected on any other grounds, a voter must submit a new ABBM if they still wish to vote by mail instead of voting in person. (Secs. 86.001(c), (f), (f-1), 86.008).

Any written notice of an ABBM rejection must state the reason for the rejection and be delivered to the voter at both the voter's residence address and the mailing address on the ABBM, if different. Additionally, if the voter provided an email address on the ABBM, the early voting clerk may also send notification by email of the reason for rejection. (Sec. 86.001(c)).

Please see pages 18-20 of this advisory for additional information regarding forms that SOS has prescribed for use in notifying voters of rejected ABBMs.

Deadline to Correct Defects in Application for Ballot by Mail

If a voter receives a Notice of Rejected Application for a Ballot by Mail or the voter logs into the Ballot by Mail Tracker and sees that there is missing or incorrect personal identification information, the voter must either (1) complete the required validation on the Ballot by Mail Tracker no later than the 11th day before election day, or (2) complete a new ABBM that must be received by the early voting clerk no later than the 11th day before election day. (Secs. 84.007(c), 86.015).

The early voting clerk must review all pending ABBMs that were initially rejected due to missing or incorrect personal identification information. If the applicant did not subsequently provide the missing or corrected identification information, the early voting clerk should send a final rejection notice. The early voting clerk can use the standard Notice of Rejected Application for Ballot by Mail form (Form 6-2) and mark reason 16 on the form.

If a voter corrects a defective ABBM after early voting by personal appearance has begun, the early voting clerk should confirm that the voter did not vote in person before sending balloting materials to the voter.

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

New Requirements for Carrier Envelope

As amended by SB 1, Section 86.002 requires that the carrier envelope include a space that is hidden from view when the envelope is sealed for the voter to enter one of the following: (1) the number of the voter's driver's license, EIC, or personal identification card issued by DPS; (2) the last four digits of the voter's social security number, if the voter has not been issued a DPS number; or (3) a statement that the applicant has not been issued one of these numbers. (Sec. 86.002(g)).

The carrier envelope has been updated to include a place for the voter to add an email address and/or telephone number so that the early voting ballot board or signature verification committee can contact the voter to notify them of a defect in their carrier envelope. Please note that there are other changes to the carrier envelope that will be addressed in a separate advisory.

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

Section 87.041 directs the early voting ballot board to determine whether to accept a voted ballot by mail and provides that a ballot can be accepted only if it meets several specified requirements. Based on changes to this provision made by SB 1, the EVBB must now review additional information when qualifying a voted ballot by mail. The EVBB shall only accept a voted ballot by mail if, among other things, the personal identification information provided by the voter on the carrier envelope identifies the same voter identified on the voter's voter registration record. (Sec. 87.041(b)(8)). In performing its assigned duties, the signature verification committee, if established, may also review the personal identification information on the voter's carrier envelope. (Secs. 87.027, 87.0271). 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 ABBM as long as they are both associated with the voter's registration record.

Rebuttable Presumption

Under Section 87.041, if the voter provides personal identification information on the carrier envelope that matches the voter's registration record, the signatures on the ABBM and the carrier envelope shall be rebuttably presumed to be the signatures of the voter. (Sec. 87.041(d-1)). Thus, the only way to reject a mail ballot due to a signature mismatch is for a member of the SVC or EVBB to rebut this presumption. The presumption may be rebutted by presenting other past signatures on file with the early voting clerk or voter registrar that would support a finding that the signatures on the carrier envelope and ABBM are not those of the same voter.

Any findings by the SVC that the signatures are not those of the same voter can be overridden by the EVBB. (Sec. 87.027(j)). This decision can be overridden even in circumstances when the voter has been provided an opportunity to correct a signature mismatch (notified by phone or email of the defect and subsequent corrective action process), but the voter did not complete the corrective action process. (Sec. 87.027(j)).

Possible Scenarios:

- **Scenario 1:** Voter provides a personal identification number on the carrier envelope that matches the number in the voter's voter registration record. The SVC or EVBB has completed the verification of personal identification information and should perform its remaining duties in the ballot review process. If the SVC or EVBB does not identify any other ground for rejection, the ballot would be accepted.
- **Scenario 2:** Voter provides a personal identification number on the carrier envelope that matches the number in the voter's voter registration record, but it is a different type of number than what the voter listed on the ABBM. (Example: Voter provided last four digits of social security number on ABBM and a driver's license number on carrier envelope.) Because the voter's voter registration record contains both personal identification numbers, the SVC or EVBB is able to verify the voter's identity. The SVC or EVBB should perform its remaining duties in the ballot review process. If the SVC or EVBB does not identify any other ground for rejection, the ballot would be accepted.

- **Scenario 3:** Voter provides the last four digits of their social security number on the carrier envelope. The voter registration record contains a driver's license number and social security number. The SVC or EVBB is able to validate that the partial social security number on the carrier envelope matches the number in the voter's voter registration record. The SVC or EVBB should perform its remaining duties in the ballot review process. If the SVC or EVBB does not identify any other ground for rejection, the ballot would be accepted.
 - **NOTE:** As explained above with respect to the early voting clerk's acceptance of ABBMs, the obligation of the SVC or EVBB in reviewing the identification information on a carrier envelope is to determine if the information provided by the voter on the envelope identifies the same voter identified on the voter's voter registration record. (Secs. 87.027, 87.0271, 87.041(b)(8), 87.0411).
- **Scenario 4:** Voter indicates on the carrier envelope that they have not been issued any of the required personal identification numbers, and the voter's voter registration record does not contain any of these numbers. The SVC or EVBB has completed the verification of personal identification information, and it must rely on the signature comparison process for this part of the review. The SVC or EVBB should perform its remaining duties in the ballot review process. If the SVC or EVBB does not identify any other ground for rejection, the ballot would be accepted.
- **Scenario 5:** Voter provided one of the required personal identification numbers on the ABBM that matched the voter's voter registration record, but the voter does not include an identification number on the carrier envelope. The SVC or EVBB must notify the voter of their 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 they have not been issued one of the applicable identification numbers. The SVC or EVBB must notify the voter of their ability to correct this defect in the carrier envelope. If the voter timely corrects the defect, and there are no other grounds for rejection, the ballot would be accepted.

