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Note: All references to primary elections are italicized.
CHAPTER 1
THE EARLY VOTING BALLOT BOARD CONvenes

SECTION A. CONVENING THE EARLY VOTING BALLOT BOARD

1. The Early Voting Ballot Board (the “Board”) generally meets twice during an election. First, the Board meets to qualify ballots by mail on election day or after the last day to vote early by personal appearance. Second, the Board meets after election day to review any provisional ballots and to qualify any mail-in ballots received by the 5th day after the election from voters casting a ballot from outside the country.

2. Convening the Board on election day or after early voting by personal appearance ends. Except as provided below, the Board may meet to qualify and accept ballots at any time after the end of the early voting by personal appearance, but may not count votes until the polls open on election day. [Secs. 87.024-87.0241]

NOTES:

• In elections conducted by a county with a population of 100,000 or more and elections held jointly with such a county, the Board may meet to qualify and accept voted mail ballots beginning the end of the 9th day before the last day of the period of early voting. NEW LAW: Senate Bill 383, (84th Legislature).

• At the direction of the presiding judge of the central counting station, the Board may deliver electronic early voting ballots to the central counting station for early counting after the end of the early voting period, but in no event may early voting results be released until the close of polls on election day. [Sec. 87.0241].

3. Signature verification committee [Sec. 87.027]

a. If a signature verification committee is appointed, the early voting clerk delivers jacket envelopes to the committee instead of the Board.

   (1) May deliver only during hours of operation of the committee.

   (2) Times of delivery must be scheduled in advance.

   (3) Notice of time of delivery must be posted continuously for two days before delivery.

   (4) Committee may also request other documentation with the voter’s signature from the voter registrar.

   (5) Committee may also request voter registration applications for purposes of comparison to determine if the signatures are those of the same person. Voter registration applications may be used to confirm that the signatures are those of the same person but may not be used to determine that the signatures are not those of the same person.

   Note: When there is no signature verification committee, the Board is not limited to the voter registration application to confirm signatures. The Board may compare signatures with any two or more signatures of the voter made within the preceding six years and on file with the voter registrar. However, the Board is still prohibited from using the additional signatures to determine the signatures are not from the same person. [Sec. 87.041(c)]
b. Function of committee.

(1) Compares signatures on applications and corresponding carrier envelopes only to determine that the signatures on these documents are of the same person. [Sec. 87.027(i)]. The signature verification committee may use electronic copies of the mail ballot application and carrier envelope certificate for comparing signatures.

(2) Places carrier envelopes and applications that are the signatures of the same person in one container and those that are not of the same person in another separate container.

(3) Committee chair delivers sorted materials to the Board as directed by the presiding judge of the Board.

(4) If the signature verification committee has decided that the signatures are from the same person, the Board may not make a different determination. If the signature verification committee has decided that the signatures are not from the same person, the Board may make a determination that the signatures are of the same person by a majority vote of the Board. [Sec. 87.027(j)]

(5) A determination that signatures are not from the same person must be made by a majority vote of the committee or subcommittee as applicable. If the early voting clerk has designated subcommittees within the signature verification committee, the subcommittee makes its signature determinations by a majority vote of the subcommittee members. [Sec. 87.027(l)]

(6) The Board makes a determination if the signature verification committee cannot determine whether the signatures are made by the same person.

4. Convening the Board after election day.

a. The Board cannot convene until the 6th calendar day after an election because voters who failed to submit an acceptable form of photo identification and did not have a reasonable impediment or difficulty to doing so (including if the voter did not provide a form of supporting documentation in connection with a reasonable impediment declaration) at the polling place have 6 calendar days to: (1) present to the voter registrar an acceptable form of photo identification, (2) complete one of the curing affidavits (consistent religious objection to photographs or identification destroyed or inability to access acceptable photo identification due to declared natural disaster), or (3) apply for and receive a disability exemption, where applicable.

b. In an election held on the date of the general election for state and county officers, the Board must convene no later than the 13th day after the date of the election to count provisional ballots.

c. In all other elections held on dates other than the date of the general election for state and county officers, the Board must convene no later than the 9th day to complete the review of provisional ballots. NEW LAW: Senate Bill 1703, (84th Legislature).

d. The Board shall convene on the 9th day after election day or earlier if the early voting clerk certifies that all ballots from outside of the U.S. have been received and all provisional ballots have been processed by the voter registrar. [Sec. 87.125] If this date falls on a Saturday, Sunday, or legal state or national holiday, the Board convenes on the next regular business day. [Sec. 87.125(c)]. NEW LAW: Senate Bill 1703, (84th Legislature).

e. For Primary and Primary Runoff Elections-not earlier than 6 p.m. on the second Tuesday or later than 1 p.m. on the second Friday after election day at the hour specified by the county chair.

NOTE: From time to time, the office of the Secretary of State will amend this time period by administrative rule. See T.A.C. Sec. 81.33.
SEE CHAPTER 5 FOR RECONVENING OF BALLOT BOARD FOR THE PROCESSING AND COUNTING OF PROVISIONAL AND OVERSEAS LATE BALLOTS.

SECTION B. DELIVERY OF MATERIALS TO THE BOARD

1. The board should obtain from the authority conducting the election a package of supplies, including the following forms:
   a. Oath of Election Judges and Clerks; [Sec. 62.003]
      "I swear (or affirm) that I will not in any manner request or seek to persuade or induce any voter to vote for or against any candidate or measure to be voted on, and that I will faithfully perform my duty as an officer of the election and guard the purity of the election."
   b. Poll List of Early Voting by Mail Voters or Voters Voting by Mail Procedure; [Sec. 87.021]
   c. List of Early Voting Provisional Voters; [T.A.C. Sec. 81.172 – 81.174]
   d. List of Provisional Voters Who Presented Proper Identification to Voter Registrar; [Sec. 65.0541]
   e. Envelope for Rejected Early Voting Ballots; [Sec. 87.043]
   f. Tally Sheets; [Sec. 65.004]
   g. Return Sheets; [Sec. 65.014]
   h. Envelopes for distribution of returns and election records; [Sec. 66.003]
   i. Statement of Compensation; [Sec. 32.094]
   j. List of "ID" Voters; and
   k. Notice of Delivery of Ballots Voted by Mail (if delivered prior to the opening of the polls).

2. The early voting clerk delivers to the board:
   a. Each ballot box containing ballots voted by personal appearance;
   b. List of Declared Write-In Candidates (if applicable);
   c. The early voting clerk's key to each ballot box;
   d. The jacket envelopes containing ballots voted by mail and the corresponding applications;
   e. The list of registered voters, containing voters’ permanent and mailing addresses of record, used in conducting early voting;
   f. Notice of rejection of Early Voted Ballots (to be completed by Judge of Ballot Board);
   g. The ballot transmittal form for early voted ballots;
   h. Receipt for each ballot box, to be completed when box received; and
   i. Container to place ballot envelopes containing a voted ballot, if ballots are to be counted electronically at the central counting station.

3. The custodian of the key to the second lock on the ballot boxes containing ballots voted by personal appearance must deliver his or her key to the presiding officer of the early voting ballot board at his or her request if the Board will be hand counting personal appearance ballots. [Sec. 87.025]

4. If ballots will be counted electronically at the central counting station, then:
   - The key and the unopened ballot box should be delivered to the central counting station at the direction of the presiding judge of the central counting station, since the law prohibits the ballot board judge
from opening the early voting by personal appearance ballot boxes containing ballots that are to be counted by automatic tabulating equipment at a central counting station. [Sec. 87.101]

- If accessible voting equipment (such as direct record electronic equipment (“DREs”)) or precinct count optical scan equipment was used for early voting, the ballot board should not process the early voting by personal appearance ballot boxes or voting machines.

5. The custodian of the key is:

   -- for county elections, the county sheriff, unless the sheriff is on the ballot, in which case the key is kept by the county judge. If both the sheriff and the county judge are on the ballot, the key is kept by the county auditor, or if there is no county auditor, by a member of the commissioners court, named by the court, who is not on the ballot.

   -- for city elections, the chief of police or city marshal.

   -- for elections of other political subdivisions, the constable of the justice precinct in which the office of the political subdivision's governing body is located, or if there is no constable in that precinct, the sheriff. [Sec. 66.060(a)]

6. Notice of each delivery to be made prior to the time the polls open on election day must be posted at the main early voting polling place for at least 24 hours immediately preceding the delivery. [Secs. 87.023(b), 87.024(b)]

7. In the general election for state and county officers, if ballots are to be delivered before election day, the early voting clerk must notify the county chair of each political party with a nominee on the ballot at least 24 hours before the first delivery is made. [Secs. 87.023(c), 87.024(c)]

SECTION C. RECEIPT FOR DELIVERY

1. Upon delivery of a sealed early voting ballot box, the presiding judge of the early voting ballot board must inspect the box to determine whether the seals on the box are intact, and whether the numbers on the seals correspond to the numbers indicated on the record of serial numbers prepared by the early voting clerk. [Secs. 87.062(b), 127.068]

2. If the seals are intact and the numbers match, the presiding judge should accept the ballot box and so indicate on the receipt.

3. If the seals are not intact or the numbers do not match, the presiding judge should accept the ballot box, but note any discrepancies on the receipt and in his or her records.

   NOTE: Certain types of transfer cases used with certain electronic voting systems do not have an ordinary slot for the ballots; rather, the opening is covered by a sliding panel that can be locked. In these cases, the Secretary of State's office recommends adapting the rule for the daily numbered paper seals, by using an additional numbered wire hasp seal, whose number is recorded each day.

SECTION D. SECURITY OF EARLY VOTING BALLOTS

1. The voted early voting ballots must be secured from the last day of voting by personal appearance at a polling place until the day the ballots are counted. [T.A.C. Sec. 81.34]

   a. If the early voting ballot board convenes before election day, the presiding judge shall, upon each adjournment of the board, lock and seal each ballot box prior to delivering the boxes back to the custodian of records. The judge shall complete a ballot box security form indicating each serial number used to seal each box. The form shall be signed by the judge and another early voting ballot board member who has witnessed the procedure. In a general election for state and county officers, the early voting ballot board
member must be from a different political party than the judge. The custodian of records shall also sign the form.

NOTE: For political subdivisions using electronic ballots tabulated at a central counting station, ballot box(es) containing early voting ballots cast in person are not opened until the box(es) are delivered to the central counting station’s presiding judge. [Sec. 127.066]

b. The presiding judge shall deliver the key(s) used to lock the ballot box(es) to the custodian. The key shall be retained by the authority designated in accordance with Section 66.060(a) of the Code:

(1) the sheriff for an election ordered by the governor or county authority or a primary election, except that in a year when the office of sheriff is on the ballot, the key shall be delivered to the county judge.

When both these offices are on the ballot, the key shall be delivered to the county auditor or to a designated member of the commissioners court who is not on the ballot and who is appointed by the court, if the county does not have an auditor;

(2) the chief of police or city marshal for an election ordered by a city authority; or

(3) the constable of the justice precinct in which the office of the political subdivision is located, or if the office of constable is vacant, the sheriff of the county in which the political subdivision is located if the election is ordered by an authority of a political subdivision other than a city or county.

c. Upon reconvening the ballot board, the presiding judge shall ensure that each ballot box is intact. The presiding judge shall follow these procedures each day except upon final delivery to the custodian of records or delivery to the central counting station.

d. If it is impracticable for the ballot board judge to deliver the ballot boxes each day upon adjournment, the authority conducting the election shall submit an alternate security procedure to the Secretary of State for approval.
CHAPTER 2
QUALIFYING BALLOTS VOTED BY MAIL OR VOTED USING MAIL PROCEDURES

SECTION A. TYPES OF EARLY VOTING BALLOT APPLICATIONS
The early voting ballot board may encounter several types of applications for early voting ballots. They include:

1. The “Application for Ballot by Mail” prescribed by the Secretary of State. [Secs. 84.001(a), 84.011]
2. An informal application for a ballot by mail, which is a written request by the applicant that is not made on the official application form prescribed by the Secretary of State. This application must comply with the statutory requirements for applying for a ballot by mail. [Sec. 84.001(c)]
3. The “Application for Limited Ballot” prescribed by the Secretary of State. [Sec. 112.005]
4. The “Federal Post Card Application” used by military and overseas citizen voters. [Sec. 101.003]
5. The “Application for Presidential Ballot” prescribed by the Secretary of State (only applicable in elections held in November of the presidential election year). [Sec. 113.003]
6. The “Application for Emergency Late Ballot Due to Sickness or Physical Disability” prescribed by the Secretary of State. [Sec. 102.002]
7. The “Application for Emergency Late Ballot Due to Death” prescribed by the Secretary of State. [Sec. 103.002]
8. The “Affidavit for Voting at Main Early Voting Place on Election Day” prescribed by the Secretary of State for voting by disabled voters when electronic voting equipment is being used at the precinct polling place. [Sec. 104.002]

SECTION B. VALID REASONS FOR VOTING EARLY BY MAIL
Only the following persons may vote early by mail:

1. Persons who are 65 years of age or older on election day. [Sec. 82.003]
2. Persons who have a sickness or physical condition that prevents them from appearing at the polling place on election day without a likelihood of needing personal assistance or injuring their health. Expected or likely confinement for childbirth on election day is sufficient cause to entitle a voter to vote early by mail on the ground of disability. [Sec. 82.002]
3. Persons who are confined in jail at the time application must be either:
   a. serving a misdemeanor sentence that ends on or after election day; or
   b. pending trial or appeal after denial of bail or if release on bail is unlikely until after election day. [Sec. 82.004]
4. Persons who expect to be absent from the county on election day and during regular early voting hours for that part of the period for early voting remaining after the application is made. [Sec. 82.001] If this reason for voting early is checked, the address to which the ballot was mailed must be an address outside the county. [Sec. 86.003(c)(1)]
5. Persons who are certified for participation in the address confidentiality program.
   a. An application for ballot by mail submitted by a person eligible under Section 82.007 must include:
i. the name and address at which the person is registered to vote;
ii. the substitute post office box designated by the attorney general for the person’s use in place of the true residential address; and
iii. an indication for each election for which the person is applying for a ballot.

b. The information on an application for ballot by mail submitted by a voter related to the address at which the voter is registered is confidential, except that it must be disclosed if requested by a law enforcement agency or required under a court order.

SECTION C. QUALIFYING EARLY VOTING BALLOTS VOTED BY MAIL

1. Each jacket envelope will contain:
   a. an application for an early ballot to be voted by mail (or one of the other application procedures in Section A above that uses mail procedures) [Secs. 86.011(b), (c)]; If FPCA was submitted, jacket envelope must include a copy of the FPCA and the signature cover sheet.
   b. the envelope in which the application was delivered to the early voting clerk, if applicable; and
   c. the carrier envelope, which will contain:
      -- a ballot envelope with the ballot inside; and
      -- statements of residence, copy of identification, or other requested items, if applicable. [Sec. 86.002]

2. Remove the application and carrier envelope from the jacket envelope.

3. Check the voter's application to be sure that it states a legal ground for voting early by mail (See Section B above). [Sec. 87.041(b)(3)]

4. If the reason for voting early by mail is absence from the county, the application must show an address outside the county to which the ballot was mailed. [Sec. 87.041(b)(5)]

   NOTE: If the application was submitted after the period for early voting by personal appearance began, the application must show that the voter was absent from the county when the application was submitted. A voter checking expected absence from county and providing an out of county address on the official application is sufficient.

5. If the grounds for voting by mail is either being 65 or over, or disability, and the applicant has not provided his or her official mailing address as shown on the list of registered voters as the address for mailing his or her ballot, the address provided must be that of a hospital, nursing home, other long term care facility, retirement center, or the address of a relative within the second degree of affinity or third degree of consanguinity with whom the applicant is living. [Sec. 86.003(c)(3)]

6. If the reason for voting early by mail is confinement in jail, the address to which the balloting materials must be addressed is that of the jail facility or a relative within the second degree of affinity or third degree of consanguinity. [Sec. 86.003(c)(2)]

7. Check to make sure that the address to which the ballot was mailed is one of the following:
   a. the voter’s residence or mailing address indicated on the voter’s registration record;
   b. the facility that the voter is residing at if the voter has indicated on his or her application to vote by mail that the reason for voting is 65 years of age or older or disability and has provided a mailing address that does not match the voter’s official residence or mailing address; the facility must be one of the following:
      (1) hospital;
(2) nursing home or long-term care facility;

(3) retirement center; or

(4) relative that is related to the voter by 2nd degree of affinity (by marriage) or the 3rd degree of consanguinity. Relatives include: parent, child, brother, sister, grandparent, grandchild, great-grandchild, great-grandparent, uncle, aunt, nephew, niece, spouse, spouse’s parent, son-in-law, daughter-in-law, brother’s spouse, sister’s spouse, spouse’s brother, spouse’s sister and spouse’s grandparent.

c. the jail facility, if the reason for voting by mail is confinement in jail, or the address of a relative listed in Section C. 7. b. above.

d. an address outside of the county, if the reason for voting by mail is expected absence from the county.

e. the voter’s new address as provided on the enclosed statement of residence if the voter has moved within the county but has failed to update his address with the county voter registrar and is having a ballot mailed to a new residence address. [Secs. 84.002, 86.002, 86.003, 87.041]

8. Check the list of registered voters to ensure applicant is a registered voter. [Sec. 87.041(b)(4)]

Note: Due to various address confidentiality laws, some voters will not have a residential address next to their name on the list of registered voters.

a. If an “S” notation appears next to a voter’s name on the list of registered voters, or if the residence address on the application for ballot by mail does not match the residence address on the list of registered voters, the carrier envelope will be stamped “STATEMENT ENCLOSED.” The voter’s ballot may NOT be accepted UNLESS a completed, signed Statement of Residence is included in the carrier envelope. If a completed Statement of Residence is not enclosed, the ballot must be rejected. [Sec. 87.041(b)(6)]

b. If an “ID” notation appears next to a voter’s name on the list of registered voters, the voter’s ballot may NOT be accepted unless the voter encloses a copy of one of the acceptable forms of photo identification listed below that establishes the voter’s identity:

(1) Texas Driver’s License issued by the Department of Public Safety (“DPS”);
(2) Texas Election Identification Certificate issued by DPS;
(3) Texas Personal Identification Card issued by DPS;
(4) Texas Handgun License issued by DPS;
(5) United States Military Identification Card containing the person’s photograph;
(6) United States Citizenship Certificate containing the person’s photograph; or
(7) United States Passport

NOTE: With the exception of the U.S. citizenship certificate, the identification must be current or have expired no more than 4 years before being presented for voter qualification at the polling place.*

If the voter cannot obtain, and has a reasonable impediment or difficulty to obtaining one of the above acceptable forms of photo identification, the voter may also enclose a copy of one of the supporting forms of identification listed below that establishes the voter’s identity along with a signed statement of reasonable impediment or difficulty (see Form 5-22a) to have the ballot accepted:

(1) Valid voter registration certificate;
(2) Certified birth certificate;
(3) Current utility bill;
(4) Bank statement;
(5) Government check;
(6) A paycheck; or
(7) Government document with the voter’s name and an address (examples of government documents include, but are not limited to: driver’s licenses from other states, ID cards issued by federally recognized Native American tribes (if the ID card contains an address), DPS Receipts (without a photo), expired voter registration certificates, and expired Texas DPS-issued driver licenses or personal ID cards (over 4 years)).

NOTE: The address on either a supporting form of ID or an acceptable photo identification does not need to match the address on the list of registered voters.

*If a voter does not have a valid form of photo identification, they may apply for a free election identification certificate at their local Texas Department of Public Safety office. Reminder: If a voter does not have an acceptable form of photo ID on election day, or does not have a reasonable impediment or difficulty to obtaining an acceptable form of photo I.D., they may vote provisionally.

Exemption: Voters with a disability may apply with the county voter registrar for a permanent exemption. The application must contain written documentation from either the U.S. Social Security Administration evidencing the applicant’s disability, or from the U.S. Department of Veterans Affairs evidencing a disability rating of at least 50 percent. In addition, the applicant must state that he or she has no valid form of photo identification. Those who obtain a disability exemption will be allowed to vote by presenting a voter registration certificate reflecting the exemption.

Provisional Voting: If voters do not present (1) one of the acceptable forms of identification or (2) for voters who have a reasonable impediment or difficulty to obtaining one of the acceptable forms of identification, one of the supporting forms of identification and execute a Reasonable Impediment Declaration, and the voters do not have a permanent disability exemption indicated on their voter registration certificates, voters may cast a provisional ballot at the polls and will have six (6) calendar days after election day to present an acceptable form of photo identification to the county voter registrar. If applicable, voters who have a consistent religious objection to being photographed and voters who do not present an acceptable form of photo identification as a result of certain natural disasters as declared by the President of the United States or the Texas Governor, may vote a provisional ballot, and if they appear at the voter registrar’s office within six (6) calendar days after election day and sign an affidavit swearing to the religious objection or natural disaster, then their ballot will be counted.

c. An application from a voter who is accepted into the Address Confidentiality Program must also include their substitute P.O. Box designated by the Attorney General and an indication for each election for which the person is applying for a ballot.

d. Certain persons may vote even though they are not registered to vote in your county and their names do not appear on your list of registered voters. They are:

(1) Persons applying on Federal Post Card Applications. The FPCA may be used by persons who are registered voters of your county or who are not registered voters of your county since the federal post card application acts as a temporary registration pending permanent voter registration status (see note below). [Sec. 101.001]


(2) Persons applying for limited ballots. A person who moves from one county to another, and the person is either still registered in the former county of residence or was registered in the former county of residence when the person applied to register in the new county of residence. He or she may vote in their new county of residence, on offices or propositions that are on the ballot in both your county and the county of his or her former residence. [Sec. 112.002]

e. If the voter's name does not appear on the list of registered voters and he or she is not categorized in the group of voters listed in "d" above, the presiding judge must refer to the registration correction list, if provided, to see if the voter’s name appears on that form.

9. Check to see that the certificate on the carrier envelope was properly executed. The certificate is the statement the voter signs and may include portions filled out by assistants or witnesses. [Sec. 87.041(b)(1)]

10. Check the signatures of the applicant on the application and on the carrier envelope to confirm that both signatures have been executed by the voter, unless either document was signed by a witness. [Sec. 87.041(b)(2)]

Section 87.041(e) provides that the Board may compare signatures with any two or more signatures of the voter made within the preceding six years and on file with the voter registrar. These additional signatures may be used to confirm that the signatures are those of the same person but may not be used to determine that the signatures are not those of the same person.

11. If there is no signature on the carrier envelope (by voter or witness), the ballot must be rejected (see Section E of this chapter for disposition of rejected ballots). [Sec. 87.041(d)]

-- EXCEPTIONS:

a. If the voter was unable to sign his or her name, the application and/or carrier envelope must each be signed by a witness. Different people may have witnessed the voter's mark on the application and on the carrier envelope. If the voter was unable to sign the application and/or carrier envelope himself or herself and one or both were signed by witnesses, it is not necessary to compare the signatures. [Sec. 87.041(b)(2)]

b. If the voter applied for an early voting ballot on the Application for Late Emergency Ballot Due to Death or the Affidavit for Voting at Early Voting Place on Election Day, the certificate on the carrier envelope does not need to be signed by the applicant. The carrier envelope will have a notation "103" or "104" written on it by the early voting clerk when the voter applies under these procedures. [Secs. 103.004(c), 104.004(c)]

NOTE: A voter’s witnessed application or witnessed carrier envelope are not invalid merely because there is no explanation of the voter’s inability to make his or her mark. A ballot may not be rejected merely because the voter signed either the application or the carrier envelope and the other document was witnessed.

12. If the voter applied for a ballot on the Application for Late Emergency Ballot Due to Sickness or Disability, the name, address, and signature of the representative who delivered the application to the early voting clerk must appear on the application and on the carrier envelope containing the voted ballot. The same representative who submitted the voter's application must deliver the voter's ballot back to the early voting clerk, and the same representative's name must appear on both the application and the carrier envelope. [Secs. 102.002, 102.004(b), 102.006(a), (b)]

13. Applicants applying for a limited ballot or a presidential ballot must have two applications if voting this procedure by mail (i.e., the application for early ballot by mail and the application for the "restricted" ballot) enclosed in the jacket envelope. [Secs. 111.004, 112.005, 113.003]
SECTION D. ACCEPTED BALLOTS

1. If the applicant has met all the requirements discussed above, the ballot must be accepted for voting.

2. Open the carrier envelope without defacing the certificate on the carrier envelope and remove the ballot envelope. [Sec. 87.042(a)]
   a. A ballot is considered valid even if it is not enclosed in a ballot envelope; the voter simply loses his/her secrecy of the votes cast. [Secs. 86.005(d), 87.042(d)]
   b. If the front of the carrier envelope has "Statement Enclosed" stamped on it, check to see that the statement of residence form is enclosed. If the applicant's name appears on the list of registered voters with an "S" notation beside it, the applicant is required to complete the statement of residence prior to voting. If the completed, signed statement is not enclosed, the ballot must be rejected. (See Section E of this chapter for disposition of rejected early voting ballots.) [Sec. 87.041(d)]

NOTE: It is the position of the Office of the Secretary of State that the lack of a statement of residence form included in the envelope of an FPCA voter does not result in a rejected ballot since the FPCA would act as a temporary registration that would trump the residence address provided on any previous registration applications already on file.

   c. If the applicant's name appears on the list of registered voters with an “ID” notation beside it, the applicant is required to submit a copy of acceptable photo identification (or, if the voter has a reasonable impediment or difficulty to obtaining an acceptable form of photo ID, the reasonable impediment statement and an acceptable form of supporting documentation, along with their mail ballot).

3. Place the unopened ballot envelope in a ballot box or other safe container. [Sec. 87.042(b)]

   NOTE: If a different method of voting was used for early voting by personal appearance than used for voting by mail or, if ballots will be electronically tabulated at a central counting station, a separate container must be used. [Sec. 87.042(c)]

4. Enter the voter's name on the poll list for early voters voting by mail or list for voters using other mail procedures such as limited ballot. [Secs. 87.041(c); 102.008; 103.005, 104.006]
   a. If the voter is an FPCA voter, place a check in the "FPCA" column on the poll list next to the voter's name. [Sec. 101.004]
   b. If the voter applied for a limited ballot, place a check in the column marked "Limited Ballot" on the poll list next to the voter's name. [Sec. 111.008]
   c. In presidential general elections, if the voter applied for a presidential ballot only, place a check in the column marked "Pres. Ballot" on the poll list next to the voter's name. [Sec. 111.008]
   d. If the voter is an overseas citizen voter eligible only for a federal ballot, place a check in the column "Overseas Citizen" on the poll list next to the voter's name. (Only applicable in primary and general elections for state and county officers since these voters are limited to federal offices only.) [Sec. 111.008]

5. Place the application for the early voting ballot and the envelope that was used to mail the application (if applicable), the carrier envelope, and any accompanying papers back into the jacket envelope. (If the jacket envelope is to be used in a subsequent election, the early voting clerk may provide another envelope to be used in lieu of the jacket envelope.) Place any affidavits, statements of residence, and copies of identification in Envelope No. 4 to be delivered to the Voter Registrar. [Sec. 87.044(a)]
6. At least 10 early voting ballots voted by mail must be qualified before the ballots may be counted. Ballots may be removed for manual, hand counting at any time when there are at least 10 ballot envelopes containing ballots that have been qualified in the ballot box (or other safe container). If ballots are to be counted by electronic equipment, the ballot board judge must transmit the accepted by mail ballots to the presiding judge of the central counting station in a locked and sealed ballot box or other container approved by the Secretary of State.

SECTION E. REJECTED BALLOTS

1. If the application and carrier envelope do not meet the requirements discussed above, the ballot must be rejected and may not be counted. [Sec. 87.041(d)]

2. Write the word "rejected" on the carrier envelope. [Sec. 87.041(d)]

3. Write the word "rejected" on the corresponding jacket envelope. [Sec. 87.041(d)]

4. Place the unopened carrier envelopes containing rejected ballots in the large envelope or container marked "Rejected Early Voting Ballots." [Sec. 87.043(b)]

5. The "Rejected Early Voting Ballot" envelope must be sealed and signed by the presiding judge, and the date and nature of the election must be written on the envelope. More than one envelope may be used if necessary. Record the number of rejected ballots, which are placed in the envelope for rejected ballots. [Secs. 87.043(a), (b)]

6. If the ballot was rejected after the carrier envelope was opened, the presiding judge should make a note on the carrier envelope of the reason the carrier envelope was opened and then rejected.

7. Place the application, the envelope used to mail the application to the early voting clerk (if applicable), and any accompanying papers or affidavits in the corresponding jacket envelope. (If the jacket envelope is to be used in a subsequent election, the early voting clerk may provide another envelope to be used in lieu of the jacket envelope.) [Sec. 87.044(a)]

NOTE: The Early Voting Ballot Board judge must deliver written notice to the voter of the reason for the rejection of his or her ballot no later than the 10th day after election day. [Sec. 87.0431]
CHAPTER 3
COUNTING HAND-COUNTED PAPER BALLOTS

SECTION A. ESTABLISHING THE COUNTING TEAMS
1. There may be more than one counting team to tally the early voting ballots. [Secs. 81.002, 65.001]
2. Each counting team must consist of two or more early voting ballot board members. [Secs. 81.002, 65.001]
   a. One member will be designated the reader.
   b. The reader may also keep a tally list.
   c. If there are only two members on a team, one member will keep two tally lists, and the reader will keep
      one tally list in addition to reading the ballots.
3. If there is more than one counting team, after all ballots have been counted, the votes for each candidate
   and/or proposition must be added together with the tallies of the other counting teams, and the totals must
   be placed on the return sheet.
4. A member of a counting team may not be replaced after the vote tallying is begun unless each existing
   discrepancy among the three tally lists is corrected before the replacement is made. [Secs. 81.002, 65.006(a)]
5. If a counting member is replaced, he or she must certify the accuracy of the tally list as of the time he or she
   was replaced. [Secs. 81.002, 65.006(b)]

SECTION B. OPENING THE BALLOT BOX CONTAINING HAND-COUNTED PAPER BALLOTS

NOTE: ELECTRONIC BALLOTS CAST IN PERSON ARE NOT TABULATED BY THE EARLY VOTING BALLOT BOARD.

1. Open the double-locked ballot box containing the ballots voted by personal appearance. [Sec. 87.062]
   NOTE: The early voting clerk will deliver one key to the ballot box when he or she delivers the ballots.
   The custodian of the second key will deliver the second key at the time specified by the early
   voting ballot board’s presiding judge. [Secs. 87.021(1), 87.025]
2. After the presiding judge opens the ballot box, the judge shall remove any provisional ballots and verify the
   number of provisional ballots in the ballot box, which is reflected on the Early Voting List of Provisional
   Voters.
3. The provisional ballots shall be prepared for delivery to the voter registrar and placed in a closed and
   sealed box for delivery by the general custodian of election records to the voter registrar. [T.A.C. Sec.
   81.174]
4. All early voting ballots must be sorted by precinct before they are counted so that a separate total of early
   voting votes cast in each precinct may be obtained. [Sec. 87.1231]
5. For political subdivisions using hand-counted paper ballots, early voting ballots cast by personal
   appearance may be counted while the ballots cast by mail are being qualified if the early voting ballot board
   consists of enough members.
6. When at least 10 early voting ballots cast by mail have been qualified and placed in the ballot box or other
   container, the ballot envelopes may be removed from the box or container, opened, the ballots removed, the
   ballot envelopes discarded, and the ballots counted. This process may be repeated any time there are at
   least 10 ballot envelopes in the box or container. [Sec. 87.062(a)]
NOTE: If there is more than one ballot in a ballot envelope, neither ballot may be counted. The
presiding judge must make notation on the back of each ballot of the reason the ballot was not
counted. These ballots are then placed with the voted ballots in the early voting ballot box.
[Sec. 65.010(a)(2)]

SECTION C. RULES GOVERNING THE COUNTING PROCEDURE

1. The ballots must be counted separately by precinct. [Sec. 87.1231]

2. Three original tally lists are required for each precinct. [Secs. 65.004, 87.1231] A separate page of the
   same tally book may be used for each precinct's tally list. These tally lists should be completely filled out,
   and include the following:
   -- Names and offices of candidates; and/or
   -- Propositions;
   -- Date;
   -- Precinct number;
   -- Type of election;
   -- Name of presiding judge; and
   -- Signature of the person keeping the tally list.

3. Before the counting begins, the early voting Ballot Box should be inspected to ensure that it is empty. It
   should then be locked and remain locked (except as authorized by the presiding judge), and within view of
   the counting officials. [Sec. 65.003(c)]

4. No marks should be made on any ballot by an election official, except that if a ballot is not counted because
   the judge determines it was not provided by the early voting clerk or because two or more ballots were
   folded together, an election official must indicate on the back of the ballot the reason for not counting it.
   [Sec. 65.010(c)]

SECTION D. THE COUNTING PROCEDURE

1. The reader must read and distinctly announce to the officials keeping the tally lists each name of a candidate
   or proposition for which there is a vote. [Sec. 65.005(a)]

2. The intent of the voter in marking the ballot may be determined by:
   a. a distinguishing mark adjacent to the name of a candidate or political party or voting choice associated
      with a proposition;
   b. an oval, box, or similar marking clearly drawn around the name of a candidate or political party or a
      voting choice associated with a proposition;
   c. a line drawn through;
      (1) the names of all candidates in a manner that indicates a preference for the candidate not marked if
          the names of the candidates not marked do not exceed the number of persons that may be elected to
          that office;
      (2) the name of each political party except one in a manner that clearly indicates a preference for the
          political party not marked;
      (3) a voting choice associated with a proposition in a manner that clearly indicates a preference for the
          other voting choice associated with the proposition; or
d. any other evidence that clearly indicates the intent of the voter in choosing a candidate or political party or deciding on a proposition. [Sec. 65.009]

3. As each vote is read, a tally mark is made by the corresponding name or number on the tally lists. [Sec. 65.005(a)]

4. The tally lists should be compared periodically and any errors or discrepancies corrected. [Sec. 65.005(b)]

5. When the reader has completely read and announced all the votes on the ballot, he or she deposits the ballot in the locked early voting ballot box.

6. Any voted ballot that is not counted is also deposited in the box containing the counted ballots. [Sec. 65.012(b)]

NOTE: A ballot that was not counted should contain a clear notation on the back that it was not counted to avoid an accidental counting during a recount, etc. [Sec. 65.010(c)]

SECTION E. RULES FOR COUNTING MANUALLY-CAST OR HAND-COUNTED OPTICAL SCAN BALLOTS

(See generally, Chapter 65 and Secs. 64.003-64.006)

1. The voter should mark his or her ballot by placing an "X" or other mark in the square beside each candidate, proposition, or party column for which he or she wishes to vote (See Figure 1). [Sec. 64.003]

   (Primary Election Ballot)
   For Governor
   ☐ Candidate A
   ☐ Candidate B
   *☒ Candidate C

   (General Election Ballot)
   Candidates for ☐ PARTY A ☐ PARTY B ☐ PARTY C ☐ Independent ☐ Write-In
   Governor ☐ Candidate A ☐ Candidate B *☒ Candidate C

   Figure 1. Illustrations of marked ballots.
   (The asterisks indicate the candidates for whom the ballot is counted.)

2. Election officials shall not refuse to count a ballot because the voter marked his or her ballot by scratching out the names of candidates for whom, or the statement of propositions for which, he or she did not want to vote (See Figure 2). [Sec. 65.009(b)]

<table>
<thead>
<tr>
<th>Candidates for</th>
<th>☐ PARTY A</th>
<th>☐ PARTY B</th>
<th>☐ PARTY C</th>
<th>☐ INDEPENDENT</th>
<th>☐ WRITE-IN</th>
</tr>
</thead>
<tbody>
<tr>
<td>First Office</td>
<td>☐ Candidate</td>
<td>☐ Candidate</td>
<td>☐ Candidate</td>
<td>☐ Candidate</td>
<td>☐ ________</td>
</tr>
<tr>
<td>Second Office</td>
<td>* ☐ Candidate</td>
<td>☐ Candidate</td>
<td>☐ Candidate</td>
<td>☐ Candidate</td>
<td>☐ ________</td>
</tr>
<tr>
<td>Third Office</td>
<td>* ☐ Candidate</td>
<td>☐ Candidate</td>
<td>☐ Candidate</td>
<td>☐ Candidate</td>
<td>☐ ________</td>
</tr>
<tr>
<td>Fourth Office</td>
<td>* ☐ Candidate</td>
<td>☐ Candidate</td>
<td>☐ Candidate</td>
<td>☐ Candidate</td>
<td>☐ ________</td>
</tr>
<tr>
<td>Fifth Office</td>
<td>* ☐ Candidate</td>
<td>☐ Candidate</td>
<td>☐ Candidate</td>
<td>☐ Candidate</td>
<td>☐ ________</td>
</tr>
</tbody>
</table>
3. In the general election for state and county officers, if a ballot indicates a straight-party vote and a vote for an opponent of one or more of that political party's nominees, a vote shall be counted for that opponent and for each of the party's other nominees whether or not any of those nominees have received individual votes. [Sec. 65.007(c)] (See Figures 3 and 4).

Figure 2. Illustration of the scratch method.
(The asterisks indicate the candidates for whom the ballot is counted.)

3. In the general election for state and county officers, if a ballot indicates a straight-party vote and a vote for an opponent of one or more of that political party's nominees, a vote shall be counted for that opponent and for each of the party's other nominees whether or not any of those nominees have received individual votes. [Sec. 65.007(c)] (See Figures 3 and 4).

Figure 3. Illustration of ballot with one party square marked and individual candidates marked in one or more other columns (“cross over” voting).
(The asterisks indicate the candidates for whom the ballot is counted.)

Figure 4. Illustration of Guideline No. 1.
One party square marked and individual candidates marked in both that column and one or more other columns (“emphasis” voting and “cross over” voting).
(The asterisks indicate the candidates for whom the ballot is counted.)
Guideline No. 1. Where both the party square and individual candidates are marked in the same party column, and individual candidates are marked in some other column, the election official must count a vote for all the party's candidates except for those whose opponents in other columns received individual votes, in which cases the votes for the individuals in the other columns are counted.

NOTE: Individual marks always override the straight party mark. Individual marks are counted in lieu of straight party marks. In both Figures 3 & 4, individual tally marks are made for candidates rather than making a tally mark for the party.

4. Ballots not marked in conformity with the law.
   a. A vote must be counted if the intent of the voter is clearly ascertainable. [Sec. 65.009(c)] (See Figure 5).

<table>
<thead>
<tr>
<th>Candidates for</th>
<th>PARTY A</th>
<th>PARTY B</th>
<th>PARTY C</th>
<th>INDEPENDENT</th>
<th>WRITE-IN</th>
</tr>
</thead>
<tbody>
<tr>
<td>First Office</td>
<td>* Candidate</td>
<td>Candidate</td>
<td>Candidate</td>
<td>Candidate</td>
<td>□ ______</td>
</tr>
<tr>
<td>Second Office</td>
<td>Candidate</td>
<td>* Candidate</td>
<td>Candidate</td>
<td>Candidate</td>
<td>□ ______</td>
</tr>
<tr>
<td>Third Office</td>
<td>* Candidate</td>
<td>Candidate</td>
<td>Candidate</td>
<td>Candidate</td>
<td>□ ______</td>
</tr>
<tr>
<td>Fourth Office</td>
<td>Candidate</td>
<td>Candidate</td>
<td>Candidate</td>
<td>Candidate</td>
<td>□ ______</td>
</tr>
<tr>
<td>Fifth Office</td>
<td>Candidate</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sixth Office</td>
<td>* Candidate</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Seventh Office</td>
<td>Candidate</td>
<td>Candidate</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Eighth Office</td>
<td>Candidate</td>
<td>* Candidate</td>
<td>Candidate</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Etc.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Figure 5. Illustration of Guideline No. 2.
Two party squares marked and individual candidates also marked in one or more columns.
(The asterisks indicate the candidates for whom the ballot is counted.)

Guideline No. 2. Where more than one party square is marked, those votes may not be tallied, and the ballot may be counted only for candidates individually marked, if any. (If there are no candidates individually marked, no portion of the ballot is counted.) [Sec. 65.007(d)]

b. An entire ballot cannot be voided if the intent of the voter can be determined for any one race or proposition on the ballot. [Sec. 65.009(c)]

c. An individual vote is not counted in the following situations:
   (1) An individual vote is not counted if the intent of the voter cannot be determined. [Sec. 65.009(c)]
   (2) An individual vote is not counted if the voter marked more than one candidate for one race ("overvote").

In municipal, school board, or other political subdivision elections where it is possible to vote for more than one candidate in the same race, a ballot may not be counted if a voter has marked more candidates than are to be elected. [Sec. 65.011] A ballot is not invalid if the voter has marked fewer candidates than the number to be elected (“undervote”). [Sec. 65.009]
VOTE FOR NONE, ONE, TWO, OR THREE

☑️ Candidate
☑️ Candidate
☐️ Candidate
☐️ Candidate
☑️ Candidate
☑️ Candidate

Figure 6. Illustration of overvoting; voter has voted for more candidates than are to be elected. (No portion of this ballot is counted.)

VOTE FOR NONE, ONE, TWO, OR THREE

*☑️ Candidate
☐️ Candidate
*☑️ Candidate
☐️ Candidate
☐️ Candidate
☐️ Candidate

Figure 7. Illustration of undervoting; voter has voted for fewer candidates than are to be elected. (A vote is counted for each candidate receiving a vote.)

(3) An individual vote is not counted in the following write-in voting situations:

(a) The voter used a sticker or rubber stamp with the name of a write-in candidate printed or written on it. [Sec. 65.008(b)]

(b) The election is the primary election for the office of precinct chair or county chair, a November general election, city council officer elections, an independent or common school district trustee election, special elections for state representative and state senator, or other elections where declaration of write-in is required and the voter writes in the name of a person whose name is not on the list of declared write-in candidates. [Secs. 144.006, 146.031(d), 146.054, 146.055, 146.082, 171.0231 Election Code; Secs. 11.056(c), 11.304, 130.081, 130.0825, Education Code; Sec. 285.131, Health and Safety Code; Secs. 326.0431 & 326.0432, Local Government Code; Secs. 36.059, 49.101, 63.0945, Water Code]

(c) The election is a primary and the voter writes in a vote for a candidate for public office; only write-in votes for declared candidates for party officer of county chair and precinct chair may be counted. [Sec. 172.112]

(d) The election is a runoff election and a voter writes in any candidate's name; no write-in votes may be counted at a runoff election. [Sec. 146.002]

(e) The voter voted for the presidential candidate of one party and the vice-presidential candidate of another party or voted for the presidential or vice-presidential candidate of one party and wrote in the name of a candidate he or she desires to vote for instead of that candidate's running mate. [Sec. 192.037]
d. A **ballot** is not counted in the following situations:

(1) A **ballot** is not counted if the intent of the voter cannot be determined. [Sec. 65.009] (See Figure 8).

