Review of ABBMs and FPCAs





Texas Secretary of State – Elections Division



ELIGIBILITY TO VOTE BY MAIL



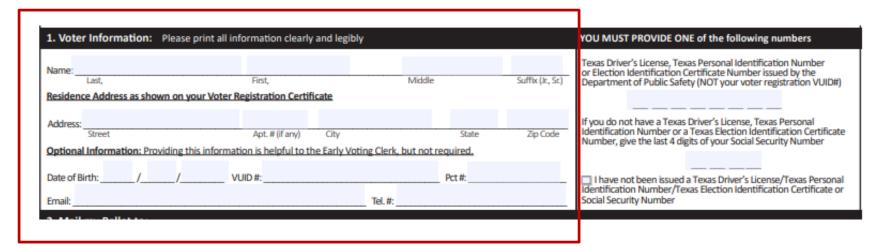
Eligibility to Vote by Mail

- A qualified voter may vote by mail if the voter:
 - Will be 65 or older on Election Day (Annual or Regular ABBM)
 - Has a Disability (Annual or Regular ABBM)
 - Is Expecting to Give Birth Within Three Weeks Before or After Election Day (Regular ABBM)
 (New Law)
 - Is Civilly Committed Under Chapter 841, Health and Safety Code (Regular ABBM) (New Law)
 - Expects to be Absent from County during Early Voting and on Election Day (Regular ABBM)
 - Is Confined in Jail (Regular ABBM)
 - In Address Confidentiality Program (Regular ABBM)
 - Is Military or Dependent of Military & Outside of Home Texas County (FPCA)
 - Is Temporarily Living Outside the United States (FPCA)
 - Is Living Outside the United States and Voter has Indicated their Intent to Return is Uncertain (FPCA)
 - Is a member of the National Guard or Dependent (FPCA) (New Law)
 Chapters 82 and 101, Texas Election Code

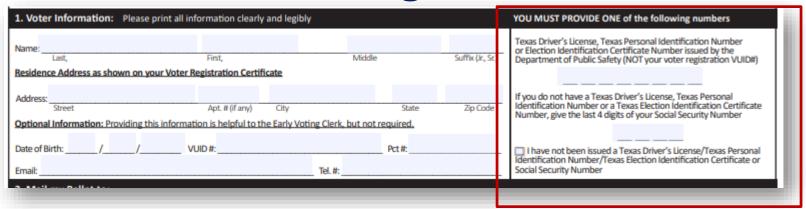


Reviewing ABBMs



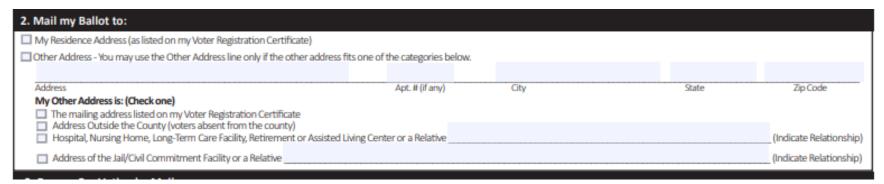


Box 1: Per Section 84.002, the applicant's name and the address at which the applicant is registered to vote must be included on the ABBM. If the voter's VUID, precinct number, telephone number, email address, and date of birth are not included on the application, this is not fatal to the application.



Box 1: Personal Identification Numbers – Voter must provide:

- Texas Driver's License, Texas Personal Identification Number, or Election Identification Certificate Number issued by DPS, OR
- Last four digits of SSN, OR
- An indication that they have not been issued either number.
- The personal identification information provided by the voter on the ABBM MUST be validated using the voter's voter registration record.



Box 2: For an application for a ballot to be voted by mail on the grounds of age or disability, the ABBM must include the address of the hospital, nursing home or other long-term care facility, or retirement center, or of a person related to the applicant within the second degree by affinity (by marriage) or the third degree by consanguinity (by blood) if the mailing address is different from the residence address.

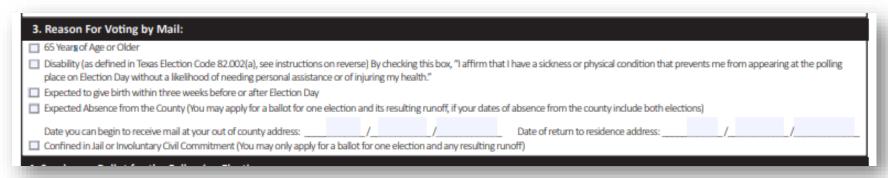
For an application for a ballot by mail on the ground of absence from the county of residence, the application must include the address outside the applicant's county of residence to which the ballot is to be mailed.