Signature Verification Committee Corrective Action Process

SB 1 added Section 87.0271 of the Code to provide a process by which the signature verification committee, if established, shall offer voters the opportunity to correct certain defects in the required paperwork associated with a voted mail ballot. The signature verification committee is created by the early voting clerk and can be appointed for any election. (Sec. 87.027(a)). The signature verification committee may begin meeting as early as 20 days before election day. (Sec. 87.027(f)).

Because the early voting ballot board in counties with a population of under 100,000 are not permitted to meet to qualify mail ballots until the end of the period for early voting by personal appearance, the **Secretary of State's office strongly recommends that all entities create a signature verification committee so that voters will be timely notified of defects in their carrier envelopes.** See Section 87.027 for more details on the creation and administration of a signature verification committee.

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, but the voter may still vote in person if otherwise eligible.

Only the early voting ballot board has the authority to open a carrier envelope for those voters who submitted their request using an ABBM. (Sec. 87.041(a)). As the SVC does not have the authority to open a carrier envelope, the SVC is unable to determine whether a carrier envelope contains a completed statement of residence (SOR). Because the authority to open a carrier envelope to determine whether a voter submitted a completed SOR lies solely with the early voting ballot board, the SVC cannot notify voters of defects related to a missing SOR.

The signature verification committee can open a sealed carrier envelope, or envelope used for mailing the voted ballot and balloting materials, for voters who submitted their request to vote by mail using an FPCA, as signature sheets are expressly authorized for this process.

Early Voting Ballot Board Corrective Action Process

SB 1 also added Section 87.0411 of the Code to provide a process by which the early voting ballot board shall offer voters the opportunity to correct certain defects on their carrier envelope or in the required paperwork associated with the voted mail ballot. The first day that an EVBB can convene to qualify mail ballots depends on the size of the county, and for local political subdivisions (city, school, water district, etc.) contracting with a county. As noted above, the early voting ballot board in counties with a population of under 100,000, and in local entities that are not contracting with a county, are not permitted to meet to qualify mail ballots until the end of early voting by personal appearance. (Secs. 87.022, 87.0222).

The following defects are eligible for correction when identified by the early voting ballot board (Sec. 87.0411(a)):

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

NOTE: Incomplete information about an assistant cannot be corrected and will result in a rejected mail ballot, but the voter may still vote in person if otherwise eligible.

Corrective Action Process Timelines

The SVC or EVBB has two methods by which they can notify a voter of their ability to correct one or more of the defects outlined above.

Returning the Carrier Envelope by Mail: If the SVC or EVBB determines that it would be possible for the voter to correct the defect and return the carrier envelope before the time the polls are required to close on election day, the SVC or EVBB must mail the original defective carrier envelope to the voter. This determination must be made not later than the second business day after the SVC or EVBB discovers a defect, and before the SVC or EVBB decides whether to accept or reject a timely delivered mail ballot. (Secs. 87.0271(b), 87.0411(b)).

Notifying the Voter by Phone or Email: If the SVC or EVBB determines that it would not be possible for the voter to correct the defect and return the carrier envelope before the time the polls are required to close on election day, the SVC or EVBB may notify the voter of the defect by telephone or email and inform the voter that the voter may come to the early voting clerk's office in person not later than the sixth day after election day to correct the defect. (Secs. 87.0271(c), 87.0411(c)).

If the SVC or EVBB takes one of the actions described above, the committee or board must take that action with respect to each ballot in the election to which these options apply. (Secs. 87.0271(d), 87.0411(d)).

Recommended Timelines/Plan for the SVC and EVBB

The SOS recommends that before qualifying mail ballots, the early voting clerk meet with the SVC or EVBB to determine dates to convene and to establish timelines for the corrective action process. (Secs. 87.0411, 87.0271).

Establishing Timelines and Guidelines for the Corrective Action Process

- The SVC or EVBB must set a uniform policy for when carrier envelopes will be mailed to the voter versus when voters will be notified of the defect by phone or email. See recommendations below regarding establishing a specific deadline for transitioning to phone/email notification.
- The SVC or EVBB should determine whether it will notify voters of a defect by both phone and email, if both are available.
- The SVC or EVBB should establish a policy for making multiple attempts to reach a voter if it is unsuccessful in reaching a voter by phone or email on the first attempt.

Recommended Timelines for Notification Process

When the SVC or EVBB is determining whether there is adequate time to return a defective carrier envelope to the voter by mail, we strongly recommend that it takes into account postal delivery time frames. According to the [United States Postal Service](#) (USPS), first-class delivery can take up to five business days. Because a defective carrier envelope needs to be returned to the voter, and then mailed back to the early voting clerk, the SOS recommends that the SVC or EVBB implement a policy to provide notification of a defect by phone or email to all voters whose ballots are reviewed by the SVC or EVBB on or after the 14th day before election day (approximately 10 business days). Although early voting ballot boards in counties with a population of 100,000 or greater cannot begin meeting until 12 days before election day, the SVC is authorized to return a defective carrier envelope by mail during this time.

Rolling Review of Carrier Envelopes

To ensure that voters are given the maximum amount of time to correct a defective carrier envelope, the SOS recommends that the SVC or EVBB meet on the first possible day allowed under the Texas Election Code to qualify all mail ballots received up until that point (as identified in the chart below). The SOS recommends the SVC or EVBB continue their qualification of ballots on a rolling basis throughout the authorized meeting period to ensure that voters who are eligible to correct defects are notified as quickly as possible of the defect and their correction options. Notice of all SVC or EVBB meeting times should be posted timely to ensure that poll watchers are aware of when the SVC or EVBB meetings will occur.

	First Day Mail Ballots can be Reviewed	Texas Election Code Section
Signature Verification Committee (All counties and local political subdivisions)	20th day before election day	Sec. 87.027(f)
Early Voting Ballot Board (Counties with a population of 100,000 or more)	12th day before election day	Sec. 87.0222(a)
Early Voting Ballot Board (Counties with a population under 100,000)	4th day before election day	Sec. 87.022

Methods of Correcting Defects in Carrier Envelope

Correcting Defect by Returning Carrier Envelope by Mail

If the SVC or EVBB determines that it would be possible for the voter to correct the defect and return the carrier envelope before the time the polls are required to close on election day, the SVC or EVBB shall return the original carrier envelope containing the voter's marked ballot to the voter by mail to allow the voter to correct the defect. (Secs. 87.0271(b), 87.0411(b)).