<table>
<thead>
<tr>
<th>Candidates for</th>
<th>PARTY A</th>
<th>PARTY B</th>
<th>PARTY C</th>
<th>INDEPENDENT</th>
<th>WRITE-IN</th>
</tr>
</thead>
<tbody>
<tr>
<td>First Office</td>
<td>☑ Candidate</td>
<td>☐ Candidate</td>
<td>☑ Candidate</td>
<td>☐ Candidate</td>
<td>☐ ________</td>
</tr>
<tr>
<td>Second Office</td>
<td>☑ Candidate</td>
<td>☐ Candidate</td>
<td>☑ Candidate</td>
<td>☐ Candidate</td>
<td>☐ ________</td>
</tr>
<tr>
<td>Third Office</td>
<td>☐ Candidate</td>
<td>☑ Candidate</td>
<td>☐ Candidate</td>
<td>☐ Candidate</td>
<td>☐ ________</td>
</tr>
<tr>
<td>Fourth Office</td>
<td>☑ Candidate</td>
<td>☐ Candidate</td>
<td>☐ Candidate</td>
<td>☐ Candidate</td>
<td>☐ ________</td>
</tr>
<tr>
<td>Fifth Office</td>
<td>☑ Candidate</td>
<td>☐ Candidate</td>
<td>☐ Candidate</td>
<td>☐ Candidate</td>
<td>☐ ________</td>
</tr>
<tr>
<td>Sixth Office</td>
<td>☐ Candidate</td>
<td>☑ Candidate</td>
<td>☐ Candidate</td>
<td>☐ Candidate</td>
<td>☐ ________</td>
</tr>
<tr>
<td>Seventh Office</td>
<td>☑ Candidate</td>
<td>☐ Candidate</td>
<td>☐ Candidate</td>
<td>☐ Candidate</td>
<td>☐ ________</td>
</tr>
<tr>
<td>Eighth Office</td>
<td>☑ Candidate</td>
<td>☐ Candidate</td>
<td>☐ Candidate</td>
<td>☐ Candidate</td>
<td>☐ ________</td>
</tr>
</tbody>
</table>

**Figure 8. Illustration of lack of knowledge of intent of voter.**

(No portion of this ballot is counted.)

<table>
<thead>
<tr>
<th>Candidates for</th>
<th>PARTY A</th>
<th>PARTY B</th>
<th>PARTY C</th>
<th>INDEPENDENT</th>
<th>WRITE-IN</th>
</tr>
</thead>
<tbody>
<tr>
<td>First Office</td>
<td>☐ Candidate</td>
<td>☐ Candidate</td>
<td>☑ Candidate</td>
<td>☐ Candidate</td>
<td>☐ ________</td>
</tr>
<tr>
<td>Second Office</td>
<td>☐ Candidate</td>
<td>☐ Candidate</td>
<td>☑ Candidate</td>
<td>☐ Candidate</td>
<td>☐ ________</td>
</tr>
<tr>
<td>Third Office</td>
<td>☐ Candidate</td>
<td>☐ Candidate</td>
<td>☑ Candidate</td>
<td>☐ Candidate</td>
<td>☐ ________</td>
</tr>
<tr>
<td>Fourth Office</td>
<td>☐ Candidate</td>
<td>☐ Candidate</td>
<td>☑ Candidate</td>
<td>☐ Candidate</td>
<td>☐ ________</td>
</tr>
<tr>
<td>Fifth Office</td>
<td>☐ Candidate</td>
<td>☐ Candidate</td>
<td>☐ Candidate</td>
<td>☐ Candidate</td>
<td>☐ ________</td>
</tr>
<tr>
<td>Sixth Office</td>
<td>☐ Candidate</td>
<td>☐ Candidate</td>
<td>☐ Candidate</td>
<td>☐ Candidate</td>
<td>☐ ________</td>
</tr>
<tr>
<td>Seventh Office</td>
<td>☐ Candidate</td>
<td>☐ Candidate</td>
<td>☐ Candidate</td>
<td>☐ Candidate</td>
<td>☐ ________</td>
</tr>
<tr>
<td>Eighth Office</td>
<td>☐ Candidate</td>
<td>☐ Candidate</td>
<td>☐ Candidate</td>
<td>☐ Candidate</td>
<td>☐ ________</td>
</tr>
</tbody>
</table>

**Figure 9. Illustration of Guideline No. 3.**

Two party squares marked and no individual candidates marked.

(No portion of this ballot is counted.)

Guideline No. 3. Where more than one party square is marked, there is a contradiction as to party markings, and no portion of the ballot is counted.

(2) A **ballot** is not counted if two or more ballots are folded together in a manner that indicates they were folded together when deposited in the ballot box by the voter. [Sec. 65.010(a)(2)]

(3) A **ballot** is not counted if the ballot is not numbered or not signed by the judge and the judge determines that this ballot was not provided at the polling place. However, this ballot may be counted if the judge determines that it was provided at the polling place. [Secs. 65.010(a)(1), (b)]

(4) A provisional ballot found by an election worker not contained within the provisional voter affidavit envelope. [T.A.C. §§ 81.172-81.174]
e. Tallying straight-party vote (See Figures 10, 11 and 12.)

(1) A straight-party vote is one where the voter marks a party with the intent that all candidates of this party will receive his or her vote. [Sec. 64.004]

(2) Count a straight-party vote by tallying for the party receiving the vote instead of tallying for each of the party’s candidates. However, if a ballot indicates a straight-party vote and a vote for an opponent of one or more of that party's nominees, a vote shall be tallied for the opponent and for each of the party's other nominees whether or not any of those nominees have received individual votes (See Figures 3 and 4 above). [Secs. 65.007(b), (c)]

<table>
<thead>
<tr>
<th>Candidates for</th>
<th>PARTY A</th>
<th>PARTY B</th>
<th>PARTY C</th>
<th>INDEPENDENT</th>
<th>WRITE-IN</th>
</tr>
</thead>
<tbody>
<tr>
<td>First Office</td>
<td>□ Candidate</td>
<td>□ Candidate</td>
<td>□ Candidate</td>
<td>□ Candidate</td>
<td>□ Candidate</td>
</tr>
<tr>
<td>Second Office</td>
<td>□ Candidate</td>
<td>□ Candidate</td>
<td>□ Candidate</td>
<td>□ Candidate</td>
<td>□ Candidate</td>
</tr>
<tr>
<td>Third Office</td>
<td>□ Candidate</td>
<td>□ Candidate</td>
<td>□ Candidate</td>
<td>□ Candidate</td>
<td>□ Candidate</td>
</tr>
<tr>
<td>Fourth Office</td>
<td>□ Candidate</td>
<td>□ Candidate</td>
<td>□ Candidate</td>
<td>□ Candidate</td>
<td>□ Candidate</td>
</tr>
<tr>
<td>Fifth Office</td>
<td>□ Candidate</td>
<td>□ Candidate</td>
<td>□ Candidate</td>
<td>□ Candidate</td>
<td>□ Candidate</td>
</tr>
<tr>
<td>Sixth Office</td>
<td>□ Candidate</td>
<td>□ Candidate</td>
<td>□ Candidate</td>
<td>□ Candidate</td>
<td>□ Candidate</td>
</tr>
<tr>
<td>Seventh Office</td>
<td>□ Candidate</td>
<td>□ Candidate</td>
<td>□ Candidate</td>
<td>□ Candidate</td>
<td>□ Candidate</td>
</tr>
<tr>
<td>Eighth Office</td>
<td>□ Candidate</td>
<td>□ Candidate</td>
<td>□ Candidate</td>
<td>□ Candidate</td>
<td>□ Candidate</td>
</tr>
<tr>
<td>Etc.</td>
<td>□ Candidate</td>
<td>□ Candidate</td>
<td>□ Candidate</td>
<td>□ Candidate</td>
<td>□ Candidate</td>
</tr>
</tbody>
</table>

Figure 10. Casting a straight-party vote by marking the party square.
(The asterisks indicate the candidates for whom the ballot is counted.)

<table>
<thead>
<tr>
<th>Candidates for</th>
<th>PARTY A</th>
<th>PARTY B</th>
<th>PARTY C</th>
<th>INDEPENDENT</th>
<th>WRITE-IN</th>
</tr>
</thead>
<tbody>
<tr>
<td>First Office</td>
<td>□ Candidate</td>
<td>□ Candidate</td>
<td>□ Candidate</td>
<td>□ Candidate</td>
<td>□ Candidate</td>
</tr>
<tr>
<td>Second Office</td>
<td>□ Candidate</td>
<td>□ Candidate</td>
<td>□ Candidate</td>
<td>□ Candidate</td>
<td>□ Candidate</td>
</tr>
<tr>
<td>Third Office</td>
<td>□ Candidate</td>
<td>□ Candidate</td>
<td>□ Candidate</td>
<td>□ Candidate</td>
<td>□ Candidate</td>
</tr>
<tr>
<td>Fourth Office</td>
<td>□ Candidate</td>
<td>□ Candidate</td>
<td>□ Candidate</td>
<td>□ Candidate</td>
<td>□ Candidate</td>
</tr>
<tr>
<td>Fifth Office</td>
<td>□ Candidate</td>
<td>□ Candidate</td>
<td>□ Candidate</td>
<td>□ Candidate</td>
<td>□ Candidate</td>
</tr>
<tr>
<td>Sixth Office</td>
<td>□ Candidate</td>
<td>□ Candidate</td>
<td>□ Candidate</td>
<td>□ Candidate</td>
<td>□ Candidate</td>
</tr>
<tr>
<td>Seventh Office</td>
<td>□ Candidate</td>
<td>□ Candidate</td>
<td>□ Candidate</td>
<td>□ Candidate</td>
<td>□ Candidate</td>
</tr>
<tr>
<td>Eighth Office</td>
<td>□ Candidate</td>
<td>□ Candidate</td>
<td>□ Candidate</td>
<td>□ Candidate</td>
<td>□ Candidate</td>
</tr>
<tr>
<td>Etc.</td>
<td>□ Candidate</td>
<td>□ Candidate</td>
<td>□ Candidate</td>
<td>□ Candidate</td>
<td>□ Candidate</td>
</tr>
</tbody>
</table>

Figure 11. Casting a straight-party vote by marking individual squares of all nominees of a party.
(The asterisks indicate the candidates for whom the ballot is counted.)
Candidates for  □ PARTY A  □ PARTY B  □ PARTY C  □ INDEPENDENT  □ WRITE-IN
First Office  * □ Candidate  □ Candidate  □ Candidate  □ Candidate  □ _______
Second Office * □ Candidate  □ Candidate  □ Candidate  □ _______
Third Office  * □ Candidate  □ Candidate  □ Candidate  □ _______
Fourth Office * □ Candidate  □ Candidate
Fifth Office  * □ Candidate
Sixth Office * □ Candidate
Seventh Office * □ Candidate  □ Candidate
Eighth Office * □ Candidate  □ Candidate  □ _______
Etc.

Figure 12. Illustration of Guideline No. 4.
One party square marked and individual candidates in the party's column also marked. (“Emphasis” Voting) (The asterisks indicate the candidates for whom the ballot is counted.)

Guideline No. 4. Where only one party square is marked and names of any or all of that party's nominees are marked individually, but no candidate outside that party is marked, the ballot must be counted as a vote for all nominees of that party. Do not count the votes twice. This is often referred to as an "emphasis vote." Make a tally mark for the party.

(3) Write-in Votes.

(a) * In the primary election for the office of precinct or county chair, a November general election, city council officer elections, an independent or common school district trustee election, special elections for state representative and state senator, or other elections where declaration of write-in is required and the voter writes in the name of a person whose name is not on the list of declared write-in candidates, the vote is not counted. [Secs. 144.006, 146.031(d), 146.054, 146.055, 146.082, 171.0231 Election Code; Secs. 11.056(c), 11.304, 130.081, 130.0825, Education Code; Sec. 285.131, Health and Safety Code; Secs. 326.0431 & 326.0432, Local Government Code; Secs. 36.059, 49.101, 63.0945, Water Code]

In a primary election, only count write-ins for declared write-in candidates for party offices, i.e., precinct and county chair. [Sec. 172.112]

If only one candidate files for precinct chair (for the ballot or as a write-in), the election for that office is not held and the county chair shall prepare a sign notifying voters that the candidate will be declared elected to the office at the time of the local canvass. An election officer shall post the sign in one or more locations in the polling place. [Sec. 171.0221]

(b) In a runoff election, no write-ins are counted. [Sec. 146.002]

(c) In all elections other than those listed in subsection (a) above, all write-ins are counted. [Sec. 146.001]

(d) The first time a name is read, enter it on the tally list and also make a tally mark by the name. Each subsequent time the name is read, make a tally mark by the name. [Sec. 65.005(a)]
Figure 13. Casting a write-in vote. Illustration of Guideline No. 5
(The asterisks indicate the candidates for whom the ballot is counted.)

Guideline No. 5. Where the voter marks straight party but votes for declared write-in, the write-in vote is counted.

Figure 14. Casting a write-in vote. Illustration of Guideline No. 6.
(The asterisks indicate the candidates for whom the ballot is counted.)

Guideline No. 6. Where voter fails to properly mark an "X" in the write-in box, the write-in vote may be counted if the presiding judge can determine the intent of the voter. [Secs. 52.070(e), 65.009]

SECTION F. HANDLING THE ELECTION RETURNS FOR PAPER BALLOTS

1. Making out the returns.
   a. After all ballots are counted, the tally list, including separate totals for precincts, must be totaled and signed by the counting officer keeping it. If more than one officer has kept one particular list, each officer signs the list upon finishing. [Sec. 65.005(c)]
   b. Total each tally list to obtain the total number of votes cast for each candidate and/or for or against each proposition. [Sec. 65.005(c)]
   c. The presiding judge must make out and sign all copies of the returns. [Sec. 65.014(c)]
   d. A separate return sheet must be made for each precinct. [Sec. 87.1231]
e. Election officials should also prepare a summary return sheet to show complete early voting returns for all precincts.

2. Distribution of election returns, poll lists, and tally lists.
   a. There must be four copies of the returns for each precinct. [Secs. 65.014(c), 87.1231]
   b. There must be three copies of the poll list (or four copies of the combination form). [Sec. 63.003(b)]
   c. There must be three originals of the tally list for each precinct. [Secs. 65.004, 87.1231]

3. Five envelopes for distribution of election records are furnished with the supplies.
   a. Envelope No. 1 is addressed to the presiding officer of the local canvassing authority. [Sec. 66.003(b)(1)]
      -- County judge (general election for state and county officers or election held by the county).
      -- County chair (primary election).
      -- Mayor (municipal election).
      -- Presiding officer of the governing board (other elections).
   b. Envelope No. 2 is addressed to the general custodian of election records. [Secs. 66.001, 66.003(b)(2)]
      -- County clerk or county elections administrator (general election for state and county officers, election held by the county, primary election).
      -- City clerk or secretary (municipal election).
      -- Secretary of the governing board, or if none, the presiding officer of the governing board (other elections).
   c. Envelope No. 3 is addressed to the early voting ballot board judge. [Sec. 66.003(b)(3)]
   d. Envelope No. 4 is addressed to the Voter Registrar. [Sec. 66.003(b)(4)]
   e. Envelope No. 5 is addressed to the County Chair.

4. The records of the election must be distributed as follows:
   a. Contents of Envelope No. 1. [Sec. 66.022]
      (1) The original of the election returns of early voting ballots for each precinct.
      (2) One copy of the tally list for each precinct (from each counting team, if applicable).
   b. Contents of Envelope No. 2. [Sec. 66.023]
      (1) A copy of the returns of the early voting ballots for each precinct and the summary return.
      (2) A copy of the tally list for each precinct (from each counting team, if applicable).
      (3) The original of the poll list of early voting voters voting by personal appearance and by mail.
      (4) Any certificates of appointment of poll watchers.
      (5) Original of Statement of Compensation in some circumstances. [Sec. 32.094]

   NOTE: The presiding judge must follow the instructions of the political subdivision for delivery of the Statement of Compensation. The time designated for delivery may not be later than 5:00 p.m. of the third day after election day. If the authority responsible for delivering the election supplies does not indicate to whom the Statement of Compensation should be returned, place it in Envelope No. 2 for return to the custodian.
of election records. The election judge may also keep a copy of the Statement of Compensation. For primary elections, place original in Envelope No. 5 to the county chair.

c. Contents of Envelope No. 3. [Sec. 66.024]
(1) A copy of the returns of early voting ballots for each precinct and the summary return.
(2) A copy of the poll list of early voters voting by personal appearance and by mail.
(3) A copy of the Statement of Compensation.

d. Contents of Envelope No. 4. [Sec. 66.0241]
(1) The list of registered voters.
(2) The registration correction list, if any.
(3) Any Statements of Residence completed at the polling place or by mail or copies of identification submitted by mail.
(4) List of “ID” Voters.
(5) Copy of Combination Form, if used instead of individual affidavits.

e. Contents of Envelope No. 5.
-- Original of the Statement of Compensation, in a primary election.

f. Contents of early voting ballot box. [Sec. 66.025]
(1) The voted ballots.
(2) A copy of the early voting returns for each precinct and the summary return.
(3) A copy of the tally list for each precinct.
(4) A copy of the poll list of early voters voting by personal appearance and by mail.

5. Manner and time of delivery of records.

a. The presiding judge must deliver Envelope No. 1 in person to the presiding officer of the local canvassing authority, or if that officer is unavailable, to the general custodian of election records. [Sec. 66.051(a)]

b. The presiding judge must deliver Envelope No. 2 and Ballot Box No. 3, the rejected ballot envelope, the jacket envelopes containing the carrier envelopes and applications, and all unused supplies in person to the general custodian of election records. [Sec. 66.051(b)]

c. The presiding judge retains Envelope No. 3. [Sec. 66.051(c)]

d. The presiding judge must deliver Envelope No. 4 in person to the voter registrar, or if that officer is unavailable, to the general custodian of election records for later delivery to the voter registrar. [Sec. 66.051(d)]

e. The judge delivers the keys to the Ballot Box to:
(1) The sheriff for an election ordered by the governor or a county authority or for a primary election, unless the sheriff is on the ballot, in which case the keys are delivered to the county judge. If both the sheriff and the county judge are on the ballot, the keys are delivered to the county auditor, or, if there is no county auditor, to a member of the commissioners court, named by the court, who is not on the ballot. [Sec. 66.060(a)(1)]
(2) The chief of police or city marshal for an election ordered by a city authority. [Sec. 66.060(a)(2)]

(3) The constable of the justice precinct in which the governing body's office is located, or if the constable's office is vacant, to the sheriff of the county, for an election ordered by a political subdivision other than a county or city. [Sec. 66.060(a)(3)]

f. Envelope No. 5 is delivered to the County Chair.

g. Time.

(1) Records must be delivered to the appropriate authority immediately after the returns are completed. [Secs. 66.053(a), 87.063]

(2) If the judge determines that the ballots will not be counted in time to permit delivery of the records by 2:00 a.m. of the day following the election, he or she must notify the general custodian of election records by telephone between midnight of election day and 1:00 a.m. of the following day of:

-- The vote totals tallied for each candidate and for and against each measure at the time of notification.
-- The expected time of finishing the count. [Secs. 66.053(b), 87.063]

(3) In every election, the early voting ballot board records must be delivered to the appropriate authorities not later than 24 hours after the polls close. [Secs. 66.053(c), 87.063]

6. At the time the early voting ballot board records are delivered, supplies shall be returned to the authority responsible for providing such supplies. The presiding judge shall follow the instructions of such authority regarding the storage or return of empty ballot boxes and their keys and other equipment. [Sec. 87.123]

SECTION G. REPORTING EARLY VOTES

1. The presiding judge of the Board must deliver the counted ballots, the early voting election returns, other early voting election records, and ballot box keys to the appropriate authorities. [Sec. 87.063]

2. The early voting totals must reflect the number of early votes for each candidate or measure by election precinct. [Secs. 67.004(c), 87.1231]
CHAPTER 4
EXAMINING, PREPARING, AND COUNTING VOTED OPTICAL SCAN BALLOTS

SECTION A. PROCESSING BALLOTS COUNTED AT CENTRAL COUNTING STATION

NOTE: If the ballots are to be delivered to the central counting station before the time the polls are closed on election day, the intervals during the day at which the ballots are to be delivered must be stated in the resolution, order, or other official action authorizing the early deliveries. [Sec. 127.124]

1. On the direction of the presiding judge, the early voting ballot board shall deliver to the central counting station the container for the early voting electronic system ballots that are to be counted by automatic tabulating equipment at a central counting station. The board shall make the delivery without opening the container. [Sec. 87.101]

2. The early voting electronic system ballots counted at a central counting station shall be tabulated separately from the ballots cast at precinct polling places and shall be separately reported on returns. [Sec. 87.103]

3. The general custodian of records shall post a guard to ensure the security of ballot boxes containing voted ballots throughout the period of tabulation at the central counting station. [Sec. 127.1232]

SECTION B. DELIVERY OF BALLOT BOX.

1. Poll watchers may accompany election officials delivering ballot container after optical scan mail ballots are qualified. [Sec. 33.060]

   If delivery is made in a vehicle, it is sufficient to allow the watchers to follow in a different vehicle and to drive in such a manner that the watchers are able to keep the delivery vehicle in sight.

2. The officers must present the ballot box to the presiding judge of the counting station or his or her designee.

3. The delivering officers must then exchange the ballot box for a signed receipt. [Sec. 127.068(a)]

4. The rejected ballot envelopes, jacket envelopes containing the carrier envelopes, and any unused supplies are returned to the general custodian of election records.
CHAPTER 5
RECONVENING EARLY VOTING BALLOT BOARD

The early voting ballot board must reconvene after the election to review and qualify provisional ballots and to qualify ballots that were cast from outside the United States on or before election day and that are received by the fifth day after the election.

SECTION A. ESTABLISHING THE EARLY VOTING BALLOT BOARD TO REVIEW PROVISIONAL BALLOTS

The authority appointing the early voting ballot board may determine which members of the board will review and count the provisional ballots. The entire ballot board is not required to be present. A minimum of three members of the board is required to conduct the review.

1. Convening Early Voting Ballot Board.
   a. The presiding judge of the early voting ballot board may convene the board as soon as practicable after the voter registrar has completed the review of the provisional ballots, or if the voter registrar reviews the provisional ballots in “batches” and releases completed “batches” sequentially, the presiding judge may convene the board as soon as practicable after the voter registrar has completed one or more “batches.” The judge must post a notice on the bulletin board used for posting notices of meetings of the governing body ordering the election no later than 24 hours before each time the board is scheduled to meet. The board may also convene while the voter registrar continues the review.
   b. The early voting ballot board must complete its review of provisional ballots not later than the 7th day after election day.

2. Delivery of Materials To Early Voting Ballot Board.
   a. The board should obtain from the authority conducting the election a package of supplies, including the:
      (1) Return sheets;
      (2) Tally sheets; and
      (3) Envelopes for Accepted and Rejected Ballots.
   b. The general custodian will deliver to the early voting ballot board the Lists of Provisional Voters from each precinct.

3. Delivery of Provisional Ballots.
   a. The early voting ballot board presiding judge shall take receipt of (1) the provisional ballots directly from the voter registrar or the custodian of election records and (2) List of List of Provisional Voters Who Presented Proper Identification to Voter Registrar at a time and place to be determined by the presiding judge and; [Sec. 65.0541]
   b. The presiding judge completes the Verification of Provisional Ballots and Serial Numbers Form by signing at the time of receipt that the seal(s) were intact, the serial numbers of the seal(s) were accurately reflected, and the number of provisional ballots received.

4. Review of Provisional Ballots.
   The early voting ballot board shall review both the election judge's and the voter registrar's notation on each Provisional Ballot Affidavit Envelope to determine whether or not the ballot should be counted as indicated below.
a. Provisional ballots to be counted:

(1) The ballot shall be counted if the voter failed to submit an acceptable form of photo identification and did not have a reasonable impediment or difficulty to doing so (including if the voter did not provide a form of supporting documentation in connection with a reasonable impediment declaration) at the polling place, but the voter registrar indicated the voter presented an acceptable form of photo identification in person at the registrar’s office within six calendar days after the date of the election and the voter was otherwise eligible to vote in the election.

(2) The ballot shall be counted if the voter failed to submit an acceptable form of photo identification and did not have a reasonable impediment or difficulty to doing so (including if the voter did not provide a form of supporting documentation in connection with a reasonable impediment declaration) at the polling place, but the voter registrar indicated on the Provisional Ballot Affidavit Envelope that the voter applied for and received the disability exemption by the sixth day after election day and the voter was otherwise eligible to vote in the election.

(3) The ballot shall be counted if the voter failed to submit an acceptable form of photo identification and did not have a reasonable impediment or difficulty to doing so (including if the voter did not provide a form of supporting documentation in connection with a reasonable impediment declaration) at the polling place, but the voter registrar indicated the voter completed one of the two curing affidavits (consistent religious objection to photographs or identification destroyed or inability to access acceptable photo identification due to declared natural disaster) no later than the sixth day after election day.

(4) If the election judge indicated that the reason for casting a provisional ballot was that the voter appeared on the list of registered voters as having cast a ballot by mail, and the voter claimed that he never received the mail ballot, or would like to cancel his or her mail ballot, the provisional ballot shall be counted if the voter’s mail ballot has not already been received.

(5) If the voter registrar indicated that the provisional voter is registered to vote in the territory holding the election, the ballot shall be counted.

(6) If the voter registrar indicated that the provisional voter is registered to vote, but was erroneously listed in the wrong precinct, the ballot shall be counted.

(7) If the voter was erroneously removed from the voter registration list and is otherwise qualified to vote, the ballot shall be counted.

(8) The voter registrar has information in the office that the voter did complete an application, and the voter is otherwise qualified, the ballot shall be counted. (For example, evidence that the voter submitted and application at a DPS office or via a volunteer deputy registrar.)

b. Provisional ballots not to be counted:

(1) If the voter failed to submit an acceptable form of photo identification and did not have a reasonable impediment or difficulty to doing so (including if the voter did not provide a form of supporting documentation in connection with a reasonable impediment declaration) at the polling place, and the voter registrar noted that the voter did not (1) present an acceptable form of photo identification in person at the registrar’s office within six calendar days after the date of the election; (2) complete one of the curing affidavits (consistent religious objection to photographs or identification destroyed or inability to access acceptable photo identification due to declared natural disaster), or (3) apply for and receive a disability exemption by the sixth day after election day, then the ballot shall not be counted.
If the election judge indicated that a voter with a permanent disability exemption to providing an acceptable form of photo identification did not submit the registration certificate at the polling place, and the voter registrar notes that the voter failed to (1) present their registration certificate with exemption, (2) present a form of acceptable photo identification, or (3) apply for and receive a permanent disability exemption by the sixth day after election day, the ballot shall not be counted. If a voter voted provisionally due to having an outstanding mail ballot that has not yet been cancelled, the provisional ballot shall not be counted if the provisional voter has already voted.

If the voter registrar indicated that the provisional voter is not registered to vote in the territory holding the election or the registration was not effective in time for the election, the ballot shall not be counted.

If the voter registrar indicated that the provisional voter is registered to vote at a different precinct other than the one the voter voted in, the ballot shall not be counted.

If the election judge indicated that the voter was on the list of registered voters, but the voter’s registered residence address is outside the political subdivision, the ballot shall not be counted.

If the voter registrar indicated that an incomplete application was received from the provisional voter but the required additional information was not returned, the ballot shall not be counted.

5. Disposition of Accepted or Rejected Ballots.
   a. The presiding judge shall indicate the disposition of each ballot on the provisional voter affidavit envelope.
   b. The presiding judge shall also indicate the disposition of each ballot on the List of Provisional Voters for that precinct.
   c. The ballots to be counted shall be removed from their provisional ballot envelopes (which are sealed in a secrecy envelope). After at least 10 secrecy envelopes have been removed from the provisional ballot envelopes and placed in a separate container, the secrecy envelopes are opened, and the ballots are counted under the normal procedure for counting ballots by mail in an election either by hand counting or by central counting station [See Chapters 3 and 4]. The presiding judge of the early voting ballot board or central counting station shall complete a return sheet of the votes and record them by precinct. The Provisional Voter Affidavit Envelopes are placed in the Envelope for Accepted Voters and delivered to the general custodian of election records.
   d. The Provisional Voter Affidavits Envelopes that are not counted are placed in the Envelope for Rejected Provisional Ballots and delivered to the general custodian of election records.

   a. See Chapters 3 and 4 for counting rules.
   b. Once counted, the provisional ballots shall be re-locked and returned to the custodian of election records. The key shall be delivered to the custodian of the key.
   c. If a DRE system is used for provisional voting, the entity conducting the election will direct how provisional ballots are processed.

7. Counting of Provisional Ballots Electronically (optical scan).
   a. The manager of the central counting station shall decide whether the ballot board shall manually count the ballots with the totals manually added to the computer count for a canvass total or whether the central counting station shall reconvene.
b. The manager shall send notice to the presiding judge of the ballot board prior to reconvening the board as to whether the ballots are to be counted manually by the board or whether the ballots are to be prepared for delivery to the central counting station.

c. If the ballots are to be counted by the central counting station, the manager must post notice at least 24 hours prior to reconvening the central counting station. Section 1.006 does not apply.

d. A ballot transmittal form must be completed by the presiding judge of the ballot board. The transmittal form will accompany the accepted provisional ballots.

e. Prior to the beginning of the count at a central counting station, the manager shall run the required second logic and accuracy test using the same test deck as on Election Day. After the count is complete, the manager shall run the required third logic and accuracy test. If the test is not successful, the count is void.

f. The central counting manager may add the provisional ballots to the original returns by hand in order to provide one complete return sheet, may enter the provisional ballots directly on the electronic voting system to have one final electronic return sheet or may provide a separate return sheet with just provisional ballot vote totals. The return sheets are placed in Envelope No. 2 and delivered to the custodian of election records.

g. The counted provisional ballots and other election materials are returned to the custodian of election records and retained for the appropriate preservation period.

   NOTE: Since provisional ballots will probably be processed and counted at the same time as the late early voting by mail ballots, additional procedures relating to late ballots pursuant to T.A.C. Sec. 81.37 may also apply.

8. Notice to Provisional Voters.

Not later than the 10th day after the local canvass, the early voting ballot board’s presiding judge shall deliver written notice regarding whether the provisional ballot was counted to the provisional voter, and if the ballot was not counted, the reason the ballot was not counted. The presiding judge shall use the information provided on the affidavit to obtain the proper mailing address for the voter and the final resolution of the provisional ballot.


   a. Custodian of election records receives:
      (1) Lists of Provisional Voters;
      (2) Return sheets;
      (3) Tally Sheets;
      (4) Envelopes for Accepted and Rejected Provisional Ballot Affidavit Envelopes;
      (5) Counted Ballots; and
      (6) Verification of Provisional Ballots and Serial Numbers.

   b. Custodian of the key receives the key to the ballot box after it has been locked.

   c. Presiding officer of the canvassing authority receives:
      (1) Return sheets; and
      (2) Tally Sheets.
SECTION B. RECONVENING FOR QUALIFYING LATE EARLY BALLOTS BY MAIL

1. Requirements for ballots to be counted late.

   The Board must reconvene to count mail ballots which were:
   a. cast from outside the United States;
   b. placed in delivery before the polls closed; and
   c. which arrived not later than the 5th day after election day. [Sec. 86.007(d)]

   NOTE: If the 5th day falls on a weekend day, federal or state holiday, this deadline is extended to the next regular business day.

2. When should the board reconvene?

   On the 9th day after election day or earlier, if the early voting clerk can determine that all ballots cast from outside the United States have been received. [Sec. 87.125]. NEW LAW: Senate Bill 1703, (84th Legislature)

3. The Carrier Envelope must be:

   a. timely submitted;
   b. properly addressed with postage (no postage is required for FPCA carrier envelopes);
   c. sent from an address outside the United States; and
   d. bear a cancellation mark from a postal service before the polls close or a receipt mark from a common or contract carrier indicating the ballot was received before the polls closed.

   NOTE: The carrier envelope will be presumed timely submitted if there is no cancellation mark or receipt mark and if other requirements are met. [Sec. 86.007(f)]

4. Additional general provisions.

   a. The presiding judge shall notify the early voting clerk as to the time and place where the board will reconvene. The notice must be made in time so the early voting clerk may give proper notice of the delivery. The early voting clerk must post notice of delivery of jacket envelopes and any other accompanying papers to the early voting ballot board at least 24 hours prior to the delivery. The notice shall be posted at the main early voting polling place. Section 1.006 does not apply.

   b. The presiding judge shall send notice to the custodian of the key and the custodian of election records to redeliver the ballot box containing the counted ballots and the key to the box. After the late ballots have been counted, the presiding judge shall lock the late counted ballots in the ballot box. The presiding judge shall deliver the ballot box to the general custodian of election records and the key to the ballot box to the custodian of the key.

   c. Poll watchers are entitled to be present.

   d. If all mail ballots were received by the close of voting on election day or no ballots were received by the appropriate deadline for the election, the early voting clerk shall certify that fact and deliver the certification to the canvassing board before they convene to canvass the votes. [Sec. 87.125(a)]

5. Special provisions for paper ballots.
a. Once the ballots have been qualified, the presiding judge shall use the regular method of counting ballots by keeping three new tally sheets, counting by precinct, and having at least two members per tally team. [Ch. 65, Secs. 87.062, 87.103; T.A.C. § 81.37(b)]

b. Once the board has counted all the ballots, an original and three copies of the return sheet shall be prepared.

c. The distribution of the tally sheets and return sheets shall be made in accordance with the Texas Election Code, Subchapter B, Chapter 66.

d. The canvassing board shall add the returns from both early voting return sheets when canvassing the vote.


a. The manager of the central counting station shall decide whether the ballot board shall manually count the ballots with the totals manually added to the computer count for a canvass total or whether the central counting station shall reconvene.

b. The manager shall send notice to the presiding judge of the ballot board prior to reconvening the board as to whether the ballots are to be counted manually by the board or whether the ballots are to be prepared for delivery to the central counting station.

c. If the ballots are to be counted by the central counting station, the manager must post notice at least 24 hours prior to reconvening the central counting station. Section 1.006 does not apply.

d. A ballot transmittal form must be completed by the presiding judge of the ballot board. The transmittal form will accompany the ballots qualified.

e. The manager must order a 2nd test to be conducted prior to the count. The test must be successful.

f. Poll watchers are entitled to be present.

g. After the 2nd test is successful, the unofficial election results preserved by electronic means shall be loaded in the tabulating equipment.

h. The tabulation supervisor shall print a status report before the count is to begin. This status report shall be compared with the report run on election night. If the two status reports do not match, the electronic ballots must be counted by hand and the total manually added to the returns printed on election night.

i. If the status reports match, the tabulation supervisor may order the count to begin. The precinct returns from these counts may be included with the original precinct counts. The tabulation supervisor does not need to keep the precinct-by-precinct results of the late ballots separate from other early voted ballots.

j. Once the ballots have been counted, results shall be prepared in the regular manner. The manager shall prepare a certification and attach it to the returns, then place both in envelope #1 to be delivered to the presiding officer of the canvassing board indicating that the results supersede any returns printed prior to the reconvening of the central counting station after election day.

k. After the results have been prepared, a successful 3rd test must be performed.

l. The results, ballots, and distribution of ballots and all records shall be made in the regular manner.
EXHIBIT

B
Election Inspector Handbook

ISSUED BY

SECRETARY OF STATE
STATE OF TEXAS
ELECTIONS DIVISION
1-800-252-8683
OR
(512) 463-5650
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INTRODUCTION

The Elections Division of the Secretary of State’s office has prepared this handbook for use by all appointed election inspectors. This handbook is a quick reference which contains tips and other information. It should be used in conjunction with the handbook for judges and clerks and/or any other informative materials provided by this office.

The Elections Division of the Secretary of State’s office is open during the hours that the polls are open for voting on all uniform election dates. Answers to questions on election law and procedures may be obtained by calling the Elections Division toll-free at 1-800-252-8683 or direct at (512) 463-5650.

This handbook was last updated in September 2016.
A. Inspecting an Election

1. How often should inspectors call in?
   Inspectors are no longer required to call and check in with the Secretary of State’s office periodically. If a problem occurs, or if you have a question regarding either your assignment or a question regarding an action in the polling place, the inspector should call our office as soon as possible.

2. Is an inspector there to answer questions?
   No. However, if the election judge asks an inspector an election question, the inspector may answer the question if the inspector knows the answer or can find the answer in the handbook. If unsure, the inspector should call the Secretary of State’s office to obtain a response for the election judge. An inspector should try to be as helpful as possible.

3. If an inspector gets asked why the inspector is present, what should the response be?
   The inspector should explain that the inspector was probably requested by 15 local registered voters, and that upon this request the Secretary of State must send an inspector. Do not give the names of the people who signed the request.

4. Are copies of the petition requesting an inspector available to the public?
   Yes. However, they are not available until the day after the election.

5. If a member of the media asks the inspector a question, what should be the inspector’s response?
   An inspector should never communicate with the media. If the member of the media is persistent, the inspector should tell them to contact the Secretary of State’s office.

6. How can someone obtain a copy of the inspector’s report?
   The requestor may contact the Secretary of State’s Elections Division by phone at 1-800-252-8683 or via email at elections@sos.texas.gov to request any materials regarding the inspector’s report.

7. When is an inspector check-off list (report) due?
   Within five days after the inspector returns back to work. You will be given instructions on how to complete the check off list, which is submitted electronically.

8. Is the inspector required to remain at the polling place from 7:00 a.m. to 7:00 p.m.?
   No, the inspector may come and go as the inspector is directed by the Secretary of State’s office; the inspector is usually assigned to more than one polling place. Remember, the Secretary of State’s Office requires inspectors
to be at their first polling place prior to 7 a.m. and to close a polling place at 7 p.m.

B. Polling Place Setup and Required Forms

1. What voter information should be posted in the polling place?
The Secretary of State’s voter information poster, voter complaint poster, notice of prohibition of certain devices, instructions on how to cast a vote, and the sample ballot must be posted in a prominent location in the voting area. The notice of acceptable identification must be posted on the outside door of the polling place. Also, the list of declared write-in candidates (if applicable) should be posted in each voting booth.

2. Are voting booths required?
Yes. However, a divider placed on a table will suffice, as long as a voter’s privacy is maintained.

3. Must polling places be accessible to voters with disabilities?
Yes.

4. Should instruction posters be printed in English and Spanish?
All election materials used in the polling place must be printed in English and Spanish. In some counties, additional languages may be required.

5. Combination form: What does the form look like? Result of failure to sign form?
The form combines all of the forms necessary to qualify a voter, including most of the affidavits needed by the election officials. It is a legal size paper in four parts with a signature roster on one side and the poll list on the opposite side, in reverse direction, so the voter can sign the roster without the form having to be turned around. If the form is inadvertently not signed, the result is an inaccurate total for the number of voters who voted; however, the voter’s ballot is still counted. (Refer to Attachment A). Please note that the Combination Form will not be updated at this time to reflect the August 10, 2016 Court Order referenced herein, but the substantially similar name affidavit on the form should be considered still valid notwithstanding that it references Section 63.0101 of the Texas Election Code.

6. What does an Affidavit of Provisional Voter look like?
It is an envelope with the Affidavit of Provisional Voter on the front for the voter to complete their information. On the back is an area for the Election Judge to state why the voter is voting a provisional ballot and a place for the Voter Registrar to complete the review of the voter’s registration status. (Refer to Attachment B). There is an area for “Other” on the Affidavit for scenarios not explicitly covered on the form.

7. What is a Notice to Provisional Voter?
This notice is provided to each provisional voter. The presiding judge shall give the voter the “Notice to Provisional Voter” form, which explains that the voter will receive
notice in the mail informing the voter whether the provisional ballot was counted and contain the following additional information if the voter cast a provisional due lack of identification:
   a) a list of acceptable forms of photo voter identification, and instructions to appear at the county voter registrar’s office within 6 calendar days of the date of the election to present an acceptable form of photo identification;
   b) a map to the voter registrar’s office; and
   c) notice that if all procedures are followed and the voter is found to eligible to vote and is voting in the correct precincts, the voter’s provisional ballot will be accepted.

C. Election Officials and Workers

1. Who has authority at the polling place?
The election judge is in charge of and responsible for the management and conduct of the election at the polling place. If the election judge orders the inspector to leave, the inspector should do so and then call our office.

2. Are election judges, clerks, poll watchers, and state or federal inspectors required to wear an ID badge?
Yes. The ID badge must indicate the person’s name and title or position.

3. Who is allowed in the polling place?
Only authorized persons may be in the polling place. Authorized persons include the following: election judges and clerks, voters who are voting, poll watchers, inspectors, authorized federal observers, secretary of state and staff, peace officers requested by the judge, interpreters, assistants, children under the age of 18 accompanying the parent, students participating in a student election, a voting system technician who is there to work on voting system equipment, and sheriffs or other law enforcement personnel delivering supplies. Note that in primary elections only, the county chair may be present in a polling place in order to perform administrative functions connected to the election.

D. Poll Watchers

1. Are poll watchers allowed to wear badges or name tags in the polling place?
Yes. Poll watchers must wear a form of identification prescribed by the Secretary of State and provided by the presiding judge or other election officer.

2. Is a poll watcher required to report to the polling place by 7:00 a.m.? Is a poll watcher required to stay at the polling place from 7:00 a.m. to 7:00 p.m.?
A poll watcher is not required to be at the polling place by 7:00 a.m.. A poll watcher that serves for more than five continuous hours may serve at the polling place during the hours the watcher chooses, except that if the watcher is present when ballots are counted, the watcher may not leave until the counting is complete; if the poll watcher leaves before the counting is
complete, the presiding judge may not allow them to return. A poll watcher may not be accepted for service if he or she possesses any mechanical or electronic means of recording images or sound unless the poll watcher disables or deactivates the device. The election judge may inquire whether a watcher has possession of any prohibited recording device before accepting the watcher for service.

