

Confidentiality for Voter Registration

Texas Secretary of State

2023 Election Law Seminar for County Election Officials



Information that is Confidential for all Voters

- The following information furnished on a registration application is confidential and does not constitute public information:
 - Social Security Number
 - Texas Driver's License Number
 - A number of a personal identification card issued by the Department of Public Safety
 - Voter Source Code



Date of Birth

- Date of birth is confidential for all voters, unless the request is for the list of voters with voter information under Chapter 18 of the Texas Election Code.
 - Texas Election Code Sec. 18.005 provides that the date of birth must be contained on the original and supplemental list of registered voters.



The Alternate Address Program



What is it?

- Allows qualifying individuals to use an alternate address on their DPS-issued driver's license or ID card in lieu of their actual residential address.
- Voters who are eligible for the Alternate Address Program are allowed to designate their work (business) address, instead of their residence address, on their voter registration certificate if they choose.



Please be aware

- If an applicant chooses to apply for confidentiality under the Alternate Address Program, they must understand that **THEY WILL ONLY BE ELIGIBLE TO VOTE IN THE PRECINCT WHERE THE ALTERNATE ADDRESS IS LOCATED.**
- The alternate address is often not in the same precinct as the applicant's residential address.



Who is Eligible?

- federal judges, including federal bankruptcy judges;
- marshals of the United States Marshals Service;
- United States attorneys;
- state judges;
- family members (as defined under Section 31.006 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)



What Information becomes Confidential?

- The applicant's residence address
- The applicant's voter registration information will be subject to a public information request
- But the voter's business address is listed in the voter registration record because their actual residence address cannot be disclosed in response to a public information request



How does an applicant apply?

- Has to appear in-person at a DPS office to show proof of employment or a family member's employment.
- If a person is a judge or the spouse of a judge, they may complete a form that is provided through the Office of Court Administration (OCA) ahead of time so DPS has verification 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.



What happens to the applicant's voter registration?

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



How can a voter rescind this confidentiality request?

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



Confidentiality for Peace Officers and Other Government Personnel



Who is Eligible?

- **NEW LAW – Senate Bill 870 (2023) added to the list of persons eligible for confidentiality.**
- The following employees are eligible for confidentiality under Section 552.1175 of the Government Code:
 - Current or honorably retired peace officers;
 - Special investigators;
 - Current or honorably retired county jailers;
 - 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;



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- a current or former district attorney, criminal district attorney, or county or municipal attorney whose jurisdiction includes any criminal law or child protective services matters;
- a current or former employee of a district attorney, criminal district attorney, or county or municipal attorney whose jurisdiction includes any criminal law or child protective services matters;
- officers and employees of a community supervision and corrections department established under Chapter 76 who perform a duty described by Section 76.004(b), Government Code;
- criminal investigators of the United States as described by Article 2.122(a), Code of Criminal Procedure;



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- 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 who are or were assigned to a division of that office the duties of which involve law enforcement or are performed under Chapter 231, Family Code;
- current or former juvenile probation and detention officers certified by the Texas Juvenile Justice Department (TJJD), or the predecessors in function of TJJD, under Title 12, Human Resources Code;
- current or former employees of a juvenile justice program or facility, as those terms are defined by Section 261.405, Family Code;



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- current or former employees of the Texas Juvenile Justice Department or the predecessors in function of TJJD;
- federal judges and state judges as defined by Section 1.005, Election Code; (and the family member as defined under Section 31.006 of the Finance Code) of a federal or state judge;
- current or former employees of the Texas Civil Commitment Office or of the predecessor in function of the office or a division of the office;
- a 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 of the armed forces, or the Texas military forces, as that term is defined by Section 437.001, Government Code;



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- a current or former child protective services caseworker, adult protective services caseworker, or investigator 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;
- an elected public officer;
- a firefighter or volunteer firefighter or emergency medical services personnel as defined by Section 773.003, Health and Safety Code; and
- a current or former United States attorney, assistant United States attorney, federal public defender, deputy federal public defender, or assistant federal public defender and the spouse or child of the current or former attorney or public defender.



How does a qualifying person apply?

- Completing the Confidentiality Request For Voter Registration Purposes form and submitting it to the county voter registrar's office
- The voter must attach a photocopy of any documentation showing that they are eligible for confidentiality



What information is made confidential?