When the carrier envelope is sent to the voter for corrective action, the voter MUST return the carrier envelope by 7:00 p.m. on election day. If the voter is hand-delivering the carrier envelope to the early voting clerk's office on election day, it must be received by the early voting clerk no later than 7:00 p.m. Only the voter may hand-deliver their carrier envelope, and the voter must present a valid form of voter ID (either a List A ID or a List B ID with reasonable impediment declaration) at the time of delivery.

Procedures

The SOS recommends that when preparing to return the voter's carrier envelope containing the voter's marked ballot, the SVC or EVBB take several actions, including the following:

1. Stamp or mark the voter's carrier envelope with the words "Corrective Action Required."
2. Note the appropriate defect on the Notice of Carrier Defect – Carrier Envelope Returned to the Voter by Mail.

3. Mail the voter's defective carrier envelope along with the Notice of Carrier Defect – Carrier Envelope Returned to the Voter by Mail. The early voting clerk should include an envelope for the voter to return the corrected carrier envelope to the early voting clerk. This envelope should contain the Official Election Mail logo prescribed by the USPS. The voter must be notified if the return envelope needs additional postage.
4. Enter the voter's information on the Roster of Voters with Defective Carrier Envelopes – Returned to the Voter by Mail.

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

If the SVC or EVBB determines that it would not be possible for the voter to correct the defect and return the carrier envelope before the time the polls are required to close on election day, the SVC or EVBB may notify the voter of the defect by telephone or email and inform the voter that the voter may come to the early voting clerk's office in person not later than the sixth day after election day to correct the defect. The SVC or EVBB must also inform the voter that he or she may request to have their application for ballot by mail cancelled in a manner described by Section 84.032. (Secs. 87.0271(c), 87.0411(c)).

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

Procedures

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

- **If notifying by email:**
 1. Send the voter the Notice of Carrier Defect – Voter Notified of Carrier Envelope Defect by Phone or Email via email.
 2. The voter's name should be entered on the Roster of Voters with Defective Carrier Envelopes – Notified by Phone or Email, and the action taken by the voter should be noted on the roster.
 3. **Parameters for Email Notification:** The SOS recommends that the early voting clerk set up an email address for corrective action notifications. The early voting clerk and the SVC or EVBB should establish rules and procedures for utilizing this email address. Any emails sent or received through the corrective action process are considered election records under the Election Code, are subject to the Public Information Act, and should be retained by the general custodian of election records. The general custodian should consult with their attorney regarding any requests for such emails, as certain information may be exempt from disclosure under the Public Information Act.
- **If notifying by phone:**
 1. Contact the voter using any known phone number on file with the early voting clerk or in the possession of the SVC or EVBB.

NOTE: As a reminder, the voter registrar may not transcribe, copy or otherwise record a telephone number furnished on a voter registration application. (Sec. 13.004). The SVC or EVBB may be able to review a voter registration application at the voter registrar's office to obtain a phone

number. The registrar may also read a phone number from a voter registration application to a member of the SVC or EVBB, if necessary.

2. The SVC or EVBB should create a phone script that explains to the voter that the voter's mail ballot was received by the early voting clerk's office and has been reviewed by the SVC or EVBB, whichever is applicable.
 3. The SOS recommends that the SVC or EVBB confirm the voter's identity using publicly available information.
 - **Example:** Ask the voter to confirm their voter registration address and whether they requested a mail ballot for the given election.
 4. The voter should be told that upon review of the carrier envelope, the SVC or EVBB discovered a defect in the carrier envelope. The specific defect should be explained.
 5. The SVC or EVBB should explain the process for the voter to correct the defect in the carrier envelope as well as the process to cancel their mail ballot and vote in person during early voting or on election day.
 6. The SVC or EVBB should provide a return phone number that the voter may use to confirm that they were contacted by the SVC or EVBB. The number provided should be the number of the early voting clerk's office so the voter can verify this information and obtain details about the corrective action process during times that the SVC or EVBB are not meeting.
 7. The voter's name should be entered on the Roster of Voters with Defective Carrier Envelopes – Notified by Phone or Email, and the action taken by the SVC or EVBB should be noted on the roster.
- **If the SVC or EVBB is unable to contact the voter:**
 1. The SVC or EVBB should leave a detailed message explaining that the SVC or EVBB determined there was a defect in the voter's carrier envelope and explain the process for correcting the defect.
 2. The SVC or EVBB should NOT provide any details related to a voter's personally identifiable information on a voicemail or with a person who is not the voter.
 3. The SVC or EVBB should leave a return number that the voter may use to validate the information provided by phone.
 4. The SVC or EVBB should mail the voter a Notice of Carrier Defect – Voter Notified of Carrier Envelope Defect by Phone or Email to inform the voter of their ability to correct the defect by appearing at the early voting clerk's office or by cancelling their mail ballot and voting in person during early voting or on election day.
 5. The voter's name should be entered on the Roster of Voters with Defective Carrier Envelopes – Notified by Phone or Email, and the action taken by the SVC or EVBB should be noted on the roster.
 - **If the SVC or EVBB does not have a phone number or email to notify the voter:** The SVC or EVBB should mail a Notice of Carrier Defect – Voter Notified of Carrier Envelope Defect by Phone or Email to inform the voter of their ability to correct the defect by appearing at the early voting clerk's office or by cancelling their mail ballot and voting in person during early voting or on election day.

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

Any actions taken by the SVC or EVBB shall be uniformly applied to every ballot in the election to which this procedure applies. (Secs. 87.0271(d), 87.0411(d)). A poll watcher is entitled to observe any action taken by the SVC or EVBB related to the corrective action process. (Secs.

87.0271(e), 87.0411(e)). Poll watchers may not transcribe or make notes of any voter's personally identifiable information while observing the activities of the SVC or EVBB.