For an application for a ballot by mail on the ground of confinement in jail, the application must include the address of the jail or of a person related to the applicant within the second degree by affinity or the third degree by consanguinity.

For an application for a ballot to be voted by mail on the ground of involuntarily civil commitment, the address of the facility operated by or under contract with the Texas Civil Commitment Office or of a person related to the applicant within the third degree by consanguinity.

Section 84.002, Texas Election Code





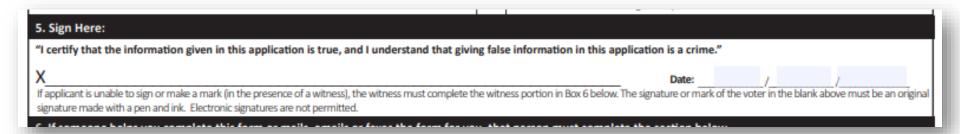
Box 3: Pursuant to Section 84.002, an ABBM must include an indication of the ground of eligibility for early voting. If the application does not include this information, the application must be rejected.



| 4. Send me a Ballot for the Following Elections: Annual Application — Send me a ballot for all Elections in this voting year (January — December) Annual Applications only available for voters 65 and older and voters with disabilities. You must select a party if you wish to vote in a primary. Select only one party's primary and its resulting runoff. Primary Election (even numbered years only) Democratic Primary Any Resulting Runoff Republican Primary Any Resulting Runoff Do Not Send me a Primary Ballot | OR | Uniform Election Dates November Election May Election (not a primary runoff) Other Special Election Any Resulting Runoff name or date of special election, if known Primary Election (even numbered years only) Democratic Primary Any Resulting Runoff Republican Primary Any Resulting Runoff (Voters who are absent from the county or confined in jail/civilly committed may only apply for one election and its resulting runoff) |
|---|----|---|
|---|----|---|

Box 4: Per Section 84.002, an early voting ballot application must include, for an application for a ballot to be voted by mail on any ground, an indication of each election for which the applicant is applying for a ballot. However, there are some exceptions to this. Please see the following FAQs for examples.





Box 5: Per Section 84.001, to be entitled to vote an early voting ballot by mail, an application must be in writing and signed by the applicant. An electronic signature is not permitted. If the application is not dated, this is not fatal to the application.



| 6. If someone helps you complete this form or mails, emails or faxes the form for you, that person must complete the section below. | | | | | | | |
|---|-----------------|-----------------------------------|-------|----------|--|--|--|
| Instructions for Witnesses and Assistants: See back of this form for the definitions of Witness and Assistant. Check one or both boxes below if you served as a Witness, an Assistant or both. All information below must be completed! If the applicant is unable to make a mark, you must check this box and complete all information below. Do not sign for the voter in Box 5. Witness – If you are acting as a Witness to the applicant's signature or mark or signing on the applicant's behalf, you must state your relationship to the applicant here: | | | | | | | |
| Assistant – If you assisted the applicant in completing this application in the applicant's presence or mailed/emailed/faxed the application on behalf of the applicant. (Indicate Relationship) Failure to complete this section is a Class A Misdemeanor if applicant's signature was witnessed or applicant was assisted in completing this application. | | | | | | | |
| X Signature of Witness/Assistant | _ | Printed Name of Witness/Assistant | | | | | |
| Street Address | Apt. # (if any) | City | State | Zip Code | | | |

Box 6: Per Section 1.011, when the Election Code requires a person to sign an application, the document may be signed for the person by a witness, if the person required to sign cannot do so because of a physical disability or illiteracy. The person who cannot sign must affix the person's mark to the document or paper, which the witness must attest. If the person cannot make the mark, the witness must state that fact on the document. Per Section 84.003, a person who acts as a witness for an applicant for an ABBM commits an offense if the person knowingly fails to comply with Section 1.011. Further, a person who in the presence of the applicant otherwise assists an applicant in completing an ABBM commits an offense if the person knowingly fails to comply with Section 1.011 in the same manner as a witness.

What if a voter provides only a driver's license number on the ABBM, but the voter registration record does not contain a driver's license number?