3. Is a poll watcher allowed to take notes while serving in a polling place?
Poll watchers may take notes, but if the poll watcher leaves the polling place while the polls are open, the election judge may require that the poll watcher leave the notes with another election official of the poll watcher’s choice if the poll watcher plans to return. This person must retain the notes until the poll watcher returns to duty. If the poll watcher does not plan to return they may take their notes with them.

E. Processing Voters
1. When must a voter be registered in order to vote in an election?
The person must submit an application at least thirty days prior to an election. A voter’s registration certificate will indicate the effective date of the registration, which must be by election day for the voter to be eligible to vote a regular ballot.

2. What must a voter bring to be accepted for voting?
Pursuant to a court order issued on August 10, 2016, if a voter has obtained an acceptable form of photo ID, from the list below, a voter must present an acceptable form of photo ID to vote. Voters who have not been able to obtain one of the forms of acceptable photo identification listed below, and have a reasonable impediment or difficulty to obtaining the required photo identification, may present a supporting form of identification of the voter and execute a Reasonable Impediment Declaration, noting the voter’s reasonable impediment or difficulty to obtaining an acceptable form of photo identification, stating that the voter is the same person who personally appeared at the polling place, and stating that the voter is casting a ballot while voting in-person.

Acceptable Forms of Photo ID:

1) Texas Driver’s License issued by the Department of Public Safety (“DPS”);
2) Texas Election Identification Certificate issued by DPS
   NOTE: If a voter does not have a valid form of photo identification, they may apply for a free election identification certificate at their local Texas Department of Public Safety office.
3) Texas Personal Identification Card issued by DPS;
4) Texas License to Carry a Handgun or Texas Concealed Carry Permit issued by DPS;
5) United States Military Identification Card containing the person’s photograph;
6) United States Citizenship Certificate containing the person’s photograph; or
7) United States Passport.

With the exception of the U.S. citizenship certificate, which has no expiration date, the acceptable photo identification must be current or have expired no more than 4 years before being presented for voter qualification at the polling place.

NOTE: This is a change from previous procedure. Prior law required that the photo ID not be expired for more than 60 days.

Here is a list of the supporting forms of ID that can be presented if the voter cannot obtain, and has a reasonable impediment or difficulty to obtaining one of the forms of acceptable photo ID:

1) Valid voter registration certificate
2) Certified birth certificate (must be an original)
3) Copy of or original current utility bill
4) Copy of or original bank statement
5) Copy of or original government check
6) Copy of or original paycheck
7) Copy of or original government document with your name and an address (original required if it contains a photograph)

NOTE: The address on either a supporting form of ID or an acceptable photo identification does not need to match the address on the list of registered voters.

NOTE: The entity conducting the election may authorize an election officer to access electronically readable information on a driver’s license or personal identification card for proof of identification when determining whether a voter shall be accepted for voting. [Sec. 63.0102]

3. What is a permanent exemption to the requirement to show a photo ID, and how does a voter show that he or she has received a permanent exemption?

Voters with a disability may apply with their county voter registrar for a permanent exemption to the requirement to show a photo ID. The application must contain written documentation from either the U.S. Social Security Administration evidencing the applicant’s disability, or from the U.S. Department of Veterans Affairs evidencing a disability rating of at least 50 percent. In addition, the applicant must state that he or she has no valid form of photo identification. Those who obtain a disability exemption will be allowed to vote by presenting a voter registration certificate reflecting the exemption.

The voter’s registration certificate will have an “(E)” next to the VUID number on their voter registration certificate.

4. Are there are other exemptions to the photo identification requirement?

Yes. A voter may apply for a temporary exemption if the voter has a consistent religious objection to being photographed OR does not present an acceptable form of photo
identification as a result of certain natural disasters as declared by the President of the United States or the Texas Governor.

A voter that wishes to obtain a temporary exemption should vote provisionally and then appear in person at the county voter registrar’s office to execute an affidavit for the temporary exemption.

5. What is the six day “cure period” and what does it mean for voters?
A voter who has not obtained an acceptable form of photo ID and does not have a reasonable impediment or difficulty in obtaining an acceptable form of photo ID, or a voter who has obtained an acceptable form of photo ID, but does not present that ID at the time they offer to vote may cast a provisional ballot at the polls and then will have until the sixth calendar day after election day to present an acceptable form of photo ID in the presence of the county voter registrar. If the voter appears at the voter registrar’s office and presents an acceptable form of photo ID, the voter’s provisional ballot will be counted.

Voter Seeking a Permanent Exemption: A voter may submit an application for a permanent exemption in person at the voter registrar. A voter may also submit the application via facsimile or regular mail, but the application must be completed with the requisite paperwork attached, and received by the voter registrar no later than the sixth calendar day after election day.

Voter Seeking a Temporary Exemption: If a voter has a consistent religious objection to being photographed, or a voter does not present an acceptable form of photo identification as a result of a natural disaster, as declared by the President of the United States or the Texas Governor, the voter may vote a provisional ballot, and then appear at the voter registrar’s office by the sixth calendar day after election day to sign an affidavit swearing to the religious objection or natural disaster. If the voter takes these steps to execute an affidavit for a temporary exemption, their provisional ballot will be counted.

6. If a voter’s name does appear on the precinct’s list of registered voters, may the voter still vote?
Yes, if the voter has a current voter registration certificate showing the voter is registered in the precinct in which the voter is appearing, and (1) an acceptable form of photo identification, or (2) a reasonable impediment or difficulty to obtaining an acceptable form of photo identification and an acceptable form of supporting identification. Also, if the voter has a current voter registration certificate showing the voter is registered in a different precinct, and (1) an acceptable form of photo identification, or (2) a reasonable impediment or difficulty to obtaining an acceptable form of photo identification and an acceptable form of supporting identification, the voter may execute an affidavit stating that the voter is a resident of the precinct and entitled to vote, was a resident of the precinct in which the voter is offering to vote at the time the information on the voter’s residence address was last provided to the voter registrar, did
not deliberately provide false information to secure registration in a precinct in which I do not reside, and is voting only once in the election. This affidavit is entitled the “Affidavit for Voter Not on List” and appears on the Combination Form.

If the voter is not on the list of registered of voters and does not have a valid voter’s registration certificate, the voter should be advised of the right to vote a provisional ballot.

7. What does the “S” notation on the list of registered voters indicate?
An “S” notation means a voter has been placed on the Suspense List because he or she has probably moved. If a voter with an "S" notation desires to vote, the voter must sign the Statement of Residence (Refer to Attachment C) on which they must provide their current residence address, which must be located within the same county. The voter must vote in his or her old precinct. If the voter submits a Statement of Residence for a different county, the county voter registrar shall forward the Statement of Residence form to the voter’s new county voter registrar.

NOTE that once a voter has moved to another county, the voter may not return to the previous county of residence to vote (but may be able to vote a limited ballot in the new county during the early voting period, if there are offices or propositions in common between the old and the new county).

8. What does the “ID” notation on the list of registered voters indicate?
The “ID” notation alerts the judge to the fact that a voter has either not been issued a Texas Driver's License or personal ID number or a social security number or the numbers provided could not be verified, and the voter must present an acceptable form of photo identification, or, if the voter has a reasonable impediment or difficulty to obtaining an acceptable form of photo identification, the voter must present an acceptable supporting form of identification and execute a Reasonable Impediment Declaration.

9. What does an election official do if the name on the ID presented by the voter does not match the voter’s name as it appears on the official list of registered voters?
The voter may still be accepted for voting a regular ballot if the election official determines that the voter’s name on the ID is “substantially similar” to the name on the list of registered voters. A voter’s name is considered substantially similar if one or more of the following circumstances applies:

a. The name on the ID is slightly different from one or more of the name fields on the official list of registered voters.

b. The name on the voter’s ID or on list of registered voters is a customary variation of the voter’s formal name. For example, Bill for William, or Beto for Alberto.

c. The voter’s name contains an initial, middle name, or former name that is either not on the official list of registered voters or on the voter’s ID.
d. A first name, middle name, former name or initial of the voter’s name occupies a different field on the presented ID document than it does on the list of registered voters.

In considering whether a name is substantially similar, election officials should also look at whether information on the presented ID matches elements of the voter’s information on the official list of registered voters such as the voter’s residence address or date of birth.

If the election official determines the name is substantially similar, the voter may be accepted for voting after initialing the Similar Name Affidavit on the Combination Form.

F. Casting a Ballot

1. What is the difference between paper ballots and optical scan ballots?
   Paper ballots are ballots hand-counted by the election officials. Optical scan ballots are paper ballots electronically counted by a machine.

2. What if a voter picks up the wrong ballot?
   If the voter does not walk away from the table with the wrong ballot, it can simply be placed with the new ballots to be given to another voter. If the voter walks to the voting booth with the wrong ballot before the voter realizes it is the wrong ballot and returns the ballot to the Election Judge, the ballot should be treated as a spoiled ballot, regardless of whether the voter marked the ballot.

3. What if the voter incorrectly marks the ballot?
   If the ballot has already been deposited into the ballot box, it’s too late for the voter to receive another ballot. If the ballot has not been deposited, the voter may ask for another ballot. The voter is entitled to ask for up to three ballots.

4. Should voters select their own ballot?
   Yes. The voter should always select the voter’s own ballot.

5. Should there be instructions on ballots?
   Yes. Instructions are required to appear on the ballot or ballot label depending on the type of voting system used.

6. What is the proper display of ballots?
   Ballots should be placed faced down and signed by the election judge, but they should not be in numerical order. There is no minimum number of ballots required to be displayed as long as the voter has a choice of several. Also, there should be an additional set of provisional ballots for voters from which to select. The provisional ballots should also have “provisional” stamped on the back, along with the election judge’s signature.
7. May voters walk over to another booth where there is someone voting?
   No, voters should not talk to each other while voting, even if they are married to each other.

8. Are election officials **required** to check voting booths for election-related materials discarded by previous voters?
   Yes. The law requires election officials to **periodically** check each voting station and common areas of the polling place for sample ballots or other written election materials pertaining to the election that may have been left by previous voters.

9. What should the election officials do if they run out of ballots?
   First, if the judge sees that the quantity of ballots is getting low, the judge should call the authority responsible for ordering the ballots (e.g., county clerk, city secretary, school superintendent) to obtain additional ballots or have more reproduced. In an emergency situation, they may make copies of a ballot or if no ballots are remaining, have the voter provide their vote choices on a blank sheet of paper.

10. What should the election judge do if the supply of combination forms runs out?
    Contact the person in charge of the election (e.g., county clerk, city secretary, school superintendent) to obtain additional forms. If necessary, make copies of the form before the supply is completely exhausted.

11. Is it true that ballots should be marked with an indelible marker (non-erasable)?
    Yes. The Election Code requires that an indelible marker be used to mark ballots, and is defined as an instrument that makes marks that cannot easily be removed or erased.

G. **Assistance to a Voter**

1. How many election officials should assist a voter if the voter requests assistance from the election officials?
   On election day, a voter who is qualified to receive assistance must be assisted by two election officials. Instead of being assisted by election officials, a voter may also be assisted by any person of the voter’s choice, as long as the assistant is not an agent of the voter’s employer, or an officer or agent of the voter’s labor union, if any, and they take the oath of assistance. During early voting, a voter may be assisted by one election official.

2. Are interpreters allowed in the polling place?
   Yes. The voter may communicate through an interpreter selected by the voter or provided by the political subdivision if the voter does not provide his or her own interpreter, regardless of whether an election officer who attempts to communicate with a voter understands the language used by the voter. Before serving as an interpreter, the person selected as the interpreter must take the “Oath of Interpreter” administered by an election officer. The
interpreter may be any person selected by the voter other than the voter’s employer, an agent of the voter’s employer, or an officer or agent of a labor union to which the voter belongs. NOTE: This is a change in prior law, due to Court Orders issued on August 12 and 30, 2016.

3. What election materials may a voter bring into the polling place?
A voter may bring written campaign materials into the polling place to assist in marking his or her ballot.

H. Securing Voted Ballots
1. Are provisional ballots placed in a separate box?
Yes. The provisional ballots, sealed in a ballot secrecy envelope and then in the provisional ballot envelope, must be placed in a secure container separate from the regular voted ballots.

2. How many seals and locks are the ballot boxes required to have?
On election day, only one lock is required. The ballot box must, in addition to being locked, be sealed before the box is delivered to the central counting station either with a wire seal or paper seal (depending on the design of the ballot box). If optical scan ballots are used, “pre-locked, pre-sealed” ballot boxes must be used during the time the polls are open. These boxes are locked and sealed before the polls open and are not opened until delivered to the central counting station.

During early voting, two locks plus a wire hasp seal are required, and, if necessary, the paper seal, which covers the slot through which voters deposit their ballots.

I. Counting Ballots and Posting Number of Voters
1. May ballots be counted prior to 7:00 p.m. when the polls close?
Yes. As long as there are at least 10 ballots in the box each time counting begins, and as long as it is past 8 a.m. This is for “regular” paper ballot jurisdictions only. Optical scan ballots are sent to the central counting station after the polls close to be counted.

2. How often should the total number of voters be posted on the door outside the polling place?
Election officials should post the number of people who have voted every two hours, beginning at 9:30 a.m. and ending at 5:30 p.m.

J. Electioneering
1. Who can provide rides to polling places?
Anyone may provide a ride to the polling place (candidates, campaign workers, etc.). However, these individuals are still prohibited from electioneering within the 100-foot area outside the door to the building in which the polling place is located.
2. **What is considered electioneering?**
   *Electioneering includes promoting a candidate, measure, or political party through verbal or written communications. This includes buttons, t-shirts, and bumper stickers.*

3. **What is the distance limitation for electioneering?**
   *Electioneering is prohibited inside the polling place and up to a 100-ft. radius of any entrance into building in which the polling place is located.*

4. **What should the election judge do if electioneering is taking place within 100 ft.?**
   *The election judge should ask the violators to move outside the distance marker. If the individuals continue to disobey the election judge, the judge may contact a peace officer to maintain order.*
**Affidavit of Provisional Voter (Declaración Jurada de Votante Provisional)**

TO BE COMPLETED BY VOTER: I am a registered voter of this political subdivision and in the precinct in which I'm attempting to vote and have not already voted in this election (either in person or by mail). I am a resident of this political subdivision, have not been finally convicted of a felony or if a felon, I have completed all of my punishment including any term of incarceration, parole, supervision, period of probation, or if I have been pardoned, I have not been determined by a final judgment of a court exercising probate jurisdiction to be totally mentally incapacitated or partially mentally incapacitated without the right to vote. I understand that giving information under oath is a misdemeanor, and I understand that it is a felony of the 2nd degree to vote in an election for which I am not eligible.

**FOR USE ONLY IF VOTER IS A MINIMUM OF 16 YEARS OLD:**

**Residence Address:** Street Address and Apartment Number, City, State, and ZIP. If none, describe where you live (Do not include PO Box, Rural Rt. Or Business Address)

**Mailing Address:** City, State, and ZIP. If mail cannot be delivered to your residence address, provide your mailing address.

**TX Driver's License No. or Personal I.D. No. (Issued by Dept of Public Safety):** Número de su licencia de conducir de Texas o su identificación personal expedida por el Departamento de Seguridad Pública de Texas.

**Social Security No. (last 4 digits required if you do not have a driver’s license or I.D. number):** Número de Seguro Social. Si no tiene licencia, de conducción ni identificación personal, se requiere los últimos 4 números de su seguro social

**Signature of Voter / Firma del votante:**

---

**Check appropriate box: ARE YOU A UNITED STATES CITIZEN?**

<table>
<thead>
<tr>
<th>Yes</th>
<th>NO</th>
</tr>
</thead>
</table>

Marque el cuadro apropiado: Soy ciudadano/a de los Estados Unidos
## ATTACHMENT B
BACK SIDE

### TO BE COMPLETED BY THE COUNTY VOTER REGISTRAR FOR STATUS

<table>
<thead>
<tr>
<th>Case 2:13-cv-00193   Document 932-2   Filed in TXSD on 09/12/16   Page 18 of 26</th>
</tr>
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<table>
<thead>
<tr>
<th>VOTER PRESENTED ACCEPTABLE FORM OF IDENTIFICATION FOR VOTING PROVISIONAL</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>REASON FOR VOTING PROVISIONAL</strong></td>
</tr>
<tr>
<td>1. Failed to present acceptable form of identification or voter certificate with signature.</td>
</tr>
<tr>
<td>2. Voter not on list of registered voters.</td>
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<tr>
<td>3. Voter not on list, registered in another precinct.</td>
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<td>4. Voter not on list, but registered with another county.</td>
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<tr>
<td>5. Voter not on list, but registered in different political subdivision.</td>
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<tr>
<td>6. Voter not on list, but registered in different precinct.</td>
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<td>7. Voter not on list, but registered in different political subdivision.</td>
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<td>8. Voter not on list, but registered in different registration application.</td>
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<td>9. Voter not on list, but registered in different political subdivision.</td>
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<td>10. Voter not on list, but registered in different county.</td>
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<tr>
<td>11. Voter not on list, but registered in different political subdivision.</td>
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<tr>
<td>12. Voter not on list, but registered in different registration application.</td>
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### TO BE COMPLETED BY THE ELECTION JUDGE

<table>
<thead>
<tr>
<th>Action taken by the Early Voting Ballot Board:</th>
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<tbody>
<tr>
<td>□ ACCEPTED</td>
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<td>□ REJECTED</td>
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<thead>
<tr>
<th>Signature of Voter Registrar</th>
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<td>[Signature]</td>
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<tr>
<th>Signature of Early Voting Ballot Board Judge</th>
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<td>[Signature]</td>
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-17-
# Instructions for Voting by Mail on Back

(Alo Dom: Instrucciones si vota por correo)

## STATEMENT OF RESIDENCE
For persons whose residence address does not match voter registration address.

### CONSTANCIA DE DOMICILIO PERMANENTE
Para personas cuya dirección no coincide con la que aparece en la lista oficial de votantes inscritos.

<table>
<thead>
<tr>
<th>Last Name</th>
<th>First Name</th>
<th>Middle Name (if any)</th>
<th>Former Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Apellido</td>
<td>Nombre</td>
<td>Segundo nombre (si aplica)</td>
<td>Apellido anterior</td>
</tr>
</tbody>
</table>

### Residence Address: Street Address and Apartment Number, City, State, and Zip.
If none, describe where you live. (Do not include P.O. Box, Rural Route, or Business Address)
Domicilio residencial: Número y calle, y número de apartamento, Ciudad, Estado, y Código postal. Si no existe un domicilio, describa donde vive (no incluya apartados postales, rutas rurales o dirección del trabajo).

| Mailing Address: Address, City, State, and Zip. If mail cannot be delivered to your residence address. Dirección postal: número y calle, y número de apartamento, Ciudad, Estado, y Código postal (si no se puede entregar correo en su domicilio residencial). |

### Date of Birth: month, day, year
Fecha de Nacimiento: mes, día, año

### Texas Driver’s License No. or Texas Personal I.D. No. (issued by the Department of Public Safety)
No. de licencia de conducir de Texas o Número de Identificación personal de Texas (Expedido por el Departamento de Seguridad Pública)

### If no Texas Driver’s License or Personal Identification, give last 4 digits of your Social Security Number.
Si no tiene licencia de conducir de Texas o no. de identificación personal, proporcione los 4 últimos dígitos de su número de Seguro Social.

XXX-XX-

### I have not been issued a Texas Driver’s License/Personal Identification Number or Social Security Number.
No he sido otorgado un licencia de conducir de Texas/Identidad personal de Texas o Número de Seguro Social.

| Y no tengo una licencia de conducir de Texas/Cédula de identidad personal de Texas o Número de Seguro Social |

### I am a resident of this county and a U.S. citizen; and
Soy residente de este condado y ciudadano de los Estados Unidos; y

### I have not been finally convicted of a felony, or if a felon, I have completed all of my punishment including any term of incarceration, parole, supervision, period of probation, or I have been pardoned; and
No he sido condenado por un delito grave, o en caso de ser delincuente, he completado mi castigo, incluyendo cualquier periodo de encarcelamiento, libertad condicional, supervisión, periodo de prueba, o se me otorgó una indemnización; y

### I have not been determined by a final judgment of a court exercising probate jurisdiction to be totally mentally incapacitated or partially mentally incapacitated without the right to vote.
No he sido declarado, total o parcialmente, como discapacitado mental sin derecho al voto, por el fallo final de un juzgado de sucesiones.

### Signature of Applicant or Agent and Relationship to Applicant or Printed Name of Applicant if Signed by Witness and Date.
Firma del solicitante o de su representante (apoderado) y relación de éste con el solicitante, o nombre en letra del molde del solicitante si la firma es la de un testigo, y fecha.
VOTING BY MAIL:

The residence address on your application for ballot by mail does not match the residence address at which you are registered to vote or the voter registrar has received information which indicates that you may have moved. You must complete the enclosed statement of residence and return it in the carrier envelope with your marked (voted) ballot.

If the statement of residence is not returned, your ballot will not be counted.

Your statement of residence will be reviewed to determine that your permanent residence address is still in the political jurisdiction before your ballot is counted. The residence address on the application for ballot by mail must be the same as the residence address on the statement of residence. The statement of residence will be forwarded to the voter registrar to change your voter registration records. You will be mailed a new voting certificate indicating your new precinct (if applicable) and residence address.

If it is determined that your residence address listed on this form is in a different county, this form will be forwarded to the voter registrar of the new county to get your voter registration transferred. You will receive a new voting certificate from the voter registrar in your new county.

You must sign the card. If you have any question you may call ________________.

SI VOTA POR CORREO:

Ya que su solicitud de una boleta electoral postal contiene un domicilio o dirección permanente distinto al domicilio bajo cual está inscrito para votar, o ya que la Oficina del Registro Electoral tiene información que indica que usted se ha mudado, será necesario que complete la Constancia de domicilio permanente aquí incluida, y que la devuelva con su boleta electoral completada (o sea, en la que ha marcado su voto) en el sobre proporcionado.

Si no nos envía la Constancia de domicilio permanente, su voto no se incluirá en el conteo final.

Antes de incluir sus votos en el conteo final, se verificará que su nuevo domicilio permanente aún queda dentro de la jurisdicción apropiada. El domicilio postal indicado en la solicitud de una boleta postal tiene que ser el mismo que aparece en la Constancia de domicilio permanente. Esta Constancia será enviada a las Oficinas del Registro Electoral para que las actas de inscripción electoral sean modificadas y Ud. recibirá una cédula electoral nueva que indicará el número de su nuevo recinto electoral, si esto fuera a cambiarse, y su nuevo domicilio permanente.

Si se determina que su residencia anotada en este formulario se ubica en otro condado, este formulario se enviara a la Oficina del Registro Electoral del nuevo condado para transferir su inscripción electoral. Usted recibirá una nueva cédula electoral de la Oficina del Registro Electoral de su nueva condado.

Es necesario que firme la tarjeta.
Para mayor información o para aclarar cualquier duda, por favor llame al ________________.

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ATTACHMENT D

Secretary of State

Pursuant to VTCA, Election Code Sec. 34.001

NAME

Is Designated as an Election Inspector

For All 2016 Elections

Carlos H. Cascos, Secretary of State
1. What is an Early Voting Ballot Board?
   The board is a group of individuals assigned the task of processing and, in some cases, counting early voting ballots. In some elections, the election judge and clerks serving a polling place may also serve as the early voting ballot board. The Early Voting Ballot Board will also be the authority on whether a provisional ballot is or is not counted when it reconvenes after election day to review provisional ballots.

2. Should signatures on the application for ballot by mail and the carrier envelope match?
   The board must determine if the signatures could have been written by the same person. If it appears that the signatures are not by the same person, then the board rejects the ballot, unless one of the documents was witnessed because the voter could not sign.

3. What if there are no signatures?
   The ballot should be rejected if the carrier envelope has no signature, unless signed by a witness indicating the voter could not sign the carrier envelope.

4. May EARLY VOTING BALLOTS be counted prior to 7 A.M. on election day when the polls open?
   Yes. The Election Code allows the early voting ballot board in counties with a population of 100,000 or more (and political subdivisions holding joint elections in such counties) to begin counting after the before of the early voting period. These populated counties do not have to wait until after 7:00 a.m. on election day to begin counting. However, no vote totals may be released before 7:00 p.m. on election day.
1. What happens if a mark on a voter’s ballot is unclear?
A team of ballot qualifiers (commonly referred to as the resolution board) will review the ballot. If they are able to determine the intent of the voter, the ballot should be duplicated, if necessary, so the ballot tabulating system will be able to accurately count the ballot.

2. If the voter’s intent is unclear on a particular office or measure, is the entire ballot void?
No, each office and/or measure is considered independent of each other; only the unclear office(s) or measure(s) would be voided (not counted). The remainder of the ballot should be counted.
INSPECTOR TIPS

BEFORE LEAVING FOR YOUR TRIP

Go through your packet and check for the locations of your polling places on the map enclosed or via one of the online maps. If you need to purchase a local map, you will be reimbursed, as long as the receipt and the map are submitted with your final travel memorandum. Read the handbooks enclosed.

ARRIVING AT THE POLLING PLACE

1. Make sure that you are wearing your badge. (Refer to Attachment D).
2. Introduce yourself to the election judge.
3. Tell him/her you are there to “observe and monitor the election on behalf of the Office of the Secretary of State.”
4. Observe the activities at the table where voters are being qualified to vote or in the area where the votes are being cast and counted.
5. Review the checklist that was given to you. Upon completing the checklist, if the polling place appears calm, spend a few more minutes and then continue to the next polling place.
6. Inform the election judge that you are leaving to go to another polling place and that you may come back later.
7. CENTRAL COUNTING STATION. If you are asked to go to the central counting station, it is very important that you remain there until all votes have been tabulated. Please remind the election judge to call in final results as soon as possible to our office (if applicable - only for certain elections).
8. Point out any irregularities. If there is something illegal taking place, notify the election judge. If the judge does not do anything about it, call this office. Remember, everything should be noted on your report.
9. Always call in if you have any questions or if you are not sure about something. There are always plenty of staff on-line ready to assist you.
10. CHECK-OFF LIST. Your report should be filed with the Secretary of State within 5 working days after you return to the office OR as otherwise instructed.
11. If you have any questions, please contact this office toll-free at 1-800-252-2216 and press 5 for a staff member.
12. Be pleasant at all times.
13. Maintain a professional distance from the election workers.
14. If a poll watcher asks you a question, tell him/her to go to the election judge for an answer.
15. If a poll watcher points out an irregularity, tell him/her to go tell the election judge.
16. REMEMBER that you are just an observer and are not in charge of running the election. You must not get involved in any part of the election process except to point out an irregularity to the election judge.
17. You must be wearing your inspector badge ID at all times.
T H I N G S  N O T  T O  D O

1. Take sides.
2. Become too familiar with anyone in the polling place.
3. Talk to anyone in the polling place, except the election officials.
4. Contact anyone connected with the petitioners.
5. Allow anyone connected with the election to pay for your meal or hotel.
6. Argue with the election judge.
7. Cause the election judge any embarrassment.
YOUR RIGHTS AND DUTIES

- A state inspector is entitled to be present at and observe any function or activity at a polling place, central counting station, ballot board meeting, place of canvass, or other place at which official election or voter registration functions or activities take place. An inspector may take reasonable steps to obtain information regarding a function or activity being performed at a polling place.
- A state inspector may not observe the preparation of a voter’s ballot, unless the voter is being assisted by an election officer.
- A state inspector shall report to the Secretary of State any violation of law that the inspector observes.

CHECKLIST

First, the checklist is not public information until it has been reviewed by our office after the election. Do not show anyone the checklist. If someone would like a copy of the findings or observations, they may request this information in writing from our office. All election inspectors are required to complete a checklist, with notes at the end of the checklist to explain anything that may need further explanation. The checklist will be in your packet. Please complete the checklist at the polling location and add any notes as soon as possible after you leave the location so that it is fresh in your mind. You must complete every check box whether it be Yes (Y), No (N), Not Applicable (N/A), or Not Observed (N/O). The checklist will be sent to you electronically after you return from your assignment and will be filed electronically with our office no later than five (5) days after your return to office.

As you prepare your checklist, remember that these are open records, which may be released to the media. Also, our office has a procedure in which we automatically send a copy of the report to the political subdivision conducting the election. Try to note only the facts you observed and avoid stating your opinion or reporting something you were told, but did not witness. For example, instead of writing the “County Clerk was rude,” a better option is to write “the County Clerk failed to properly explain voting procedures.”

If you are required to observe the central counting station, include your observations in the note area on the back of the checklist. If you are required to be at the early voting ballot board meeting, you will be provided an additional checklist regarding ballot board procedures.

THANK YOU FOR YOUR SERVICE.
EXHIBIT

C
POLL WATCHER’S GUIDE

Issued by the

SECRETARY OF STATE
ELECTIONS DIVISION

P.O. Box 12060
Austin, Texas 78711-2060
www.sos.state.tx.us
(512) 463-5650
1-800-252-VOTE (8683)
Dial 7-1-1 for Relay Services

Updated: September 2016
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INTRODUCTION
This “Poll Watcher’s Guide” has been designed to familiarize poll watchers with their basic rights and responsibilities. The integrity of elections is a concern of all citizens, and although poll watchers may represent particular candidates, political parties or specific-purpose political action committees, their main interest is in the conduct of a fair and honest election.

A poll watcher’s role in an election is established by Chapter 33 of the Texas Election Code and is defined as follows:

Poll Watcher – a person appointed to observe the conduct of an election on behalf of:
• a candidate,
• a political party, or
• the proponents or opponents of a measure (specific-purpose political action committees).

Throughout this guide, all references are made to appropriate sections in the Texas Election Code, unless otherwise noted.

QUICK POINTS TO REMEMBER
• In order to serve as a poll watcher, you must show up with a certificate of appointment that includes:
  o Name, residence address, and voter registration number of the poll watcher;
  o The signature of the person(s) making the appointment;
  o The election and the number of the precinct where the poll watcher is to serve;
  o An indication of the capacity in which the appointing authority is acting;
  o In an election on a measure, an identification of the measure (if more than one is to be voted on) and a statement of which side the appointee represents;
  o An affidavit to be executed by the poll watcher that the poll watcher will not have possession of any mechanical or electronic means of recording images or sound while serving as a watcher unless the poll watcher disables or deactivates the device; and
  o The signature of the poll watcher.

• Be ready to counter-sign the certificate of appointment in front of the election judge. This serves not only to certify that the person presenting themselves as a poll watcher is the person named on the appointment, but also as the execution of the affidavit that the watcher does not have possession of any prohibited recording devices.

• If you are serving on election day and want to vote in a different precinct (from the location of service), we recommend voting during the early voting period, before your service as a poll watcher.
VOTER ID UPDATE – NEW PROCEDURES

Pursuant to a court order issued on August 10, 2016, a voter who has obtained an acceptable form of photo ID listed below must present such acceptable form of photo ID. Voters who have not been able to obtain one of the forms of acceptable photo identification listed below, and have a reasonable impediment or difficulty to obtaining acceptable photo identification may present a supporting form of identification of the voter and execute a Reasonable Impediment Declaration, noting the voter’s reasonable impediment or difficulty to obtaining an acceptable form of photo identification, stating that the voter is the same person who personally appeared at the polling place, and stating that the voter is casting a ballot while voting in-person.

Here is a list of the acceptable forms of photo ID:

- Texas driver license issued by the Texas Department of Public Safety (DPS)
- Texas Election Identification Certificate issued by DPS
- Texas personal identification card issued by DPS
- Texas license to carry a handgun issued by DPS
- United States military identification card containing the person’s photograph
- United States citizenship certificate containing the person’s photograph
- United States passport

With the exception of the U.S. citizenship certificate, the identification must be current or have expired no more than 4 years before being presented for voter qualification at the polling place.

NOTE: This is a change from previous procedure. Prior law required that the photo ID not be expired for more than 60 days.

Here is a list of the supporting forms of ID that can be presented if the voter cannot obtain, and has a reasonable impediment or difficulty to obtaining one of the forms of acceptable photo ID:

- Valid voter registration certificate
- Certified birth certificate (must be an original)
- Copy of or original current utility bill
- Copy of or original bank statement
- Copy of or original government check
- Copy of or original paycheck
- Copy of or original government document with the voter’s name and an address (original required if it contains a photograph)

After presenting a supporting form of ID, the voter must execute a Reasonable Impediment Declaration. The election judge, election clerk, or poll watcher cannot question the reasonableness or truthfulness of the impediment claimed by the voter. The poll watcher is not permitted to communicate in any manner with any voter concerning the Reasonable Impediment Declaration procedures or presentation of identification.

On the Reasonable Impediment Declaration, the voter must print their name, indicate the reason the voter is not able to obtain one of the seven forms of acceptable photo ID, and then sign and
date the form in the presence of the election judge. The election judge must then indicate that the form was signed and sworn before the judge by also signing and dating the form. Either the poll worker or the election judge should also check the box listing the form of supporting ID the voter presented, and fill in the Date of Election and Location fields.

NOTE: The address on either a supporting form of ID or an acceptable photo identification does not need to match the address on the list of registered voters.

**Substantially Similar Name Affidavit**

Finally, note that, as was the case in prior law, if the voter’s name on the list of registered voters does not match exactly to the ID presented (either an acceptable form of photo ID or a supporting form of ID), the voter must complete the “Substantially Similar Name Affidavit” on the Combination Form.

**QUALIFICATIONS OF WATCHER**

Q. **What are the qualifications of a watcher?**
A. A watcher must:
   1. be a registered voter of the territory (e.g., city, school district) covered by the election and of the county for November general elections for state and county officers (held on even-years), primary elections, or other countywide elections; [Sec. 33.031]
   2. NOT be a candidate for public office in an election held on the day the watcher seeks to serve; [Sec. 33.032]
   3. NOT hold an elective public office; [Sec. 33.034]
   4. NOT be an employee of an election judge or clerk serving at the same polling place; [Sec. 33.033]
   5. NOT been finally convicted of an offense in connection with conduct directly attributable to an election; [Sec. 33.035] and
   6. NOT be related within the second degree of consanguinity or affinity (as determined by Tex. Govt. Code, Chapter 573, Subchapter B, Secs. 573.022 - 573.025) to an election judge or clerk serving at that polling place. A watcher may be related to the candidate the watcher is representing. [Sec. 33.033]

Q: **Can a person who has been finally convicted of an election offense serve as a watcher?**
A: No. A person convicted of any election offense cannot serve as a watcher. [Sec. 33.035]

Q. **Does a poll watcher need to live within the election precinct in which the watcher is serving?**
A. No.

Q. **Can a person serve as a watcher in an election if they are a candidate running for a public office?**

---

1 These include spouses, siblings, grandparents, and grandchildren.
A. No. A person is ineligible to serve as a watcher in an election if the person is a candidate for public office in an election to be held on the same day. [Sec. 33.032].

Q. Are elected public officials allowed to serve as watchers in any election?
A. No. A person who holds elected public office is ineligible to serve as a watcher. [Sec. 33.034].

Q. Can officers of a political party serve as watchers?
A. Yes. They may serve because they are not public officers as political parties are not public entities. [Sec. 33.034].

Q. Can a watcher work for or be related to any of the election officials?
A. No. The watcher cannot be an employer of or employee of or related within the second degree to an election judge, election clerk, early voting clerk or deputy clerk. [Sec. 33.033].

Q. Can a candidate’s spouse or child serve as a watcher?
A. Yes.

**APPOINTMENT OF WATCHER**

**APPOINTMENT OF WATCHER BY POLITICAL PARTIES:**

Q. Who appoints a watcher on behalf of political parties?
A. 1. The county chair of each political party that has a nominee(s) on the official ballot may appoint watchers. [Sec. 33.003(a)].

2. Any three members of the county executive committee may appoint watchers, if the county chair fails to act. [Sec. 33.003(b)].

**APPOINTMENT OF WATCHER BY A CANDIDATE:**

Q. Who appoints a watcher on behalf of candidates?
A. 1. A candidate whose name appears on the official ballot or on the list of declared write-in candidates in an election for any office (other than the office of Vice-President of the United States) may appoint a watcher. In other words, Watchers may be appointed by any candidate whose name appears on the ballot other than the candidate for Vice President. For a state office that is filled by voters of more than one county, the candidate’s campaign treasurer also may appoint a watcher. [Sec. 33.002(a) & (b)].

2. For a federal office that is filled by voters of more than one county, the chair or treasurer of the candidate’s principal campaign committee or a designated agent of the campaign chair or treasurer may appoint a watcher. [Sec. 33.002(c)].

3. A group of registered voters may appoint watchers on behalf of a write-in candidate in an election in which declarations of write-in candidacy are not required to be filed. The minimum number of voters required to make an appointment under this section is the
lesser of 15 or five percent of the registered voters of the appropriate territory as determined from the list of registered voters to be used for the election.

- To be eligible to sign an appointment of a watcher to a precinct polling place, a person must be a registered voter of the precinct.
- To be eligible to appoint a watcher to an early voting polling place, early ballot board meeting, or a central counting station, a person must be a registered voter of the county, city, school district or other political subdivision conducting the election. [Sec. 33.004].

**APPOINTMENT OF WATCHER FOR ELECTIONS ON MEASURES:**

**Q. Who appoints a watcher for elections on measures?**

A. The campaign treasurer or an assistant campaign treasurer of a specific purpose political action committee that supports or opposes a measure may appoint watchers. [Sec. 33.005(a)]. For information on establishing a specific purpose political action committee, please contact the Texas Ethics Commission at 1-512-463-5800 or www.ethics.state.tx.us.

**MAXIMUM NUMBER OF WATCHERS:**

**Q. What is the maximum number of watchers that can be appointed by each appointing authority?**

A. 1. A maximum of seven (7) watchers may be appointed for each early voting polling place (No more than two may be on duty at the same location and at the same time); and

2. A maximum of two (2) watchers may be appointed for each precinct polling place, meeting place for an early voting ballot board, or central counting station involved in the election. [Sec. 33.007].

**ACTIVITIES A POLL WATCHER MAY OBSERVE:**

A poll watcher is entitled to observe the following activities at early voting by personal appearance locations and election day locations:

1. Early voting by personal appearance polling place activities, including time before and after the polls close.

NOTE: If present, a poll watcher should sign ballot box seals placed on early voting ballot boxes.

2. Election day polling place activities, including time before and after the polls close.

3. Early voting ballot board meeting activities.

4. Central counting station activities.

5. Central accumulation station activities.

6. Signature verification committee activities.

7. Voter being assisted by an election official.

NOTE: A watcher may not be present at the voting station when a voter is preparing the voter's ballot or is being assisted by a person of the voter's choice, including by a person also serving as an interpreter at the voting station.
8. Inspecting and securing the voting equipment. [Sec. 33.059]. (Must present certificate of appointment; certificate must be returned to the watcher.)

9. Delivery of election results from polling place. [Sec. 33.060]

**ACCEPTANCE OF WATCHER**

**TIME FOR REPORTING TO THE POLLING PLACE:**

**Q. What time do watchers need to report to the polling place, and how long do they need to stay at that polling place?**

**A.**

1. At the polling place on election day, a poll watcher:
   - may begin service at any time after the presiding judge arrives and may stay at the polling place until election officials complete their duties.
   - may come and go after watcher has served 5 consecutive hours. [Sec. 33.052].

   **NOTE:** If watcher leaves polling area temporarily to use cell phone or other wireless device, this temporary absence does not affect his 5 hours of consecutive service.

2. At an early voting polling place, a poll watcher:
   - may be present at the polling place at any time it is open and until voting equipment is secured on the close of voting each day.
   - may serve during the hours the watcher chooses. [Sec. 33.053].

   **NOTE:** A poll watcher may be appointed to observe early voting by personal appearance only; a poll watcher is not entitled to observe the procedures related to early voting by mail. A poll watcher cannot obtain a copy of an application for a ballot to be voted by mail from the early voting clerk until after the last election for which the application is valid. Therefore, an Annual ABBM will not be available for public inspection or copying until the last election held each calendar year for which the application is valid. [Sec. 86.014]. The information placed on the early voting roster of people who voted by mail is not available for public inspection by anyone until the first business day after election day or the day following the day the voter’s ballot is received by the early voting clerk, except to the voter seeking to verify that the information is accurate. [Sec. 87.121].

3. At an early voting ballot board meeting (including the signature verification committee), a poll watcher:
   - may be present at any time the board is processing or counting ballots and until the board completes its duties.
   - may not leave during voting hours on election day without the early voting ballot board judge’s permission once the board has begun counting the ballots. [Sec. 33.054].

4. At the central counting station, a poll watcher:
   - may be present at any time the central counting station is open for the purpose of processing or preparing to process election results and until the election officers complete their duties at the station.
• may not leave during voting hours without the presiding judge’s permission, if the counting of ballots at the central counting station has begun. [Sec. 33.055].

NOTE: The presiding judge of the central counting station, in cooperation with the county clerk/elections administrator, may to choose to withhold the release of vote totals until the last voter has voted.

CERTIFICATE OF APPOINTMENT

ISSUANCE OF CERTIFICATE:
The appointing authority must issue a certificate of appointment to the watcher. [Sec. 33.006(a)].

Q. What information needs to be on the certificate?

A. The certificate of appointment must be in writing and must include the following:

1. Name, residence address, voter registration number, and signature of the watcher;
2. The election and the number of the precinct (or other location, for example, early voting ballot board meeting) at which the watcher is appointed to serve;
3. The signature of the person(s) making the appointment;
4. An indication of the capacity in which the appointing authority is acting, (example: as a candidate, a campaign treasurer or assistant campaign treasurer of a specific-purpose political action committee);
5. In an election on a measure, an identification of the measure (if more than one is to be voted on) and a statement identifying which side the appointee represents; and [Sec. 33.006(b)].
6. An affidavit executed by the poll watcher that the poll watcher will not have possession of any mechanical or electronic means of recording images or sound while serving as a watcher unless the poll watcher disables or deactivates the device. (This affidavit is signed in the presence of the presiding judge; that signature also serves as the countersignature, which is discussed below.)