Correcting Certain Defects Through Ballot by Mail Tracker

If the SVC or EVBB determines that the identification information required under Section 84.002(a)(1-a) (ABBM) or Section 86.002 (carrier envelope) was missing or contained incorrect information, the voter may cure this defect through the SOS's Ballot by Mail Tracker. However, if the SVC or EVBB has returned the voter's carrier envelope by mail for correction, the voter also **MUST** return the carrier envelope to the early voting clerk no later than 7:00 p.m. on election day for the ballot to be processed and counted. (Secs. 87.0271(b), 87.0411(b)). The Notice of Carrier Defect form provides information on how to utilize the tracker. Information validated through the Ballot by Mail Tracker should be provided to the EVBB for their final review of the ballot before determining acceptance or rejection.

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

Correcting Defect by Cancellation

If the voter received a defective carrier envelope in the mail or was notified by telephone or email about a defect, the voter may request to have their ABBM/marked ballot cancelled in accordance with Section 84.032. If the voter has possession of the defective carrier envelope, it may be surrendered at an early voting or election day polling place in order to vote a regular ballot in person. The voter may also surrender the ballot at the early voting clerk's office and be given a Notice of Surrendered Ballot by Mail to take to the polling place and vote a regular ballot.

Cancellation Options

After receiving a Notice of Carrier Defect by mail or receiving notification via email or phone, the voter may opt to cancel their ballot by mail and vote a regular ballot in person. All cancellations must be completed in accordance with Section 84.032. If the voter is an Annual ABBM voter, a cancellation request submitted for these purposes applies only to the current election unless the voter specifically requests to cancel their Annual ABBM. (Sec. 84.038).

- **Cancellation by Surrendering Mail Ballot at Polling Place During Early Voting or on Election Day:** If a voter has possession of their mail ballot, they may surrender that ballot at any early voting or election day polling place. Upon surrendering the ballot and completing the Application to Cancel a Ballot by Mail for Use in the Polling Place form, the voter will be given a regular ballot for voting. (Sec. 84.032(c), (d)).
- **Cancellation at Polling Place Without Surrendering Mail Ballot:** If a voter appears at a polling place during early voting or on election day after receiving a Notice of Carrier Defect, but does not have the defective carrier envelope to surrender, the voter may complete the Application to Cancel a Ballot by Mail for Use in the Polling Place form. The voter should vote provisionally and the election judge should check reason #4 on the Affidavit of Provisional Voter Envelope. (Secs. 84.032(c), 84.035(b)).
- **Cancellation at Early Voting Clerk's Office**
 - If the voter appears at the early voting clerk's office and submits a cancellation request in writing and surrenders the mail ballot, the voter will be permitted to vote a regular ballot in person. The voter will be issued a Notice of Surrendered

Ballot by Mail. This notice will be taken to the polling place and presented to the presiding judge. The presiding judge must issue the voter a regular ballot for voting. (Secs. 84.032(a), (c), (d), 84.035(b)).

- If the voter appears at the early voting clerk's office and submits a cancellation request in writing but does **NOT** surrender their mail ballot, the voter will be permitted to vote, but they must be issued a provisional ballot. The voter must complete a proper affidavit on cancellation form. The voter should be sent to their applicable polling location to vote provisionally. (Secs. 84.032(a), (c), 84.035(b)).
 - **NOTE:** The early voting clerk's office may not always contain the main early voting polling place. If a voter appears during early voting, the voter should be directed to the nearest early voting location to vote.
- **Cancellation by Voter who was Notified of the Defect by Phone or Email:** If a voter was notified of the defect in their carrier envelope by phone or email, the voter may cancel their mail ballot application and vote in person.
 - If the voter appears at the early voting clerk's office and submits a cancellation request in writing and the early voting clerk can verify that ballot is in the possession of the EVBB, the early voting clerk can issue a Notice of Surrendered Ballot by Mail. This notice will be taken to the polling place and presented to the presiding judge. The presiding judge must issue the voter a regular ballot for voting. (Secs. 84.032(a), (c), (d), 84.035(b)).
 - If the voter appears at the polling place and completes a written cancellation request, the voter may be given a provisional ballot. The presiding judge should mark reason number 4 on the provisional ballot affidavit envelope. The presiding judge may also want to add a notation that the voter was notified of a defect on their carrier envelope by phone or email. (Sec. 84.032(b), (c)).

There is no process under Texas law by which a voter can cancel a mail ballot application by phone. All cancellations must be in writing and completed in accordance with Section 84.032 of the Code. A written, signed, and scanned copy of a cancellation request may be submitted by email or fax. The request must contain an original, wet ink signature; an electronic or digital signature is not permissible. If a voter has possession of their mail ballot, they must still surrender their mail ballot at the polling place or early voting clerk's office in order to vote a regular ballot in person even if they submit a cancellation request.

Provisional Voting

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

Correcting in the Early Voting Clerk's Office when Voter is Notified of Defect by Phone or Email

If a voter has been notified of a defect by phone or email and the voter has not been sent their defective carrier envelope, the voter may appear in person at the early voting clerk's office not later than the sixth day after election day to take certain corrective actions. (Secs. 87.0271(c), 87.0411(c)).

Upon appearing at the early voting clerk's office and informing the early voting clerk that they have been notified that their carrier envelope had a defect, the early voting clerk should review the appropriate Roster of Voters with Defective Carrier Envelopes (or other applicable records)

provided to the early voting clerk from the SVC or EVBB to determine what corrective action is necessary.

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

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

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

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

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

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

Upon receiving any defective carrier envelopes that have been corrected and returned by mail, 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, 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)).

If a voter has been notified of a defect by phone or email, the voter has until the sixth day after election day to correct the defect. (Secs. 87.0271(c), 87.0411(c)). The voter's ballot may not be finally rejected for the reason provided in the Notice of Carrier Defect before the seventh day after election day. (Secs. 87.0271(g), 87.0411(g)). If a voter was mailed their defective carrier envelope, the revised carrier envelope containing the voted ballot **MUST** be returned to the early voting clerk by the time the polls close on election day. (Secs. 87.0271(b), 87.0411(b)).

Impacts on Federal Post Card Application (FPCA) Voters

The new 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 their personal identification number on the FPCA, the voter may correct this defect by submitting a new FPCA or by validating their identification number in the Ballot by Mail Tracker.