- Residence address,
- Telephone number,
- Emergency contact information,
- Date of birth,
- Social security number, and
- Information that reveals whether the applicant has family members.
- This is in addition to all other information made confidential for voters (Texas driver's license number, number of a personal identification card issued by the Department of Public Safety, and telephone number)



What happens to the application?

- The applicant's information will be confidential and not be visible to poll workers on election day and not releasable to the public under a public information request.
- Under Section 552.1175(h), a governmental body that redacts or withholds information made confidential by Section 552.1175(b) without requesting a decision from the attorney general must provide the following information to the requestor:
 - A description of the redacted or withheld information;
 - A citation to Section 552.1175; and
 - Instructions regarding how the requestor may seek a decision from the attorney general regarding whether the redacted or withheld information is excepted from required disclosure.



How can the confidential voter rescind their request?

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



Judicial Confidentiality Affidavit



Who is Eligible?

- Active, retired, or former federal judges;
- Active, retired, or former state judges;
- Active, retired, or former associate judges under Chapter 201, Family Code;
- Current magistrates or associate judges appointed under Chapter 54 or 54A, Government Code;
- Current justices of the peace;
- Current municipal court judges; or
- Spouses of the judges listed above;
- Active, retired, or former federal bankruptcy judges;
- Current marshals of the United States Marshals Service;
- Current United States Attorneys; or
- Family members (as defined under Section 31.006 of the Finance Code) of a judge above, or a marshal of the United States Marshal Service, or a United States Attorney.



How can a qualifying person apply?

- The qualifying person must complete and notarize the Judicial Confidentiality Affidavit for Voter Registration and submit the form to the county voter registrar's office



What information is made confidential?

- The applicant's residence address as well as 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.



How does the judicial confidentiality form affect a judge's current voter registration?

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



How can a voter rescind the request?

- The voter can rescind by submitting, in writing, a request to rescind the confidentiality to the county voter registrar's office.



Address Confidentiality Under Section 15.0215 of the 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 Texas Judicial System (OCA) 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 of a judge above, or a marshal of the United States Marshals Service, or a United States Attorney



Certification that an election judge resides in the precinct

- A registered voter who wishes to verify that an elected judge 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, no later than the 10th business day after the date that 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



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.



How to Qualify under Section 13.004?

- Voter has to complete a Request for Voter Registration Residential Address Confidentiality form.
- The voter must submit the form to the county voter registrar's office, attaching any necessary documentation showing that the voter is eligible for confidentiality.



What information is confidential?

- The applicant's residence address, 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.



What happens to the application?

- 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 under a Public Information Act request.
- The voter's name will appear on public records with an asterisk (***) in place of their address.



How can a voter rescind the request?

- The voter can rescind the application by submitting, in writing, a request to rescind the confidentiality to the county voter registrar's office.



The Attorney General Address Confidentiality Program

- This program provides a substitute post office box address and mail forwarding service for certain victims of family violence, sexual assault, human trafficking, stalking or child abduction. All mail goes through this substitute post office box to ensure confidentiality to participants in the program.



Who is eligible?

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



How to qualify for this confidentiality program?

- The person must complete an application and can do so by meeting with a victim's assistance counselor from a state or local agency or other organization that provides shelter or legal services to eligible victims, or by completing an application on their own.
- An applicant must provide a copy of a protective order or temporary injunction in place, or documentation of family violence, sexual assault, stalking, or child abduction.



How to vote under this program?

- Voters who have been qualified through the Attorney General's Office and already have their assigned P.O. Box may proceed with submitting their confidential voter registration early voting ballot application.
- At any time during the year or at least by the close of regular business in the clerk's office or 12 noon, whichever is later, on the 11th day before election day in any given election, an applicant must appear in person at the early voting clerk's office and complete and sign a Confidential Voter Registration Form and Early Voting Ballot Application. (Sec. 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. (1 Tex. Admin. Code 81.38(b)(1))



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- 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 election day in any election for so long as the voter's application for ballot by mail remains valid. (1 Tex. Admin. Code 81.38(d))
- 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.** (1 Tex. Admin. Code 81.38(g)-(h))



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- 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.