NOTE: Officially-prescribed poll watcher appointment forms may be found at this link:

Q. What are the requirements for a certificate of a watcher appointed on behalf of a non-declared write-in candidate?

A. Additional requirements necessary for a certificate of appointment of a watcher for a non-declared write-in candidate include:

1. the residence address and voter registration number of the lesser of 15 voters or 5 percent of the registered voters in the precinct or political subdivision, as applicable;
2. the signed statement of the candidate, or a person who would be authorized to make appointments on the candidate’s behalf if the candidate’s name appeared on the ballot, that the appointment is made with the signer’s consent [Sec. 33.004(b)]; and
3. the residence or office address of the write-in candidate or the person who would be authorized to make appointments on the candidate’s behalf if the candidate’s name
appeared on the ballot. If the candidate does not sign, the signer must indicate his or her relationship to the candidate. [Sec. 33.006(c)].

Q. **How does one present a certificate of appointment?**

A. 1. A watcher must deliver a certificate of appointment to the presiding judge at the time the watcher reports for service. [Sec. 33.051(a)].

2. The officer presented with a watcher’s certificate of appointment must require the watcher to countersign the certificate in the officer’s presence to verify that the watcher is the same person who originally signed the certificate. The watcher’s signature is in the portion of the certificate containing the affidavit that the watcher does not have possession of any prohibited recording devices; this serves both as the acknowledgement of the affidavit and as the countersignature. [Sec. 33.051(b)].

3. A watcher may not be accepted for service unless an affidavit executed by the poll watcher that the poll watcher will not have possession of any mechanical or electronic means of recording images or sound while serving as a watcher unless the poll watcher disables or deactivates the device.

4. The judge must keep the certificate in envelope no. 2 (or other designated container) which is returned to the custodian of election records after the election. [Sec. 66.023(7)].

5. The certificate of a watcher serving at an early voting polling place must be retained at the polling place until voting is concluded at the polling place. At each subsequent time that the watcher reports for service at that location, the watcher shall inform the clerk or deputy in charge. The officer may require the watcher to sign the watcher's name in the officer's presence, for comparison with the signature on the certificate, if the officer is uncertain of the watcher's identity. [Sec. 33.051(d)].

6. If the watcher is rejected, the certificate should be returned to the watcher with a signed statement of the reason for the rejection. [Sec. 33.051(e)].

**DUTIES AND PRIVILEGES OF WATCHER**

Q. **What are a watcher’s duties?**

A. The primary duty of a watcher is to observe the conduct of the election at the location where the watcher has been appointed. A watcher may point out to an election judge or clerk any observed irregularity or violation of the Texas Election Code. However, if the clerk refers the watcher to the judge, the watcher may not discuss the matter further with the clerk unless the presiding judge invites the discussion. [Sec. 33.058(b)].

Q: **May watchers wear name tags?**

A: In fact, they must. A poll watcher **MUST** wear a form of identification prescribed by the Secretary of State and provided by the presiding judge or other election officer. [Sec. 33.051(f)].

Q. **What are watchers **NOT** allowed to do while on duty?**

A. 1. Talk with an election officer regarding the election except to call attention to an irregularity or violation. [Sec. 33.058(a)(1)].

2. Converse with a voter. [Sec. 33.058(a)(2)].
3. Converse with other watchers. [Sec. 33.058].

4. Communicate in any manner with a voter regarding the election. [Sec. 33.058(a)(3)].

5. Leave during voting hours on election day without the presiding judge’s permission unless the watcher has completed 5 consecutive hours of service at the polling place. If the watcher leaves without permission and prior to completing the 5 hours of service, the presiding judge may refuse to readmit the watcher.

**NOTE:** The watcher must be allowed to leave to use a wireless communication device and be readmitted to the polling place, if the watcher returns promptly. This does not constitute an interruption in the watcher’s 5 hours of consecutive service. [Sec. 33.052(b)].

6. Reveal the following information before the polls close:
   - How a voter has voted; this offense is a third degree felony. [Sec. 61.006(b)].
   - The number of votes that have been received for a candidate or for or against a measure; this offense is a Class C misdemeanor. [Sec. 61.007(a)(1)].
   - A candidate’s position relative to other candidates in the tabulation of the votes; this offense is a Class C misdemeanor. [Sec. 61.007(a)(2)].
   - Whether a measure is passing or failing; this offense is a Class C misdemeanor. [Sec. 61.007(a)(3)].
   - The names of persons who have or have not voted in the election; this offense is a Class C misdemeanor. [Sec. 61.007(a)(4)].

**Q. What is a watcher permitted to do while on duty?**

**A.** A watcher must be permitted, but is not required to:

1. Witness the installation of voting system equipment at the polling place. [Sec.33.059].
2. Observe the securing of voting system equipment before the election. [Sec. 33.059].
3. A poll watcher may leave the polling place temporarily in order to use a cell phone or other wireless communication device. If the poll watcher promptly returns, he or she is considered to have served continuously as that term is used for calculating his or her continuous 5 hours, which allows the watcher to come and go. [Sec. 62.011].
4. Sit or stand conveniently near the election officials to observe the activities of the election. [Sec. 33.056(a)].
5. Make written notes while on duty. However, if the watcher is permitted to leave the polling place while the polls are open, the watcher may be required to leave his or her written notes with another person selected by the watcher who is on duty at the polling place. [Sec. 33.056(d)].
6. Observe assistance given to voters by election officials and inspect the ballot before it is deposited in the ballot box to determine if it was prepared in accordance with the voter’s wishes. [Sec. 33.057(a)].

**NOTE:** A watcher may not be present at the voting station when a voter is preparing the voter's ballot or is being assisted by a person of the voter's choice, including by a person also serving as an interpreter at the voting
7. Inspect the returns and other records prepared by the election officers. [Sec. 33.056(c)].
8. A watcher may not participate but may observe the tallying and counting of the votes to verify that the votes are tallied and read correctly. [Sec. 33.056(b)].
9. Accompany authorized election officials in delivering election records from a precinct polling place, an early voting polling place, a meeting place for an early voting ballot board, or a central counting station. [Sec. 33.060(a)].

NOTE: Poll watcher and election officials do not need to ride in the same vehicle. [Sec. 33.060(b)].
10. Witness securing of the voting system equipment at the time the polls close. [Sec. 125.063].
11. Receive an English translation of any language spoken other than English between an election official and a voter. [Sec. 61.036].

Q. Can a watcher leave the election day polling place temporarily during the time the polls are open?
A. Yes. Once a watcher has served more than 5 consecutive hours at the polling place, the watcher gains the privilege to leave the polling place and return at the hours he or she chooses, except that if the watcher is present when ballots are being counted, the watcher may not leave until the counting is complete. Additionally, the watcher may briefly leave the polling place to use his or her cell phone or other wireless device, and this does not interrupt the watcher’s 5 hours of continuous service, if the watcher returns promptly. [Sec. 33.052(a)].

Q. Can a watcher leave in order to vote at another polling place?
A. The watcher may leave to vote and return if the watcher has served more than 5 consecutive hours at the polling place. If the watcher has not yet served 5 consecutive hours, whether he or she will be allowed back into the polling place is at the judge’s discretion. [Sec. 33.052(a)]. We recommend voting during the early voting period, before your service as a poll watcher.

Q. Can a watcher leave the polling place after the time for closing the polls without obtaining permission from the presiding judge?
A. The watcher may leave without permission from the judge; however, if the watcher wishes to return to the polling place, the watcher must have served at least 5 consecutive hours at the polling place. If not, once the watcher leaves, he or she may return only at the discretion of the judge. Additionally, if the watcher is present at the polling place when ballots are being counted, the watcher may not leave until the counting is complete. [Sec. 33.052(a)]

MISCELLANEOUS

POSSIBLE ILLEGAL ACTIVITIES:

Q. What illegal activities should a watcher look for?
A. The election judge may be notified of any activity that appears to be prohibited by law. If any of the following activities occur, bring it to the election judge’s attention and note the individual(s) involved, including time and place of occurrence:

1. Election workers allowing voters to vote a regular ballot who do not (1) present an acceptable form of photo identification; or (2) present a supporting form of ID and execute a Reasonable Impediment Declaration; or (3) present a Voter Registration Certificate with an “E” notation on it [Sec. 63.001(a); August 10, 2016 Court Order]

Pursuant to a court order issued on August 10, 2016, a voter who has obtained an acceptable form of photo ID, from the list referenced below, must present it in order to vote in person. Voters who have not been able to obtain one of the forms of acceptable photo identification listed below, and have a reasonable impediment or difficulty to obtaining acceptable photo identification, may present a supporting form of identification of the voter and execute a Reasonable Impediment Declaration, noting the voter’s reasonable impediment or difficulty to obtaining an acceptable form of photo identification, stating that the voter is the same person who personally appeared at the polling place, and stating that the voter is casting a ballot while voting in-person.

Please see Page 3 for a list of acceptable forms of photo ID and a list of supporting forms of ID.

Please see Page 3 for a list of acceptable forms of photo ID and a list of supporting forms of ID.

2. Electioneering and loitering within 100 feet of the entrance of the building in which a polling place is located. [Sec. 61.003]. Examples of electioneering include, but are not limited to the following:

   a. wearing or exhibiting a badge, insignia, emblem, or other similar communicative device item relating to a candidate, measure or political party. [Sec. 61.010].

   **NOTE:** An election judge, an election clerk, a state or federal election inspector, a certified peace officer, or a special peace officer appointed for the polling place by the presiding judge shall wear while on duty in the area is required to wear a tag or official badge that indicates their name and title or position. [Sec. 61.010] A poll watcher must also wear a badge indicating the person is a poll watcher. The badge will be issued to the poll watcher by the election judge.

   b. unauthorized posting of signs, posters or other similar items. [Sec. 62.013]

   **NOTE:** A candidate in an election commits a Class C misdemeanor if he or she is in the polling place for a purpose other than (1) voting or (2) official business in the building in which the polling place is located; however, a candidate may assist a voter without violating this section. [Sec. 61.001(b)]

   **EXCEPTION:** It is a defense to prosecution under Section 61.001(b) if the candidate is (1) not in plain view of persons in the voting area or
the area where voters are being qualified and (2) not engaged in campaign activity. [Sec. 61.001(c)].

c. Unlawful operation of a sound amplification device or soundtruck used for campaigning purposes within 1,000 feet of a building in which a polling place is located. [Sec. 61.004];

d. Bribing voters [Sec. 36.02, Penal Code];

e. Tampering with a direct recording electronic voting machine [Sec. 33.05, Penal Code];

f. Unlawfully influencing voters [Sec. 61.008];

g. Coercing voters [Sec. 36.03, Penal Code];

h. Unlawfully telling another person information that was obtained at the polling place about how a voter has voted [Sec. 61.006];

i. Unlawfully giving information about the status of the vote count or the names of people who have voted before the polls close [Sec. 61.007];

j. Tampering with voting equipment [Sec. 127.127];

k. Voting illegally [Sec. 64.012];

l. Unlawfully removing ballots from ballot box [Sec. 276.003];

m. Harassing the election officials [Sec. 32.075];

n. Unlawfully assisting voters [Sec. 64.036];

o. Unlawfully accepting or refusing to accept voters [Sec. 63.012];

p. Using a wireless communication device within 100 feet of polling place [Secs. 33.052(b) and 61.014];

q. Interfering with the voting process; and/or

r. Violating any other Texas election laws.

PERSONS ALLOWED IN THE POLLING PLACE:

Q. Who is allowed inside the polling place?

A. 1. Election judge and clerks. [Secs. 32.071 & 32.072].

2. Poll watchers and Secretary of State inspectors. [Secs. 33.052 & 34.002].

3. Persons admitted to vote. [Sec. 63.001].

4. Children under 18 years old who are accompanying a parent who is admitted to vote. [Sec. 64.002(b)].

5. Persons providing assistance to or interpreting for a voter who is entitled to assistance or to an interpreter. [Secs. 61.032 & 64.032; 42 U.S.C. § 1973aa-6; 42 U.S.C.A. § 1973aa-6; Docket Nos. 60, 66].

6. Federal inspectors appointed by the U.S. Department of Justice.

7. Persons summoned or appointed by the presiding election judge to act as special peace officers to preserve order. [Sec. 32.075].
8. Voting system technician on the request of the authority holding the election. [Sec. 125.010].

9. During the primary or primary runoff elections only, the County Chair is allowed in the polling place to perform “administrative functions related to the conduct of the election.” [Sec. 172.1113]

PROVISIONAL VOTING:

Provisional voting is available in multiple scenarios. Provisional ballots must be offered to voters when required by the situations described below. Provisional ballots are important because they help the voter.

If a voter (a) has not obtained one of the acceptable forms of photo identification listed above, which is not expired for more than four years, and a voter does not have a reasonable impediment or difficulty to obtaining one of these forms of identification or (b) has obtained, but did not bring to the polling place, one of the seven forms of acceptable photo identification listed above, which is not expired for more than four years, the voter may cast a provisional ballot at the polls. However, in order to have the provisional ballot counted, the voter will be required to visit the voter registrar’s office within six calendar days of the date of the election to either present one of the above forms of photo ID OR, if applicable, submit one of the temporary affidavits addressed below (e.g., religious objection or natural disaster) in the presence of the county voter registrar while attesting to the fact that he or she does not have any of the required photo IDs.

Affidavits are available for voters who have a consistent religious objection to being photographed and for voters who do not present a form of acceptable photo identification as a result of certain natural disasters as declared by the President of the United States or the Texas Governor within 45 days of the day the ballot was cast.

See Photo ID Update at the beginning of this publication for more information on IDs at the polling place.

NOTE: If a voter has an acceptable form of photo ID but does have it with them at the polling place and there is enough time left when polls are open, the voter may choose to return at a later time with an acceptable form of photo ID, or the voter may vote provisionally. A voter who would otherwise have a reasonable impediment or difficulty to obtaining an acceptable form of photo ID but just did not bring a form of supporting ID to the polling place may also opt to leave the polling place, and return at a later time with their acceptable form of supporting ID and vote a regular ballot after executing a Reasonable Impediment Declaration.

Provisional ballots are not counted until the voter registrar and early voting ballot board verify the voter's eligibility. The affidavit that provisional voters must sign also acts as a voter registration application, ensuring that those individuals who are not actual registered voters will be registered for future elections for which they are eligible.

Q. Who is eligible to cast a provisional ballot?
A. The following individuals are eligible to cast a provisional ballot:

- A voter who does not present an acceptable form of photo ID, and does not have a reasonable impediment or difficulty to obtaining an acceptable form of photo ID which would allow them to present a supporting form of ID and execute a Reasonable Impediment Declaration. NOTE: A voter who would otherwise have a reasonable impediment or difficulty to obtaining an acceptable form of photo ID but just did not bring a form of supporting ID to the polling place may opt to leave the polling place, and return at a later time with their acceptable form of supporting ID and vote a regular ballot after executing a Reasonable Impediment Declaration.

- A voter who states that they possess an acceptable form of photo ID, but does not have it with them to present at the polling place. NOTE: This voter may opt to leave the polling place, and return at a later time with their acceptable form of ID and vote a regular ballot.

- A voter who does not have an acceptable form of photo ID due to a religious objection to being photographed or does not present their acceptable form of photo ID due to a natural disaster declared by the United States President or Texas Governor.

- A voter whose name on the identification is determined by the polling place official to not exactly match or be substantially similar to the name as it appears on the official list of registered voters.

**NOTE:** A voter’s name as listed on the identification the voter presents (either an acceptable form of photo ID or a supporting form of ID) for voting is considered **substantially similar** to the form of the name as listed on the list of registered voters if one or more of the following circumstances applies: 1) The name on the ID is slightly different from one or more of the name fields on the official list of registered voters; 2) The name on the voter’s ID or on list of registered voters is a customary variation of the voter’s formal name (for example, Bill for William, or Beto for Alberto); 3) the voter’s name contains an initial, middle name, or former name that is either not on the official list of registered voters or on the voter’s ID; 4) a first name, middle name, former name or initial of the voter’s name occupies a different filed on the presented ID document than it does on the list of registered votes. In considering whether a name is substantially similar, election officials will also look at whether information on the presented ID matches elements of the voter’s information on the official list of registered voters such as the voter’s residence address or date of birth.

- A voter whose identity cannot be verified by the acceptable form of photo ID presented by the voter, as determined by the polling place official per Section 63.001(d) of the Code.
• A voter who has received a disability exemption, but does not have their valid voter registration certificate to present at the polling place.

• A voter who claims to be properly registered and eligible to vote at the election precinct where the voter presents himself or herself to vote, but the voter’s name does not appear on the precinct list of registered voters and the voter does not present a voter registration certificate indicating that the voter is currently registered as described in Section 63.006 of the Code.

**NOTE: NEW PROCEDURE** - If the provisional voter indicates he or she is registered, the election officer must ask the person if they registered at DPS. If the person states they did register at DPS, the election officer must ask the person if he or she knows the approximate date that the person went to DPS. The election officer must then note that the voter went to DPS and, if the person knows, the approximate date the person went to DPS, on the Provisional Ballot Affidavit Envelope in the “Other” line.

• A voter who has applied for a ballot by mail, but has not yet properly cancelled the mail ballot application.

• A voter who votes during the polling hours that are extended by a state or federal court as described in Section 63.011(e) of the Code.

• A voter who is registered to vote but is offering in a precinct other than the one in which the voter is registered.

• A voter who is on the election precinct list of registered voters, but whose registered residence address is outside the political subdivision in which the voter is presenting himself or herself to vote.

**Q. Who makes the determination if an individual is qualified to vote provisionally?**

**A.** The election judge at the precinct makes that determination. If a voter is eligible to cast a provisional ballot, then the election judge immediately informs the voter of that right.

In order to vote provisionally, the voter must complete and sign an "Affidavit of Provisional Voter," a form which will also serve as a voter registration application in the event the voter is not registered or as an update to the voter's registration record in the event the information is different.

**Q. Are there cases when a provisional ballot will not be counted? When is a voter notified?**

**A.** While a provisional voter may be allowed to vote at the polling place, there are certain circumstances in which they will immediately be informed that their ballot will not be
counted. For example, the election judge will notify the voter that their ballot will not be counted if:

- The voter does not present an acceptable form of List A identification to the county voter registrar within 6 calendar days from election day, or

- the ballot is cast at a precinct in which the voter is not registered (regardless of whether the voter is registered in another precinct in same political subdivision).

Q. If a voter applied for a ballot by mail, may the voter vote provisionally at the election day precinct polling place without returning the mail ballot to the election judge?

A. Yes. A voter who appears on the list of registered voters as having applied for and/or received a ballot by mail may go to the polling place and vote. If the voter does not have the ballot to return to the judge, he will have to vote a provisional ballot. If the mail ballot does not arrive at the ballot board before the provisional ballot, the provisional ballot will be counted. If the mail ballot does arrive at the ballot board before the provisional ballot, the mail ballot will be counted. [Sec. 63.011].

Q. How are provisional ballots reviewed and handled?

A. At the polling place, the election judge provides the provisional voter written notice informing the voter that they will be notified within 10 days after the local canvass as to whether or not their ballot was counted and, if not, why it was not counted. The notice also includes instructions and additional details regarding the provisional voting process.

Q. How is the secrecy of the ballot preserved?

A. The voter places the voted provisional ballot in a plain white ballot secrecy envelope which in turn is placed inside the Provisional Affidavit Ballot Envelope. Provisional ballots are placed either in a designated, secure container until the voter registrar and early voting ballot board complete their review. The transfer and tabulation of these ballots are handled with the same care, secrecy and security as other ballots and voting system equipment. Note: If the voter is casting an electronic provisional ballot, the voter completes the affidavit on the provisional envelope but does not include a ballot.

Q. What is the deadline for reviewing provisional affidavits?

A. The early voting ballot board must complete the processing and counting, where applicable, of the provisional ballots by the seventh day after the election (13th day after election day in the general election for state and county officers). Notice must be delivered to provisional voters regarding whether their ballot was counted, noting a reason, if their ballot was not counted. This notice must be delivered no later than the 10th day after the local canvass. [Sec. 65.051, T.A.C. §§ 81.172-81.174, 81.176]
**USING ENGLISH AND INTERPRETERS:**

All election officials, while performing their duties at the polling place, must use English, except when helping a voter who does not understand English. [Sec. 61.031(a)].

**Q. What is an interpreter and when is one used?**

A. 1. If a voter cannot communicate in English, an election official may communicate with the voter in a language both the election official and the voter (or voter’s interpreter) understands. [Sec. 61.031(b)].

2. The voter may also select an interpreter to communicate with the election officer(s) attending to the voter in a language that is not English, regardless of whether the election officer who attempts to communicate with the voter understands or does not understand the language used by the voter, as long as the interpreter meets the qualifications in paragraphs 3 and 4 below. [Sec. 61.032; Docket Nos. 60, 66]

3. Upon taking the oath of interpreter, any person selected by the voter other than the voter’s employer, an agent of the voter’s employer, or an officer or agent of the voter’s labor union, may act as an interpreter for one or more voters. [Sec. 61.035; Docket Nos. 60, 66]

**NOTE:** This is a change in prior law, due to a Court Orders issued on August 12 and 30, 2016.

4. The interpreter may be a person provided by the authority conducting the election. However, even if an interpreter is provided, a voter may use his own interpreter. [Sec. 61.032].

5. The interpreter may also accompany the voter to the voting station for the purpose of translating the ballot to the voter. [Sec. 61.034].

6. A watcher may request and receive an English translation of a language spoken other than English between an election official and a voter. [Sec. 61.036].

**CASTING THE BALLOT:**

**Q. If voters make a mistake marking their ballot, can they start over?**

A. Yes, however, there is a limit to how many times a voter may attempt to cast a ballot. Voters who make mistakes while marking their paper or optical scan ballots may take the spoiled ballot to an election official and exchange it for a new ballot. A voter may only receive up to two replacement ballots (the original ballot, plus two replacement ballots yields a total of three possible ballots per voter). [Sec. 64.007(a) & (b)].

**Q: If a voter is voting provisionally on paper or optical scan ballot, does he or she use the same type of ballot as a regular voter?**

A: Yes, but the election officials may have a few ballots pre-stamped “provisional” in a separate stack from regular ballots. The following steps must occur:

1. the voter votes the ballot;
2. seals the ballot in the ballot secrecy envelope;
3. seals the privacy envelope in the provisional ballot affidavit envelope; and
(4) casts the ballot in the regular ballot box or other designated secured container as directed by the election officials.

NOTE: Some electronic voting systems allow the voter to cast a provisional ballot directly on the machine.

Q. If a voter leaves a voted ballot in the voting station or elsewhere in the polling place rather than putting it in the ballot box, or if a voter voting on an electronic voting system leaves without finally casting his or her ballot, is the ballot counted?

A. No. The ballot cast by a “fleeing” voter is not cast. The judge should treat it as a cancelled ballot. [65.010(a)(4)] On an electronic voting system, the ballot is cancelled.

**RECOUNT WATCHER**

Similarly to a poll watcher, a recount watcher (formerly termed a representative) is a person appointed to observe the conduct of the recount on behalf of:

- a candidate,
- a political party, or
- the proponents or opponents of a measure (specific-purpose political action committees). [Sec. 213.013].

**RECOUNT WATCHER QUALIFICATIONS**

Unlike a poll watcher, a recount watcher is not required to meet any particular qualifications to serve. The recount watcher is not required to be a registered voter of the territory in which the election was held. The recount watcher does not have age or citizenship requirements. Public officials are not prohibited from serving as recount watchers, nor is the recount watcher’s eligibility affected by the familial relationship of a watcher to a person serving on the recount committee.

**PERMITTED NUMBER OF RECOUNT WATCHERS**

As the recount is conducted, each authority eligible to appoint a recount watcher is permitted to have watchers present in a number corresponding to the number of counting teams designated for the recount; however, if there is a single counting team, two recount watchers may be present. [Sec. 213.013(b)].

**RECOUNT WATCHER APPOINTMENT**

The watcher must deliver a certificate of appointment to the recount chair at the time the watcher reports for service. The certificate must be in writing and must contain:

1. the printed name and the signature of the recount watcher
2. the election subject to the recount
3. the time and place of the recount
4. the measure, candidate, or political party being represented
5. the signature and the printed name of the person making the appointment
(6) an indication of the capacity in which the appointing authority is acting. [Sec. 213.013(f)].

NOTE: No one entitled to be present at a recount may be in possession of a device capable of recording images or sound, unless the person agrees to disable or deactivate the device while present at the recount. [213.013(i)].

The officially prescribed recount watcher appointment form may be found at this link: http://www.sos.state.tx.us/elections/forms/pol-sub/14-2f.pdf

A recount watcher who submits a valid appointment form to the recount chair must be admitted to the recount unless the specific authority’s maximum number of watchers have already been accepted. [Sec. 213.013(e)].

**RECOUNT WATCHER’S DUTIES**

Similarly to a poll watcher, a recount watcher is entitled to observe any activity conducted in connection with the recount. Watchers are entitled to stand or sit conveniently near the officers engaged in the observed activity or near the officers counting or processing the ballots to verify that they are being counted correctly. Rules on the watcher’s rights, duties, and privileges are otherwise the same as for a poll watcher to the extent applicable. [Sec. 213.013(h)].

Recount watchers may also be present in the same numbers prescribed under Section 213.013(b) to observe the printing of ballot images cast on direct recording electronic voting systems prior to the recount. [Sec. 213.016].

**CONCLUSION**

As a poll watcher or a recount watcher, you are entitled to observe the conduct of the election at the location to which you are assigned or the activities at a recount. You must keep in mind your responsibility to ensure the fair conduct of elections. Please remember, however, that the presiding officers are responsible for maintaining control and order. You should establish a cooperative relationship with these presiding officers and work with them to ensure that the voting process works smoothly. **Remember that you are not allowed to address voters directly.**

If any questions arise during your service that the presiding officer cannot answer or you question the accuracy of the information provided, you may call the Elections Division at our toll-free number, 1-800-252-VOTE(8683). The Elections Division is open Monday through Friday from 8:00 a.m. to 5:00 p.m., and during all uniform election dates from before the polls open until after they close. If you desire to learn more about the election process, please call our office to request one of our handbooks for election day officials and the early voting ballot board or our detailed recount procedures. You may also wish to review our online poll worker training at www.texaspollworkertraining.com.

Thank you for your participation in the election process!
EXHIBIT D
Qualifying Voters on Election Day
Handbook for Election Judges and Clerks
Updated September 2016

FOR USE IN GENERAL AND OTHER ELECTIONS BY ALL POLITICAL SUBDIVISIONS

Issued by
The Office of the Texas Secretary of State, Elections Division
1-800-252-2216 or (512) 463-5650
www.sos.state.tx.us
www.VoteTexas.gov
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INTRODUCTION

The Elections Division of the Secretary of State’s Office has prepared this handbook for use on election day by election judges and clerks serving in precinct polling places. This handbook contains a thorough outline of polling place procedures for elections held after August 10, 2016, as to voter identification requirements, and as to interpreter requirements, elections held on or after August 12, 2016. It incorporates changes in election laws through the regular session of the 84th Texas Legislature (2015). It also incorporates changes to voter identification procedures ordered by a federal district court (U.S.D.C. S.D. Tex. Civil Action No. 2:13-CV-00193 (Docket No. 895)), and changes to the qualification of interpreters ordered by a different federal district court (U.S.D.C. W.D. Tex. Civil Action No. 1:15-cv-00679-RP (Docket Nos. 60, 66)).

The handbook starts at the beginning of election day and covers voter qualification and assistance, as well as the basics for closing the polling place. Throughout the handbook, references are made to the appropriate section in the Texas Election Code or the Texas Administrative Code, unless otherwise indicated.

The Elections Division of the Secretary of State’s Office is open during the hours that the polls are open for voting on all uniform election dates. Answers to questions on election law and procedures may be obtained by telephoning the Elections Division toll-free at 1-800-252-2216 or (512) 463-5650.

Please visit us at our Internet home page for additional election information at http://www.sos.state.tx.us, as well as http://www.votetexas.gov.

The Office of the Secretary of State does not discriminate on the basis of race, color, national origin, sex, religion, age, or disability in employment or the provision of services.
CHAPTER 1
THINGS TO DO BEFORE THE POLLS OPEN

SECTION A. PREPARE THE POLLING PLACE

The election judges and clerks will need to complete the following tasks prior to opening the polls:

1. **Oaths:** The presiding judge administers the Oath of Election Officer and the Oath of Assistance to himself or herself and to the clerks. [Secs. 62.003, 64.034]
   
   “I swear (or affirm) that I will not in any manner request or seek to persuade or induce any voter to vote for or against any candidate or measure to be voted on, and that I will faithfully perform my duty as an officer of the election and guard the purity of the election.”

   “I swear (or affirm) that I will not suggest, by word, sign, or gesture, how the voter should vote; I will confine my assistance to answering the voter’s questions, to stating propositions on the ballot, and to naming candidates and, if listed, their political parties; I will prepare the voter’s ballot as the voter directs; and I am not the voter’s employer, an agent of the voter’s employer, or an officer or agent of a labor union to which the voter belongs.”

2. **Identification:** The presiding judge and clerks must wear a form of identification, prescribed by the Secretary of State, while on duty which indicates the person’s name and title or position as an election officer. The presiding judge should issue such identification following administration of the oath. If there are no name tags in your election kit, you may make your own. (State and federal election inspectors, peace officers assigned to the polling place, and poll watchers accepted for service at the polling place are also required to wear name tags.) [Secs. 33.051(f), 61.010(b), 62.003(c)]

3. **Hours and Work Assignments:** The judge reviews work schedules and assignments with the clerks. [Sec. 32.072] The presiding judge may allow some clerks to end their service at the polling place before the polls close (i.e., work in shifts), but may not allow clerks to leave the polling place after the counting of ballots has begun, except for temporary absences. [Sec. 32.073] Additionally, the presiding judge may allow some clerks to begin their service at the polling place later than 7:00 a.m. on election day. [Sec. 32.072(b)] The presiding judge may permit temporary absences for meals or other necessary activities. [Sec. 32.073(a)] The judge must treat clerks uniformly in designating their working hours and duties and in regulating temporary absences. [Secs. 32.072(c), 32.073(c)]

4. **Prepare List of Registered Voters:** The list of registered voters should be annotated to indicate voters whose names appear on the precinct early voting list. [Sec. 62.014(b)]

NOTE ON NEW LAW: House Bill 2366 (2015) provides that the early voting clerk shall note on the precinct list of registered voters those voters that appear on the list of early voters, and
deliver the precinct list of registered voters to the presiding judge of precinct not later than the day before election day.

If a registration correction list is provided, an election officer must change the list of registered voters to make it conform to the registration correction list. [Sec. 62.014(a)]

**NOTE:** If you are using an e-pollbook, it is unlikely that you will need to update the list with voters who voted early or a registration correction list. Follow the instructions provided to you by the authority conducting the election regarding the use of the e-pollbook.

5. **Setup Polling Place:** The election workers need to physically arrange the polling place.

1) **Arrange Tables, Chairs and Voting Area**
- Place table(s) and chairs near the entrance to the polling place for the clerks who will be accepting the voters.
- Establish a voting area.
  - Voting booths that provide voters privacy while voting must be provided at all polling places. Voting booths must meet the regulatory specifications for voting booths, or have been approved for use by the Secretary of State. [Sec. 51.032; 1 T.A.C. § 81.70]
  - Arrange the voting booths in such a way that they are in view of the election officers, watchers, and persons waiting to vote but are separated from voters who are waiting to vote. They must be arranged to prevent access to the voting area through any entrance other than the one designated. [Sec. 62.004]
  - Make sure voting area is adequately lighted. [Sec. 62.004(3)]
  - If used, place indelible markers (makes marks that cannot easily be removed or erased) in each voting booth where voters will be preparing their ballots. [Sec. 62.015]
  - Establish an area convenient to the voting booths, in view of election officers, for placement of the locked ballot box (Ballot Box No. 1) in which voters will deposit their voted ballots, if using paper or optical scan ballots. [Sec. 62.006]
- Establish an area for counting ballots (if applicable).
  - This area should be in a separate room from the voting area, or removed from the voting area as much as possible, so that individuals counting ballots cannot be heard nor the voted ballots seen by voters.

2) **Prepare the Table(s) for Accepting and Qualifying Voters**
- Place the following election forms and supplies on each table:
  - Lists of registered voters, including supplemental and correction lists, or a revised original list. [Secs. 18.001, 18.002, 18.003, 18.004]
  - Registration omissions list. [Sec. 63.006(b)(2)] (This form is not being updated at this time)
  - Combination form (combination of two or more forms below denoted by an “*”). [Sec. 63.004] (This form is not being updated at this time. References to Section...
63.0101 in the Substantially Similar Name Affidavit do not affect the validity of
the Affidavit)

- Poll list.* [Sec. 63.003]
- Signature roster.* [Sec. 63.002]
- Affidavits and Declaration.
  - Voter with Required Documentation Who is Not on List. [Sec. 63.006]*
  - Affidavit of Voter Without Required Identification (part of Provisional Ballot
    Affidavit Envelope). [Sec. 63.011(b)]
  - Voter’s Similar Name Affidavit. [Sec. 63.001(c)]*
    2:13-CV-00193 (Docket No. 895) (hereinafter “Docket No. 895”)]
- Provisional Ballot Affidavit Envelope. [Sec. 63.011] (This form is not being
  updated at this time)
- List of Provisional Voters. [1 T.A.C. §§ 81.172—81.176]
- Notice to Provisional Voter for voter voting provisionally due to not presenting an
  acceptable photo identification and who did not complete a Reasonable Impediment
  Declaration. [1 T.A.C. §§ 81.172—81.176; Docket No. 895]. (UPDATED)
- Notice to Provisional Voter (may have been combined with the Polling Place ID
- Secrecy Envelopes for Provisional Ballots. [1 T.A.C. §§ 81.172—81.176]
- Statement of Residence. [Secs. 11.004, 63.0011] Voter signs this statement if the
  voter has moved within the county to another election precinct in the same county.
  The voter may vote a full county ballot in the election precinct of former residence,
  regardless of how long ago the voter moved, if the voter still resides in each political
  subdivision for which the voter offers to vote. See Chapter 2, Situation 4 “Voter
  Has Moved” for further information.
- The "voted" stamp and ink pad used for stamping the list of registered voters. While
  it is not necessary that the election officers use a “voted” stamp and ink pad, they
  must make a notation on the list of registered voters that a person has voted. [Sec.
  63.001]
  - Official ballots. An election officer must arrange a supply of numbered ballots, all
    face down, and out of numerical order. [Sec. 62.009(a), (b)]
  - Provisional ballots. An election officer must set aside a sufficient number of
    provisional ballots and stamp or write on the back of each ballot “provisional” next
    to the presiding judge’s signature. [1 T.A.C. §§ 81.172—81.176]
  - Provisional stamp. [1 T.A.C. §§ 81.172—81.176]
  - Register of spoiled ballots. [Sec. 64.007(c)]
  - Request to cancel application to vote by mail. [Sec. 84.032]

NOTE: More than one qualifying table may be set up by dividing the list of registered
voters into sections of the alphabet, for example, A-G and H-Z.

3) Post Distance Markers, Sample Ballots, Instructions and Notices
- Post distance markers 100 feet in each direction from all entrances through which voters may enter the building in which the polling place is located. [Secs. 61.003(a), 62.010(a)] Distance marker must include in large letters, “DISTANCE MARKER. NO ELECTIONEERING OR LOITERING BETWEEN THIS POINT AND THE ENTRANCE TO THE POLLING PLACE.”

NOTE: Election officers (or appointed peace officers) may not enforce the electioneering or loitering statutes OUTSIDE the 100 ft. distance marker. [Sec. 32.075]

- Post the voter information poster [UPDATED] and other instruction posters (if any) in each voting station and in one or more locations in the polling place where they can be read by persons waiting to vote. [Secs. 62.011, 62.0112, 62.0115; Docket No. 895]

- Post the list of declared write-in candidates for the November general election, city council officer elections, independent and common school district trustee elections, special elections for state representative and state senator, and other elections required by law. The list of declared write-in candidates must be posted next to the voter information poster in each voting station and in the polling place where it can be read by persons waiting to vote. [Secs. 62.011, 62.0115, 144.006, 146.031(d), 146.054, 146.055, 146.082, 171.0231 Texas Election Code; Secs. 11.056(c), 11.304, 130.081, 130.0825, Texas Education Code; Sec. 285.131, Texas Health and Safety Code; Secs. 326.0431 & 326.0432, Texas Local Government Code; Secs. 36.059, 49.101, 63.0945, Texas Water Code]

- A voter complaint poster, which contains contact information for state and local election officers, must be posted in the polling place. [Secs. 62.011, 62.0112, 62.0115]

- Post the required sample ballots in easily observed locations within the polling place. [Sec. 62.012]

- Place Notice of Prohibition of Certain Devices in locations throughout polling place where it can be read by persons waiting to vote. The use of wireless communications devices (e.g. cell phones) and recording devices (e.g. cameras) is prohibited in a polling place. [Sec. 62.0111]

NOTE: There is an exception to the prohibition against wireless devices in the polling place for an election officer conducting the officer’s official duties, for the use of election equipment necessary to conduct the election, or for a person employed at the location in which a polling place is located while the person is acting in the course of the person’s employment. [Sec. 61.014]

- No election material may be posted at a polling place, including the area within a 100 feet radius of an outside door through which a voter may enter the building where the polling place is located, unless it is required or allowed by law. [Sec. 62.013]

- No person other than an election judge or clerk may post materials in a polling place or within 100 feet radius of the entrance to the polling place. [Sec. 62.013]

- A notice of the number of voters who have voted must be posted at an outside door to the polling place every two hours, beginning at 9:30 a.m. and running through 5:30
p.m., on a form prescribed by the Secretary of State, unless that form is unavailable. [Sec. 61.007]

- Post Notice of Acceptable Identification [UPDATED] on the outside door of the polling place.

4) Open and Inspect All Ballot Boxes, if Regular Paper Ballots are being used in the polling place
If regular paper ballots are used in the election, open and inspect all ballot boxes to ensure that they are empty. If optical scan ballots are being used, the ballot boxes used for delivering the ballots to a central counting station or the precinct ballot counters that count the ballots at the precinct will be pre-locked and pre-sealed before delivery to the polling place. [Secs. 62.005, 127.061, 127.065]

- Make sure that each ballot box is empty.
- Make sure that each ballot box has a working lock and a key that opens the lock, unless pre-locked, pre-sealed boxes or precinct ballot counters are used. [Secs. 51.034(a), 127.065]

5) Prepare Official Ballots (Paper and Optical Scan)
If paper or optical scan ballots are used in the election:

- Record the total number of ballots received on the "Register of Official Ballots" form. [Sec. 65.013]
- Inspect the official ballots to see that they are properly printed and numbered. [Sec. 65.013]
  - Remove any ballot that is not numbered or that is otherwise defectively-printed. [Sec. 62.007]
  - Count the defective and/or unnumbered ballots and enter this number on the Register of Official Ballots form. [Sec. 65.013(b)(2)]
  - Place defective and/or unnumbered ballots in Ballot Box No. 4 (or other designated container). [Sec. 62.007(b)]
  - Place Ballot Box No. 4 (or other designated container) in a protected place near the clerks at the qualifying table so that any mutilated ballot returned by a voter for a new ballot can be easily deposited in this ballot box.

  **NOTE:** Ballot Box No. 4 (or other designated container) is used for delivering defectively-printed, spoiled, or unused ballots. [Sec. 66.026]

- Place the presiding judge's full name on the back of each ballot. [Sec. 62.008]
  - If a stamp of the judge's signature is provided, a clerk may stamp the back of each ballot with this signature stamp. An election clerk may not forge the signature of the judge. [Sec. 62.008(b)]
  - Ballots may be signed or stamped as needed throughout the day. Unsigned paper or optical scan ballots may not be made available for selection by voters. [Sec. 62.008(c)]
- Mix the signed or stamped ballots so that they are not in numerical order. [Sec. 62.009(a)]
• Place the mixed ballots face down on the acceptance table(s). [Sec. 62.009(b)]
• Set aside a sufficient number of official ballots and stamp or write on each ballot “Provisional” next to the judge’s signature. Also, set aside a sufficient number of “Notice to Provisional Voter” and “Polling Place ID Receipt” forms. Alongside these provisional ballots, keep a sufficient number of Provisional Ballot Affidavit Envelopes.

**SPECIAL EMERGENCY BALLOT NOTE:** If, before the last voter has voted, the supply of official ballots is exhausted, destroyed, or lost, or if the presiding judge determines that the official ballots are erroneously-printed so that they may not be used in the election, the presiding judge should immediately contact the authority responsible for distributing the supplies for the election and obtain additional official ballots for use at the polling place. If official ballots are unavailable, the presiding judge must create emergency ballots himself or herself. The makeshift ballots must contain all of the offices and/or propositions to be voted on, must be numbered consecutively with unique numbers, and must be designed in the same format as the official ballot. [Sec. 52.001(b)] The judge may make copies of sample ballots after blocking out the words "Sample Ballot," number the copies, and provide these copies for voters to mark ballots. It is recommended that the judge indicate, in a memorandum attached to the Register of Official Ballots, if he or she has provided or been provided with ballots other than those initially supplied to the polling place, set forth the circumstances necessitating their use, and record the numbers of the ballots.

6) **Place Ballot Boxes**
   If you are going to be hand-counting the regular paper ballots during the day, you will have received more than one ballot to rotate in and out of the polling place.
   • Lock Ballot Box No. 1 and place it in the area established for depositing voted ballots. [Sec. 62.006]
   • Place Ballot Box No. 2 in a protected place which is in public view and convenient for the interchange with Ballot Box No. 1. [Sec. 65.003]
     ○ Ballot Boxes Nos. 1 and 2 are used on a rotating basis for the deposit of ballots by the voters.
     ○ Each time the ballot boxes are changed, make sure the ballot box replacing the ballot box containing the voted ballots is empty and locked before it is put into place for use by voters.
   If you are using optical scan ballots, you will place the pre-locked and pre-sealed ballot box (or a precinct ballot counter) in the area established for depositing voted ballots, where it will remain until the polls close.