Likewise, the new identification requirements for carrier envelopes apply to mail ballots for FPCA voters. Our FPCA materials have been revised to reflect this change. Many FPCA voters receive their balloting materials by email, and an FPCA voter cannot construct the carrier envelope with a sufficient secrecy flap. Additionally, all FPCA ballots must be carried by the USPS free of postage. To facilitate the mailing of FPCA balloting materials, early voting clerks may use any type of mailing envelope that contains the Official Election Mail logo and the required postage-paid information as long as the early voting clerk includes a required signature sheet for the voter to complete.

All FPCA voters must be provided with an Official Election Signature Sheet for an FPCA Voter if their balloting materials were sent by email. If the balloting materials were sent by physical mail, but the early voting clerk is using one of the FVAP envelopes that does not contain all of the requirements for the carrier envelope, the voter **MUST** be provided with an Official Election Signature Sheet for an FPCA Voter to return with their marked ballot.

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

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

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

Correction of Defects by FPCA Voters

If the FPCA voter provides missing or incorrect identification information on their carrier envelope or signature sheet, or did not include the Official Election Signature Sheet for an FPCA Voter, the voter must be notified of the defect in the same manner as a regular ABBM voter. Because the signature sheet is separate from the voted ballot and is authorized under state and federal law, FPCA voters who have a defect in their signature sheet have additional methods for returning this corrected or missing required documentation. Specifically, an FPCA voter may submit a corrected signature sheet by email, fax, personal delivery, or mail. The SVC or EVBB should make an appropriate notation on their roster to indicate how FPCA voters were notified of a defect and how the FPCA voter provided the corrected signature sheet to the SVC or EVBB. (Secs. 1.007, 31.003, 31.004, 87.0271(f), 87.0411(f), 101.007, 101.109).

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

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

Verifying Personal Identification Information on ABBM/FPCA

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

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

Verifying Personal Identification Information on Carrier Envelope

- Because the early voting clerk already validated the personal identification information on the voter's ABBM, if the information submitted on the carrier envelope matches the information on the ABBM, the EVBB may accept the information and proceed to signature verification.
- If the information submitted on the carrier envelope does NOT match the information on the voter's ABBM, the SVC or EVBB must verify that the information on the carrier envelope matches the voter's voter registration record. The SVC or EVBB must verify this information with the voter registrar or county election officer. The verification may be performed over the telephone or in person at the voter registrar's or county election officer's office, or a member of the voter registrar's or county election officer's staff may be on site at the SVC or EVBB meeting to look up the voter registration records. Verification of personal identification information should be confirmed on a separate document or directly on the ABBM (provided that the notation does not obscure any of the applicant's markings). The notation should indicate that the verification occurred and

include the date of verification. The verification, method used for verification, and the individuals involved in the verification must all be documented by the SVC or EVBB, and these records should be maintained for the applicable preservation period.

Forms Related to Corrective Action Process

The SOS has prescribed several forms pertaining to the procedures identified in this advisory.

Notice of Rejected Application for Ballot by Mail – Missing or Incorrect Personal Identification Number (Form 6-3)

The SOS has prescribed a specific form for early voting clerks to use when notifying a voter that their ABBM is subject to rejection because the voter failed to provide any of the required personal identification information on the ABBM or the information provided by the voter on the ABBM does not match the voter's voter registration record. This new form provides detailed information on how the voter can correct this defect by utilizing the SOS's Ballot by Mail Tracker to validate their personal identification numbers, as required by Section 86.001(f-1). If the missing or incorrect identification information is the only basis for rejecting the ABBM, we recommend that early voting clerks use Form 6-3 as it explains the correction process.

The SOS has also added language regarding missing or incorrect personal identification information to the standard Notice of Rejected Application for Ballot by Mail form (Form 6-2). If there are multiple defects with an ABBM (including missing or incorrect identification information), we recommend that the early voting clerk send the standard Form 6-2 because the voter must submit a new ABBM to resolve the other defects even if the voter utilizes the Ballot by Mail Tracker to correct the missing or incorrect information.

Notice of Rejected Application for Ballot by Mail – Required Personal Identification Number Not Associated with Voter Record (Form 6-4)

The SOS has prescribed a specific form for early voting clerks to use when notifying a voter that their ABBM is subject to rejection because the voter's voter registration record does not contain one or more of the required personal identification numbers. This notice provides instructions on how a voter can add their personal identification number(s) to their voter registration record through texas.gov or by submitting a new voter registration application to the voter registrar. A postage-paid voter registration application must accompany this notice so that the voter may add the numbers to his or her voter registration record if the voter does not have online access.

Notice of Carrier Defect (Forms 8-23, 8-24)

The SOS has prescribed two different Notice of Carrier Defect forms to notify voters of defects in their carrier envelope and the available corrective actions. For voter convenience, we have included a copy of the Corrective Action Form for Defective Carrier on the reverse side of each Notice of Carrier Defect.

- The Notice of Carrier Defect – Carrier Envelope Returned to the Voter by Mail is to be used for those voters who are mailed back their carrier envelope for correction.
- The Notice of Carrier Defect – Voter Notified of Carrier Envelope Defect by Phone or Email is to be used for those voters who are notified of their carrier envelope defect by phone or email.

The notice must be completed by members of the SVC or EVBB. Any phone call or email notifying a voter of a defect in their carrier envelope should be made or sent during the time the SVC or EVBB is convened. The SVC or EVBB may utilize employees of the early voting clerk to assist with this process if all activities are completed while the SVC or EVBB is officially convened so that poll watchers may be present to observe the activities.

Roster of Voters with Defective Carrier Envelopes (Forms 8-20, 8-21, 8-22)

The SVC or EVBB should create a Roster of Voters with Defective Carrier Envelopes – Returned to the Voter by Mail and a Roster of Voters with Defective Carrier Envelopes – Notified by Phone or Email to record and detail the voters whose carrier envelopes have been mailed to a voter or are pending review by the SVC or EVBB. The roster should include the following information:

- Voter's Name/VUID;
- Type of defect on the carrier envelope;
- Date the SVC or EVBB provided notice of defect, if applicable;
- How notice was provided (returned carrier, phone call, email); and
- Who on the SVC or EVBB provided the notice.