- The ABBM must be rejected.
- You must send the voter a Notice of Rejected Application for Ballot by Mail – Missing or Incorrect Personal Identification Number (Form 6-3).

If a voter provides both types of identification numbers on the ABBM (ex: driver's license AND last four digits of SSN), do both numbers have to match the voter registration record?

No. If one number matches the voter registration record (and the voter is otherwise eligible to vote by mail), you must accept the ABBM.

Your obligation in reviewing the identification numbers 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)).



What if a voter provides the last four digits of the SSN, but the voter registration record shows both a driver's license and an SSN?

If the last four digits of the SSN provided by the voter on the ABBM matches the voter record (and the voter is otherwise eligible to vote by mail), you must accept the ABBM if otherwise properly completed.

The EV clerk received a timely ABBM for an upcoming election from a voter who is not currently registered to vote in the county/political subdivision. Can the EV clerk process the application and send the voter a ballot by mail?

The application must be rejected and the voter must be sent a Notice of Rejected Application for Ballot by Mail if the voter is not registered in the county/political subdivision and the voter registration records reflect that the voter will not have an effective voter registration by election day in the county/political subdivision. Pursuant to Section 13.143 of the Code, a voter registration is effective for purposes of early voting if it will be effective on election day. As such, if the voter registration records reflect that the voter's registration will be effective by election day, and the single-use ABBM or Annual ABBM contains the required information, the application should be processed and the voter should be sent a ballot by mail.

What if the residence address the voter provided on the ABBM is different from the residence address at which the voter is registered?

As long as the voter is registered in the political subdivision holding the election, and as long as the address on the ABBM is also within that county (or political subdivision), then the EV clerk should process the ABBM (if the voter is otherwise eligible to vote in the election) and send the voter a Statement of Residence along with the balloting materials. If the addresses do not meet this criteria, then the EV clerk must reject the ABBM (or forward it to the correct EV clerk, if applicable). When mailing a ballot to the voter, the EV clerk must make a notation on the carrier envelope that a Statement of Residence is included so that the early voting ballot board knows to look for the Statement of Residence with the marked ballot; the early voting ballot board cannot count that ballot if the Statement of Residence is not returned by the voter.



A voter submitted an ABBM to vote a ballot by mail on the ground of disability/age. The mailing address provided on the application is not the mailing address listed on the voter's registration certificate. The voter did not make a selection in Box No. 2 of the official state application indicating whether the mailing address is that of a hospital, nursing home or other long-term care facility, retirement center, or of a person related to the voter. Should the application be rejected?

Yes, the application must be rejected because the mailing address on the application differs from the mailing address on the voter's registration certificate. Pursuant to Section 84.002 of the Code, an application for a ballot to be voted by mail on the grounds of age or disability must include the address of the hospital, nursing home or other long-term care facility, or retirement center, or of a person related to the applicant within the second degree by affinity or the third degree by consanguinity, as determined under Chapter 573, Government Code, if the applicant is living at that address and that address is different from the address at which the applicant is registered to vote.



A political subdivision is conducting an election and the EV clerk received a single-use ABBM from a voter due to absence from the county of residence. However, the information on the ABBM reflects that the voter will only be out of the county of residence during the early voting period/or will only be out of the county on election day. Is the voter eligible to receive a ballot by mail?

No, the voter is not eligible to receive a ballot by mail. Pursuant to Section 84.002(b) of the Code, an application for a ballot to be voted by mail on the ground of absence from the county of residence must indicate that the applicant satisfies the requirements prescribed by Section 82.001. A qualified voter is eligible for early voting by mail if the voter expects to be absent from the county of the voter's residence on election day and during the regular hours for conducting early voting at the main early voting polling place for that part of the period for early voting by personal appearance remaining after the voter's early voting ballot application is submitted to the EV clerk.



What if a voter does not check *any* boxes indicating for which election(s) he/she wishes to receive a ballot?

It depends on the elections within that calendar year. If the Annual ABBM voter did not select any elections during a primary election year, e.g. 2022, and the voter did not select which party's ballot he/she would like to receive, the EV clerk should reject the ABBM for purposes of the primary election, but otherwise process the application as an Annual ABBM. The EV clerk should notify the voter of the rejection of the ABBM as it applies to the primary election, but also check the box that indicates the application will be considered an Annual ABBM. [Secs. 86.0015, 86.001] If it is an odd-numbered year, e.g. 2021, and the Annual ABBM voter did not select any elections, the application would be considered an Annual ABBM and processed accordingly. [Sec. 86.0015(a)]



The EV clerk received a single-use ABBM from a voter but the voter did not indicate that he/she wanted a ballot for any resulting runoff. Our political subdivision is conducting a runoff election. Should a ballot be mailed to the voter for the runoff election?