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- 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 work closely with the applicant in completing the application so that any potential defects in the application can be addressed while the voter is present in the early voting clerk's office. If 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.**
- 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.



What information is confidential?

- 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.
- **Please note that any prior voter registration information in a cancelled voter registration will remain on record at the county voter registrar's office for two years.** We recommend that the voter complete and submit a Request for Voter Registration Residential Address Confidentiality to the county voter registrar of any county in which the voter has been registered in the past two years in order for information on the cancelled voter registration to remain confidential.



How can a voter rescind this request?

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



How to process ballots under this program?

- 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.
- The early voting clerk will check with the applicant to determine whether the applicant has cancelled their previous voter registration and will provide the voter with a 13.004 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's Office at elections@sos.texas.gov that the voter's cancelled registration is confidential under Section 13.004, Election Code.



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- On the later of 45 days before any election conducted in the protected applicant's territory or as soon as ballots are available and ready to be mailed to any by-mail voter, overseas citizen, or military voters, the early voting clerk shall mail a ballot for that election to the protected applicant at the substitute P.O. Box provided on the Confidential Voter Registration Form and Early Voting Ballot Application.
- When the carrier envelope containing the ballot from a protected applicant is received, the early voting clerk shall make a note on the Confidential Roster of Protected Applicants showing the date of receipt.



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- The early voting clerk shall record on the Confidential Roster of Protected Applicants all ballots accepted for counting after the signature review is completed.
- The early voting clerk will compare the signatures, not the early voting ballot board. If the signature on the carrier envelope and signature on the confidential application are determined to have not been made by the same person, the clerk shall treat the ballot as not timely returned in accordance with Section 86.011, Election Code and indicate this reason on the confidential roster
- The carrier envelopes from voters in the Attorney General Address Confidentiality Program shall be delivered to the early voting ballot board in an envelope designated as “Envelopes for Confidential Ballots” together with the Confidential Roster of Protected Applicants.
- The confidential applications are not delivered to the early voting ballot board, but are kept by the early voting clerk.

[1 Tex. Admin. Code 81.38(i)]



How does the EVBB count confidential ballots?

- The early voting ballot board shall verify the carrier envelopes received with the Confidential Roster of Protected Applicants to ensure that the number of carrier envelopes do not exceed the number of names on the roster. If there is no date of receipt indicated on the roster, there will not be a carrier envelope for that person. The early voting clerk, instead of the early voting ballot board, will compare the signature on the Confidential Voter Registration Form and Early Voting Ballot Application with the signature on the mail ballot to qualify the ballot. The early voting ballot board will then count the ballot.
- Notwithstanding the absence of comparing signatures, the early voting ballot board shall treat as valid all carrier envelopes marked as containing confidential ballots voted under the Attorney General Confidentiality Program that were received in the envelope for confidential ballots. The carrier envelopes shall be opened and set aside, and the security envelopes containing the voted confidential ballots shall be set aside with all other accepted ballots by mail. The ballots shall be counted with the other accepted ballots by mail.



TEAM - Confidentiality

There are several types of confidentiality programs available to registered voters in the state of Texas. They include:

- Attorney General Confidentiality Program
- Department of Public Safety (DPS) Alternate Address Program
- Address Confidentiality (TEC 13.004; Government Code 552.1175)

Address Suppression in TEAM

Once a county voter registrar receives a request for confidentiality and has verified that the request meets the qualifications as specified by law, the voter registrar will enter the information in TEAM. It is the responsibility of the voter registrar to ensure that confidentiality is appropriately applied to the voter registration record.

Quick Reference Guide:

- [DocShare](#): TEAM Voter Registration
 - TEAM - Confidentiality Manual (PDF)
- [SOS Website](#): Election Advisory No. 2020-28



TEAM - Confidentiality

PUBLIC INFORMATION & REPORTS

- Once an individual voter registration record has been marked with the **Restrict Public Access** designation and/or **Website Suppression** designation, the voter registration address should not appear on any reports distributed to the public and/or any web reporting applications.
- When responding to a Public Information Request (PIR), the Secretary of State (SOS) encourages counties to use the Public Information Report module in TEAM for generating information being released to the public, as this process was specifically designed to suppress information required under law to be suppressed.



TEAM – Confidentiality

TEAM Team (800) 252-2216, Option 1

We are here to help!

Thank You!