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

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

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

Corrective Action Form for Defective Carrier Envelope (Form 6-14)

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

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

The SOS has prescribed a standalone Corrective Action Form for Defective Carrier, but has also included this form on the reverse side of the Notice of Carrier Defect form for voter convenience.

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

The SOS has prescribed a Notice of Surrendered Ballot by Mail to use when a voter surrenders their mail ballot to the early voting clerk and is eligible to vote a regular ballot in person. Upon surrendering their mail ballot, the voter will be issued the Notice of Surrendered Ballot by Mail. The voter will take this form to their early voting or election day polling place and present the form to the election judge, entitling the voter to vote a regular ballot in person.

Address Confidentiality Program

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

After the voter returns their carrier envelope, the early voting clerk or applicable designee must confirm that the personal identification information on the carrier envelope matches the information on the Confidential Voter Registration Form and Application for Ballot by Mail. If the information does not match, the early voting clerk or designee must generate a Notice of Carrier Defect. The voter's name is not entered on the Roster of Voters with Defective Carrier Envelopes. Instead, a notation of the defect is made on the [Roster for Early Voting by Mail for Address Confidential Applicants](#).

As these individuals are not registered voters in the statewide registration system, the Ballot by Mail Tracker will not contain information regarding their ballot application or carrier envelope. Voters wishing to verify the receipt of their carrier envelope must contact the early voting clerk.

Early Voting Clerk Notification to Voter of Defects in Carrier Envelope

Under Section 86.011(d) of the Code, if an early voting clerk receives a timely carrier envelope that does not comply with the applicable requirements of the Code, the early voting clerk may deliver the carrier envelope in person or by mail to the voter so that the voter may correct the defect. Additionally, the early voting clerk may notify the voter of the defect by phone and advise the voter that they may come to the early voting clerk's office to correct the defect or cancel their ABBM and vote in person. The early voting clerk may utilize this provision for defects such as a missing signature by the voter, a partially completed witness or assistant box (if applicable), or a ballot that is not returned in a carrier envelope.

If an early voting clerk chooses to notify voters of defects in their carrier envelope under Section 86.011(d), the clerk must apply these procedures uniformly to all voters in similar circumstances. Additionally, the SOS recommends keeping a log to track the ballots mailed to voters and the ballots in the possession of the early voting clerk before ballots are delivered to the SVC or EVBB. If the early voting clerk notifies a voter of a defect in their carrier envelope by mail, the clerk should include a letter explaining the actions that the voter needs to take to correct and return the carrier envelope.

Please be advised that the early voting clerk can only notify voters of certain defects under Section 86.011(d). If the early voting clerk receives a mail ballot with an obvious defect, but it is within the time frame that the SVC or EVBB can meet, the early voting clerk should expeditiously deliver these ballots to the SVC or EVBB so that they may complete their full

review and the voter can be notified of all defects in a timely fashion. The SVC or EVBB should review the ballots with obvious defects first to ensure that those voters are timely notified of their options to correct or cancel their mail ballot.

Types of Defects and Corrective Action Options

Type of Defect	Carrier Envelope Returned by Mail to Voter	Voter Notified of Defect by Phone or Email
<p>Voter did not sign the carrier envelope certificate.</p>	<p>Voter should sign original carrier envelope and return the carrier envelope to the early voting clerk by mail by 7:00 p.m. on election day, or, if on election day, the voter may hand-deliver their signed carrier envelope to the early voting clerk's office. Voter can make corrections directly on the returned carrier envelope. They do not need a Corrective Action for Carrier Envelope form.</p> <p>OR</p> <p>Voter can cancel their mail ballot application and vote in person. If voter surrenders their mail ballot, they should be given a regular ballot. If the voter does not surrender their mail ballot, they must vote provisionally.</p>	<p>Voter can complete Corrective Action Form for Defective Carrier Envelope and return the form in person to the early voting clerk's office by the 6th day after election day.</p> <p>OR</p> <p>Voter can cancel their mail ballot application and vote in person.</p> <ul style="list-style-type: none"> • If voter cancels at the early voting clerk's office and is given a Notice of Surrendered Ballot by Mail, the voter votes a regular ballot. • If voter surrenders ballot at the polling place, voter may fill out cancellation form and vote a regular ballot. • If voter appears at the polling place without a Notice of Surrendered Ballot by Mail and no ballot, the voter may fill out cancellation form and be given a provisional ballot.
<p>The EVBB/SVC cannot determine whether the signature on the carrier envelope is that of the voter.</p>	<p>Voter can complete Corrective Action Form for Defective Carrier Envelope form and return the form AND the original carrier envelope to the early voting clerk's office. Carrier envelope and Corrective Action for Carrier Envelope form must be received by the early voting clerk by 7:00 p.m. on election day.</p> <p>OR</p> <p>Voter can cancel their mail ballot application and vote in person. If voter surrenders their mail ballot, they should be given a regular</p>	<p>Voter can complete Corrective Action Form for Defective Carrier Envelope and return the form in person to the early voting clerk's office by the 6th day after election day.</p> <p>OR</p> <p>Voter can cancel their mail ballot application and vote in person.</p> <ul style="list-style-type: none"> • If voter cancels at the early voting clerk's office and is given a Notice of Surrendered Ballot by Mail, the voter votes a regular ballot. • If voter surrenders ballot at the