No, a ballot should not mailed to the voter for the runoff election. An applicant for a ballot to be voted by mail may apply for ballots for the main election and any resulting runoff election on the same application. [Sec. 84.001] However, a ballot for the runoff election should not be mailed to the voter if the voter did not request a ballot for any resulting runoff on the single-use ABBM.



How many Annual ABBMs may a person witness in a calendar year?

Unless a close relative of the voter (parent, grandparent, spouse, child, or sibling) or an EV clerk or deputy EV clerk, a person may witness one single-use ABBM per election in a calendar year, or one Annual ABBM for the entire calendar year. Note, a violation of this law does not invalidate the ABBM. [Sec. 84.004]



The EV clerk received an ABBM from a voter which reflected that the voter was unable to sign his/her name or make a mark. The witness signed his/her own name but did not provide the witness's residence address/printed name and/or indicate the witness's relationship to the candidate. May the application be accepted?

No. The application may not be accepted and the EV clerk must mail the voter a Notice of Rejected Application for Ballot by Mail. Per Section 1.011 of the Code, the application may be signed by a witness if the voter cannot sign the application due to physical disability or illiteracy. If the voter cannot sign his/her name, the voter must affix his/her mark to the ABBM, to which the witness must attest. If the voter cannot make the mark, the witness must state that fact on the application. The witness must affix the witness's own signature to the application and state the witness's own name, in printed form. The witness must also state his/her residence address unless the witness is an election officer, in which case the witness must state the witness's official title.

The EV clerk received an application that reflects that the voter received assistance in completing the application. However, the assistant did not provide his/her signature/printed name and/or residence address. May the application be accepted?

Yes, the application may be accepted. Mistakes with respect to completing the assistance portion on an ABBM do not cause rejection of the application. However, a person who in the presence of the applicant otherwise assists an applicant in completing an early voting ballot application commits a Class A misdemeanor offense if the person knowingly fails to comply with Section 1.011(d) of the Code in the same manner as a witness.



What defects can a voter correct in a rejected ABBM?

- If a voter fails to provide any of the required personal identification numbers or the numbers do not match the voter registration record, the voter may correct the defect through the Ballot by Mail Tracker.
- Alternatively, if a voter's ABBM is rejected for a missing or incorrect personal identification number OR for any other reason, the voter may submit a new ABBM with the required/corrected information.



Best Practices When Reviewing ABBMs

- The EV Clerk should review the following items on an ABBM:
 - Timeliness
 - Proper Delivery (mail, common/contract carrier, fax, in person by voter, email)
 - Correct Clerk (if not, forward)
 - Registration Status
 - Residence and Mailing Address
 - Additional Considerations
 - outside county, disability, 65 or older
- Recommend date stamping the application on the date it is received by the EV Clerk

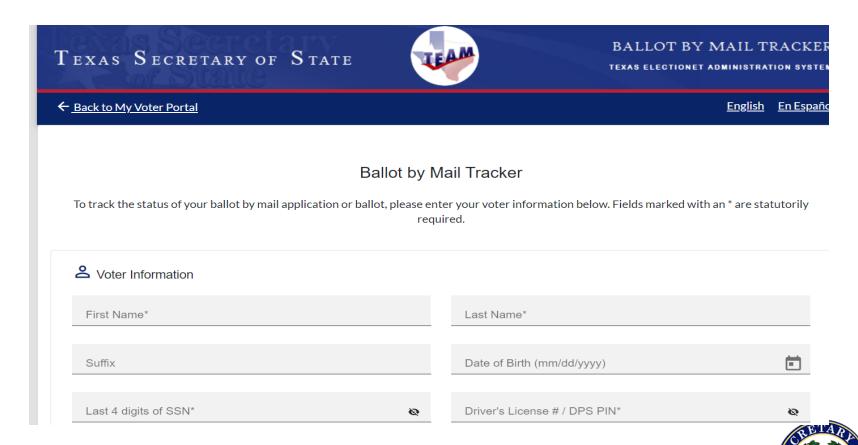


BALLOT BY MAIL TRACKER



Ballot by Mail Tracker

Available at www.votetexas.gov



What information does the voter need to enter the Ballot by Mail Tracker?