7) **Place DRE Voting Machines and/or Precinct Ballot Counters**
   For elections using direct recording electronic voting machines (“DREs”) or precinct ballot counters, follow the instructions from the authority conducting the election concerning the placement of DREs and any associated procedures. But at a minimum, you must follow these procedures:
• The presiding judge shall verify and document the serial numbers of the equipment delivered to the polling site.
• Look for evidence of tampering.
• Verify that the Public Count is “0” on each applicable device.
• Check the accuracy of the date and time on applicable equipment.
• Confirm that all units are open for voting.
• At a minimum, print one zero tape from each applicable device (DREs and precinct ballot counters).
• The presiding judge, an election clerk, and not more than two poll watchers, if one or more watchers are present, shall sign the zero tape.
• The zero tapes must be placed in a secure location to be returned with the election materials.

8) **Secure Polling Place**

The presiding judge must secure the polling place if it is left unattended at any time after the preparation for voting begins. [Sec. 62.001(b)]

**SECTION B. POLL WATCHERS**

1. **Appointee of Poll Watchers:** A candidate on the ballot, a campaign treasurer of a specific-purpose political action committee in an election on a measure, or a political party (with candidates in Primary or in the November general election) may appoint up to two watchers per polling place. A write-in candidate whose name appears on the list of declared write-in candidates may also appoint poll watchers, and a group of registered voters may appoint a watcher for an undeclared write-in candidate for elections where declaration is not required. [Secs. 33.002 - 33.005]

2. **Acceptance and Qualification:** A watcher who presents himself or herself at any time on election day with a certificate of appointment must be accepted for service unless the person is ineligible to serve or the number of appointees to which the appointing authority is entitled has already been accepted. [Secs. 33.051, 33.052] To be eligible to serve as a poll watcher, a person must:
   1) be a registered voter of the territory (e.g., city, school district) covered by the election and of the county for November general elections, or other countywide elections; [Sec. 33.031]
   2) not be a candidate for public office in an election held on the day the watcher seeks to serve; [Sec. 33.032]
   3) not hold an elective public office; [Sec. 33.033]
   4) not be an employee of an election judge or clerk serving at the same polling place; [Sec. 33.035]
   5) not been finally convicted of an offense in connection with conduct directly attributable to an election; [Sec. 33.035] and
   6) not be related within the second degree of consanguinity or affinity (as determined by Tex. Govt. Code, Chapter 573, Subchapter B, Secs. 573.022 - 573.025) to an election judge or
clerk serving at that polling place. A watcher may be related to the candidate the watcher is representing. [Sec. 33.033]

3. **Certificate of Appointment**: The poll watcher must present his or her poll watcher's certificate of appointment to the presiding judge when he or she reports for service. [Sec. 33.051(a)]
   1) The certificate must be in writing and must include the following: [Sec. 33.006]
   - Name, residence address, and voter registration number of the poll watcher;
   - The election and the number of the precinct where the poll watcher is to serve;
   - The signature of the person(s) making the appointment;
   - The signature of the poll watcher;
   - An indication of the capacity in which the appointing authority is acting;
   - In an election on a measure, an identification of the measure (if more than one is to be voted on) and a statement of which side the appointee represents; and
   - An affidavit executed by the poll watcher that the poll watcher will not have possession of any mechanical or electronic means of recording images or sound while serving as a watcher unless the poll watcher disables or deactivates the device.

   **NOTE**: A poll watcher may not use wireless communication devices (e.g. cell phones) in a polling place. [Sec. 61.014] A poll watcher may not be accepted for service if he or she possesses any mechanical or electronic means of recording images or sound unless the poll watcher disables or deactivates the device. The presiding judge may inquire whether a watcher has possession of any prohibited recording device before accepting the watcher for service. [Sec. 33.051(c)]

   2) The presiding judge must require the poll watcher to countersign his or her signature on the certificate of appointment and compare and verify the signatures. [Sec. 33.051(b)] The completion of the affidavit in front of the presiding election judge serves as the counter signature.

   **NOTE**: It is not necessary to notarize a certificate of appointment.

   3) The presiding judge must keep the certificate of appointment in Envelope No. 2 for return to the custodian of election records after the election. [Sec. 66.023(7)]

4) If a watcher is not accepted for service, the presiding judge must return the certificate of appointment to the watcher with a signed statement of the reason for the rejection. [Sec. 33.051(e)]

4. **Identification**: A poll watcher must wear a form of identification prescribed by the Secretary of State and provided by the presiding judge or other election officer. [Sec. 33.051(f)]

5. **Service, Duties, and Privileges of Poll Watchers**
   1) A watcher may not leave the polling place while the polls are open and be readmitted unless the watcher has served for five continuous hours. If the watcher has served for five continuous hours and is present when ballots are counted, the watcher may not leave and return until the counting is complete. [Sec. 33.052]
EXCEPTION: If a poll watcher leaves the polling place in order to use a wireless communication device AND promptly returns, he or she is considered to have served continuously as that term is used for calculating their continuous 5 hours, which allows them to come and go. [Sec. 33.052(b)]

2) A watcher must be permitted to observe all election activities performed by the election judge and clerks and to inspect the returns and other records prepared by the election judge and clerks. [Sec. 33.056]
   - A watcher is entitled to sit or stand conveniently near the election officers conducting the observed activity. [Sec. 33.056(a)]
   - A watcher is entitled to sit or stand near any member of the counting team to verify that the ballots are read correctly and/or that they are tallied correctly. [Sec. 33.056(b)]
   - A watcher may make written notes while on duty. However, if the watcher leaves the polling place while the polls are open, he or she may be required to leave his or her written notes with another person selected by the watcher, who is on duty at the polling place. [Sec. 33.056(d)]

3) A watcher may not talk with the judge, clerks, or voters regarding the election while it is in progress, except to point out to an election judge and/or clerk any observed irregularity or violation of the law. [Sec. 33.058]
   - If a watcher points out to an election clerk an occurrence that the watcher believes to be irregular and the clerk refers the watcher to the presiding judge, the watcher may not discuss the matter further with the clerk unless the presiding judge invites the discussion. [Sec. 33.058]

4) A watcher who asks to accompany the election officer who delivers election records must be permitted to do so. [Sec. 33.060(a)]
   - If the delivery is made in a vehicle, it is sufficient to allow the watcher to follow in a different vehicle and to drive in such a manner that the watcher may keep the delivery vehicle in sight. [Sec. 33.060(b)]

5) A watcher is not permitted to converse with any voter, or communicate with or signal to any voter in any manner regarding the election. [Sec. 33.058(a)]
6) A watcher may not watch a voter vote except when a voter is being assisted by election officers. A watcher may not watch a voter vote if the voter is being assisted by a person other than an election officer. [Sec. 33.057]
7) Preventing a watcher from observing any activity the watcher is entitled to observe is a Class A misdemeanor. [Sec. 33.061]

SECTION C. ELECTION INSPECTORS
1. Inspectors are appointed by the Secretary of State and are responsible to the Secretary of State. [Sec. 34.001]
2. An inspector must wear an identifying name tag or badge while on duty at a polling place. [Sec. 61.010(b)]
3. Inspectors must be permitted to observe all election activities performed by the election judges and clerks. [Sec. 34.002]
4. Inspectors are not required to be at the polling place when the polls open or remain in the polling place until the polls close.

5. Inspectors are not required to take an oath administered by the election judge.

6. Inspectors will have identification cards issued by the Secretary of State. The presiding judge should request identification from the inspector. Anyone purporting to be an inspector who cannot produce identification as an inspector should not be permitted in the polling place. Please note that the SOS inspector will be wearing a name tag that will also serve as their identification card.

7. Federal observers may also be appointed under 52 U.S.C. § 10305. These observers will produce appropriate identification. Federal observers must also wear a name badge.
CHAPTER 2
QUALIFYING THE VOTER

PROCESSING THE VOTER

Open the doors to the polling place at 7:00 a.m. and direct voters to the voter acceptance table. [Sec. 41.031] Then follow these basic steps which apply for all voters. [Secs. 63.001, 63.0011; Docket No. 895]

1. Ask Voter to Provide Acceptable Form of Photo Identification or a Permanent Disability Exemption: An election officer at the acceptance table should ask the voter to present an acceptable form of photo identification that is either current or not expired more than four years. [Sec. 63.001(b)]

The acceptable forms of photo identification are:
   1) Texas Driver License issued by the Department of Public Safety (“DPS”);
      NOTE: This form of ID should not be used if “Limited Term” or “Temporary Visitor” appears on the face of the card as this indicates the person is not a U.S. Citizen.
   2) Texas Election Identification Certificate issued by DPS;
   3) Texas Personal Identification Card issued by DPS;
      NOTE: This form of ID should not be used if “Limited Term” or “Temporary Visitor” appears on the face of the card as this indicates the person is not a U.S. Citizen.
   4) Texas License to Carry a Handgun issued by DPS;
   5) United States Military Identification Card containing the person’s photograph;
   6) United States Citizenship Certificate/Certificate of Naturalization containing the person’s photograph; or
   7) United States Passport.
      NOTE: A “passport card” which is also issued by the U.S. Department of State, is acceptable.

Updated Procedure: This is a change from previous procedure. Prior law required that the photo ID not be expired for more than 60 days.

NOTE: If the presiding judge reasonably determines that the voter is not the person whose photo appears on the acceptable form of identification presented by the voter, the presiding judge will follow the procedure prescribed in Situation 7.

NOTE: The authority conducting the election may authorize an election officer to access electronically readable information on a driver’s license or personal identification card for proof of identification when determining whether a voter shall be accepted for voting. [Sec. 63.0102]

Permanent Disability Exemption: If the voter presents the voter’s current voter registration certificate that has a notation of an “(E)” after the VUID number, it is not necessary for the voter to have one of seven forms of photo identification listed above. The notation means the voter is exempt from showing one of the seven forms of photo identification because the voter has a disability and has applied for
and received a disability exemption from the voter registrar in accordance with the Texas Election Code.

*If the voter states that they have obtained an acceptable form of photo ID, but they did not bring it to the polling place, the election officer should explain that the voter may take one of two actions:*

a. The voter may leave the polling place and return with their acceptable form of photo ID.
b. The voter may cast a provisional ballot, and “cure” by appearing at the county voter registrar’s office within 6 calendar days of election day and presenting an acceptable form of photo ID, or completing a natural disaster affidavit because the voter’s acceptable photo ID is inaccessible due to certain natural disasters. The presiding judge will follow the procedure prescribed in Situation 7.

*If a voter indicates that the voter has not been able to obtain an acceptable form of photo ID, the election officer will need to follow the guidelines below depending on the situation:*

a. *If the voter states that they have not obtained an acceptable form of photo ID, the poll worker should ask the voter if they have a reasonable impediment or difficulty to obtaining an acceptable form of photo ID. If the voter has a reasonable impediment or difficulty to obtaining an acceptable form of photo ID, the voter may show a supporting form of ID and execute a Reasonable Impediment Declaration. If the voter states that they do have a reasonable impediment or difficulty to obtaining an acceptable form of photo ID, the election officer should provide the voter with a Reasonable Impediment Declaration, and ask the voter to complete the form by writing their name, indicating at least one reasonable impediment or difficulty, and signing and dating the Declaration.*

After the Declaration is completed by the voter, the voter should return the Declaration to the poll worker, and the poll worker should ask the voter to present one of the forms of supporting ID of the voter. The poll worker should indicate on the Declaration which supporting form of identification was presented.

Here is a list of the supporting forms of ID that can be presented if the voter cannot obtain, and has a reasonable impediment or difficulty to obtaining, one of the forms of acceptable photo ID:

1) Valid voter registration certificate;
2) Certified birth certificate (must be an original);
3) Copy of or original current utility bill;
4) Copy of or original bank statement;
5) Copy of or original government check;
6) Copy of or original paycheck; or
7) Copy of or original government document with your name and an address (original required if it contains a photograph) (examples of government documents include, but are not limited to: driver’s licenses from other states, ID
cards issued by federally recognized Native American tribes (if the ID card contains an address), DPS Receipts (without a photo), expired voter registration certificates, and expired Texas DPS-issued driver licenses or personal ID cards (over 4 years)).

**NOTE:** If the voter states that they have not obtained an acceptable form of photo ID, the election officer should not question the voter as to why. The election officer should simply state that if the voter has a reasonable impediment or difficulty to obtaining an acceptable form of photo ID, they can show a supporting form of ID and execute a Reasonable Impediment Declaration.

**NOTE:** The election officer may not question the reasonableness of the voter’s reasonable impediment or difficulty or the truth of the declaration. For example, if the voter checks “lack of transportation”, the election officer may not challenge how the voter came to the polling site, or the voter’s access to a bus route or other means of transportation. A signed reasonable impediment declaration shall be rejected only upon conclusive evidence that the person completing the declaration is not the person in whose name the ballot is cast.

**NOTE:** Not being able to obtain an acceptable form of photo ID includes that the voter has not been able to obtain a *valid* form of acceptable photo identification. Accordingly, a voter with a lost, stolen, suspended, or expired more than four years, form of photo ID listed above could be considered to have not obtained one of the acceptable forms of photo ID for purposes of being eligible to execute a Reasonable Impediment Declaration.

b. *If* the voter states that they have not obtained an acceptable form of photo ID, and the voter does not have a reasonable impediment or difficulty to obtaining an acceptable form of photo ID (including if the voter has not brought a supporting form of ID to the polling place), the voter should be offered a provisional ballot. The voter may “cure” by appearing at the county voter registrar’s office within 6 calendar days of election day and presenting an acceptable form of photo ID, or qualifying for one of the exemptions (disability, natural disaster, or religious objection to being photographed). The presiding judge will follow the procedure prescribed in Situation 7.

**NOTE:** A voter who would otherwise have a reasonable impediment or difficulty to obtaining an acceptable form of photo ID but just did not bring a form of supporting ID to the polling place may opt to leave the polling place, and return at a later time with their acceptable form of supporting ID and vote a regular ballot after executing a Reasonable Impediment Declaration. However, a voter who would otherwise have a reasonable impediment or difficulty to obtaining an acceptable form of photo ID who did not bring a supporting form of ID to the polling place may *not* “cure” at the county voter registrar’s office by showing an acceptable form of supporting ID and executing a reasonable impediment declaration at the county voter registrar’s office. For voters who vote in person at the polling place, the Reasonable Impediment Declaration process is an election day/early voting procedure only, and there is no “cure” option involving the execution of a reasonable impediment declaration or the presentation of supporting ID at the county voter registrar’s office.
2. **Locate Voter on List of Registered Voters:** When presented with an acceptable form of photo identification, or presented with a supporting form of identification (presented when a voter who has not obtained an acceptable form of photo identification and has a reasonable impediment or difficulty to obtaining the acceptable form of photo identification executes a Reasonable Impediment Declaration), or the voter’s current voter registration certificate with an “E” notation, the election officer checks the list of registered voters for:
   1) the voter’s name;
   2) the voter’s registration status; and
   3) any special annotations.

**NOTE:** The two special annotations requiring further action are “S” for suspense and a “voted” annotation if the voter has voted early. Because the acceptable form of photo identification, or the supporting form of identification of a qualified voter together with an executed Reasonable Impediment Declaration, or the voter’s current voter registration certificate with an “E” notation satisfies the requirement for presenting identification formerly required by an “ID” notation, you may disregard any “ID” notation in the official list of registered voters.

3. **Compare Voter’s Name:** If the voter’s name on the official list of registered voters does not exactly match the name as it appears on the form of identification provided, follow the procedure prescribed in Situation 3.

4. **Ask Voter if their Residence Address has Changed:** After determining that the voter is registered, the voter must be asked if the residence address on the list of registered voters has changed. An “S” notation by a voter’s name means that the voter may have moved. If the voter has moved within the county, or is on the S-list, the voter must sign the Statement of Residence before being permitted to vote. A voter who has moved within the county must vote in his or her former precinct of residence, according to his or her “old” registration address.

**NOTE:** If the election is conducted for a city, school district, or other local political subdivision, in addition to residing in the county, the voter must still reside in the city, school district, or other local political subdivision in order to be eligible to vote.

**NOTE:** The address on an acceptable form of ID or a supporting form of ID should not be compared to the address on the list of registered voters. **These two addresses do NOT have to match.**

5. At this point, determine which of the situations below applies to the voter and follow the steps outlined after the particular situation to process the voter.
SITUATION 1. The Acceptable Photo ID/(E) Notation Voter

In this voter scenario, the voter presents their acceptable form of photo identification listed on page 13, or has a notation of an “(E)” after the VUID number on their voter registration certificate. [Secs. 63.001, 63.0101; Docket No. 895]

NOTE: The photo identification provided by the voter will be current or not have expired more than 4 years before the voter is presenting it at the polling place.

The voter will be located in the precinct’s list of registered voters, and the name found on the list of registered voters will match exactly to the name listed on the voter’s identification.

After verifying the voter’s identification, the voter is asked if the voter’s residence address on the precinct list of registered voters is current and whether the voter has changed residence within the county. [Sec. 63.0011] In an ideal voter situation, the voter’s address will be current and the voter will not have changed residence within the county.

NOTE: Some voters may not have their addresses on the list of registered voters due to their participation in an address confidentiality program. Nevertheless, election judges should continue to ask whether or not the voter has moved from the address at which the voter is registered to vote. If the voter’s registration address is omitted due to participation in an address confidentiality program, you must ask the voter if the residence address listed on the voter’s acceptable form of identification is current and whether the voter has changed residence within the county.

At this point, the voter should be checked-in by following these steps:

1. Stamp "voted" or place some other notation next to the voter’s name on the list of registered voters to indicate that the voter has been accepted for voting. [Sec. 63.001(e)]

2. Have the voter sign the signature roster (or combination form). [Sec. 63.002(b)] If the voter cannot sign his or her name, an election officer shall enter the voter’s name with a notation of the reason for the voter’s inability to sign the roster (or combination form). [Sec. 63.002(c)]

3. Legibly enter the name of the voter on the poll list (or combination form). [Sec. 63.003(c)]
   - The voter is required to sign his or her voter registration certificate in the appropriate place upon receipt. [Sec. 15.003]
   - If a combination form is not used, the names on the poll list must be entered in the same order as the names on the signature roster. [Sec. 63.003(c)]

4. Return the acceptable form of photo identification presented by the voter and the voter’s voter registration certificate, if presented, to the voter. [Sec. 63.001(f); Docket No. 895]

5. Have the voter pick up a ballot, if applicable, or issue the voter an activation code, etc. for the accessible voting equipment and direct the voter to the voting area. [Sec. 64.001]
SITUATION 2. Voter with Reasonable Impediment or Difficulty to Obtaining an Acceptable Form of Photo Identification

The voter states that they have not obtained an acceptable form of photo identification listed on page 13, and the voter is asked if they have a reasonable impediment or difficulty to obtaining an acceptable form of photo ID, and states that they do have a reasonable impediment or difficulty to obtaining an acceptable form of photo ID. [Docket No. 895]

In this situation, the election officer should provide the voter with a Reasonable Impediment Declaration, and ask the voter to complete the form by writing their name, indicating at least one reasonable impediment or difficulty, and signing and dating the Declaration.

After the Declaration is completed by the voter, the voter should return the Declaration to the election officer, and the election officer should ask the voter to present one of the forms of supporting ID (listed below). The election officer should indicate on the Declaration which supporting form of ID was presented.

Here is a list of the supporting forms of ID that can be presented if the voter cannot obtain, and has a reasonable impediment or difficulty to obtaining, one of the forms of acceptable photo ID:

1) Valid voter registration certificate;
2) Certified birth certificate (must be an original);
3) Copy of or original current utility bill;
4) Copy of or original bank statement;
5) Copy of or original government check;
6) Copy of or original paycheck; or
7) Copy of or original government document with your name and an address (original required if it contains a photograph) (examples of government documents include, but are not limited to: driver’s licenses from other states, ID cards issued by federally recognized Native American tribes (if the ID card contains an address), DPS Receipts (without a photo), expired voter registration certificates, and expired Texas DPS-issued driver licenses or personal ID cards (over 4 years)).

NOTE: If the voter states that they have not obtained an acceptable form of photo ID, the election officer should not question the voter as to why. The election officer should simply state that if the voter has a reasonable impediment or difficulty to obtaining an acceptable form of photo ID, they can show a supporting form of ID and execute a Reasonable Impediment Declaration.

NOTE: The election officer may not question the reasonableness of the voter’s reasonable impediment or difficulty or the truth of the declaration. For example, if the voter checks “lack of transportation”, the election officer may not challenge how the voter came to the polling site, or the voter’s access to a bus route or other means of transportation. A signed reasonable
impediment declaration shall be rejected only upon conclusive evidence that the person completing the declaration is not the person in whose name the ballot is cast.

**NOTE:** Not being able to obtain an acceptable form of photo ID includes that the voter has not been able to obtain a *valid* form of acceptable photo identification. Accordingly, a voter with a lost, stolen, suspended, or expired more than four years, form of photo ID listed above could be considered to have not obtained one of the acceptable forms of photo ID for purposes of being eligible to execute a Reasonable Impediment Declaration.

The voter will be located in the precinct’s list of registered voters, and the name found on the list of registered voters will match exactly to the name listed on the voter’s identification.

After verifying the voter’s identification, the voter is asked if the voter’s residence address on the precinct list of registered voters is current and whether the voter has changed residence within the county. [Sec. 63.0011] In this situation, the voter’s address will be current and the voter will not have changed residence within the county.

At this point, the voter should be checked-in by following these steps:

6. Stamp "voted" or place some other notation next to the voter’s name on the list of registered voters to indicate that the voter has been accepted for voting. [Sec. 63.001(e)]

7. Have the voter sign the signature roster (or combination form). [Sec. 63.002(b)] If the voter cannot sign his or her name, an election officer shall enter the voter’s name with a notation of the reason for the voter’s inability to sign the roster (or combination form). [Sec. 63.002(c)]

8. Legibly enter the name of the voter on the poll list (or combination form). [Sec. 63.003(c)]
   - The voter is required to sign his or her voter registration certificate in the appropriate place upon receipt. [Sec. 15.003]
   - If a combination form is not used, the names on the poll list must be entered in the same order as the names on the signature roster. [Sec. 63.003(c)]

9. Return the form of supporting identification presented by the voter and the voter’s voter registration certificate, if presented, to the voter. [Sec. 63.001(f); Docket No. 895]

10. Have the voter pick up a ballot, if applicable, or issue the voter an activation code, etc. for the accessible voting equipment and direct the voter to the voting area. [Sec. 64.001]
The voter presents their acceptable form of photo identification listed on page 13, or has a reasonable impediment or difficulty to obtaining an acceptable form of photo identification, and presents a supporting form of identification (presented when a voter executes a Reasonable Impediment Declaration), or has a notation of an “(E)” after the VUID number on their voter registration certificate. [Secs. 63.001, 63.0101; Docket No. 895]

If the voter’s name on the precinct’s list of registered voters is not identical to the voter’s name as it appears on the voter’s identification, the election officer will determine, under standards adopted by the Secretary of State, if the names are “substantially similar.” If the names are substantially similar, the voter shall be accepted for voting. The voter must submit an affidavit, which is part of the combination form, stating that the voter is the person on the list of registered voters.

A voter’s name on the presented identification form is considered substantially similar to the name on the official list of registered voters and a voter’s name on the official list of registered voters is considered substantially similar to the name on the presented identification form if one or more of the circumstances in paragraphs (1) - (4) of this subsection are present. In determining whether one or more of those circumstances are present, election workers should consider whether information on the presented identification form matches elements of the voter’s information on the official list of registered voters such as the voter’s residence address or date of birth, which may be strong indicators that the name on the presented identification form is substantially similar to the name on the official list of registered voters and vice versa if:

1. **Slightly Different**: The name on the presented identification form is slightly different from one or more of the name fields on the official list of registered voters or one or more of the name fields on the official list of registered voters is slightly different from the name on the presented identification form;

2. **Customary Variation**: The name on the presented identification form or on the official list of registered voters is a customary variation of the formal name such as, for illustrative purposes only, Bill for William, or Beto for Alberto, that is on the document or list that must match, as the case may be;

3. **Initial, Middle Name or Former Name**: The voter’s name on the presented identification form contains an initial, a middle name, or a former name that is not on the official list of registered voters or the official list of registered voters contains an initial, a middle name, or a former name that is not on the presented identification form; or

4. **Different Field**: A first name, middle name, former name, or initial of the voter’s name that occupies a different field on the presented identification form than a first name, middle name, former name, or initial of the voter’s name on the official list of registered voters.
If the reviewing election worker makes a determination that the voter’s name on the presented identification form and the official list of registered voters are substantially similar, the voter shall be accepted for voting if the voter submits the “Similar Name Affidavit,” which he or she does my initialing the correct location on the combination form, prescribed by the Secretary of State stating that the voter offering the presented identification form is the same person on the official list of registered voters.

If the reviewing election worker makes a determination that the voter’s names on the presented identification form and the official list of registered voters are not substantially similar, the voter shall be offered a provisional ballot. The voter shall be processed as a provisional voter in accordance with the provisional voter process established under Texas law (Situation 7), at the time of voting.

After verifying the identity of the voter, follow these steps:

1. Ask the voter if the voter’s residence address on the precinct list of registered voters is current and whether the voter has changed residence within the county; if changed, have voter complete a statement of residence form. [Sec. 63.0011]

2. Stamp "voted" or place some other notation next to the voter’s name on the list of registered voters to indicate that the voter has been accepted for voting. [Sec. 63.001(e)]

3. Have the voter sign the signature roster (or combination form). [Sec. 63.002(b)]

4. If the voter cannot sign his or her name, an election officer shall enter the voter’s name with a notation of the reason for the voter’s inability to sign the roster (or combination form). [Sec. 63.002(c)]

5. Legibly enter the name of the voter on the poll list (or combination form). [Sec. 63.003(c)]

6. If a combination form is not used, the names on the poll list must be entered in the same order as the names on the signature roster. [Sec. 63.003(c)]

7. Return the form of identification presented by the voter and the voter’s voter registration certificate, if presented, to the voter. [Sec. 63.001(f); Docket No. 895]

8. Have the voter pick up a ballot, if applicable, or issue the voter an activation code, etc. for the accessible voting equipment and direct the voter to the voting area. [Sec. 64.001]
SITUATION 4.
Voter Has Moved

The voter presents their acceptable form of photo identification listed on page 13, or has a reasonable impediment or difficulty to obtaining an acceptable form of photo identification, and presents a supporting form of identification (presented when a voter executes a Reasonable Impediment Declaration), or has a notation of an “(E)” after the VUID number on their voter registration certificate and the voter’s name appears on the precinct’s list of registered voters. [Secs. 63.001, 63.0101; Docket No. 895]

The election officer determines under standards adopted by the Secretary of State that the voter’s name on the form of identification presented by the voter either exactly matches or is substantially similar to the name on the official list of registered voters. In the latter case, the officer will follow the procedures outlined in Situation 3 above relating to the voter submitting an affidavit, which is part of the combination form, stating that the voter is the person on the list of registered voters.

In this situation, the voter has changed his or her residence to a different precinct. Even if the voter has moved within an apartment complex, his or her precinct may have changed, so be sure to ask for the voter’s full address. If you don’t know whether the voter’s new address is within the same precinct or within the same county, call the voter registrar to determine a voter’s proper precinct or county. [Sec. 63.0011]

If the voter has moved or has an “S” notation next to his or her name, follow one of the three solutions below:

1. **Moved To Another Precinct Within County** (Voter shows up to vote in old precinct): The voter’s name and address are on the list of registered voters, but the voter says that he or she has moved within the county or is on the S-list and is no longer a resident of the precinct. [Sec. 11.004]

   He or she may vote a full ballot in this precinct if:
   1) He or she completes and signs a Statement of Residence; and
   2) The voter’s present residence is in the territory of the political subdivision holding the election.

   **NOTE:** A registered voter who changes his or her residence to another election precinct within the same county may vote a full ballot in his or her former precinct, if otherwise qualified, regardless of how long ago the voter moved, as long as voter lives in the same political subdivision conducting the election. The voter must still reside in the county.

2. **Moved From Another Precinct Within County** (Voter shows up to vote in new precinct): The voter says he or she is a resident of the precinct, but he or she did not transfer his or her voter registration to the new precinct of residence by the 30th day before the election. Further, the voter’s name is not on the list of registered voters, and the voter does not present a current voter registration certificate which shows the voter registered to vote in the precinct.
1) The presiding judge should direct the voter to vote in his or her previous precinct if the voter is registered to vote there. If polling location information is available from a computer at the polling place, the election officer shall provide that information to assist voters in finding his or her correct polling place.

2) If the voter declines to go to the correct precinct, the election judge must inform the voter of his or her right to cast a provisional ballot. (Follow the procedures for provisional voters in Situation 7.)

3. Moved to Another County: A voter who has moved from one county to another may NOT vote on election day in the county of his or her new residence, unless the voter has an effective registration in the new county. If the voter insists on voting in their new county of residence on election day, the election judge must inform the voter of the voter’s right to cast a provisional ballot.

NOTE: A voter who has moved from one county to another may, under some circumstances, be eligible to vote a limited ballot in the new county of residence before his or her registration in the new county is effective, but voting under this procedure may only be done by personal appearance or by mail during the early-voting-in-person period. The voter must be a registered voter in his or her county of former residence or was registered in the former county of residence when the voter applied to register in the new county of residence. [Sec. 112.001, et seq.]

If the election officer determines that a voter has qualified to vote in the precinct where the voter has presented himself or herself, follow the standard procedures for processing the voter:

1. Stamp “voted” or place some other notation next to the voter’s name on the list of registered voters to indicate that the voter has been accepted for voting. [Sec. 63.001(e)]

2. Have the voter sign the signature roster (or combination form). [Sec. 63.002(b)]

3. If the voter cannot sign his or her name, an election officer shall enter the voter’s name with a notation of the reason for the voter’s inability to sign the roster (or combination form). [Sec. 63.002(c)]

4. Legibly enter the name of the voter on the poll list (or combination form). [Sec. 63.003(c)]

5. If a combination form is not used, the names on the poll list must be entered in the same order as the names on the signature roster. [Sec. 63.003(c)]

6. Return the form of identification presented by the voter and the voter’s voter registration certificate, if presented, to the voter. [Sec. 63.001(f)]

7. Have the voter pick up a ballot, if applicable, or issue the voter an activation code, etc. for the accessible voting equipment and direct the voter to the voting area. [Sec. 64.001]
The voter presents their acceptable form of photo identification listed on page 13, or presents a supporting form of identification (presented when a voter executes a Reasonable Impediment Declaration), or has a notation of an “(E)” after the VUID number on the voter’s voter registration certificate, but the voter’s name does not appear on the precinct’s list of registered voters. [Sec. 63.001; Docket No. 895] A voter who presents a form of identification, but whose name is not on the precinct list of registered voters, shall be accepted for voting if the voter also presents a valid voter registration certificate indicating that the voter is currently registered either:

1. in the precinct in which the voter is offering to vote; or
2. in a different precinct in the same county as the precinct in which the voter is offering to vote, and the voter executes an affidavit stating that the voter:
   1) is a resident of the precinct in which the voter is offering to vote or is otherwise entitled by law to vote in that precinct;
   2) was a resident of the precinct in which the voter is offering to vote at the time the information on the voter’s residence address was last provided to the voter registrar;
   3) did not deliberately provide false information to secure registration in a precinct in which the voter does not reside; and
   4) is voting only once in the election.

Check the box labeled “Not on List 63.006” on the same line as the voter’s name and address on the combination form (or on the poll list) and indicate there that the voter was accepted under Section 63.006. The election officer shall also enter the voter’s name on the registration omissions list. [Sec. 63.006(a), (b)].

At this point, the election officer should follow the standard procedures for processing the voter:

1. Stamp “voted” or place some other notation next to the voter’s name on the list of registered voters to indicate that the voter has been accepted for voting. [Sec. 63.001(e)]
2. Have the voter sign the signature roster (or combination form). [Sec. 63.002(b)]
3. If the voter cannot sign his or her name, an election officer shall enter the voter’s name with a notation of the reason for the voter’s inability to sign the roster (or combination form). [Sec. 63.002(c)]
4. Legibly enter the name of the voter on the poll list (or combination form). [Sec. 63.003(c)]
5. If a combination form is not used, the names on the poll list must be entered in the same order as the names on the signature roster. [Sec. 63.003(c)]
6. Return the form of identification presented by the voter and the voter’s voter registration certificate, if presented, to the voter. [Sec. 63.001(f); Docket No. 895]
7. Have the voter pick up a ballot, if applicable, or issue the voter an activation code, etc. for the accessible voting equipment and direct the voter to the voting area. [Sec. 64.001]

SITUATION 6. Voter Without Certificate and Not on List of Registered Voters

A voter whose name is not on the list of registered voters for the precinct in which the voter is offering to vote, and who does not present a voter registration certificate when offering to vote, as set forth in Situation 5 above, shall be accepted for provisional voting if:

1. the voter executes an affidavit stating that the person is a registered voter in the precinct in which the person seeks to vote; and
2. is eligible to vote in the election. [Sec. 63.009]

Follow the procedures for provisional voter in Situation 7 below.

SITUATION 7. Provisional Voter

At all elections, the following individuals are eligible to vote a provisional ballot:

1) A voter who states they have not obtained an acceptable form of photo ID, and does not have a reasonable impediment or difficulty to obtaining an acceptable form of photo ID (including if the voter did not provide a form of supporting ID in connection with a Reasonable Impediment Declaration). NOTE: A voter who would otherwise have a reasonable impediment or difficulty to obtaining an acceptable form of photo ID but just did not bring a form of supporting ID to the polling place may opt to leave the polling place, and return at a later time with their acceptable form of supporting ID and vote a regular ballot after executing a Reasonable Impediment Declaration.

2) A voter who states they have obtained an acceptable form of photo ID, but do not have it with them to present at the polling place. NOTE: This voter may opt to leave the polling place, and return at a later time with their acceptable form of ID and vote a regular ballot.

3) A voter who does not have an acceptable form of photo ID due to a religious objection to being photographed or does not present their acceptable form of photo ID due to a natural disaster declared by the United States President or Texas Governor.

4) A voter whose name on the form of identification is determined by the election officer not to exactly match or be substantially similar to the name as it appears on the election precinct list of registered voters.

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5) A voter who presented a form of identification but whose identity cannot be verified by the identification presented.

6) A voter who has received a disability exemption under 13.002(i) of the Code, but does not have or otherwise fails to present the voter’s voter registration certificate at the polling place indicating such exemption.

7) Under section 63.009 of the Code (Situation 6), a voter who claims to be properly registered and eligible to vote at the election precinct where the voter presents himself or herself to vote, but whose name does not appear on the precinct list of registered voters and who does not present a voter registration certificate indicating that the voter is currently registered (as described in Section 63.006 of the Texas Election Code).

8) A voter who has applied for a ballot by mail, but has not yet cancelled the mail ballot application with the early voting clerk at the main early voting location or cancelled the mail application by returning the ballot to be voted by mail to the election judge at the voter’s election day precinct polling place.

9) A voter who votes during the polling hours that are extended by a state or federal court.

10) A voter who is registered to vote but attempting to vote in a precinct other than the one in which the voter is registered.

11) A voter who is on the election precinct list of registered voters, but whose registered residence address is outside the political subdivision in which the voter is presenting himself or herself to vote.

12) Other: ______________ (with an explanation). [Sec. 63.011; 1 T.A.C. §§81.172—81.176; Docket No. 895]

If a voter is eligible to cast a provisional ballot under the provisions set forth above, the election judge shall immediately inform the voter of this right, and take the following steps.

1. If the voter is casting a provisional ballot due to reasons 1-6 above, the election judge must advise the voter that in order to have their provisional ballot accepted, the voter must present an acceptable form of photo ID to the voter registrar within 6 calendar days of election day, or by qualifying for one of the exemptions (disability, natural disaster, or religious objection to being photographed). The election judge must also provide a Notice to Provisional Voter (ID Voter) to the voter (UPDATED), and inform the voter that they will receive a notice in the mail about whether the voter’s provisional ballot was counted. The Notice to Provisional Voter (ID Voter) (UPDATED) will provide the following information:
   a. A list of acceptable forms of photo identification, and information about the temporary and permanent exemptions;
   b. The procedure for presenting acceptable photo identification to the voter registrar, executing an affidavit for a temporary exemption in the presence of the voter.
registrar, or applying for a permanent disability exemption, within 6 calendar days of election day;
c. A map showing the location of the voter registrar for purposes of presenting an acceptable form of photo identification; or seeking an exemption to the identification requirement; and
d. A place for the election official to enter the voter’s name, voter unique identifier (VUID) number (if available) and the precinct polling place at which the provisional ballot was voted.

2. If the voter is casting a provisional ballot due to reasons 7-10 above, the voter should present an acceptable form of photo ID or, if the voter has a reasonable impediment or difficulty to obtaining an acceptable form of photo ID, present a form of supporting ID (after executing the Reasonable Impediment Declaration) to the election judge. The election judge must provide a Notice to Provisional Voter to the voter, and inform the voter that they will receive a notice in the mail about whether the voter’s provisional ballot was counted.

3. If the provisional voter indicates they are registered, the election judge must ask the voter if they registered at DPS. If voter states they did register at DPS, the election judge must ask the voter for the approximate date that the voter went to DPS. The election judge must then note that the voter went to DPS and, if the voter knows, the approximate date the voter went to DPS, on the Provisional Ballot Affidavit Envelope in the “Other” line.

4. The election judge shall also advise the provisional voter that in order to have the voter’s provisional ballot accepted, the provisional voter must be voting in the election precinct to which the voter is assigned. It is recommended that election officers make every effort to direct a voter to the polling place for the election precinct to which the voter is assigned.

5. Prior to casting a provisional ballot, the election judge shall advise the provisional voter to complete and sign a Provisional Ballot Affidavit Envelope. The Provisional Ballot Affidavit Envelope shall state that the provisional voter is a registered voter in the election precinct in which the voter seeks to vote and eligible to vote in the election. In order to vote a provisional ballot, a provisional voter must sign the Provisional Ballot Affidavit Envelope, and the election judge shall make this clear to the provisional voter.

6. The election judge shall complete the appropriate judge’s portion of the reverse side of the Provisional Ballot Affidavit Envelope, including checking the appropriate box, "yes" or "no," as to whether the voter presented a form of identification. The election judge shall check the reason for which the voter voted provisionally on the Provisional Ballot Affidavit Envelope, and shall then sign the Provisional Ballot Affidavit Envelope. The reasons are:

   1) Failed to present acceptable form of photo identification or voter certificate with exemption;

   2) Voter not on list of registered voters;

   3) Voter not on list, registered in another precinct;

   4) Voter on list of people who voted early by mail, and voter has not cancelled mail ballot application;
5) Voting after 7:00 p.m. due to court order;

6) Voter on list, but registered residence address outside the ___________ political subdivision; or

7) Other ________________________________ (Please explain).

7. After the provisional voter completes the Provisional Ballot Affidavit Envelope and the election judge completes the judge’s portion of the reverse side of the Envelope, the election judge shall enter the provisional voter’s name on the List of Provisional Voters form. The List of Provisional Voters form contains a box to indicate whether or not the voter submitted an acceptable form of identification, and the election judge shall mark the appropriate box.

8. The election judge shall add the name of the provisional voter to the poll list or combination form and check the column "Provisional".

9. The election judge shall have the provisional voter sign the regular signature roster or combination form in the appropriate place.

10. If provisional voting is being conducted with paper or optical scan ballots, the election judge shall direct the provisional voter to choose a ballot from a disarranged (random numerical order) supply of stack of pre-designated "provisional" ballots that are separate from regular ballots. The election judge shall inform the provisional voter that, after voting the provisional ballot, the voter must place the ballot in the provided secrecy envelope and that the ballot in the secrecy envelope must be placed inside the Provisional Ballot Affidavit Envelope and the Envelope sealed in order to have the voter’s provisional ballot accepted.

If provisional voting is being conducted on DRE voting machines, the election judge shall prepare the DRE voting machine for provisional voting in accordance with instructions provided by the general custodian of election records, which may include the instructions of the vendor of the system. The election judge shall inform the provisional voter of the procedures to be followed after voting the provisional ballot on the DRE voting machine.

11. After the provisional paper or optical scan ballot has been voted, the provisional voter shall:
   i. Seal the provisional ballot in a secrecy envelope;

   ii. Seal the secrecy envelope inside the Provisional Ballot Affidavit Envelope; and

   iii. Deposit the Provisional Ballot Affidavit Envelope in the secure container for completed Provisional Ballot Affidavit Envelopes provided at the polling place.

To vote provisionally on a DRE voting machine, the provisional voter, as directed by the election judge, shall either:

   1. Sign the "stub;" seal the “stub” in a secrecy envelope; seal the secrecy envelope inside the Provisional Ballot Affidavit Envelope; access the ballot on the DRE voting machine using the access code printed along with the “stub;” vote the ballot
on the DRE voting machine; and deposit the Provisional Ballot Affidavit Envelope (containing the signed “stub”) in the secure container for completed Provisional Ballot Affidavit Envelopes provided at the polling place; or

2. Be provided by the election judge with a random number from a preset list for provisional ballots on the DRE voting machine enabling the provisional voter to access the provisional ballot on the machine. The election judge shall place a sticker with that number on the Provisional Ballot Affidavit Envelope in the blank labeled “Ballot Number if Using DRE.” Nothing is placed inside the Provisional Ballot Affidavit Envelope. The provisional voter will deposit the Provisional Ballot Affidavit Envelope in the secure container for completed Provisional Ballot Affidavit Envelopes provided at the polling place.

SITUATION 8.
Early Voting Cancellation

1. If a voter whose name appears on the precinct list of early voters who had been sent an early voting ballot by mail presents himself or herself for voting at the polling place, the election officer may allow the voter to vote a provisional ballot, but only if the voter executes the affidavit of provisional voter, contained on the Provisional Ballot Affidavit Envelope, swearing that he or she is registered to vote and has not already voted early by mail.