Type of Defect	Carrier Envelope Returned by Mail to Voter	Voter Notified of Defect by Phone or Email
	<p>ballot. If the voter does not surrender their mail ballot, they must vote provisionally.</p>	<p>polling place, voter may fill out cancellation form and vote a regular ballot.</p> <ul style="list-style-type: none"> • If voter appears at the polling place without a Notice of Surrendered Ballot by Mail and no ballot, the voter may fill out cancellation form and be given a provisional ballot.
<p>Voter did not include the required Statement of Residence form.</p>	<p>Voter can complete Corrective Action Form for Defective Carrier Envelope and Statement of Residence form and return the forms AND the original carrier envelope to the early voting clerk's office. Carrier envelope, SOR form, and Corrective Action Form for Defective Carrier Envelope must be received by the early voting clerk by 7:00 p.m. on election day.</p> <p>OR</p> <p>Voter can cancel their mail ballot application and vote in person. If voter surrenders their mail ballot, they should be given a regular ballot. If the voter does not surrender their mail ballot, they must vote provisionally. Voter may be required to complete a SOR when appearing to vote in person.</p>	<p>Voter can complete Corrective Action Form for Defective Carrier Envelope and Statement of Residence form and return the form in person to the early voting clerk's office by the 6th day after election day.</p> <p>OR</p> <p>Voter can cancel their mail ballot application and vote in person.</p> <ul style="list-style-type: none"> • If voter cancels at the early voting clerk's office and is given a Notice of Surrendered Ballot by Mail, the voter votes a regular ballot. • If voter surrenders ballot at the polling place, voter may fill out cancellation form and vote a regular ballot. • If voter appears at the polling place without a Notice of Surrendered Ballot by Mail and no ballot, the voter may fill out cancellation form and be given a provisional ballot. • Voter may be required to complete a SOR when appearing to vote in person.
<p>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.</p>	<p>Voter can complete Corrective Action Form for Defective Carrier Envelope and return the form AND the original carrier envelope to the early voting clerk's office. Carrier envelope and Corrective Action Form for Defective Carrier Envelope must be received by the early voting clerk by 7:00 p.m. on election day.</p>	<p>Voter can complete Corrective Action Form for Defective Carrier Envelope and return the form in person to the early voting clerk's office by the 6th day after election day.</p> <p>OR</p> <p>Voter can log into the Ballot by Mail Tracker on www.votetexas.gov to</p>

Type of Defect	Carrier Envelope Returned by Mail to Voter	Voter Notified of Defect by Phone or Email
	<p>OR</p> <p>Voter can enter the missing information on the original carrier envelope that was returned to the voter and return the carrier envelope to the early voting clerk.</p> <p>OR</p> <p>Voter can cancel their mail ballot application and vote in person. If voter surrenders their mail ballot, they should be given a regular ballot. If the voter does not surrender their mail ballot, they must vote provisionally.</p>	<p>complete the verification of the missing or incorrect personal identification information.</p> <p>OR</p> <p>Voter can cancel their mail ballot application and vote in person.</p> <ul style="list-style-type: none"> • If voter cancels at the early voting clerk’s office and is given a Notice of Surrendered Ballot by Mail, the voter votes a regular ballot. • If voter surrenders ballot at the polling place, voter may fill out cancellation form and vote a regular ballot. • If voter appears at the polling place without a Notice of Surrendered Ballot by Mail and no ballot, the voter may fill out cancellation form and be given a provisional ballot.
<p>If a voter used a witness for completion of the carrier envelope, the witness information was incomplete.</p>	<p>Voter can complete, or have a witness help complete, the Corrective Action Form for Defective Carrier Envelope and return the form AND the original carrier envelope to the early voting clerk’s office. Carrier envelope and Corrective Action Form for Defective Carrier Envelope must be received by the early voting clerk by 7:00 p.m. on election day.</p> <p>OR</p> <p>Voter/witness can enter the missing information on the original carrier envelope or Corrective Action Form for Defective Carrier Envelope and return the carrier envelope to the early voting clerk.</p> <p>OR</p> <p>Voter can cancel their mail ballot application and vote in person. If voter surrenders their mail ballot, they should be given a regular</p>	<p>Voter can have the witness complete the Corrective Action Form for Defective Carrier Envelope, and voter can return the form in person to the early voting clerk’s office by the 6th day after election day.</p> <p>OR</p> <p>Voter can appear in person at the early voting clerk’s office by the 6th day after election day and the early voting clerk/deputy early voting clerk can serve as a witness for the voter on the corrective action form.</p> <p>OR</p> <p>Voter can cancel their mail ballot application and vote in person.</p> <ul style="list-style-type: none"> • If voter cancels at the early voting clerk’s office and is given a Notice of Surrendered Ballot by Mail, the voter votes a regular ballot. • If voter surrenders ballot at the polling place, voter may fill out

Type of Defect	Carrier Envelope Returned by Mail to Voter	Voter Notified of Defect by Phone or Email
	ballot. If the voter does not surrender their mail ballot, they must vote provisionally.	cancellation form and vote a regular ballot. <ul style="list-style-type: none"> • If voter appears at the polling place without a Notice of Surrendered Ballot by Mail and no ballot, the voter may fill out cancellation form and be given a provisional ballot.

Questions and Answers

1. **What if a voter does not use the new ABBM form or otherwise does not include any of the required personal identification information?**
 - A. The early voting clerk must reject the voter’s ABBM and provide notice of the rejection. If the missing identification information is the only defect in the ABBM, the early voting clerk should send the voter a Notice of Rejected Application for Ballot by Mail – Missing or Incorrect Personal Identification Number. The voter may correct this defect by submitting a new ABBM or by validating their personal identification information through the Ballot by Mail Tracker on votetexas.gov.

2. **What information does a voter need to access the Ballot by Mail Tracker?**
 - A. To access the Ballot by Mail Tracker on votetexas.gov, the voter must enter their DPS-issued number, the last four digits of their social security number, and their residence address as listed in their voter registration record.

3. **A voter can’t access the Ballot by Mail Tracker because their voter registration record does not contain a required personal identification number. What should the voter do?**
 - A. If a voter is unable to enter the Ballot by Mail Tracker because they do not have an identification number associated with their voter registration record, the voter needs to update their voter registration record. They can do so by submitting a new voter registration application to the registrar or by validating their personal identification numbers on texas.gov if the voter has a DPS-issued driver’s license or personal identification card. The process for updating the voter registration record is explained to the voter in Notice of Rejected Application for Ballot by Mail – Required Personal Identification Number Not Associated with Voter Record (Form 6-4).

4. **If the personal identification information on the carrier envelope matches the voter’s voter registration record, should the SVC or EVBB still review the signatures on the ABBM and carrier envelope?**
 - A. Yes, but there is a rebuttable presumption that the signatures on the ABBM and carrier envelope are those of the voter. The only way to reject a ballot due to a signature mismatch is for a member of the SVC or EVBB 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 ABBM are not those of the same voter.

5. What if a voter includes an incomplete or unsigned Statement of Residence form?

- A. A voter should be notified of an incomplete SOR and provided an opportunity to correct this defect, similar to the process for a missing SOR.