- The voter must enter:
 - Texas Driver's License or Personal Identification
 Card Number issued by DPS,
 - Last four digits of SSN, AND
 - Residence Address.



What other information can the voter access on VoteTexas.gov?

- Through the My Voter Portal on VoteTexas.gov, the voter can:
 - Check their voter registration
 - Start a new voter registration application
 - Update their name or address
 - Including updates to new counties
 - Track their mail ballot
- teamrv-mvp.sos.texas.gov/MVP/mvp.do



Do FPCA voters have a different mail ballot tracker?

- No. The Ballot by Mail Tracker contains information for FPCA voters as well.
- If an FPCA voter has a missing or incorrect personal identification number, they may correct this defect in the Ballot by Mail Tracker.



Key Points to Remember

- Voters are not required to provide both types of identification numbers.
- If a voter provides both numbers, only one number has to match the VR record.
- Do not delay in mailing rejection notices.
- Voters are not required to use the Ballot by Mail Tracker to correct missing information. They can submit a new ABBM or a new VR application, whichever is applicable.
- County early voting clerks are REQUIRED to submit rejected ABBM information to TEAM (or through their vendor, if it provides data to TEAM). This is what populates the Ballot by Mail Tracker.

Informal Application

- ✓ In writing (i.e., not verbal)
- ✓ Signed by applicant or witness
- State Registered Residence Address
- ✓ Contain Address to which ballot to be mailed
- ✓ State Grounds for voting by mail
- ✓ Indication of which election application is for



Informal Application

 For ABBMs which are prepared and distributed by campaigns, please note that these applications must include the information required under Section 84.002 of the Election Code, including the statement which must be affirmatively indicated by the voter on their application to vote by mail if voting by mail on the ground of disability.



Notice of Rejected ABBM Forms

- 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
 - Notice of Rejected ABBM (Form 6-2)
 - Notice of Rejected ABBM-Missing or Incorrect Personal Identification Numbers (Form 6-3)
 - Notice of Rejected ABBM-Required Identification Number is not Associated with Your Voter Record (Form 6-4)



METHODS OF SUBMITTING AN ABBM OR FPCA

Methods of Submitting an ABBM

Voters may use either:

- An SOS official (formal) application (84.011); or
- An informal Application (84.002)



- There are different ways for a voter to submit an ABBM or FPCA:
 - In person by voter not later than the 11th day before Election Day (unless that day is a Saturday, Sunday, or legal state or national holiday, in which case the last day is the first preceding regular business day) (New Law)
 - By regular mail
 - By common or contract carrier
 - By email
 - By facsimile

Sections 84.007 and 84.008, Texas Election Code



NEW LAW: House Bill 3107 (2021)

- Effective September 1, 2021, voters may now personally deliver their ABBM or FPCA to the early voting clerk not later than the close of regular business in the early voting clerk's office or 12 noon, whichever is later, on the 11th day before election day (unless that day is a Saturday, Sunday, or legal state or national holiday, in which case the last day is the first preceding regular business day.)
- For the general election for state and county officers, this deadline is Friday, October 28, 2022
- However, see the slide on the next page regarding voters voting by mail due to absence from the county of residence



For voters voting my mail due to absence from the county of residence:

- If a voter's early voting ballot application is submitted on or after the first day of the period for early voting by personal appearance, the voter is ineligible for early voting by mail unless the voter is absent from the county when the application is submitted.
- This means that once early voting in person has started, the voter may no longer deliver their ABBM or FPCA in person to the early voting clerk. This is due to the fact that the voter must be absent from the county when the application is submitted.

Section 82.001 and 101.002, Texas Election Code

- If an ABBM is faxed or emailed or if an FPCA is faxed, then the applicant must submit the ORIGINAL application BY MAIL to the early voting clerk so that the early voting clerk receives the original no later than the 4th business day after receiving the emailed or faxed ABBM or faxed FPCA.
- If the early voting clerk does not receive the original ABBM or FPCA by that deadline, then the emailed or faxed ABBM or faxed FPCA will be considered incomplete, and the early voting clerk may **NOT** send the applicant a ballot. The early voting clerk should retain a copy of the FPCA for their own records, but should send the FPCA submitted by the voter to the Voter Registrar for registration purposes.