2. The voter may also cancel his or her application to vote by mail at the polling place and vote a regular ballot if the voter surrenders his or her mail ballot or a “Notice Of Improper Delivery” to the presiding judge. [Sec. 84.032]
   - To cancel an application to vote by mail at the polling place, the voter must complete the “Request to Cancel Application to Vote by Mail” and surrender his or her mail ballot or a “Notice of Improper Delivery” to the election officer. The presiding election judge must review the request and write “CANCELLED” on the returned ballot or Notice. The judge should place the cancelled ballot or Notice and the request in the envelope for cancelled applications. If the voter’s request to cancel does not comply, the election judge must state on the request the reason it was denied and place the request in the envelope for requests of cancelled applications. The judge must then deposit the envelope in Ballot Box No. 4 or other designated container prior to delivering the box to the general custodian of election records.

   NOTE: If the voter is over the age of 65 or is disabled, and has an annual application for ballot by mail, cancelling the application by surrendering the ballot on election day, will not cancel their by mail application for other elections in the calendar year.

   - If the voter insists he or she did not apply, receive, or vote a ballot by mail and insists on voting at the polling place, the election judge must inform the voter of the voter’s right to vote a provisional ballot. (See Situation 7.)
3. The voter may also cancel his or her application to vote by mail at the polling place and vote a regular ballot by going to the early voting clerk’s office to cancel the voter’s application if he or she requested an application but does not have the actual ballot to surrender to the presiding election judge.

**SITUATION 9.**

Early Voting – Notice of Defective Delivery

If a voter whose name appears on the precinct list of early voters who had been sent an early voting ballot by mail presents himself or herself for voting at the polling place, the election officer may allow the voter to vote a regular ballot if the voter presents a “Notice of Defective Delivery.” This form indicates that the voter attempted to vote by mail and the mail ballot was rejected because it was delivered to the early voting clerk improperly. If the voter presents you with this Notice, you should qualify the voter and allow him or her to vote in the normal manner. The Notice itself is placed in Envelope No. 2 and returned to the general custodian of election records. [Sec. 86.006(h)]
CHAPTER 3

VOTING

The voter must be allowed to cast his or her vote in a voting booth that provides privacy for him or her while marking his or her ballot. [Sec. 51.032]

SECTION A. PERSONS ALLOWED INSIDE THE POLLING PLACE

1. Election judges and clerks. [Secs. 32.071, 32.072]
2. Poll watchers and inspectors. [Secs. 33.052, 34.002]
3. Peace officers summoned or appointed by the presiding judge to preserve order. In order to be appointed as a special peace officer at a polling place by a presiding judge, one must be licensed as a peace officer by the Texas Commission on Law Enforcement. [Sec. 32.075]
4. Persons admitted to vote. [Sec. 63.001]
5. Children under 18 years old who are accompanying a parent who is admitted to vote. [Sec. 64.002(b)]
6. Persons admitted to provide assistance to or to interpret for a voter who is entitled to assistance or to an interpreter. [Secs. 61.032, 64.032(c); 42 U.S.C.A. § 1973aa-6; U.S.D.C. W.D. Tex. Civil Action No. 1:15-cv-00679-RP (Docket Nos. 60, 66) (hereinafter “Docket Nos. 60, 66”)]
7. Secretary of State and Staff. [Sec. 34.004]
9. Persons accompanying a disabled voter (curbside voting). [Sec. 64.009]
10. Election staff people delivering necessary supplies. [Sec. 51.004]
11. Sheriff delivering election supplies at the request of the county election officer. [Sec. 51.009]
12. Persons approved to assist with electronic voting equipment. [Secs. 125.004, 125.006]
13. Emergency personnel, if needed.
14. Student participating in student election. [Sec. 276.007]
15. Officers specially appointed to assist in running student elections. [Sec. 276.007]
16. Voting system technicians. [Sec. 125.010]

NOTE: No one may be permitted to be inside the polling place unless specifically authorized by law. [Sec. 61.001] Election officers (other than the precinct election judge and clerks), party officials, or members of the media are not permitted to be in the polling place unless they are voting or fall into one of the other groups of persons listed above, who are permitted to be in the polling place. Loitering within 100 feet of an outside door through which a voter may enter during the voting period is prohibited. [Sec. 61.003]

It is a Class C misdemeanor for a candidate to be present in a polling place during early voting or on election day, unless the candidate is voting, assisting a voter, or conducting official business within the building in which the polling place is located. If the candidate is not in the building for one of these reasons, the candidate will not violate the section if he or she is not engaged in campaign activity, and are not within plain view or hearing of persons waiting to vote or persons voting. [Sec. 61.001]
SECTION B. GENERAL INSTRUCTIONS TO A VOTER

1. Any voter may ask any election officer for information on voting procedures within the polling place or on how to prepare the ballot. [Sec. 61.009]
2. The voter should be cautioned that the use of any other voting equipment and/or markers not provided by the election officers may render his or her ballot invalid, except when write-in votes are permitted.
3. Election officers should provide required information in such a way as not to suggest by word, sign, or gesture how the voter should vote. A person commits a Class B misdemeanor offense if he or she knowingly suggests to a voter how to vote. [Sec. 61.008]
4. Poll watchers and inspectors may observe any instructions given by election officers. [Secs. 33.056(a), 34.002(a)]

SECTION C. RENDERING ASSISTANCE TO A VOTER

1. Voters who are eligible for assistance.
   1) Any voter who is physically unable to mark his or her ballot. [Sec. 64.031; 52 U.S.C. § 10508]
   2) Any voter who cannot read the languages on the ballot. [Sec. 64.031; 52 U.S.C. § 10508]

2. Definition of Assistance. [Sec. 64.032; Docket Nos. 60, 66]
   1) Reading the ballot to the voter;
   2) Directing the voter to read the ballot;
   3) Marking the voter’s ballot as directed by the voter; or
   4) Directing the voter to mark the ballot.
   5) Serving as an interpreter (must also fill out a separate oath)

3. Manner of rendering assistance.
   1) A voter entitled to assistance may choose any person as his or her assistant except the voter’s employer, or agent of that employer, or officer or agent of the voter’s union. [Sec. 64.032(c); 52 U.S.C. § 10508; Docket Nos. 60, 66] Such person must be permitted to serve as an assistant regardless of:
      • The fact that that person has already assisted another voter;
      • The residence of that person;
      • The citizenship of that person;
      • The voter registration status of that person; or
      • The age of that person.
   2) No other person except for the person rendering assistance is permitted to be present while the voter prepares his or her ballot. [Secs. 33.057(b), 34.002(b), 64.002, 64.032]
   3) The person who is to provide assistance must first take an oath of assistance administered by one of the election officers. [Sec. 64.034].
      "I swear (or affirm) that I will not suggest, by word, sign, or gesture, how the voter should vote; I will confine my assistance to answering the voter’s questions, to stating propositions on the ballot, and to naming candidates and, if listed, their political parties; [and] I will prepare the voter ‘s ballot as the voter directs; and I am not the voter ‘s employer, an agent of the voter’s employer, or an officer or agent of a labor union to which the voter belongs."
      NOTE: If the assistant is also serving as an interpreter, the person must also take the oath of interpreter. [Sec. 61.035; Docket Nos. 60, 66]
4) The name and address of the person rendering assistance must be entered next to the voter’s name on the poll list. However, the name and address of election officers assisting voters do not have to be recorded on the poll list. [Sec. 64.032(d)]

5) An election officer must ask the voter if he or she wants to have the entire ballot read, and if he or she does, the officer must instruct the person who is rendering assistance to read the entire ballot to the voter. [Sec. 64.033(b)]

6) A voter who is eligible for assistance but who does not choose a person to assist him or her may receive assistance from two election officers. [Sec. 64.032(a)]
   • Election officers must be administered an oath of assistance before rendering assistance. Election officers only have to take the oath once, and it can be administered along with the oaths of election officers at the beginning of the day. [Sec. 64.034]
     "I swear (or affirm) that I will not suggest, by word, sign, or gesture, how the voter should vote; I will confine my assistance to answering the voter’s questions, to stating propositions on the ballot, and to naming candidates and, if listed, their political parties; [and] I will prepare the voter’s ballot as the voter directs; and I am not the voter’s employer, an agent of the voter’s employer, or an officer or agent of a labor union to which the voter belongs."
   • When two election officers assist a voter, the entire ballot must be read to the voter unless the voter tells the officers that he or she desires to vote only on certain offices or measures. [Sec. 64.033(a)]
   • Poll watchers and inspectors can observe the assistance rendered by election officers, and a poll watcher may inspect the ballot before it is deposited in the ballot box to determine if it was prepared in accordance with the voter’s wishes. [Secs. 33.057(a), 34.002]
   • If the election is a November general election, each election officer providing assistance must be of a different political party unless there are not two or more officers serving the polling place aligned with different parties. [Sec. 64.032(b)]

NOTE: It is recommended that one of the two election officers rendering assistance be the presiding judge.

   1) If a voter is physically unable to enter the polling place without assistance or likelihood of injury to his or her health, one election officer may deliver a ballot to the voter at the entrance or curb of the polling place. [Sec. 64.009(a)]
      • Poll watchers and inspectors must be allowed to accompany the election officer. [Secs. 33.056(a), 34.002(a)]
      • The voter must be qualified by the election officer before the voter can receive the ballot. [Sec. 64.009(b) and (c)]
      • If using a DRE system, the election officer will deliver the DRE voting machine to the voter rather than a ballot.
      • Once the voter has marked his or her ballot, the election officer deposits the ballot for the voter. [Sec. 64.009(c)]

NOTE: On the voter’s request, a person accompanying the voter to the polling place must be permitted to select the voter’s ballot and to deposit the ballot in the ballot box after the voter has voted. [Sec. 64.009(d)]

2) If the voter is not only physically unable to enter the polling place, but is also eligible for voter assistance in marking his or her ballot:
• Two election officers may assist the voter; [Sec. 64.032(a)] or
• The voter may be given assistance by a person of the voter’s choice, other than the voter’s employer or agent of that employer or officer or agent of the voter’s union. [Sec. 64.032(c); 42 U.S.C.A. 1973aa-6]
• Make sure to allow the curbside voter the same privacy as a voter at the voting booth.

SECTION D. USING ENGLISH AND INTERPRETERS
1) All election officers, while on duty at the polling place, must use English, except when helping a voter who does not understand English. Whenever English is not used either by a voter or by an election officer, any other election officer or a poll watcher, upon request, must receive an English translation of anything spoken. [Secs. 61.031, 61.036]
2) If a voter cannot communicate in English, an election officer may communicate with the voter in a language the officer and the voter understand. [Sec. 61.031(b)]
3) The voter may also select an interpreter subject to the qualifications below, to communicate with the election officer(s) attending to the voter in a language that is not English, regardless of whether the election officer who attempts to communicate with the voter understands or does not understand the language used by the voter. [Sec. 61.032; Docket Nos. 60, 66]
   1) The voter may select an interpreter who is not the voter’s employer, an agent of the voter’s employer, or an officer or agent of a labor union to which the voter belongs. [Docket Nos. 60, 66] An interpreter may interpret for any number of voters. For each voter, the interpreter must take the oath of interpreter. [Sec. 61.035]
   2) The interpreter may be a person provided by the authority conducting the election. However, even if an interpreter is provided, a voter may use an interpreter of his or her own choosing. [Sec. 61.032]
4) An interpreter may provide assistance to the voter in accordance with Section C, so long as the interpreter also takes the oath of assistance referenced in that Section and follows the other procedures applicable to assistants referenced in Section C above [Docket Nos. 60, 66].
5) If no interpreter is available at the polling place, the authority responsible for appointing the election judges may have appointed an interpreter to serve at a central location to provide assistance for Spanish-speaking voters and voters speaking any other languages required by the federal government based on the most recent federal census. [Sec. 272.009]

SECTION E. MISCELLANEOUS PROVISIONS

Written Communication
Written communications may be used by voters inside the polling place. Election officers must periodically check each voting station and common areas of the polling place for sample ballots or other written materials pertaining to the election that may have been discarded by previous voters. [Sec. 61.011]

Electioneering and Loitering
It is unlawful for any person to electioneer or loiter within the boundary established by the distance markers. An offense is a Class C misdemeanor. [Secs. 61.003] Neither election officers nor peace officers may enforce electioneering or loitering statutes outside the 100 ft. distance marker. [Sec. 32.075]

1. It is the duty of the presiding judge to prevent unlawful electioneering or loitering. [Sec. 32.075(a)]
2. A special peace officer may be appointed by the presiding judge to preserve order. In order to be appointed as a special peace officer at a polling place by a presiding judge, one must be licensed as a peace officer by the Texas Commission on Law Enforcement. [Sec. 32.075]

3. Approval of the appointment of the special peace officer by the presiding officer of the local canvassing authority is needed before this officer can enforce electioneering and loitering laws. [Sec. 32.075(b)]

NOTE: Exit polling without electioneering is permissible outside the polling place but within the distance markers. However, the judge has discretion to tell persons conducting exit polls to go beyond the distance markers if their activities are disruptive to voters.

A candidate seeking petition signatures may not do so within the 100 ft. distance marker.

4. Election judges, clerks, state or federal election inspectors, peace officers, and poll watchers must wear name tags or official badges, as applicable, **while on duty** to indicate the person’s name and title or position. [Secs. 31.051(f), 61.010(b)] The tags should be in your election kit. If you do not have tags, you may create your own, but they must comply with the form prescribed by the Secretary of State.

Except for the individuals listed above, a person may not wear a badge, insignia, emblem, or other similar communicative device relating to a candidate, measure, or political party appearing on the ballot, or to the conduct of the election, in the polling place or within 100 feet of any outside door through which a voter may enter the building in which the polling place is located. Therefore, election judges and clerks, federal and state inspectors, peace officers, and poll watchers are the only persons allowed to wear a badge. Wearing an unauthorized name tag or badge within the polling area is a Class C misdemeanor. [Sec. 61.010]

**Revealing Information**

1. No one connected with the conduct of the election may reveal any of the following information while the polls are open:
   - The names of voters who have or have not voted in the election. [Sec. 61.007(a)(4)]
   - The number of votes cast that have been received by individual candidates and/or for or against propositions. [Sec. 61.007(a)(1)]
   - A candidate’s position relative to other candidate’s in the tabulation of the votes or whether a measure is passing or failing. [Sec. 61.007(a)(2) and (3)]
   - Unlawfully revealing the above information is a Class A misdemeanor.

2. Election judges must post information about the number of voters who have voted at two-hour intervals beginning at 9:30 a.m. and running through 5:30 p.m. Post the notice next to the entrance to the polling place. [Sec. 61.007(c)]

**Influencing a Voter**

1. No one connected with the conduct of the election may indicate by sign, symbol, word, or writing to any voter how he or she should or should not vote. [Sec. 61.008] This includes:
   - interpreters;
   - assistants; [Sec. 64.034]
   - poll watchers; and [Sec. 33.058(a)]
   - inspectors.

2. An offense under this section is a Class B misdemeanor. [Sec. 61.008(b)]
Unlawful Use of a Sound Amplification Device
It is unlawful for a person to use any sound amplification device (e.g., loudspeaker) for political speech or electioneering within 1,000 feet of the polling place. [Sec. 61.004]

Use of Cell Phones and Other Wireless Communication Devices
1. The use of wireless communication devices (e.g., cell phones) are prohibited in the polling place, except as used by polling place officials and persons employed in the building where the polling place is located. A poll watcher must swear by affidavit that he or she either does not possess a device capable of recording images or sound or that the watcher will disable or deactivate the device while serving as a watcher, and prohibits the watcher from serving until he or she has done so. [Secs. 33.051, 61.014]
2. The election judge must post a notice of the prohibition against use of wireless and recording devices where voters are waiting to vote. [Sec. 62.0111]
3. A poll watcher is considered to have served continuously if the watcher leaves the polling place for the purpose of using a wireless communication device prohibited from use in the polling place and promptly returns. [Secs. 33.052(b), 62.011]

SECTION F. CASTING THE BALLOT
1. A voter who makes a mistake while marking his or her ballot may take the spoiled ballot to an election officer and exchange it for a new ballot. [Sec. 64.007(a)]
   NOTE: A voter may spoil up to 2 ballots and vote a third ballot. [Sec. 64.007(b)]
2. The election officer shall put the name of the voter and the ballot number on the register of spoiled ballots, indicate on the ballot it is spoiled, and place the spoiled ballot in Ballot Box No. 4.
3. After the voter has prepared his or her ballot, the voter folds the ballot in such a way that the back of the ballot, which contains the presiding judge’s signature, is exposed and deposits the folded ballot into the ballot box provided for the deposit of voted ballots and leaves the polling place. [Sec. 64.008]
   NOTE: When optical scan ballots are used, the ballots should not be folded as folding the ballots make it difficult for the tabulator to read the voter’s marks.
CHAPTER 4
EXAMINING, PREPARING, AND COUNTING VOTED BALLOTS

1. The procedures you follow at your precinct for managing ballots and preparing and distributing records will depend on how and where ballots are counted as follows:
   - Optical Scan Tabulator at the polling place;
   - Optical Scan Tabulator at the central counting station, regional substation, or at the appropriate authority, as applicable;
   - Hand-count at the precinct; and/or
   - DRE or other accessible voting equipment at the precinct.

2. Each voter will mark a paper ballot by hand or by using an electronic ballot marker and then place it in either an optical scan tabulator or a ballot box, depending on your precinct and jurisdiction. Alternatively, voters may vote directly on a DRE machine.

3. The Optical Scan Tabulator at the precinct electronically reads each vote on each paper ballot as it is fed into the machine. The tabulator provides a total of votes for each candidate and measure on the ballot.

SECTION A. PROCEDURES FOR COUNTING OPTICAL SCAN BALLOTS, INCLUDING WRITE-IN BALLOTS, AT POLLING PLACE USING PRECINCT BALLOT COUNTERS

1. After the polls close, the election judge must close the precinct ballot counter machine and secure it so that no additional ballots may be deposited.

2. The election judge must produce 2 copies of the election returns from the machine, which keeps a total of the votes cast for each candidate and measure on the ballot.

3. After the returns have been produced, the election judge must secure the machine with lock and seal.

4. If votes are accumulated at a central counting station, the election judge must remove the memory card (or other device which stores the election totals) from the machine, document the breaking of the seal to remove the memory card and place one copy of the returns, along with the memory card into the appropriate envelope (or other container designated by the authority conducting the election); we recommend documentation of these events by at least two election officers. The election judge must seal the envelope and sign across the seal. One election officer and at least one poll watcher, if applicable, must sign the envelope.

   1) The counted ballots must first be reviewed for irregularly-marked ballots after tabulation. If the election officers discover more than one irregularly-marked ballot that the tabulator could not accurately tabulate, then the election officers must separate all the irregularly-marked ballots from the others, and bring all the ballots to the central counting station, where the irregularly-marked ballots must be duplicated. The duplicated ballots must then be substituted for the original ballots and automatically counted with the rest of the ballots at the central counting station.

   2) If one ballot has been irregularly-marked, then that ballot must be placed in an envelope prescribed by the Secretary of State and delivered to the central counting station. The election officers at central count must examine this irregularly-marked ballot and make adjustments to the totals certified by the precinct election judge to indicate the intent of the voter. The election results for this precinct are then manually entered into the election processing system. The envelope containing the irregularly-marked ballot must be placed in the ballot box with the regularly-marked ballots and preserved for the preservation period. [Sec. 127.157]

   3) Below are examples of irregularly-marked ballots:
<table>
<thead>
<tr>
<th>Candidates for</th>
<th>☑ PARTY A</th>
<th>☑ PARTY B</th>
<th>☑ PART B C</th>
<th>☑ INDEPENDENT</th>
<th>☑ WRITE-IN</th>
</tr>
</thead>
<tbody>
<tr>
<td>First Office</td>
<td>☑ Candidate</td>
<td>☑ Candidate</td>
<td>☑ Candidate</td>
<td>☑ Candidate</td>
<td>☑_____</td>
</tr>
<tr>
<td>Second Office</td>
<td>*☐ Candidate</td>
<td>☑ Candidate</td>
<td>☑ Candidate</td>
<td>☑_____</td>
<td></td>
</tr>
<tr>
<td>Third Office</td>
<td>*☐ Candidate</td>
<td>☑ Candidate</td>
<td>☑ Candidate</td>
<td>☑_____</td>
<td></td>
</tr>
<tr>
<td>Fourth Office</td>
<td>*☐ Candidate</td>
<td>☑ Candidate</td>
<td>☑ Candidate</td>
<td>☑_____</td>
<td></td>
</tr>
<tr>
<td>Fifth Office</td>
<td>☑ Candidate</td>
<td>☑ Candidate</td>
<td>☑ Candidate</td>
<td>☑_____</td>
<td></td>
</tr>
<tr>
<td>Sixth Office</td>
<td>☑ Candidate</td>
<td>☑ Candidate</td>
<td>☑ Candidate</td>
<td>☑_____</td>
<td></td>
</tr>
<tr>
<td>Seventh Office</td>
<td>☑ Candidate</td>
<td>☑ Candidate</td>
<td>☑ Candidate</td>
<td>☑_____</td>
<td></td>
</tr>
<tr>
<td>Eighth Office</td>
<td>☑ Candidate</td>
<td>☑ Candidate</td>
<td>☑ Candidate</td>
<td>☑_____</td>
<td></td>
</tr>
<tr>
<td>Etc.</td>
<td>☑ Candidate</td>
<td>☑ Candidate</td>
<td>☑ Candidate</td>
<td>☑_____</td>
<td></td>
</tr>
</tbody>
</table>

**Example 1. Illustration of the scratch method.**  
(The asterisks indicate the candidates for whom the ballot is counted.)

<table>
<thead>
<tr>
<th>Candidates for</th>
<th>☑ PARTY A</th>
<th>☑ PARTY B</th>
<th>☑ PART B C</th>
<th>☑ INDEPENDENT</th>
<th>☑ WRITE-IN</th>
</tr>
</thead>
<tbody>
<tr>
<td>First Office</td>
<td>☑ Candidate</td>
<td>☑ Candidate</td>
<td>☑ Candidate</td>
<td>☑ Candidate</td>
<td>☑_____</td>
</tr>
<tr>
<td>Second Office</td>
<td>☑ Candidate</td>
<td>☑ Candidate</td>
<td>☑ Candidate</td>
<td>☑_____</td>
<td></td>
</tr>
<tr>
<td>Third Office</td>
<td>☑ Candidate</td>
<td>☑ Candidate</td>
<td>☑ Candidate</td>
<td>☑_____</td>
<td></td>
</tr>
<tr>
<td>Fourth Office</td>
<td>☑ Candidate</td>
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</tr>
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</tr>
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<td>☑ Candidate</td>
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<td>Etc.</td>
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<td>☑ Candidate</td>
<td>☑ Candidate</td>
<td>☑_____</td>
<td></td>
</tr>
</tbody>
</table>

**Example 2. Illustration of lack of knowledge of intent of voter.**  
(No portion of this ballot is counted.)

<table>
<thead>
<tr>
<th>Candidates for</th>
<th>☑ PARTY A</th>
<th>☑ PARTY B</th>
<th>☑ PART B C</th>
<th>☑ INDEPENDENT</th>
<th>☑ WRITE-IN</th>
</tr>
</thead>
<tbody>
<tr>
<td>First Office</td>
<td>☑ Candidate</td>
<td>☑ Candidate</td>
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</tr>
<tr>
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<td>☑ Candidate</td>
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</tr>
<tr>
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<tr>
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<td>☑ Candidate</td>
<td>☑ Candidate</td>
<td>☑_____</td>
<td></td>
</tr>
</tbody>
</table>

**Example 3. Illustration of voter voting straight party but casts individual votes in the other party column and for a declared write-in.**  
(The asterisks indicate the candidates for whom the ballot is counted)

<table>
<thead>
<tr>
<th>Candidates for</th>
<th>☑ PARTY A</th>
<th>☑ PARTY B</th>
<th>☑ PART B C</th>
<th>☑ INDEPENDENT</th>
<th>☑ WRITE-IN</th>
</tr>
</thead>
<tbody>
<tr>
<td>First Office</td>
<td>☑ Candidate</td>
<td>☑ Candidate</td>
<td>☑ Candidate</td>
<td>☑ Candidate</td>
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<td>☑ Candidate</td>
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<td>Etc.</td>
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<td>☑ Candidate</td>
<td>☑ Candidate</td>
<td>☑_____</td>
<td></td>
</tr>
</tbody>
</table>

**Etc.**
Example 4. Illustration of voter failing to mark an "X" in the write-in box. The write-in vote may be counted if the presiding judge can determine intent of voter.
(The asterisks indicate the candidates for whom the ballot is counted)

5. Manually Counting Precinct Count Optical Scan Ballots (if instructed to count ballots taken from precinct counter and/or to count write-in votes; note this is not very typical)
   1) If the tabulating equipment is not working properly and if the presiding judge concludes that it will not be possible to use a precinct ballot counter, the election officers must either manually count all voted ballots or deliver the ballots for tabulation at a central counting station. At the direction of the authority conducting the election, write-in voting may be counted at the polling place. The rules for manually counting ballots are listed below:
   2) If the counting officers have not taken the oath administered to election judges and clerks, they must do so before counting voted ballots. (See oath on page 2.)
   3) Three original tally lists are required. [Sec. 65.004] These tally lists should be completely filled out, which includes the following:
      - names and offices of candidates; and/or
      - date;
      - propositions;
      - precinct number;
      - type of election;
      - name of presiding judge; and
      - signature of the person keeping the tally list.
   4) Before the counting begins, the ballot box or other designated container should be inspected to ensure that it is empty. It should then be locked and remain locked (except as authorized by the presiding judge) and within view of the counting officers. [Sec. 62.005]
   5) If a ballot is not counted because two or more marked ballots were folded together or because the judge determines the ballot was not provided to the voter at the polling place, an election officer must indicate on the back of the ballot the reason for not counting it. [Sec. 65.010(e)]
   NOTE: If you have a marked ballot folded along with a blank ballot, you should still count the marked ballot. The voter may have unintentionally picked up two ballots, but only voted one.
   6) The officer designated as the reader should remove the ballots from the ballot box. [Sec. 65.005]
   7) The reader must read and distinctly announce, to the officers keeping the tally lists, each name of a candidate or proposition for which there is a vote. [Sec. 65.005(a)]
The failure of a voter to mark his or her ballot in strict conformity with the law does not invalidate the ballot. [Sec. 65.009]

The failure of a voter to vote a full ballot does not invalidate the ballot. [Sec. 65.009]

A ballot shall be counted on all races and propositions where the intent of the voter is clearly ascertainable, except where the law expressly prohibits the counting of the ballot. [Sec. 65.009]

If a provisional ballot is found outside a provisional ballot affidavit envelope, the ballot shall not be counted. [Sec. 65.005(d)]

An individual vote is not counted if:

- The intent of the voter cannot be determined. [Sec. 65.009]
- The voter marked more than one candidate for one race, except in municipal, school board, or other political subdivision elections where it is possible to vote for more than one candidate in the same race. [Sec. 65.011]
- The voter voted for more candidates than the number of persons to be elected to an office in a municipal, school board, or other political subdivision election where he or she was entitled to vote for more than one candidate in the same race. [Sec. 65.011]
- The voter used a sticker or rubber stamp with the name of a write-in candidate printed or written on it. [Sec. 65.008(b)]
- The election is a November general election, city council officer elections, an independent and common school district trustee election, special elections for state representative and state senator, or other elections where declaration of write-in is required and the voter writes in the name of a person whose name is not on the list of declared write-in candidates. [Sects. 144.006, 146.031(d), 146.054, 146.055, 146.082, 171.0231 Texas Election Code; Secs. 11.056(c), 11.304, 130.081, 130.0825, Texas Education Code; Sec. 285.131, Texas Health and Safety Code; Secs. 326.0431 & 326.0432, Texas Local Government Code; Secs. 36.059, 49.101, 63.0945, Texas Water Code]
- The election is a runoff election and the vote is a write-in. [Sec. 146.002]
- The voter did not vote for both the presidential and vice-presidential candidate of the same party, except when the voter writes in the name of a declared write-in presidential candidate the vote shall be counted even if the name of the corresponding vice-presidential candidate is not written in. [Sec. 192.037]

A ballot is not counted if:

- The intent of the voter cannot be determined for any races or propositions on the ballot. [Sec. 65.009]
- Two or more marked ballots are folded together. [Sec. 65.010]
- The ballot is not numbered and the presiding judge determines that the ballot was not provided at the polling place. [Sec. 65.010]
- The ballot was not deposited in the ballot box. [Sec. 65.010]

Failure to mark a ballot in strict conformity with this code does not invalidate the ballot. A vote shall be counted if the voter’s intent is clearly ascertainable unless other law prohibits counting the vote. [Sec. 65.009]

As each vote is read, a tally mark is made by the corresponding name or number on the tally sheets. [Sec. 65.005(a)]

The tally lists should be compared periodically and any errors or discrepancies corrected. [Sec. 65.005(b)]
When the reader has completely read and announced all votes on the ballot, he or she deposits the ballot in the ballot box or other designated container. [Sec. 65.012(a)]

Any voted ballot not counted is deposited in the ballot box or other designated container. [Sec. 65.012(b)]

NOTE: The presiding judge or the counting clerk(s) must make a note on the back of any voted ballot not counted indicating why that ballot was not counted. [Sec. 65.010(c)]

Tallying straight ticket votes.

i. Count a straight ticket ballot by tallying the party receiving the vote instead of tallying each party’s candidate. [Sec. 65.007(b)]

ii. A straight ticket ballot is one where the voter marks a party with the intent that all candidates of the party will receive his or her vote. [Sec. 1.005(20)]

SECTION B. PRE-LOCKED, PRE-SEALED BALLOT BOX PROCEDURES FOR OPTICAL SCAN BALLOTS COUNTED AT A CENTRAL COUNTING STATION [Sec. 127.061]

1. Locked ballot box(es) are not opened at the polling place for any reason. [Secs. 127.066(c), 127.068(a)]

2. The voters deposit their ballots directly into ballot boxes. It may be necessary to shake the box to allow the ballots to settle to the bottom.

3. After the polls close, insert the ballots attached to form labeled “Spoiled or Mutilated” into the ballot box through the ballot box slot. The ballot box should remain locked.

4. Seal the ballot box slot with a paper seal. The presiding judge, election clerk, and two poll watchers of opposing interests, if present, sign the seal. [Sec. 127.066(b)] If the box is designed so that a wire hasp seal is needed to seal the ballot box, the serial number must also be included on the ballot and seal certificate.

5. Deliver the ballot boxes as directed to the central counting station, or regional substation, where ballots will be examined and counted.

6. The examination and processing of ballots takes place at the central counting station rather than at the polling place. [Sec. 127.069]

7. The authority conducting the election may provide by order, resolution, or other official action that the processing of optical scan ballots will begin while the polls are open for voting on election day and may have the ballot boxes containing voted ballots delivered to the central counting station at stated intervals during the day or at one time after the polls close. Otherwise, deliver all boxes at one time after the polls close. [Sec. 127.124]

SECTION C. PRELIMINARY COUNTING PROCEDURE FOR HAND COUNTED PAPER BALLOTS

1. The presiding judge may tell the counting officers to start counting ballots if it is after 8:00 a.m. and there are more than 10 ballots in the box containing voted ballots. [Sec. 65.002(a), (b)]

1) If the counting of ballots has not yet started, it must start at 7:00 p.m. or when the polls close, whichever is later, and continue without interruption until all ballots are counted. [Sec. 65.002(c)]

2) Each counting team must consist of at least two people. [Sec. 65.001]

NOTE: You may keep track of the number of ballots cast by noting on the poll list when Ballot Boxes No. 1 and No. 2 are interchanged.
2. If the counting officers have not taken the oath administered to election judges and clerks, they must do so before counting voted ballots. [Sec. 62.003(b)] (See oath of election officers in Chapter 1 or in Section 62.003 of the Texas Election Code.)

3. Three original tally lists are required. [Sec. 65.004] These tally lists should be completely filled out and include the following:
   -- names and offices of candidates; and/or
   -- propositions;
   -- date;
   -- precinct number;
   -- type of election;
   -- name of presiding judge; and
   -- signature of the person keeping the tally list.

4. Before the counting begins, Ballot Box No. 3 should be inspected to ensure that it is empty. It should then be locked and remain locked (except as authorized by the presiding judge) and within view of the counting officers.

5. No marks should be made on any ballot by an election officer, except that if a ballot is not counted, an election officer must indicate on the back of the ballot the reason for not counting it. [Sec. 65.010(c)]

SECTION D. THE COUNTING PROCEDURE FOR PAPER BALLOTS

1. The counting officers should open the ballot box containing voted ballots as soon as it is received.

2. Provisional ballot envelopes, if any, must be separated from the ballots and placed in Ballot Box No. 4. [1 T.A.C. §§ 81.172-81.174, 81.176]

3. The officer designated as the reader should remove the ballots from the ballot box. [Sec. 65.005]

4. The reader must read and distinctly announce, to the officers keeping the tally lists, each name of a candidate or proposition for which there is a vote. [Sec. 65.005]

5. Failure to mark a ballot in strict conformity with the Texas Election Code does not invalidate the ballot. A vote shall be counted if the voter’s intent is clearly ascertainable unless other law prohibits counting the vote. [Sec. 65.009]

6. As each vote is read, a tally mark is made by the corresponding name or number on the tally lists. [Sec. 65.005]

7. The tally lists should be compared periodically and any errors or discrepancies corrected. [Sec. 65.005(b)]

8. When the reader has completely read and announced all the votes on the ballot, he or she deposits the ballot in Ballot Box No. 3. [Sec. 65.012(a)]

9. Any voted ballot that is not counted is also deposited in Ballot Box No. 3 with an indication on the back of the ballot as to the reason. [Sec. 65.012(b)]
SECTION E. RULES FOR COUNTING PAPER BALLOTS  
(See generally Chapter 65 and Sections 64.003-64.006.)

1. The voter should mark his or her ballot by placing an "X" or other mark in the square beside each candidate, proposition, or party column for which he or she wishes to vote (See Figure 1).  [Sec. 64.003]

(General Election Ballot)

<table>
<thead>
<tr>
<th>Candidates for Governor</th>
<th>□ PARTY A</th>
<th>□ PARTY B</th>
<th>□ PARTY C</th>
<th>□ Independent</th>
<th>□ Write-In</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>□ Candidate A</td>
<td>□ Candidate B</td>
<td>*☒ Candidate C</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Figure 1. Illustrations of marked ballots.**  
(The asterisks indicate the candidates for whom the ballot is counted.)

2. Election officers may not refuse to count a ballot because the voter marked his or her ballot by scratching out the names of candidates for whom, or the statement of propositions for which he or she did not want to vote (See Figure 2.)  [Sec. 65.009(b)]

<table>
<thead>
<tr>
<th>Candidates for</th>
<th>□ PARTY A</th>
<th>□ PARTY B</th>
<th>□ PARTY C</th>
<th>□ Independent</th>
<th>□ Write-In</th>
</tr>
</thead>
<tbody>
<tr>
<td>First Office</td>
<td>□ Candidate</td>
<td>□ Candidate</td>
<td>□ Candidate</td>
<td>□ Candidate</td>
<td>□ ________</td>
</tr>
<tr>
<td>Second Office</td>
<td>*□ Candidate</td>
<td>□ Candidate</td>
<td>□ Candidate</td>
<td>□ Candidate</td>
<td>□ ________</td>
</tr>
<tr>
<td>Third Office</td>
<td>*□ Candidate</td>
<td>□ Candidate</td>
<td>□ Candidate</td>
<td>□ Candidate</td>
<td>□ ________</td>
</tr>
<tr>
<td>Fourth Office</td>
<td>*□ Candidate</td>
<td>□ Candidate</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fifth Office</td>
<td>*□ Candidate</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sixth Office</td>
<td>*□ Candidate</td>
<td></td>
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</tr>
<tr>
<td>Seventh Office</td>
<td>*□ Candidate</td>
<td>□ Candidate</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Eighth Office</td>
<td>*□ Candidate</td>
<td>□ Candidate</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Etc.</td>
<td></td>
<td></td>
<td></td>
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<td></td>
</tr>
</tbody>
</table>

**Figure 2. Illustration of the scratch method.**  
(The asterisks indicate the candidates for whom the ballot is counted.)
3. In the general election, if a ballot indicates a straight-party vote and a vote for an opponent of one or more of that party’s nominees, a vote shall be counted for that opponent and for each of the party’s other nominees whether or not any of those nominees have received individual votes. [Sec. 65.007(c)] (See Figures 3 and 4.)

<table>
<thead>
<tr>
<th>Candidates for</th>
<th>☒ PARTY A</th>
<th>☐ PARTY B</th>
<th>☐ PARTY C</th>
<th>☐ Independent</th>
<th>☐ Write-In</th>
</tr>
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<tr>
<td>Second Office</td>
<td>☐ Candidate</td>
<td>☐ Candidate</td>
<td>☒ Candidate</td>
<td>☐ Candidate</td>
<td>☐</td>
</tr>
<tr>
<td>Third Office</td>
<td>☐ Candidate</td>
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<td>☐ Candidate</td>
<td>☐ Candidate</td>
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<td>☐ Candidate</td>
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</tr>
<tr>
<td>Eighth Office</td>
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<td>☐ Candidate</td>
<td>☐ Candidate</td>
<td>☐</td>
</tr>
<tr>
<td>Etc.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Figure 3.** Illustration of ballot with one party square marked and individual candidates marked in one or more other columns. (The asterisks indicate the candidates for whom the ballot is counted.)

<table>
<thead>
<tr>
<th>Candidates for</th>
<th>☒ PARTY A</th>
<th>☐ PARTY B</th>
<th>☐ PARTY C</th>
<th>☐ Independent</th>
<th>☐ Write-In</th>
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<tr>
<td>First Office</td>
<td>☒ Candidate</td>
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<td>☐ Candidate</td>
<td>☐ Candidate</td>
<td>☐</td>
</tr>
<tr>
<td>Second Office</td>
<td>☒ Candidate</td>
<td>☐ Candidate</td>
<td>☐ Candidate</td>
<td>☐ Candidate</td>
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</tr>
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<td>Etc.</td>
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</table>

**Figure 4.** Illustration of Guideline No. 1. One party square marked and individual candidates marked in both that column and one or more other columns. (The asterisks indicate the candidates for whom the ballot is counted.)

Guideline No. 1. Where both the party square and individual candidates are marked in the same party column, and individual candidates are marked in some other column, the election officer must count a vote for all the party’s candidates except for those whose opponents in other columns received individual votes, in which case the votes for the individuals in the other columns are counted.

**Note:** Individual marks always override the straight party mark. Individual marks are counted in lieu of straight party marks. In both Figures 3 & 4, individual tally marks are made for candidates rather than making a tally mark for the party.
4. Ballots not marked in conformity with the law.
   1) A vote must be counted if the intent of the voter is clearly ascertainable. [Sec. 65.009(c)] (See Figure 5.)

<table>
<thead>
<tr>
<th>Candidates for</th>
<th>☑ PARTY A</th>
<th>☑ PARTY B</th>
<th>☐ PARTY C</th>
<th>☐ INDEPENDENT</th>
<th>☐ WRITE-IN</th>
</tr>
</thead>
<tbody>
<tr>
<td>First Office</td>
<td>☑ Candidate</td>
<td>☐ Candidate</td>
<td>☐ Candidate</td>
<td>☐ Candidate</td>
<td>☐________</td>
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<tr>
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<td>☐________</td>
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<td>☐ Candidate</td>
<td>☐ Candidate</td>
<td>☐________</td>
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<td>☐ Candidate</td>
<td>☐ Candidate</td>
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</tr>
<tr>
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<td>☐ Candidate</td>
<td>☐ Candidate</td>
<td>☐ Candidate</td>
<td>☐ Candidate</td>
<td>☐________</td>
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<tr>
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<td>☐ Candidate</td>
<td>☐ Candidate</td>
<td>☐ Candidate</td>
<td>☐________</td>
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<tr>
<td>Seventh Office</td>
<td>☐ Candidate</td>
<td>☐ Candidate</td>
<td>☐ Candidate</td>
<td>☐ Candidate</td>
<td>☐________</td>
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<tr>
<td>Eighth Office</td>
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<td>☑ Candidate</td>
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<tr>
<td>Etc.</td>
<td></td>
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<td></td>
<td></td>
</tr>
</tbody>
</table>

**Figure 5. Illustration of Guideline No. 2.**

Two party squares marked and individual candidates also marked in one or more columns.
(The asterisks indicate the candidates for whom the ballot is counted.)

Guideline No. 2. Where more than one party square is marked, those votes may not be tallied, and the ballot may be counted only for candidates individually marked, if any. (If there are no candidates individually marked, no portion of the ballot is counted.) [Sec. 65.007(d)]

2) An entire ballot cannot be voided if the intent of the voter can be determined for any one race or proposition on the ballot. [Sec. 65.009(c)]

3) **An individual vote** is not counted in the following situations (see next two pages also):
   - An individual vote is not counted if the intent of the voter cannot be determined. [Sec. 65.009(c)]
   - An individual vote is not counted if the voter marked more than one candidate for one race.
     In municipal, school board, or other political subdivision elections where it is possible to vote for more than one candidate in the same race, a ballot may not be counted if a voter has marked more candidates than are to be elected. [Sec. 65.011] A ballot is not invalid if the voter has marked fewer candidates than the number to be elected. [Sec. 65.009]

**Figure 6. Illustration of over-voting; voter has voted for more candidates than are to be elected.** (No portion of this ballot is counted.)
VOTE FOR NONE, ONE, TWO, OR THREE

* ☒ Candidate
☐ Candidate
* ☒ Candidate
☐ Candidate
☐ Candidate
☐ Candidate

Figure 7. Illustration of under-voting, by which voter has voted for fewer candidates than are to be elected. (A vote is counted for each candidate receiving a vote.)