6. Can someone other than the voter return a voter's corrected carrier envelope or corrective action form in person?

- A. No. Only the voter can hand-deliver their corrected carrier envelope on election day, or complete the Corrective Action Form for Defective Carrier Envelope, in person at the early voting clerk's office. If necessary, the voter may have someone accompany the voter to serve as a witness.

7. If the SVC or EVBB attempts to call a voter and is unable to reach the voter by phone, should they leave a message? Can the SVC or EVBB call multiple times?

- A. The SVC or EVBB can leave a message for the voter, but they should avoid providing any personally identifiable information on the voicemail so as not to compromise the privacy of the voter. Additionally, the SVC or EVBB can make multiple attempts to reach a voter by phone. The SOS recommends that the SVC or EVBB set a policy on the number of attempts allowed and what information will be provided in a voicemail message. Any actions that the EVBB/SVC takes for one voter must be uniformly applied to all voters in similar circumstances for that election.

8. If the SVC or EVBB is unable to reach the voter by phone, what number should the SVC or EVBB provide as a return number in a voicemail message?

- A. The SOS recommends that the SVC or EVBB provide a telephone number that will be routinely staffed by members of the SVC or EVBB, or by deputy early voting clerks, so that voters can receive information about the corrective action process in a timely fashion. As a best practice, the SVC or EVBB should identify the days and hours that someone will be available to answer calls. In addition, if a voicemail is set up with the return phone number, this voicemail should be routinely checked and any voicemails should be logged and tracked to ensure that voters are being provided uniform information in a timely fashion. The SVC or EVBB does not need a separate phone line. They can use the early voting clerk's main number, but the SVC or EVBB must work with the early voting clerk to develop a procedure for tracking calls about the correction process.

9. Can the SVC or EVBB contact voters both by email and phone?

- A. Yes. As long as the SVC or EVBB apply the same procedures uniformly to all voters in similar circumstances, they can contact a voter by phone and email to notify them of the defect. The SVC or EVBB should set a policy regarding the number and/or methods of attempts to contact a voter. In addition, all attempts to contact a voter should be documented on the applicable roster.

- 10. A voter has contacted our office and indicated that the personal identification number in their voter registration record is wrong; what can the voter do?**
- A. The voter can correct their personal identification number by submitting a new voter registration application to the voter registrar.
- 11. If the voter lists a personal identification number on an ABBM that is not contained in their voter registration record, can the early voting clerk update the voter registration record?**
- A. No. The voter should be notified that their voter registration record does not contain the identification number listed on the ABBM. The voter can update their voter registration record by submitting a new voter registration application to the registrar or by validating their personal identification numbers on texas.gov.
- 12. If a voter validates their DPS-issued driver's license number or social security number through texas.gov to update their voter registration record, how long does it take for this change to be effective?**
- A. This is an immediate update. It does not take 30 days for the update to become effective.
- 13. If a voter hand-delivers their ABBM to the early voting clerk, can the clerk review whether the personal identification information on the ABBM matches the voter's voter registration record before the voter submits their application?**
- A. Upon receipt of the ABBM, the early voting clerk can review the application even if the voter remains in the clerk's presence. However, any such actions taken as to one voter should be uniformly applied to all voters in similar circumstances. Thus, if the early voting clerk intends to review hand-delivered ABBMs for completeness or accuracy in the voter's presence, the clerk should follow the same process for all voters who hand-deliver their ABBMs.
- 14. Can a poll watcher challenge the acceptance of a signature by the EVBB?**
- A. No. A poll watcher has no authority to challenge the acceptance of a signature or any actions taken by the SVC or EVBB during the course of their regular meetings. The poll watcher can point out an election irregularity to the EVBB presiding judge or the SVC chair, after which the poll watcher has no further authority to take any actions with respect to their observations.
- 15. What email address should the SVC or EVBB use when notifying voters of a defect by email?**
- A. The SOS recommends that the early voting clerk set up an email address for these notifications. The early voting clerk and the SVC or EVBB should establish rules and procedures for utilizing the email address. Any emails sent or received through the corrective action process are considered election records under the Election Code, are subject to the Public Information Act, and should be retained by the general custodian of election records. The general custodian should consult with their attorney regarding any requests for such emails, as certain information may be exempt from disclosure under the Public Information Act.

16. What if a voter comes to the early voting clerk's office to correct a defect in their carrier envelope and the reason for voting by mail is absence from the county?

- A. If a voter appears in person to correct a defect with their carrier envelope, the voter must be provided an opportunity to correct the defect, and the early voting clerk must send any completed corrective action form to the early voting ballot board. The EVBB should not reject a correction merely because the voter applied to vote by mail due to expected absence from their county of residence.

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

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

18. If a voter is mailed their carrier envelope to correct a defect, is the voter's name removed from the roster of voters who voted by mail under Section 87.121?

- A. No. The voter's name will stay on the early voting roster as the voter has properly and timely submitted their mail ballot. The voter's name will subsequently be entered on the Roster of Voters with Defective Carrier Envelopes – Returned to the Voter by Mail to track the status of the ballot in the correction process.

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

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

20. What if an entity has a mailed a corrected ballot and the voter returns both ballots, but the second, corrected ballot has a defect in the carrier envelope (ex: missing personal identification information)? Can the SVC or EVBB review the original carrier envelope to obtain the missing information?

- A. No, the original ballot may not be reviewed or counted. The initial carrier envelope is never sent to the SVC or EVBB if the corrected ballot has been returned. If there is a defect in the corrected ballot, the SVC or EVBB must notify the voter of the defect and allow the voter an opportunity to correct the defect. Even if the voter does not resolve the defect in the corrected ballot, the SVC or EVBB may not review the original ballot, as the corrected ballot is now the timely returned ballot.

21. If the SVC or EVBB is unable to locate a voter's email or phone number to notify the voter of a defect in their carrier envelope, what should the SVC or EVBB do?

- A.** The SVC or EVBB should mail a Notice of Carrier Defect to inform the voter of their ability to correct the defect by appearing at the early voting clerk's office or by cancelling their mail ballot and voting in person during early voting or on election day.

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

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

If you have any questions regarding this advisory, please contact the Elections Division toll-free at 1-800-252-VOTE(8683).

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