Section 84.007, Texas Election Code

Methods of Submitting an ABBM

For information on how a voter may submit a request to vote by mail if he/she participates in the Attorney General Address Confidentiality Program, please see our advisory here:

No. 2020-28 - Registering a Voter who is part of a Confidentiality Program



What does the FPCA form do?

- Dual function:
 - Registers the individual onto the permanent voter rolls 30 days after receipt by the county
 - Functions as an application for ballot by mail



Form and Contents of Application

- Application must:
 - Be submitted on official federal postcard application form
 - Prescribed by the Federal Voting Assistance Program
 - Include information indicating the applicant is eligible to vote in the election for which ballot is requested



FPCA and Voter Registration

EV clerk should make a copy of the FPCA (for mailing ballots, keeping records, etc.) and then must forward the original FPCA to the county voter registrar so that it may be processed for registration.

 Voter Registrar determines whether to add the voter to the registration list.



FPCA Affirmation Reasons as they Relate to Voter Registration and Ballot by Mail

| "I am on active duty in the Uniformed Services or Merchant Marine." | Ballot is issued by the EV clerk. VR registers the individual or updates a permanent voter record. |
|--|--|
| "I am a U.S. citizen living outside the country, and I intend to return." | Ballot is issued by the EV clerk. VR registers the individual or updates a permanent voter record. |
| "I am a U.S. citizen living outside the country, and my return is uncertain." | FEDERAL BALLOT only is issued by EV clerk NOT eligible for voter registration CANCELS an existing registration |
| "I am a U.S. citizen living outside the country, and I have never lived in the United States." | NOT eligible to receive ballots NOT eligible for voter registration CANCELS an existing registration |



Intent to Return / Timeliness

- Applicant is entitled to receive a full ballot (federal and nonfederal offices) if the FPCA is submitted on or before the 20th day before Election Day and application contains information for registering to vote
- Applicant also receives a full ballot if FPCA is submitted after the 20th day and by the 11th day deadline and the applicant is already registered to vote
- If the FPCA does not have a postmark, it is timely if received by the EV clerk by the 15th day before the election





Method of Providing Ballot

- Hard copy by mail (default method)
 - Voter must provide a mailing address to show voter's location outside the county (military) or outside the U.S. (nonmilitary)
 - Inside the U.S. for forwarding to location outside the U.S. (can be address in the county)
- E-mail
 - Voter must still provide a mailing address to show voter's location outside the county (military) or outside the U.S. (nonmilitary)
- Common or contract carrier (if paid for by voter)
- Unmarked ballots may not be faxed



| Туре | Who Can Use? | Application Delivery | Filing Period | Expiration Date | Ballots Received |
|--------------|---|--|---|---|--|
| Regular ABBM | 65+ on Eday Disability Expected to Give Birth Within Three Weeks Before or After Eday Absent from County Confined in Jail Civilly Committed under Chapter 841, Health and Safety Code Address Confidentiality | In person by voter not later than the 11th day before Eday Regular Mail Common or Contract Carrier Fax Email (signed, scanned attachment) | January 1 of calendar year through 11 th day before election day for which ballot is requested. | only (plus runoff if | Ballot(s) for election(s) held by early voting clerk to whom application submitted (and runoff ballot, if requested). |
| Annual ABBM | 65+ on EdayDisability | Same as Regular ABBM | January 1 of calendar year*+ *On or before 11 th day before Eday, to receive ballot for that election +Up to 60 days before election held in January or February. | Voter cancels ABBMRegistration cancelled | All ballots for all elections held by all political subdivisions in the year in which submitted.+ |
| FPCA | Military Voter Outside Home Texas County (or Dependent) National Guard (or Dependent) U.S. Citizen Overseas | In person by voter not later than the 11th day before Eday Regular Mail Common or Contract Carrier Fax Email (signed, scanned attachment) | January 1 of calendar year*+ *If registered, on or before 11 th day before Eday, to receive ballot for that election. If not registered but eligible to register, not later than 20 th day before Eday. +Up to 60 days before election held in January or February. | | All ballots for all elections held by the county, city, or school district, in the year in which submitted (unless eligible for federal ballot only).+ |

Questions?

elections@sos.texas.gov