- An individual vote is not counted if:
  - The voter used a sticker or rubber stamp with the name of a write-in candidate printed or written on it. [Sec. 65.008(b)]
  - The election is a November general election, city council officer elections, an independent or common school district trustee election, hospital district election, special elections for state representative and state senator, or other elections where declaration of write-in is required and the voter writes in the name of a person whose name is not on the list of declared write-in candidates. [Secs. 144.006, 146.031(d), 146.054, 146.055, 146.082, 171.0231 Texas Election Code; Secs. 11.056(c), 11.304, 130.081, 130.0825, Texas Education Code; Sec. 285.131, Texas Health and Safety Code; Secs. 326.0431 & 326.0432, Texas Local Government Code; Secs. 36.059, 49.101, 63.0945, Texas Water Code]
  - The election is a runoff election and a voter writes in any candidate’s name; no write-in votes may be counted at a runoff election. [Sec. 146.002]
  - The voter voted for the presidential candidate of one party and the vice-presidential candidate of another party or voted for the presidential or vice-presidential candidate of one party and wrote in the name of a candidate he or she desires to vote for instead of that candidate’s running mate. [Sec. 192.037]
4) A ballot is not counted in the following situations:
   - A ballot is not counted if the intent of the voter cannot be determined. [Sec. 65.009] (See Figure 9.)

```
<table>
<thead>
<tr>
<th>Candidates for</th>
<th>☑ PARTY A</th>
<th>☐ PARTY B</th>
<th>☑ PARTY C</th>
<th>☐ INDEPENDENT</th>
<th>☐ WRITE-IN</th>
</tr>
</thead>
<tbody>
<tr>
<td>First Office</td>
<td>☑ Candidate</td>
<td>☐ Candidate</td>
<td>☑ Candidate</td>
<td>☐ Candidate</td>
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<td>☑ Candidate</td>
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<td>☑ Joe Doe</td>
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<tr>
<td>Fourth Office</td>
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<td>☑ Joe Doe</td>
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<td>☑ Candidate</td>
<td>☑ Candidate</td>
<td>☐ Candidate</td>
<td>☑ Joe Doe</td>
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<tr>
<td>Etc.</td>
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Figure 8. Illustration of lack of knowledge of intent of voter.
(No portion of this ballot is counted.)

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<th>☑ PARTY B</th>
<th>☐ PARTY C</th>
<th>☐ INDEPENDENT</th>
<th>☐ WRITE-IN</th>
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<tbody>
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<td>First Office</td>
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<td>☑ Joe Doe</td>
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<td>☑ Candidate</td>
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<td>☑ Joe Doe</td>
</tr>
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<td>☑ Candidate</td>
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<td>☑ Joe Doe</td>
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<tr>
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<td>☑ Candidate</td>
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<td>☑ Joe Doe</td>
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<tr>
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<td>☑ Joe Doe</td>
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<tr>
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<td>☑ Joe Doe</td>
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<td>☑ Candidate</td>
<td>☑ Candidate</td>
<td>☑ Joe Doe</td>
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<td>☑ Candidate</td>
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<td>☑ Candidate</td>
<td>☑ Joe Doe</td>
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<tr>
<td>Etc.</td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>
```

Figure 9. Illustration of Guideline No. 3.
(No portion of this ballot is counted.)

Guideline No. 3. Where more than one party square is marked, there is a contradiction as to party markings, and no portion of the ballot is counted. **Note:** This will not impact other elections listed separately on the same ballot.

- A ballot is not counted if two or more marked ballots are folded together in a manner that indicates they were folded together when deposited in the ballot box by the voter. [Sec. 65.010(a)(2)]
  **NOTE:** If you have a marked ballot folded along with a blank ballot, you should still count the marked ballot. The voter may have unintentionally picked up two ballots, but only voted one.
- A ballot is not counted if the ballot is not numbered or not signed by the judge and the judge determines the ballot was not provided at the polling place. A ballot that is unnumbered or unsigned may be counted if the judge determines that it was provided at the polling place. [Sec. 65.010(a)(1) and (b)]
- If a marked ballot is found in a location other than inside the ballot box, the entire ballot may not be counted. The election judge must make a notation on the back of the ballot as to the reason it was not counted. This ballot is then placed in Ballot Box No. 3 with other ballots that have been counted. [Sec. 65.010(a)(4)]
A provisional ballot is not counted if it is found by an election worker in the ballot box and it is not sealed in the provisional voter affidavit envelope. [T.A.C. §§ 81.172-81.174, 81.176]

5) Tallying straight-party vote (See Figures 10, 11 and 12.)
   - Count a straight-party vote by tallying for the party receiving the vote instead of tallying for each party candidate(s). [Sec. 65.007(b)] However, if a ballot indicates a straight-party vote and a vote for an opponent of one or more of that party’s nominees, a vote shall be tallied for the opponent and for each of the party’s other nominees whether or not any of those nominees have received individual votes (See Figures 3 and 4). [Sec. 65.007(c)] Do not tally a straight-party vote in this situation.
   - A straight-party vote is one where the voter marks a party with the intent that all candidates of this party will receive his or her vote. [Sec. 64.004]

<table>
<thead>
<tr>
<th>Candidates for</th>
<th>☒ PARTY A</th>
<th>☐ PARTY B</th>
<th>☐ PARTY C</th>
<th>☐ INDEPENDENT</th>
<th>☐ WRITE-IN</th>
</tr>
</thead>
<tbody>
<tr>
<td>First Office</td>
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<td>☐ Candidate</td>
<td>☐ Candidate</td>
<td>☐ Candidate</td>
<td>☐ ________</td>
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<td>☐ Candidate</td>
<td>☐ Candidate</td>
<td>☐ ________</td>
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<td>☐ Candidate</td>
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<td>☐ Candidate</td>
<td>☐ Candidate</td>
<td>☐ ________</td>
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<td>☐ Candidate</td>
<td>☐ Candidate</td>
<td>☐ ________</td>
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<tr>
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</tr>
<tr>
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<tr>
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</table>

**Figure 10.** Casting a straight-party vote by marking the party square.
(The asterisks indicate the candidates for whom the ballot is counted.)

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<th>Candidates for</th>
<th>☐ PARTY A</th>
<th>☐ PARTY B</th>
<th>☐ PARTY C</th>
<th>☐ INDEPENDENT</th>
<th>☐ WRITE-IN</th>
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<tr>
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<td>☐ Candidate</td>
<td>☐ Candidate</td>
<td>☐ ________</td>
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<td>☐ Candidate</td>
<td>☐ Candidate</td>
<td>☐ ________</td>
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<tr>
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<td>☒ Candidate</td>
<td>☐ Candidate</td>
<td>☐ Candidate</td>
<td>☐ ________</td>
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<tr>
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<tr>
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<td>☐ Candidate</td>
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<tr>
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</table>

**Figure 11.** Casting a straight-party vote by marking individual squares of all nominees of a party.
(The asterisks indicate the candidates for whom the ballot is counted.)
Guideline No. 4. Where only one party square is marked, and names of any or all of that party’s nominees are marked individually, but no candidate outside that party is marked, the ballot must be counted as a vote for all nominees of that party whose square is marked. But do not count double the votes. This is often referred to as an “emphasis vote.” Make a tally mark for the party.

- Write-in Votes.
  - In the November general election, city council officer elections, an independent or common school district trustee election, hospital district election, special elections for state representative and state senator, or other elections where declaration of write-in is required and the voter writes in the name of a person whose name is not on the list of declared write-in candidates, the vote is not counted. [Secs. 144.006, 146.031(d), 146.054, 146.055, 146.082, 171.0231 Texas Election Code; Secs. 11.056(c), 11.304, 130.081, 130.0825, Texas Education Code; Sec. 285.131, Texas Health and Safety Code; Secs. 326.0431 & 326.0432, Texas Local Government Code; Secs. 36.059, 49.101, 63.0945, Texas Water Code]
  - In a runoff election, no write-ins are counted. [Sec. 146.002]
  - The first time a name is read, enter it on the tally list and also make a tally mark by the name. Each subsequent time the name is read, make a tally mark by the name. [Sec. 65.005(a)]
  - In all elections other than those listed in subsection (a) above, all write-ins are counted. [Sec. 146.001]

<table>
<thead>
<tr>
<th>Candidates for</th>
<th>PARTY A</th>
<th>PARTY B</th>
<th>PARTY C</th>
<th>INDEPENDENT</th>
<th>WRITE-IN</th>
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<tr>
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</tbody>
</table>

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Guideline No. 5. Where voter marks straight party but votes for a declared write-in, the write-in vote is counted.

<table>
<thead>
<tr>
<th>Candidates for</th>
<th>□ PARTY A</th>
<th>✔ PARTY B</th>
<th>□ PARTY C</th>
<th>□ INDEPENDENT</th>
<th>□ WRITE-IN</th>
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<td>□ Candidate</td>
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<td>☑ Joe Doe</td>
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<td></td>
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<td>✔ Candidate</td>
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<tr>
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<tr>
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<tr>
<td>Etc.</td>
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</tbody>
</table>

Guideline No. 6. Where voter fails to properly mark an "X" in the write-in box, the write-in vote may be counted if the voter has written in the name of the declared write-in candidate for elections where declarations are required or name of person in elections where they are not required and the presiding judge can determine the intent of the voter. [Secs. 52.070(e), 65.009]

A ballot voted where the voter only marked an “X” in the write-in square and did not write-in the name of a declared write-in candidate should not be counted.\n
SECTION F. USING DRE EQUIPMENT AT THE POLLING PLACE

Closing the polls that use electronic voting devices is different than closing polls that use paper ballots, and you will be provided detailed instructions for use of the equipment by the authority conducting the election. Below are some general guidelines that should be followed, along with the detailed instructions provided locally:

1. Perform the action necessary on each voting device to officially close the polls, so no more votes can be recorded;
2. Verify and document the public count on each voting device, and any other applicable device;
3. Verify that the public count(s) equal the number of voters who signed the roster;
4. Print a minimum of 2 copies of the election results. (Note: during early voting, do not print out the precinct results tape.);
5. The presiding judge, an election clerk, and not more than 2 poll watchers, if one or more are present, must sign the election results;
6. Follow the instructions of the authority conducting the election, but if directed to do so, remove the memory card, or other device which stores the election totals, from the accessible voting device, and document breaking of the seal to remove the memory card (we recommend this be documented by two election officers);
7. Place copies of the election results as instructed by the authority conducting the election;
8. If applicable, place the memory card in a secure container as instructed by the authority conducting the election;
9. Disconnect the electronic voting equipment;
10. Disassemble the voting equipment, if instructed by the authority conducting the election;
11. Complete the paperwork;
12. Secure the equipment and other election materials from any unauthorized access;
13. The authority conducting the election will provide detailed instructions on how, when, and where to return the voting system equipment and supplies.
CHAPTER 5
CLOSING AND SECURING THE POLLING PLACE

NOTE: At the end of Election Day, the various forms that came out of the Election Kit (or other supply bag provided by the local authority) at the beginning of the day must be distributed to appropriate authorities in particular envelopes (5) and ballot boxes (Nos. 3 & 4). Leftover forms go back into the Election Kit (or other supply bag provided by the local authority). Signage can be taken down and placed in Ballot Box No. 4 (or other container if there is no Ballot Box No. 4). The local authority conducting the election will provide detailed instructions to supplement the procedures provided in this Chapter.

SECTION A. CLOSING THE POLLING PLACE
1. Officially close and lock the door to the polling place at 7:00 p.m. [Sec. 41.031(a)]
2. If people are waiting in line to vote at 7:00 p.m., they must be allowed an opportunity to present themselves for voting. [Sec. 41.032]
   1) Have all the people enter the polling place, if possible, and lock the door.
   2) If it is not possible to get all of the people waiting in line into the polling place, position an election officer after the last person in line at 7:00 p.m., or
   3) Distribute numbered identification cards, tokens, etc. to people waiting in line at the time for official closing of the polls. [Sec. 41.032(b)]
3. After the polling place is officially closed and the last person has voted, the presiding judge may from time to time make an unofficial announcement of the total number of votes counted for each candidate and/or for or against each proposition in the order that they appear on the ballot. [Sec. 65.015(a)]
NOTE: The authority conducting the election may require or prohibit such announcements. [Sec. 65.015(b)] Unofficial election results must be released by the central counting station as soon as they are available after the polls close, but the presiding judge of the central counting station, in cooperation with the county election officer (the county clerk, elections administrator, or tax assessor collector, as appropriate to the county), may choose to withhold the release of vote totals until the last voter has voted. [Sec. 127.1311]
4. The election records are placed in the appropriate envelopes or containers as prescribed below depending on the type of voting method used: precinct optical scan/accessible voting equipment (e.g., DRE), precinct counter/tabulator, central counting optical scan, and hand counted paper ballots.
NOTE: If an electronic pollbook is used, and is not capable of generating the number of copies of forms needed as described below, and no photocopy machine is available at the polling place, the general custodian of election records shall establish the procedures to make the necessary copies described below.
5. The presiding judge must deliver Envelope No. 1 to the presiding officer of the local canvassing authority. If that officer is unavailable, the envelope shall be delivered to the general custodian of election records for delivery to the presiding officer before the time set for the local canvass of the election. [Sec. 66.051(a)]
6. The presiding judge shall deliver Envelope No. 2, Ballot Box No. 3, and Ballot Box No. 4 and its key in person to the general custodian of records. [Sec. 66.051(b)]
7. The presiding judge shall retain Envelope No. 3. [Sec. 66.051(c)]
8. The presiding judge must deliver Envelope No. 4 to the Voter Registrar, or if that officer is unavailable, to the general custodian of election records for later delivery to the Voter Registrar. [Sec. 66.051(d)]
9. The presiding judge must deliver the keys for Ballot Box No. 3 or other secured container, to:
   1) The sheriff for an election ordered by the governor or a county authority [Sec. 66.060(a)(1)]
   NOTE: In a year in which the office of sheriff appears on the ballot, the key is delivered to the county judge, unless the office of county judge is also on the ballot, in which case the key is delivered to the county auditor, or to a member of the commissioners court who is not on the ballot and who is appointed by the court, if the county does not have a county auditor. [Sec. 66.060(a)(1)]
   2) The chief of police or city marshal for an election ordered by a city authority. [Sec. 66.060(a)(2)]
   3) The constable of the justice precinct in which the governing body’s office is located, or if the constable’s office is vacant, to the sheriff of the county for an election ordered by a political subdivision other than a county or city. [Sec. 66.060(a)(3)]

10. Time.
    1) Records must be delivered to the appropriate authority immediately after the precinct returns are completed. [Sec. 66.053(a)]
    2) When counting at the precinct level, if the judge determines that the ballots will not be counted in time to permit delivery of the records by 2:00 a.m. of the day following the election, he or she must notify the general custodian of election records by telephone between midnight of election day and 1:00 a.m. of the following day of:
       • The total number of voters voting as indicated by the poll list;
       • The vote totals tallied for each candidate and for and against each measure at the time of notification;
       • Total number of provisional votes; and
       • The expected time of finishing the count. [Sec. 66.053(b)]
    3) In every election, the precinct election records must be delivered to the appropriate authorities not later than 24 hours after the polls close. [Sec. 66.053(c)]

11. Poll watchers may accompany election officers delivering election records. If delivery is made in a vehicle, it is sufficient to allow the watcher to follow in a different vehicle and to drive in such a manner that the watcher is able to keep the delivery vehicle in sight. [Sec. 33.060]

12. Records must be delivered to the appropriate authorities immediately after the precinct returns are completed and in any case not later than 24 hours after the polls close. [Sec. 66.053(c)]

SECTION B. DISTRIBUTION OF ELECTION RECORDS WHEN OPTICAL SCAN BALLOTS ARE TABULATED AT POLLING PLACE OR DRES ARE USED

1. Copies of poll lists.
   1) There must be three copies of the poll list (four copies of combination form, if used). [Secs. 63.003(b), 66.0241(4)]

2. Four envelopes for distribution of election records are furnished with the supplies. [Sec. 66.003(a)]
   1) Envelope No. 1 addressed to the presiding officer of the local canvassing authority. [Secs. 66.003(b)(1), 67.002]
       • County judge (general election or election held by the county).
       • Mayor (municipal election).
       • Presiding officer of the governing board (other elections).
2) Envelope No. 2 is addressed to the general custodian of election records. [Secs. 66.001, 66.003(b)(2)]
   - County election officer (county clerk, elections administrator or tax assessor collector as appropriate to the county) (general election or election held by the county).
   - City clerk or secretary (municipal election).
   - The secretary of the governing board, or if none, the presiding officer of the governing board, or as designated (other elections).
3) Envelope No. 3 is addressed to the presiding judge. [Sec. 66.003(b)(3)]
4) Envelope No. 4 is addressed to the Voter Registrar. [Sec. 66.003(b)(4)]
5) Envelope containing cancellation requests is addressed to the general custodian of election records. [Secs. 66.026, 66.051(b)]

3. The records of the election must be distributed as follows:
   1) Contents of Envelope No. 1: [Sec. 66.022]
      - Printout of results tape(s).
   2) Contents of Envelope No. 2: [Sec. 66.023; Docket No. 895]
      - Printout of results tape(s);
      - The original of the poll list (or combination form);
      - Reasonable Impediment Declarations;
      - Original of List of Provisional Voters; [T.A.C. §§ 81.172-81.174, 81.176]
      - The signature roster (or combination form);
      - The precinct early voting list;
      - Any certificates of appointment of poll watchers;
      - Original copy of Statement of Compensation (in some circumstances); [Sec. 32.094]
      **NOTE:** The presiding judge must follow the instructions of the authority responsible for delivering the election supplies with respect to the time by which and the authority to whom the Statement of Compensation is delivered. The time designated for delivery may not be later than 5:00 p.m. of the third day after election day. If the authority responsible for delivering the election supplies does not indicate to whom the Statement of Compensation should be returned, place it in Envelope No. 2 for return to the custodian of election records. The election judge may also keep a copy of the Statement of Compensation.
      - The notice of the number of voters who voted during the day;
      - Notice of Defective Delivery;
      - Oaths of Election Officers; and
      - Oaths of Assistance and Oaths of Interpreters.
   3) Contents of Envelope No. 3: [Sec. 66.024]
      - Printout of results tape(s);
      - A copy of the poll list (or combination form);
      - Copy of List of Provisional Voters;
      - A copy of the ballot register;
      - A copy of the ballot and seal certificate; and
      - A copy of the Statement of Compensation.
   4) Contents of Envelope No. 4: [Sec. 66.0241]
      - Precinct list of registered voters and supplemental list, if any;
      - The registration correction list, if any;
      - Any Statements of Residence completed at the polling place; and
5) Contents of Box (optical scan or emergency paper ballots for accessible equipment, if any): [Sec. 66.025]
   - Voted ballots;
   - Provisional Ballots and provisional ballot envelopes;
     NOTE: Provisional ballots may be stored in a separate container that meets the requirements of Section 51.034 of the Texas Election Code or has been approved by the Secretary of State.
   - A copy of the poll list (or combination form); and
     NOTE: If the poll list is too large for the pre-locked, pre-sealed ballot box, it may be placed in another secure container if such placement has been approved by the Secretary of State. [Sec. 66.025]
   - The original of the ballot and seal certificate.
   - Memory Card or any other electronic data storage medium (unless it is too bulky to put through ballot slot or if instructed by authority conducting election to place in another secured container).

6) Contents of Ballot Box No. 4: [Sec. 66.026]
   - Printout of results tape(s) (Note: the printout in Envelope #2 should be sufficient enough to avoid placing a set in Ballot Box No. 4; see authority conducting election for further direction);
   - The original of the ballot register;
   - Voted Provisional Ballots sealed in Provisional Ballot Affidavit Envelopes (unless directed otherwise by authority conducting the election);
   - The register of spoiled ballots;
   - Any spoiled ballots;
   - Any defectively-printed ballots;
   - Any envelope containing cancellation requests and cancelled ballots; and
   - Any other unused ballots.

SECTION C. DISTRIBUTION OF ELECTION RECORDS WHEN BALLOTS ARE TABULATED AT CENTRAL COUNTING STATION

1. Copies of poll lists.
   1) There must be three copies of the poll list (four copies of combination form if used). [Sec. 63.003(b)]
2. Four envelopes for distribution of election records are furnished with the supplies. [Sec. 66.003(a)]
   1) Envelope No. 1 addressed to the presiding officer of the local canvassing authority. [Sec. 66.003(b)(1)]
       - County judge (general election or election held by the county).
       - Mayor (municipal election).
       - Presiding officer of the governing board (other elections).
   2) Envelope No. 2 is addressed to the general custodian of election records. [Secs. 66.001, 66.003(b)(2)]
       - County clerk or county elections administrator (general election or election held by the county).
       - City clerk or secretary (municipal election).
The secretary of the governing board, or if none, the presiding officer of the governing board, or as designated (other elections).

3) Envelope No. 3 is addressed to the presiding judge. [Sec. 66.003(b)(3)]
4) Envelope No. 4 is addressed to the Voter Registrar. [Sec. 66.003(b)(4)]
5) Envelope containing cancellation requests is addressed to the general custodian of election records. [Secs. 66.026, 66.051(b)]

3. The records of the election must be distributed as follows:

1) Contents of Envelope No. 1: [Sec. 66.022]
   - No records from election precinct since no votes are counted at the precinct.

2) Contents of Envelope No. 2: [Sec. 66.023]
   - The original of the poll list;
   - Original of List of Provisional Voters; [T.A.C. §§ 81.172-81.174, 81.176]
   - The signature roster;
   - The precinct early voting list;
   - Any certificates of appointment of poll watchers;
   - Original copy of Statement of Compensation (in some circumstances); [Sec. 32.094]

   **NOTE:** The presiding judge must follow the instructions of the authority responsible for delivering the election supplies with respect to the time by which and the authority to whom the Statement of Compensation is delivered. The time designated for delivery may not be later than 5:00 p.m. of the third day after election day. If the authority responsible for delivering the election supplies does not indicate to whom the Statement of Compensation should be returned, place it in Envelope No. 2 for return to the custodian of election records. The election judge may also keep a copy of the Statement of Compensation.
   - The notice of the number of voters who voted during the day;
   - Notice of Defective Delivery;
   - Oaths of Election Officers; and
   - Oaths of Assistance and Oaths of Interpreters.

3) Contents of Envelope No. 3: [Sec. 66.024]
   - A copy of the poll list;
   - Copy of List of Provisional Voters;
   - A copy of the ballot register;
   - A copy of the ballot and seal certificate; and
   - A copy of the Statement of Compensation.

4) Contents of Envelope No. 4: [Sec. 66.0241]
   - Precinct list of registered voters and supplemental list, if any;
   - The registration correction list, if any;
   - Any Statements of Residence completed at the polling place; and
   - Copy of Combination Form, if used instead of individual affidavits.

5) Contents of Pre-locked, Pre-sealed Ballot Box: [Sec. 66.025]
   - Voted ballots;
   - Provisional Ballots and Provisional Ballot Affidavit Envelopes;

   **NOTE:** Provisional ballots may be stored in a separate container that meets the requirements of Section 51.034 of the Texas Election Code or has been approved by the Secretary of State.
   - A copy of the poll list; and
NOTE: If the poll list is too large for the pre-locked, pre-sealed ballot box, it may be placed in another secure container if such placement has been approved by the Secretary of State. [Sec. 66.025]

- The original of the ballot and seal certificate.
- Memory Card or any other electronic data storage medium (unless it is too bulky to put through ballot slot or if instructed by authority conducting election to place in another secured container).

6) Contents of Ballot Box No. 4: [Sec. 66.026]

- The original of the ballot register;
- Voted Provisional Ballots sealed in Provisional Ballot Affidavit Envelopes (unless directed otherwise by authority conducting the election);
- The register of spoiled ballots;
- Any spoiled ballots;
- Any defectively-printed ballots;
- Any envelope containing cancellation requests and cancelled ballots; and
- Any other unused ballots.

4. The presiding judge must deliver Envelope No. 1, which will be empty, seal Envelope No. 2, seal the opening slot to Ballot Box No. 3, and lock Ballot Box 4 as soon as they are ready for distribution. [See generally, Chapter 66 of the Texas Election Code]

5. Delivery of Ballot Boxes.

1) A certificate (seal certificate) stating the number of the seal to be placed on the pre-locked, pre-sealed ballot box and the number of voted ballots placed in the container must be made out in duplicate (2 copies), signed by the presiding judge, election clerk, and two poll watchers of opposing interest (if present). [Sec. 127.036]

- Place the original of this certificate in the pre-sealed, pre-locked ballot box.
- Retain the other copy of the certificate with the election records in Envelope No. 3.

**NOTE**: If pre-locked, pre-sealed ballot boxes are used, you must still complete the ballot and seal certificate. This form notifies the central counting station personnel of how many ballots were cast at the polling place. Therefore, if the machine ballot count is different from the number of ballots cast, central count personnel will be on notice that there may be a tabulating problem.

2) Seal the slot of the pre-sealed, pre-locked ballot box. If the container is a ballot box with an opening through which voted ballots can be deposited, the opening must be sealed with a paper seal and signed by the presiding judge, an election officer, and two watchers of opposing interest (if present). [Sec. 127.036 (for prepared ballot boxes) and Sec. 127.066 (for sealed ballot boxes)] If the box is designed so that a wire hasp seal is needed to seal the ballot box, the serial number must also be included on the ballot and seal certificate.

3) After the ballot container is sealed, two election officers must immediately deliver the ballot container to the central counting station.

- Poll watchers may accompany election officers delivering ballot container(s). If delivery is made in a vehicle, an election officer complies with this section if the officer permits the watcher to follow in a different vehicle and drives in a manner that enables the watcher to keep the vehicle in sight. [Sec. 33.060]
• Exchange the ballot box for a receipt signed by the presiding judge of the central counting station or his or her designee.

4) Ballot Box No. 4 and its key are delivered to the general custodian of election records. [Sec. 66.051(b)]

6. The presiding judge retains Envelope No. 3. [Sec. 66.003(b)(3)]
SECTION D. MAKING OUT RETURNS AND DISTRIBUTION OF ELECTION RECORDS WHEN HAND COUNTED PAPER BALLOTS ARE USED

1. Making out the returns.
   1) After all ballots are counted, each tally list must be totaled and signed by the counting officer keeping it. If more than one officer has kept one particular list, each officer signs upon finishing. [Sec. 65.005(c)]
   2) Total each tally list to obtain the total number of votes cast for each candidate and/or for or against each proposition.
   3) The presiding judge must make out and sign all copies of the returns. [Sec. 65.014(c)]

2. Distribution of election returns, poll lists, and tally lists.
   1) There must be four copies of the returns. [Sec. 65.014(c)]
   2) There must be three copies of the poll list (or four copies of the combination form). [Sec. 63.003(b)]
   3) There must be three originals of the tally list. [Sec. 65.005]

3. Four envelopes for distribution of election records are furnished with the supplies. [Sec. 66.003(a)]
   1) Envelope No. 1 is addressed to the presiding officer of the local canvassing authority. [Sec. 66.003(b)(1)]
      - County judge (general election or election held by the county).
      - Mayor (municipal election).
      - Presiding officer of the governing board (other elections).
   2) Envelope No. 2 is addressed to the general custodian of election records. [Secs. 66.001, 66.003(b)(2)]
      - County clerk or county elections administrator (general election or election held by the county).
      - City clerk or secretary (municipal election).
      - Secretary of the governing board, or if none, the presiding officer of the governing board (other elections).
   3) Envelope No. 3 is addressed to the presiding judge. [Sec. 66.003(b)(3)]
   4) Envelope No. 4 is addressed to the voter registrar. [Sec. 66.003(b)(4)]

4. The records of the election must be distributed as follows:
   1) Contents of Envelope No. 1. [Sec. 66.022]
      - The original of the election returns for the precinct.
      - One copy of the tally list.
   2) Contents of Envelope No. 2. [Sec. 66.023]
      - A copy of the precinct returns.
      - A copy of the tally list.
      - The original of the poll list (or combination form).
      - The original of the List of Provisional Voters.
      - The signature roster (or combination form).
      - The precinct early voting list.
      - Any certificates of appointment of poll watchers, if any.
      - Original Statement of Compensation (in some circumstances). [Sec. 32.094]

NOTE: The presiding judge must follow the instructions of the authority responsible for delivering the election supplies with respect to the time by
which and the authority to whom the Statement of Compensation is delivered. The time designated for delivery of the statement of compensation may not be later than 5:00 p.m. of the third day after election day. If the authority responsible for delivering the election supplies does not indicate to whom the Statement of Compensation should be returned, place it in Envelope No. 2 for return to the custodian of election records. The election judge may also keep a copy of the Statement of Compensation.

- The notice of the number of voters who voted during the day.
- Notice of Defective Delivery.
- Oaths of Election Officers.
- Oaths of Assistance and Oaths of Interpreters.

3) Contents of Envelope No. 3. [Sec. 66.024]
   - A copy of the precinct returns.
   - A copy of the poll list (or combination form).
   - A copy of the ballot register.
   - A copy of the Statement of Compensation.

4) Contents of Envelope No. 4. [Sec. 66.0241]
   - Precinct list of registered voters and supplemental list, if any;
   - The registration correction list, if any;
   - Any Statements of Residence completed at the polling place; and
   - Copy of Combination Form, if used instead of individual affidavits;

5) Contents of Ballot Box No. 3. [Sec. 66.025]
   - Voted ballots.
   - Original of Precinct Returns.
   - Cast ballots, regardless of counting decisions made.
   - A copy of the tally list.
   - A copy of the poll list (or combination form).
   - **NOTE:** If the poll list is too large for Ballot Box No. 3, it may be placed in another secure container if such placement has been approved by the Secretary of State. [Sec. 66.025]

6) Contents of Ballot Box No. 4. [Sec. 66.026]
   - The original of the ballot register.
   - Voted provisional ballot affidavit envelopes.
   - The register of spoiled ballots.
   - Any spoiled ballots.
   - Any defectively-printed ballots.
   - Any envelope containing cancellation requests and cancelled ballots.
   - Any other unused ballots.

5. Manner and time of delivery of records.

1) The presiding judge must deliver Envelope No. 1 in person to the presiding officer of the local canvassing authority, or if that officer is unavailable, to the general custodian of election records. [Sec. 66.051(a)]

2) The presiding judge must deliver in person Envelope No. 2, Ballot Box No. 3, and Ballot Box No. 4, with its key, to the general custodian of election records. [Sec. 66.051(b)]

3) The presiding judge retains Envelope No. 3. [Sec. 66.051(c)]

4) The presiding judge must deliver Envelope No. 4 in person to the voter registrar, or if that officer is unavailable, to the general custodian of election records for later delivery to the voter registrar. [Sec. 66.051(d)]
5) The judge delivers the key to Ballot Box No. 3 to:
   - The sheriff for an election ordered by the governor or a county authority, unless the sheriff is on the ballot, in which case the key is delivered to the county judge. If both the sheriff and the county judge are on the ballot, the key is delivered to the county auditor, or if the county does not have a county auditor, to a member of the commissioners court, designated by the court, who is not on the ballot. [Sec. 66.060(a)(1)]
   - The chief of police or city marshal for an election ordered by a city authority. [Sec. 66.060(a)(2)]
   - The constable of the justice precinct in which the governing body’s office is located, or if the constable’s office is vacant, to the sheriff of the county, for an election ordered by a political subdivision other than a county or city. [Sec. 66.060(a)(3)]

SECTION E. SECURING THE POLLING PLACE

1. Gather all forms, rubber stamp(s), stamp pad(s), and markers from the voter acceptance table(s) and place them in the box for election supplies. The presiding judge must follow the directions of the authority responsible for furnishing the supplies regarding their assembly and return. [Sec. 66.062(a) and (b)]

2. Complete the Register of Official Ballots and Register of Spoiled Ballots. [Sec. 65.013]
   1) Make sure the total number of ballots received for the polling place has been recorded.
   2) Enter the number of ballots provided to voters as indicated by the number of voters on the poll list.
   3) Collect and count the number of unused ballots.
   4) Enter the number of unused ballots on the Register of Official Ballots.
   5) Count the number of spoiled and defectively-printed ballots in Ballot Box No. 4, and enter these numbers on the Register of Official Ballots.
   6) Enter the number of Provisional Ballots cast as shown on the List of Provisional Voters. [1 T.A.C. §§ 81.172—81.176]
   7) Place all unused ballots, spoiled and defective ballots, the original of the Register of Official Ballots, the Register of Spoiled Ballots, Requests to Cancel Application for Ballot by Mail, and unmarked ballots into Ballot Box No. 4. [Sec. 66.026]

3. Take down distance markers and sample ballots, gather instruction posters, voter information posters, voter complaint information poster, notice of acceptable identification, and lists of declared write-in candidates, if any, and all of notices posted, and place them in the box for unused election supplies. (Ballot Box No. 4.)

4. Secure polling place for the night as directed by the local authority.
EXHIBIT E
Required Identification for Voting in Person

**Press Release:** Voters who cannot obtain one of the seven forms of approved photo ID have additional options at the polls

**Frequently Asked Questions**

On August 10, 2016, a federal district court entered an order changing the voter identification requirements for all elections held in Texas after August 10, 2016 until further notice. As a result, voters who have obtained an acceptable form of photo identification for voting listed below are still required to present it in order to vote in person in all Texas elections. The acceptable form of photo identification may be expired up to four years. Voters who have not been able to obtain one of the forms of acceptable photo identification listed below, and have a reasonable impediment or difficulty to obtaining such identification, may present a supporting form of identification and execute a Reasonable Impediment Declaration, noting the voter’s reasonable impediment to obtaining an acceptable form of photo identification, and stating that the voter is the same person on the presented supporting form of identification.

This requirement is effective immediately.

Here is a list of the acceptable forms of photo ID:

- Texas driver license issued by the Texas Department of Public Safety (DPS)
- Texas Election Identification Certificate issued by DPS
- Texas personal identification card issued by DPS
- Texas license to carry a handgun issued by DPS
- United States military identification card containing the person’s photograph
- United States citizenship certificate containing the person’s photograph
- United States passport

With the exception of the U.S. citizenship certificate, the identification must be current or have expired no more than 4 years before being presented for voter qualification at the polling place.

Election Identification Certificates are available from DPS driver license offices during regular business hours. Find mobile station locations here.

Here is a list of the supporting forms of ID that can be presented if the voter cannot obtain, and has a reasonable impediment or difficulty to obtaining one of the forms of acceptable photo ID:

- Valid voter registration certificate
- Certified birth certificate (must be an original)
- Copy of or original current utility bill
- Copy of or original bank statement
- Copy of or original government check
- Copy of or original paycheck
- Copy of or original government document with your name and an address (original required if it contains a photograph)

After presenting a supporting form of ID, the voter must execute a Reasonable Impediment Declaration.

**Procedures for Voting**
When a voter arrives at a polling location, the voter will be asked to present one of the seven (7) acceptable forms of photo ID that is current or expired no more than four years. If a voter has not been able to obtain one of the seven (7) acceptable forms of photo ID, and has a reasonable impediment or difficulty to obtaining an acceptable form of photo ID, the voter may present a supporting form of ID and execute a Reasonable Impediment Declaration, noting the voter's reasonable impediment to obtaining an acceptable form of photo ID, and stating that the voter is the same person on the presented form of supporting form of ID.

Election officials will still be required by State law to determine whether the voter's name on the identification provided matches the name on the official list of registered voters (“OLRV”). After a voter presents their ID, whether it’s an acceptable form of photo ID or a supporting form of ID, the election worker will compare it to the OLRV. If the name on the ID matches the name on the list of registered voters, the voter will follow the regular procedures for voting.

If the name does not match exactly but is “substantially similar” to the name on the OLRV, the voter will be permitted to vote as long as the voter signs an affidavit stating that the voter is the same person on the list of registered voters.

If a voter possesses an acceptable form of photo ID but does not have it at the polling place, the voter will still be permitted to vote provisionally. The voter will have (six) 6 days to present an acceptable form of photo identification to the county voter registrar, or fill out the natural disaster affidavit referenced in the Exemption/Exceptions section below), or the voter’s ballot will be rejected.

Exemption/Exceptions:

Voters with a disability who do not have an acceptable form of photo ID may also apply with the county voter registrar for a permanent exemption. The application must contain written documentation from either the U.S. Social Security Administration evidencing he or she has been determined to have a disability, or from the U.S. Department of Veterans Affairs evidencing a disability rating of at least 50 percent. In addition, the applicant must state that he or she has no acceptable form of photo identification. Those who obtain a disability exemption will be allowed to vote by presenting a voter registration certificate reflecting the exemption, and will not need to execute a Reasonable Impediment Declaration. Please contact your county voter registrar for more details.

Voters who have a consistent religious objection to being photographed and voters who do not present any form of acceptable photo identification as a result of certain natural disasters as declared by the President of the United States or the Texas Governor, may vote a provisional ballot, appear at the voter registrar’s office within six (6) calendar days after election day, and sign an affidavit swearing to the religious objection or natural disaster, in order for your ballot to be counted. Please contact your county voter registrar for more details.

Frequently Asked Questions

1. What kind of photo identification is required to qualify to vote in person??

- The following is a list of acceptable photo IDs at the polling place: Texas driver license issued by the Texas Department of Public Safety (DPS)
- Texas Election Identification Certificate issued by DPS
- Texas personal identification card issued by DPS
- Texas license to carry a handgun issued by DPS
- United States military identification card containing the person’s photograph
- United States citizenship certificate containing the person’s photograph
- United States passport

2. My acceptable photo ID is expired. Will it still work?

With the exception of the U.S. citizenship certificate, the acceptable photo identification must be current or have expired no more than 4 years before being presented for voter qualification at the polling place.

3. What if a voter does not have any of the acceptable forms of photo ID?

If a voter cannot obtain an acceptable form of photo ID, and the voter has a reasonable impediment or difficulty to obtaining such ID, the voter may still cast a regular ballot by presenting a supporting form of ID and executing a Reasonable Impediment Declaration, noting the voter’s reasonable
impediment to obtaining an acceptable form of photo ID, and stating that the voter is the same person as the person on the presented form of supporting form of ID.

Here is a list of supporting forms of ID:

- Valid voter registration certificate
- Certified birth certificate (must be an original)
- Copy of or original current utility bill
- Copy of or original bank statement
- Copy of or original government check
- Copy of or original paycheck
- Copy of or original government document with your name and an address (original required if it contains a photograph)

A permanent exemption is available for voters with documented disabilities who have not obtained one of the acceptable forms of photo ID. Voters with a disability may apply with the county voter registrar for a permanent exemption. The application must contain written documentation from either the U.S. Social Security Administration evidencing the applicant’s disability, or from the U.S. Department of Veterans Affairs evidencing a disability rating of at least 50 percent. In addition, the applicant must state that he or she has no valid form of acceptable photo ID. Those who obtain a disability exemption will be allowed to vote by presenting a voter registration certificate reflecting the exemption.

If a voter (a) does not have one of the acceptable forms of photo identification listed above, which is not expired for more than four years, and a voter does not have a reasonable impediment to obtaining one of these forms of identification or (b) has, but did not bring to the polling place, one of the seven forms of acceptable photo identification listed above, which is not expired for more than four years, the voter may cast a provisional ballot at the polls. However, in order to have the provisional ballot counted, the voter will be required to visit the voter registrar’s office within six calendar days of the date of the election to either present one of the above forms of photo ID OR submit one of the temporary affidavits addressed below (e.g., religious objection or natural disaster) in the presence of the county voter registrar while attesting to the fact that he or she does not have any of the required photo IDs.

Affidavits are available for voters who have a consistent religious objection to being photographed and for voters who do not present a form of acceptable photo identification as a result of certain natural disasters as declared by the President of the United States or the Texas Governor within 45 days of the day the ballot was cast.

4. What is a reasonable impediment?

Reasonable impediments include lack of transportation, disability or illness, lack of birth certificate or other documents needed to obtain acceptable photo ID, work schedule, family responsibilities, lost or stolen photo ID, or photo ID applied for but not received. You may also describe another reasonable impediment you have on the Reasonable Impediment Declaration form.

5. What if a voter does not have any form of ID with them at the polling place and they do not have a disability exemption?

If a voter has not obtained an acceptable form of photo ID, and does not have or does not bring a supporting form of ID to present in connection with a Reasonable Impediment Declaration, if the voter does not have a reasonable impediment to obtaining an acceptable form of photo ID, or if the voter has, but did not bring with them, an acceptable form of photo ID, the voter may cast a provisional ballot at the polls. However, in order to have the provisional ballot counted the voter will be required to visit the county voter registrar’s office within six calendar days of the date of the election to either present an acceptable form of photo ID OR submit one of the temporary affidavits addressed above (religious objection or natural disaster) in the presence of the county voter registrar.

6. My name on my approved photo ID and/or my supporting ID document does not exactly match my name on my voter registration card. Can I still vote?

Election officials will review the ID and if a name is “substantially similar” to the name on their list of registered voters, you will still be able to vote, but you will also have to submit an affidavit stating that you are the same person on the list of registered voters.
7. What does “substantially similar” mean?

A voter’s name is considered substantially similar if one or more of the following circumstances applies:

1. The name on the ID is slightly different from one or more of the name fields on the official list of registered voters.
2. The name on the voter’s ID or on list of registered voters is a customary variation of the voter’s formal name. For example, Bill for William, or Beto for Alberto.
3. The voter’s name contains an initial, middle name, or former name that is either not on the official list of registered voters or on the voter’s ID.
4. A first name, middle name, former name or initial of the voter’s name occupies a different field on the presented ID document than it does on the list of registered voters.

In considering whether a name is substantially similar, election officials will also look at whether information on the presented ID matches elements of the voter’s information on the official list of registered voters such as the voter’s residence address or date of birth.

8. Is there any change in the process for voting by mail?

There is no change in the process for voting by mail for most voters. Specifically, there is no change in procedure for voters who are voting by mail after their first time voting by mail, and for first time voters who would otherwise not be required to present identification under the federal Help America Vote Act in order to vote by mail.

9. Does the address on my ID have to match my address on the official list of registered voters at the time of voting in order for it to be acceptable as ID?

No. There is no address matching requirement.

10. Is the DPS Election Identification Certificate still going to be available?

Yes. The Election Identification Certificate is now available, and will be still be a form of acceptable photo ID. Information regarding how to obtain an election identification certificate can be found at [www.dps.texas.gov](http://www.dps.texas.gov). You may also contact DPS by telephone at (512) 424-2600 for more information.

We hope you have found this information helpful. Should you need additional information, please contact our office via telephone at 1-800-252-VOTE (8683) or [email us](mailto:).
EXHIBIT F
Providing Identification for Voting in Texas

Effective for all elections with voting beginning on or after August 10, 2016, including the November 8, 2016 general election, until further notice.
Updated Procedure

1. The voter should be asked whether the voter has obtained one of the acceptable forms of photo ID on “List A” that is either current or not expired more than four years.

2. If the voter says “yes”, the voter is required to present that form of photo ID.

3. If the voter informs you that the voter has obtained an acceptable form of photo ID, but did not bring it to the polling place, the voter may vote a provisional ballot and bring the acceptable form of photo ID to the county within 6 days to cure their ballot.

4. If the voter says “no”, ask the voter if he or she has a reasonable impediment or difficulty to obtaining one of the acceptable forms of photo ID on List A. If the voter indicates “yes”, you must inform the voter that he or she can present a supporting form of ID on “List B” and complete a “Reasonable Impediment Declaration.” If the voter presents a supporting form of ID and completes the Declaration, the voter will then complete their check-in, and proceed to the voting booth to cast a regular ballot.
Addresses

• You should not compare the address on any ID (List A or List B) to the address on the list of registered voters. – THEY ARE NOT REQUIRED TO MATCH!!!

• You are only required to confirm with the voter that the address on the list of registered voters is correct. (§63.0011)
  – For example, by asking the voter: “Do you still live on Main Street?”
  – This allows the voter to update their registration records.
If the voter says...

• Yes: This confirms that their registration records are up-to-date, the voter should:
  — Complete the check-in process once the voter has shown a List A ID or has shown a List B ID and completed the Declaration, and proceed to voting a regular ballot.
If the voter says...

• No: This means that the voter needs to update their address with the voter registrar, the voter should:
  • Complete a Statement of Residence.
  • Complete the check-in process once the voter has shown a List A ID or has shown a List B ID and completed the Declaration, and proceed to voting a regular ballot.
“List A” – Acceptable Forms of ID

There are 7 forms of ID on List A:

1. Texas driver license issued by the Texas Department of Public Safety (DPS);
2. Texas personal identification card issued by DPS;
3. Texas Election Identification Certificate issued by DPS;
4. Texas handgun license issued by DPS;
5. United States military identification card containing the person’s photograph;
6. United States citizenship certificate containing the person’s photograph;
7. United States passport.
Expiration Dates

• **Updated Procedure:** An acceptable identification from “List A” must not have expired more than *4 years* before being presented at the polling place.

  – This is different than some previous elections where the expiration date was required to be not more than 60 days.
Expiration Dates

• Remember – some ID cards do not expire, including:
  – **Texas Identification Cards** for persons aged 60 or older may be permanent and marked “INDEF.”
  – **Texas Election Identification Certificates** (EIC) for persons aged 70 or older are permanent cards.
  – Some **military ID cards** are permanent, including Uniformed Services ID cards and Veterans Affairs ID cards. These are usually marked “INDEF.”
  – **Certificates of Naturalization** and **Certificates of Citizenship** do not expire.
List B – Supporting Forms of ID

If the voter has been unable to obtain an ID from List A, and the voter has a reasonable impediment or difficulty to obtaining an ID from List A, they may present one of the following forms of ID and execute the “Reasonable Impediment Declaration”:

1. valid voter registration certificate;
2. certified birth certificate;
3. copy of or original current utility bill;
4. copy of or original bank statement;
5. copy of or original government check;
6. copy of or original paycheck; or
7. copy of or original of other government document with voter’s name and an address (original required if it contains a photograph)
Reasonable Impediment Declaration

**REASONABLE IMPEDIMENT DECLARATION**

Instructions: A voter appears on the official list of registered voters, but does not possess an acceptable form of photo identification, under section 8.010 of the Texas Election Code 42.051, 42.001 that his expiration is no more than 90 days after the date the voter arrived at the polling place. The following forms shall be attached to the declaration to allow the voter to cast a regular ballot:

1. Present this form to the voter, and ask the voter to provide one of the following forms of identification:
   a. a valid voter registration certificate (an election certificate), a valid voter registration certificate that shows that the voter is appearing at the correct polling place, the voter is allowed to attend at the correct polling place;
   b. a certified vote certificate issued or an original;
   c. a copy or origination of a permit to vote, which must show the voter's name and address and the signature of the person who authorized giving the permit or origination of the permit, but must contain a photograph of the voter.

   NOTE: The address on this document does not require the voter to provide the address recorded in the official list of registered voters.

2. Ask the voter to complete this form by entering their name, and then sign and sign the voter's name.

3. Ask the voter to return the completed form to you. You may not ask the voter to present a reasonable form of photo identification, but you may ask the voter to present an acceptable form of photo identification, if the voter is called or if the voter is asked to present an acceptable form of photo identification.

4. Offer the voter the election judge to address the voter's failure to sign the signature provided by the voter on the signature line. Offer the voter the election judge shall address the voter's failure to sign the signature provided by the voter on the signature line.

5. Allow the voter to cast a regular ballot.

**REASONABLE IMPEDIMENT DECLARATION**

**TO BE COMPLETED BY VOTER**

Name:

VOTER'S DECLARATION OF REASONABLE IMPEDIMENT OR DIFFICULTY

This is to declare a reasonable impediment or difficulty that prevents me from getting an acceptable form of photo identification.

My reasonable impediment or difficulty is due to the following reason(s):

☐ Disability or illness

☐ Lack of transportation

☐ Lack of identification or other documents needed to obtain acceptable photo ID

☐ Work schedule

☐ Family responsibilities

☐ Other reasonable impediment or difficulty:

☐ Lack of transportation

☐ Lack of identification or other documents needed to obtain acceptable photo ID

☐ Work schedule

☐ Family responsibilities

☐ Other reasonable impediment or difficulty:

☒ The reasonable impediment or difficulty cannot be cured.

Signature of Voter: __________________________ Date: __________

Sworn to and subscribed before me this ______ day of _______, 20__

Presiding Judge: __________________________

**TO BE COMPLETED BY ELECTION OFFICIAL**

The voter provided one of the following forms of identification or information:

☐ Voter Identification Card or

☐ A copy or origination of one of the following was provided:

   ☐ certified birth certificate (must be in origination);
   ☐ medical ID (must be in origination);
   ☐ bank statement;
   ☐ government check;

☐ Other government document that shows the voter's name and address in the exception of a government document containing a photograph which must be an origination of the photograph.

Location: __________________________ Date of Election: __________

Note: The address on this document does not require the voter to provide the address recorded in the official list of registered voters.
Reasonable Impediment Declaration

• The voter must indicate one of the following impediments:
  1. Lack of transportation
  2. Disability or illness
  3. Lack of birth certificate or other documents needed to obtain photo ID
  4. Work schedule
  5. Family responsibilities
  6. Lost or stolen photo ID
  7. Photo ID applied for but not received
  8. Other reasonable impediment (the voter must provide a description)
Declaration of Reasonable Impediment

• You may not question or challenge the voter regarding their lack of List A ID.
  – If the voter states that they have not been able to obtain an acceptable ID from “List A,” and the voter, in response to your question as to whether they have a reasonable impediment or difficulty to obtaining an acceptable ID from “List A”, states that they have such a reasonable impediment or difficulty, you must explain their right to complete the Reasonable Impediment Declaration and show a supporting form ID from “List B.”

• You may not question the reasonableness of the voter’s reasonable impediment or difficulty or the truth of the declaration.
  – For example, if the voter checks “lack of transportation”, you may not challenge the voter’s access to a bus route or other means of transportation.

• A signed reasonable impediment declaration shall be rejected only upon conclusive evidence that the person completing the declaration is not the person in whose name the ballot is cast.
List A – Acceptable Forms of ID
Texas Driver’s License

**Photograph:** This ID must contain a photograph of the voter.

**Expiration Date:** Must be valid, or expired within 4 years.

**Name:** If the voter’s name on list of registered voters in the precinct, does not match exactly to the ID provided, a “Substantially Similar Name Affidavit” must be completed by the voter.

**NOTE:** This form of ID should not be used if “Limited Term” or “Temporary Visitor” appears on the face of the card as this indicates the person is not a U.S. Citizen.
Texas Driver’s License – Under 21

NOTE: This form of ID should not be used if “Limited Term” or “Temporary Visitor” appears on the face of the card as this indicates the person is not a U.S. Citizen.

Photograph: This ID must contain a photograph of the voter.

Expiration Date: Must be valid, or expired within 4 years.

Name: If the voter’s name on list of registered voters in the precinct, does not match exactly to the ID provided, a “Substantially Similar Name Affidavit” must be completed by the voter.
Election Identification Certificate (EIC)

**Photograph:** This ID must contain a photograph of the voter.

**Expiration Date:** Must be valid, or expired within 4 years. EICs do not expire for persons age 70 or older.

**Name:** If the voter’s name on list of registered voters in the precinct, does not match exactly to the ID provided, a “Substantially Similar Name Affidavit” must be completed by the voter.
Texas Personal Identification Card

Photograph: This ID must contain a photograph of the voter.

Expiration Date: Must be valid, or expired within 4 years. NOTE: Some Personal ID Cards may not expire.

Name: If the voter’s name on list of registered voters in the precinct, does not match exactly to the ID provided, a “Substantially Similar Name Affidavit” must be completed by the voter.

NOTE: This form of ID should not be used if “Limited Term” or “Temporary Visitor” appears on the face of the card as this indicates the person is not a U.S. Citizen.
DPS Receipts with Photo
DPS Receipts with Photo

• Receipts are issued at DPS locations when you apply for a driver’s license, identification card, or EIC.

• They are printed on letter sized paper.

• They are used until real card is received by individual in the mail.

• The receipt should not be expired more than 4 years before being presented for voting.
Handgun License

Photograph: This ID must contain a photograph of the voter.

Expiration Date: Must be valid, or expired within 4 years.

Name: If the voter’s name on list of registered voters in the precinct, does not match exactly to the ID provided, a “Substantially Similar Name Affidavit” must be completed by the voter.
Concealed Handgun License

This version of the CHL was issued through April 2014 and they are valid for 4-5 years.

This version of the CHL was issued through August 2015 and they are valid for 4-5 years.
U.S. Military Identification Cards

- The following standards should be used by poll workers to determine if a United States military card is acceptable:
  - The ID card is federal;
  - The ID card is military;
  - The ID card contains a photograph;
  - The ID contains an expiration date which is in the future or is the date of presentation, or a past expiration date which was not more than 4 years from the date of presentation, or the ID does not contain any expiration date.
U.S. Military Identification Cards

Military ID Cards may include, but are not necessarily limited to:

1. Department of Defense (DoD) Common Access Card (CAC)
2. Uniformed Services ID Cards
3. DoD Civilian Retiree Cards
4. Veterans Affairs ID Cards
DoD Common Access Card “CAC”

NOTE: The seals to the right of the picture will change according to branch of service.
Voting in Texas with a CAC

Photograph: This ID must contain a photograph of the voter.

Expiration Date: Must be valid, or expired within 4 years.

Name: If the voter’s name appears on the list of registered voters in the precinct, but does not match exactly to the ID provided, a “Substantially Similar Name Affidavit” must be completed by the voter.
Exception

• CACs with a blue bar across the name signify that the cardholder is a non-U.S. citizen, and **may not** be a qualified voter.

• Contractors will have a green bar, which will be sufficient for use if other qualifications are met.
Uniformed Services ID Cards

• There are four versions of Uniformed Services ID Cards. All look similar, but are issued in four different colors.

![Sample Uniformed Services ID Card]
Voting in Texas with Uniformed Services ID Cards

Photograph: This ID must contain a photograph of the voter.

Expiration Date: Must be valid, or expired within 4 years. However, not all cards expire—some will say “INDEF” for indefinitely.

Name: If the voter’s name appears on the list of registered voters in the precinct, but does not match exactly to the ID provided, a “Substantially Similar Name Affidavit” must be completed by the voter.
Uniformed Services ID Cards

**Green** – Generally for members of the Individual Ready Reserves and Inactive National Guard.

**Pink** – Generally for retired members of the Reserves and National Guard under the age of 60, and certain dependents.

**Blue** – Generally for retirees, and members on Disability Retired Lists.

**Orange** – Generally for certain dependents (active duty), Medal of Honor recipients, disabled veterans, and others.
DoD Civilian Retiree Cards

**Photograph:** This ID must contain a photograph of the voter.

**Name:** If the voter’s name appears on the list of registered voters in the precinct, but does not match exactly to the ID provided, a “Substantially Similar Name Affidavit” must be completed by the voter.

**Expiration Date:** Must be valid, or expired within 4 years.
Veteran Identification Card (VIC)

**Photograph:** This ID must contain a photograph of the voter.

**Name:** If the voter’s name appears on the list of registered voters in the precinct, but does not match exactly to the ID provided, a “Substantially Similar Name Affidavit” must be completed by the voter.

**Veteran Affairs IDs do not expire.**
Veteran Health Identification Card (VHIC)

Photograph: This ID must contain a photograph of the voter.

Name: If the voter’s name appears on the list of registered voters in the precinct, but does not match exactly to the ID provided, a “Substantially Similar Name Affidavit” must be completed by the voter.

VHICs may or may not have an expiration date.
U.S. Certificate of Citizenship

REMEMBER – Certificates of Citizenship do not expire.
U.S. Certificate of Naturalization

REMEMBER – Certificates of Naturalization do not expire.
U.S. Passport

- Issued by: United States of America
- Date of issue: 17 Nov 2005
- Date of expiration: 16 Nov 2015
- Passport number: 1978000074
- Nationality: USA
- Sex: M

SEE PAGE 27
U.S. Passport Card

- Allows entry from Canada, Mexico, the Caribbean, and Bermuda at land border crossings or sea ports-of-entry.
- Wallet Size.
Permanent Exemption

If a voter has applied for and received a permanent exemption to the photo ID requirement, they will provide a voter registration certificate with an (E) notation.

NOTE:
Designation of (E) next to VUID Number.

Example: 1197099876 (E).
Permanent Exemption

• If the voter has a permanent exemption, and they present their voter registration certificate with the (E) next to the VUID, they do not need to also complete a Reasonable Impediment Declaration.
List B – Supporting Forms of ID
Valid Voter Registration Certificate
Certified Birth Certificate (Must Be An Original)

- It may be from another state or country—does not have to be from Texas.
- It must not be a copy of a certified copy.
- If the voter’s name appears on the list of registered voters in the precinct, but does not match exactly to the ID provided, a “Substantially Similar Name Affidavit” must be completed by the voter.
Copy of or Original Current Utility Bill

- It may be a copy or printout.
- To be current, the utility bill must be the most recent version or at least dated within two (2) months of the date it is presented to an election official.
- The address on the utility bill does not have to match the address on the list of registered voters. However, per §63.0011, the voter should be asked if the address on the list of registered voters is current. For example, “Do you still live on Main Street?”
- If the voter’s name appears on the list of registered voters in the precinct, but does not match exactly to the ID provided, a “Substantially Similar Name Affidavit” must be completed by the voter.
Copy of or Original Bank Statement

- It may be a copy or printout.
- The address on the bank statement does not have to match the address on the list of registered voters. However, per §63.0011, the voter should be asked if the address on the list of registered voters is current. For example, “Do you still live on Main Street?”
- If the voter’s name appears on the list of registered voters in the precinct, but does not match exactly to the ID provided, a “Substantially Similar Name Affidavit” must be completed by the voter.
Copy of or Original Government Check

- It may be an original check or a copy of the check.
- The address on the government check does not have to match the address on the list of registered voters. However, per §63.0011, the voter should be asked if the address on the list of registered voters is current. For example, “Do you still live on Main Street?”
- If the voter’s name appears on the list of registered voters in the precinct, but does not match exactly to the ID provided, a “Substantially Similar Name Affidavit” must be completed by the voter.
Copy of or Original Paycheck

- It may be a copy or original of the check.
- The address on the paycheck does not have to match the address on the list of registered voters. However, per §63.0011, the voter should be asked if the address on the list of registered voters is current. For example, “Do you still live on Main Street?”
- If the voter’s name appears on the list of registered voters in the precinct, but does not match exactly to the ID provided, a “Substantially Similar Name Affidavit” must be completed by the voter.
Copy of or Original of Other Government Document

• MUST include voter’s name and an address. REMEMBER: The address on the supporting ID does not have to match the voter’s registration address.
• It must be an original document if it contains a photograph.
• If the voter’s name appears on the list of registered voters in the precinct, but does not match exactly to the ID provided, a “Substantially Similar Name Affidavit” must be completed by the voter.
• Must be issued by the federal government, a federally recognized tribal government, or a state or local government in the U.S.
Other Government Documents

• Examples of Other Government Documents:
  – Driver’s licenses from other states
  – ID cards issued by federally recognized Native American tribes.
  – DPS Receipts (without a photo)
  – Expired voter registration certificates
  – Expired Texas DPS-issued driver licenses or personal ID cards (over 4 years).
Other Government Document

• Examples of Documents NOT included:
  – Social Security Cards (no address)
  – State College IDs (if no address)
  – State/Federal Employee ID Cards (if no address)
  – Library Cards (if no address)
EXHIBIT

G
The Office of the Secretary of State is in the process of updating its websites to reflect a court order issued on August 10, 2016, relating to identification requirements for voting.

More about Identification Requirements for Voting

Election Advisory No. 2016-17

To: Election Officials

From: Keith Ingram, Director of Elections

Date: August 26, 2016

RE: Voter Identification Procedures

On August 10, 2016, a federal district court entered an order changing the voter identification requirements for all elections held in Texas after August 10, 2016 until further notice. This advisory will explain the new procedure and provide answers to frequently asked questions.

Summary of the Procedure

Voters who have obtained an acceptable form of photo ID for voting are still required to present it in order to vote in person in all Texas elections. However, the acceptable form of photo identification may be expired up to four years. (Please remember some IDs, including U.S. citizenship certificates, do not expire.)

These are the 7 forms of acceptable photo ID:

1. Texas driver license issued by the Texas Department of Public Safety (DPS)
2. Texas Election Identification Certificate issued by DPS
3. Texas personal identification card issued by DPS
4. Texas license to carry a handgun issued by DPS
5. United States military identification card containing the person’s photograph
6. United States citizenship certificate containing the person’s photograph
7. United States passport

Further, voters who have not been able to obtain one of the forms of acceptable photo ID, and have a reasonable impediment or difficulty to obtaining such identification, may present a supporting form of identification of the voter and execute a Reasonable Impediment Declaration (in English or Spanish), noting the voter’s reasonable impediment or difficulty to obtaining an acceptable form of photo identification, stating that the voter is the same person who personally appeared at the polling place, and stating that the voter is casting a ballot while voting in-person.

These are the 7 forms of supporting ID:

1. Valid voter registration certificate
2. Certified birth certificate (must be an original)
3. Copy of or original current utility bill
4. Copy of or original bank statement
5. Copy of or original government check
6. Copy of or original paycheck
7. Copy of or original government document with your name and an address (original required if it contains a photograph)

Examples of government documents include driver’s licenses from other states, ID cards issued by federally recognized Native American tribes, DPS Receipts (without a photo), expired voter registration certificates, and expired Texas DPS-issued driver
Voter Identification Procedures

Qualifying the Voter

1. The poll worker should ask the voter whether the voter has obtained one of the acceptable forms of photo ID, and if so, to present that acceptable form of photo ID.
   - If the voter presents an acceptable form of photo ID, the poll worker should proceed to Step 2.
   - If the voter states that they have obtained an acceptable form of photo ID, but they did not bring it to the polling place, the poll worker should explain that the voter may take one of two actions:
     1. The voter may leave the polling place and return with their acceptable form of photo ID. Once they return with their acceptable form of photo ID, the poll worker should proceed to Step 2.
     2. The voter may cast a provisional ballot, and “cure” by appearing at the county voter registrar’s office within 6 calendar days of election day and presenting an acceptable form of photo ID, or fill out a natural disaster affidavit because the voter’s acceptable photo ID is inaccessible due to certain natural disasters. If the voter casts a provisional ballot due to lack of acceptable photo ID, the procedures for casting a provisional ballot have not changed, but poll worker should provide to the voter an updated Notice to Provisional Voter (ID Voter) (Form 7-15c), available in English (PDF) or Spanish (PDF).
   - If the voter states that they have not obtained an acceptable form of photo ID, the poll worker should ask the voter whether the voter has a reasonable impediment or difficulty to obtaining one of the acceptable forms of photo ID.
     1. If the voter says “yes”, explain to the voter that the voter can present a supporting form of ID and execute a Reasonable Impediment Declaration (in English PDF or Spanish PDF).

Note: If the voter states that they have not obtained an acceptable form of photo ID, the poll worker should not question the voter as to why. The poll worker should simply state that if the voter has a reasonable impediment or difficulty to obtaining an acceptable form of photo ID, they can show a supporting form of ID and execute a Reasonable Impediment Declaration.

Note: You may not question the reasonableness of the voter’s reasonable impediment or difficulty or the truth of the declaration. For example, if the voter checks “lack of transportation”, you may not challenge the voter’s access to a bus route or other means of transportation. A signed reasonable impediment declaration shall be rejected only upon conclusive evidence that the person completing the declaration is not the person in whose name the ballot is cast.

Note: Not being able to obtain an acceptable form of photo ID includes that the voter has not been able to obtain a valid form of acceptable photo identification. Accordingly, a voter with a lost, stolen, suspended, or expired more than four years, form of photo ID listed above could be considered to have not obtained one of the acceptable forms of photo ID for purposes of being eligible to execute a Reasonable Impediment Declaration.

The poll worker should provide the voter with a Reasonable Impediment Declaration, and ask the voter to complete the form by writing their name, indicating at least one reasonable impediment or difficulty to obtaining an acceptable form of photo ID, and signing and dating the declaration.

After the Declaration is completed by the voter, the voter should return the Declaration to the poll worker, and the poll worker should ask the voter to present one of the forms of supporting ID of the voter. The poll worker should indicate on the Declaration which supporting form of identification was presented, and proceed to Step 2.

Providing Information to Your Community

Our offices strongly encourages you to notify your local communities in the following manner:

1. Publish a press release in your local newspapers. You may use our templates (English (doc) and Spanish (doc)) to reach out to all of your local newspapers.
2. Using the online icon button image by copying and pasting this code into your site: <a href="http://www.votetexas.gov/" height="90"> </a>, also providing a link to this page: http://www.votetexas.gov/register-to-vote/need-id,
3. Using social media to educate voters relating to identification requirements;
4. Using direct mail to educate voters relating to identification requirements.

Training Polling Place Workers and Updated Procedures for County Election Officials

Preparing the Polling Place

The election officials should be prepare the polling place as usual, however, they should be provided with updated versions of the following forms:

1. Voter Information Poster (Form 7-7): This updated form should be posted in both English (PDF) and Spanish (PDF) in a prominent location at each polling place.
2. Notice of Acceptable Identification Poster: This updated form should be posted in both English (PDF) and Spanish (PDF) in a prominent location outside of each polling location (available in three sizes; 8.5x14 sizes are linked; other sizes are available here).

Note: Government documents do NOT include Social Security cards (no address), public college or university IDs without an address, state/federal employee ID cards without an address, or library cards without an address.
Voter Identification Procedures

2. If the voter says no, that the voter has not obtained an acceptable form of photo ID, and the voter does not have a reasonable impediment or difficulty to obtaining an acceptable form of photo ID (including if the voter has not brought a supporting form of ID to the polling place), the voter should be offered a provisional ballot. The voter may “cure” by appearing at the county voter registrar’s office within 6 calendar days of election day and presenting an acceptable form of photo ID, or qualifying for one of the exemptions (disability, natural disaster, or religious objection to being photographed). If the voter casts a provisional ballot due to lack of acceptable photo ID, the procedures for casting a provisional ballot have not changed, but poll worker should provide to the voter an updated Notice to Provisional Voter (ID Voter) (Form 7-15c), available in English(PDF) and Spanish (PDF).

Note: A voter may only “cure” by showing an acceptable form of photo ID. A voter with a reasonable impediment or difficulty to obtaining an acceptable form of photo ID who did not bring a supporting form of ID to the polling place may not “cure” at the county voter registrar’s office by showing an acceptable form of supporting ID and executing a reasonable impediment declaration at the county voter registrar’s office. For voters who vote in person at the polling place, the reasonable impediment declaration process is an election day/early voting procedure only, and there is no cure option involving execution of a reasonable impediment declaration or the presentation of supporting ID.

- Voters who do not present an acceptable form of photo ID (including, but not limited to, those with a reasonable impediment or difficulty to obtaining an acceptable form of photo ID who present a supporting form of ID and execute a Reasonable Impediment Declaration), should be provided with a copy of revised Form 13-1 – Notice of Required Identification (PDF).

2. The poll worker should confirm that the voter is on the official list of registered voters, by finding the voter’s name on the official list of registered voters. If the voter is not on the official list of registered voters, the poll worker should follow the procedure specified in Section 63.006, except that now, for voters who have a reasonable impediment or difficulty to obtaining an acceptable form of photo ID, and who execute a Reasonable Impediment Declaration and present a supporting form of ID, the supporting form of ID may also be used as the “acceptable voter ID” (referred to on Form 7-27) along with the voter’s voter registration certificate (and the supporting form of ID may also be the voter’s valid registration certificate).

Note: The Registrations Omissions List (Form 7-27(PDF)) will not be updated at this time to reflect the August 10, 2016 Court Order referenced herein. The “acceptable voter ID” referred to in the definition of “Required documentation” on the instructions for that form now includes a “supporting form of ID” for voters who have a reasonable impediment or difficulty to obtaining an acceptable form of photo ID and who execute a Reasonable Impediment Declaration and present a supporting form of ID.

3. The poll worker should fully compare the voter’s name as listed on the official list of registered voters to the voter’s name as it appear on present form of ID.

Note: This comparison should be done regardless of whether the voter presents an acceptable form of photo ID or presents a supporting form of ID while executing a Reasonable Impediment Declaration.

4. The poll worker should confirm that the voter’s address on the official list of registered voters is current by confirming that the voter has not moved.

Note: The address on the voter’s presented ID (either an acceptable photo ID or a supporting ID) does not have to match the voter’s address on the official list of registered voters.

5. The voter should sign the combination form/signature roster, and execute any required affidavits, such as the substantially similar name affidavit.

Note: The combination forms/signature rosters and instructions for the combination form will not be updated at this time to reflect the August 10, 2016 Court Order referenced herein, but the substantially similar name affidavit on the forms should be considered still valid not withstanding that it references Section 63.0101 of the Texas Election Code.

6. The voter should complete the check-in proceed to voting a regular or provisional ballot as appropriate. Voters who have a reasonable impediment or difficulty to obtaining an acceptable form of photo ID, who complete the Reasonable Impediment Declaration and present a supporting form of ID, are permitted to cast a regular ballot if they are otherwise qualified to vote a regular ballot.

Note: The Affidavit of Provisional Voter (Form 7-15(PDF)) will not be updated at this time to reflect the August 10, 2016 Court Order referenced herein. The “other” box may be used for situations not explicitly covered on the form.

Receiving Mail Ballots

The procedure for the early voting clerk to receive ballot by mail will not change, except that the early voting clerk should use the updated version of the Hand Delivery Roster (Form 5-11a(PDF)) for accepting carrier envelopes delivered to the early voting clerk on election day, which now also permits voters who have not obtained an acceptable form of photo ID, and have a reasonable impediment or difficulty to obtaining an acceptable form of ID, delivering their ballots in this manner, to complete the Reasonable Impediment Declaration and present a form of supporting identification.
Cure Period After the Election

The voter registrar should use the following updated forms during the cure period.

Cure list (Form 9-7 (PDF))
Request for Disability Exemption (Form 13-6 (PDF))
Temporary Exemption (Form 13-7 (PDF))

Additional Updated Forms

The following forms (applicable to voters voting for the first time with an “ID Required” flag have also been updated to account for first time voters with a reasonable impediment or difficulty to obtaining an acceptable form of photo ID:

- Form 5-22a: Notice to Voter Who Must Provide Identification (For Voters Voting by Mail (in English (PDF) and Spanish (PDF))
- Form 5-8 (PDF): List of Voters Indicated as ID Voters

In addition, language has been updated on the Application for Presidential Ballot to exclude a reference to 63.0101 on the substantially similar name affidavit contained on that form. See Form 5-31 (PDF).

Records Requirement

All Reasonable Impediment Declarations should be scanned or photocopied and submitted to the Secretary of State not later than 30 days after the election.
EXHIBIT H
REASONABLE IMPEDIMENT DECLARATION

TO BE COMPLETED BY VOTER

Name: [Redacted]

VOTER'S DECLARATION OF REASONABLE IMPEDIMENT OR DIFFICULTY

By signing this declaration, I swear or affirm under penalty of perjury that I am the same individual who personally appeared at the polling place, that I am casting a ballot while voting in-person, and I face a reasonable impediment or difficulty that prevents me from getting an acceptable form of photo identification.

My reasonable impediment or difficulty is due to the following reason(s):

☐ Lack of transportation
☐ Lack of birth certificate or other documents needed to obtain acceptable photo ID
☐ Work schedule
☐ Disability or illness
☐ Lost or stolen photo ID
☐ Family responsibilities
☑ Other reasonable impediment or difficulty

The reasonableness of your impediment or difficulty cannot be questioned.

X

Signature of Voter

8-17-16
Date

Sworn to and subscribed before me this

17th day of Aug, 2016

Presiding Judge: [Signature]

TO BE COMPLETED BY ELECTION OFFICIAL

The voter provided one of the following forms of identification or information:

☐ Valid Voter Registration certificate; or

☐ A copy or original of one of the following was provided:

☑ School Picture
teacher ID
certified birth certificate (must be an original)

☐ current utility bill
☐ bank statement
☐ government check
☐ other government document that shows the voter's name and an address (with the exception of a government document containing a photograph which must be an original)

☐ paycheck

Location: [Redacted]

Date of Election: 8/17/16
EXHIBIT

I
Ezra,

The information below provides additional detail regarding the steps the State has taken or intends to take as part of its comprehensive voter education and election worker training plan. We have also attached several documents for the purpose of furthering the meet and confer process that relate to certain initiatives described below. We reference a media flow chart and list of organizations who will receive the toolkits in our summary, but we need to designate these documents as “Confidential -- Attorneys’ Eyes Only” because we consider them proprietary. If you could send us an email confirming that you will honor that designation for purposes of this meet and confer process, I will send a follow-up email attaching those documents.

**Updates to Websites**

As we mentioned during our call yesterday, SOS is in the process of updating their main and votetexas.gov websites after the court issued the interim remedy order late Wednesday afternoon in order to accurately reflect the changes in election procedures. We pointed out several of these changes to you during our call yesterday afternoon, and as we discussed, we are interested to hear any specific concerns Plaintiffs have with the updates thus far. My clients do not believe that Plaintiffs should have any advance input into what SOS puts up on its websites because it would create an inefficient process and leave SOS with little flexibility to provide real-time updates when necessary. The websites are internally controlled by SOS and contains messages that are the personal statements of the Secretary (i.e., press releases, tweets, etc.). Indeed, one of the issues raised in Ms. Clark’s chart identifies statements made by the Secretary in a press release. If this complaint is indicative of the concerns Plaintiffs intend to raise with respect to statements that are solely within the prerogative of the Secretary, we continue to voice our opposition to such efforts. My clients also believe that it is appropriate to allow them the discretion to translate documents into Spanish for use on the website and other forms of media without having to provide such documents to the Plaintiffs for review. The translation of these documents is done by an individual who is employed at SOS and speaks Spanish as her first language.

Here is a summary of updates that have been made to VoteTexas.gov:

- Added the following language to the front pages of VoteTexas.gov and [http://www.sos.state.tx.us/](http://www.sos.state.tx.us/) (the “SOS Homepage”); there is also a Spanish version of this statement ([http://www.sos.state.tx.us/sos_espanol.shtml](http://www.sos.state.tx.us/sos_espanol.shtml)):
  “Notice: The Office of the Secretary of State is in the process of updating its websites to reflect a court order issued on August 10, 2016, relating to identification requirements for voting.” This language is also scrolling on a banner on VoteTexas.gov.
• Removed the following item from the SOS Homepage and VoteTexas.gov: "Don't have a photo ID for voting? Election Identification Certificates are available from DPS offices."

• Removed the following from links from Points of Interest on the SOS Homepage: "Press Release: Texans in disaster areas may qualify for photo ID exemption; Press Release: Voters without photo ID may qualify for an exemption or free ID."

• Added the following to Points of Interest on the SOS Homepage (with newly issued hyperlinked press release): "Press Release: Voters in November election have additional ID options announces Secretary Cascos." The press release is in the process of being translated into Spanish. This press release was tweeted by the @Txsecotwitter account and retweeted by the @VoteTexas account, and it was distributed statewide by SOS’s Communications Director.

• Updated the (now called) “Voter ID Education Resources” section of VoteTexas.gov in English and Spanish (http://www.votetexas.gov/resources/voter-id-education-materials; http://www.votetexas.gov/es/recursos/folleto-educativo-sobre-identificacion-para-votar) by:
  
  o Removing references to “Photo ID” in the name of the page, headings, button, and link for people to use on their own websites, and replacing them with “Voter ID”;
  
  o Adding and updating links to the revised posters (now referred to as Voter ID, not Photo ID, Information Flyers) for posting in the polling place in English and Spanish (the same versions that have been up for the tax ratification elections);

• Removing a link to a now outdated template press release.

Here are additional pages SOS needs to update on VoteTexas.gov, which we plan to have updated by COB on Monday:

• Required Identification for Voting in Person (http://www.votetexas.gov/register-to-vote/need-id)

• Your Voter Registration Card (http://www.votetexas.gov/register-to-vote/550-2)

• “Register to Vote: Need ID? Procedures for Voting Revisions” (http://www.votetexas.gov/register-to-vote/need-id) – Please see below

• Election Identification Certificate Mobile Stations (http://www.votetexas.gov/election-identification-certificate-mobile-stations/ and possibly iterations of this website)

• FAQs Page (http://www.votetexas.gov/faq/)
  
  • “What will I need in order to vote in person on election day or
during early voting?”

- This question/answer also appears on the Early Voting tab of the FAQs page (http://www.votetexas.gov/faq/early-voting)

- “What if a voter does not have any of the acceptable forms of photo ID? Are there any exceptions?”

- “What does ‘substantially similar’ mean?”

- “It's election day, November 8, 2016, and I'm registered and ready to vote and have my identification. Where do I go? What are the hours for voting on election day?”

- This question/answer also appears on the Where to Vote tab of the FAQs page (http://www.votetexas.gov/faq/where-to-vote)

- “When does the new photo identification law go into effect?”

- “Do I still need to bring my voter certificate/card? Will I be able to vote without it?”

- “What kind of identification will be required to qualify to vote in person under the new program?”

- “My ID is expired. Will it still work?”

- “What if I forget to bring my photo identification with me when I vote in person? Will I be turned away?”

- “If I have a government-issued ID that contains my photo and is not on the list above, may I still use it?”

- “My name on my approved photo ID does not exactly match my name on my voter registration card. Can I still vote?”

- “Does the new photo ID requirement apply to voting by mail?”

- “Does the address on my photo identification have to match my address on the official list of registered voters at the time of voting?”

- “What happens if I refuse to show proof of identity?”

- The “Provisional Voting” section on the FAQs page.

- Your Rights Page (http://www.votetexas.gov/your-rights/)


• Paper Ballot Page (http://www.votetexas.gov/voting-systems/paper-ballot/)

SOS also plans to update the following links on its main website by COB on Monday and may possibly remove other archived content on other sections of its main page:

• http://www.sos.state.tx.us/index.html

• http://www.sos.state.tx.us/elections/index.shtml

• http://www.sos.state.tx.us/elections/forms/pol-sub/index.shtml#photo-id

• http://www.sos.state.tx.us/elections/laws/cchairlaws.shtml

• http://www.sos.state.tx.us/elections/laws/cclerklaws.shtml

• http://www.sos.state.tx.us/elections/laws/tayrlaws.shtml

• http://www.sos.state.tx.us/elections/laws/ealaws.shtml

• http://www.sos.state.tx.us/elections/laws/citylaws.shtml

• http://www.sos.state.tx.us/elections/laws/schoollaws.shtml

• http://www.sos.state.tx.us/elections/laws/other.shtml

SOS needs to update the “Register to Vote: Need ID? Procedures for Voting” section of the VoteTexas.gov website by tomorrow. While we do not believe that Plaintiffs should have advance preview of information or communications SOS puts out on its website (for the reasons set forth above), we are providing you a copy of the newly revised Register to Vote: Need ID? Procedures for Voting as part of the meet and confer process. We intend to go live with these FAQs on the website by tomorrow as part of our continued effort to react quickly to the court’s interim order and provide accurate information on our website. If you are inclined to provide suggestions to us, please do so within 24 hours (by noon tomorrow). We cannot agree in advance to accept your proposals, but if your proposals are intended to address a factual or legal inaccuracy with our interpretation of the procedures, we will certainly take those under consideration.

DPS is also in the process of updating its website regarding the issuance of EICs. It will most likely have a banner up (similar to one on SOS’s website) by the end of the day indicating they are in the process of updating their website.

**Written Election Worker Training Materials and Online Training Materials**

The Defendants have represented that the written training materials would be updated by September 20, 2016. The State is also prepared to create an online poll worker training module. SOS has recently executed a purchase order with a vendor and will begin working with that vendor to prepare the module with an anticipated launch date of September 19. The State is prepared to allow Plaintiffs 24 hours to review the portions of its training manual that need to be updated in light of the court’s interim order. Furthermore, the State is prepared to allow Plaintiffs the same amount of time to review the online training module. Once again, although the State will allow Plaintiffs to
preview these materials and will listen to any proposed suggestions, the State does not believe it is under any obligation to accept Plaintiffs' suggestions. SOS's Election Division also sent an email to election officials across the 254 counties in Texas yesterday. The email notified election officials of the court's order and provided a copy of the reasonable impediment declaration in English and Spanish. The email notified officials that SOS will be updating the necessary forms and poll working training to reflect the new procedures.

Public Education Campaign

Here are additional details regarding the portion of the budget under SOS's contract for media channels the State intends to utilize in its public education campaign as well as allocated funds associated with each strategy. The amounts are estimates and are subject to change under the agreed procedures in the contract, which do not provide for third party input. Also, since the phase of the contract for the November election started on June 1, amounts within these budgets have been incurred for June, July and August to date, and SOS has not received invoices for them. Accordingly, these budgets are estimates and may partially have been spent.

- **Paid Media (~$1,300,000):** This category includes the purchase of television, print, radio, and digital advertising time and space. Digital and social media advertising will begin the first week of September. Print advertising should appear the first week of September but could be slightly delayed by publication lead times. Radio and television ads would be broadcast beginning the first of October, just as the public's attention focuses on the upcoming election.
  
  - The State, in consultation with its advertising firm, has identified a list of local markets where it will air radio ads, television commercials, transit advertising, and digital out-of-home advertisements. The paid media plan will provide statewide coverage to ensure the creative concepts are seen by as many Texans as possible. Please see the media flowchart for a list of the local markets and the estimated expenditure dedicated to media buys at this time.
  
  - Please note that this list is by no means final and assumes that such media spots are still available for purchase. The State must finalize its media spots immediately because every day that passes fewer media spots are available. Further, the State must retain the flexibility to shift from one market to another if its vendors determine that the message in one area could more effective elsewhere in the state.
  
  - The State is prepared to move forward with the filming of television commercial concepts created by its vendors. The State views these concepts as proprietary information. Further, the State does not believe it should be required to run every change to these creative concepts by Plaintiffs for their approval or review because it must retain flexibility to make necessary modifications when the commercials are in production.
  
  - There are additional amounts budgeted for advertising planning, strategy, and production, which are not included in this category.

- **Media Relations ($232,000):** This category includes activities such as: distribution of press releases and media advisories, press events and roundtable discussions, promoting the Secretary's community visits to local media, creation of resources for reporting stories about ID requirements and infographics and logos which can
be used in news stories. These initiatives can begin now that the court entered the interim remedy order.

- This category is a fluid process and the vendors serve as a true public relations resource for the Secretary. These services will include the review and distribution of press releases and media advisories, preparing the Secretary for press events, and roundtable discussions.

- The Secretary plans to be on a statewide tour beginning August 31 and ending October 31 to the areas listed herein. These areas have not been confirmed and the locations are at the sole discretion of the Secretary’s availability and schedule. The possible areas include: UT Austin, San Marcos, El Paso, San Antonio, La Vernia, Karnes, Houston, San Angelo, UT Permian Basin, Abilene, Dallas, Corpus Christi, Dallas, Wichita Falls, Amarillo, Lubbock, Fort Worth, Tyler, Nacogdoches, Lufkin, Houston, Victoria, San Antonio, and Rio Grande Valley. The Secretary’s visits will be intended to reach voters directly and will serve as media relations events.

- **Community Engagement ($1,787,751.82)**: Community engagement capitalizes on the connections community groups and organizations have to share information with members and address specific concerns. This outreach includes distribution of toolkits with clear, reliable information and templates for group leaders to share with their constituents and members. The digital toolkits are completed, but will need to be updated in light of the interim remedy order. The toolkits will be distributed digitally within a week of the order.

  - We have attached a sample toolkit to this email, but please note that it has not been updated since the court issued its interim remedy order. We intend to update the toolkit immediately to reflect the new procedures for the November general election.

  - The toolkits include the following information:
    - Greeting letter from Secretary Cascos
    - Vote Texas Facts
    - Sample Constituent Email
    - Sample Press Release
    - Suggested Social Media Content
    - Vote Texas Logos for use on websites
    - Biography of Secretary Cascos

  - SOS’s vendor has created a proprietary list of over 1,800 community organizations and businesses (which may follow under separate cover; see above), to target with toolkits.

  - To the extent the Plaintiffs would like SOS to target specific community organizations or businesses, please identify those entities and we will consider adding them to our toolkit recipient list or confirm that they are
already on the list.

- **Elected Official Outreach ($65,000):** SOS will provide elected officials with toolkits featuring sample press releases, suggested social media posts, and other resources, in order to mobilize officials to help educate voters. Elected officials include state and local officials such as state senators and mayors, who will serve as a force multiplier. The toolkits are completed, but will need to be updated in light of the interim remedy order.
  
  - A similar toolkit as sent to community groups and organizations will be sent to elected officials (see above for contents). The content is currently being updated in light of the interim remedy order.
  
  - The toolkit will go to every member of the Texas House of Representatives, every member of the Texas Senate, every member of the Texas Congressional delegation, and all statewide officeholders. It will also go to local government leaders such as mayors (SOS paid for a list of mayors and their respective contact information from the Texas Municipal League) and county judges. To the extent the Plaintiffs would like SOS to target elected officials, please identify those individuals and we will gladly add them to our toolkit recipient list or confirm that they are already on the list.

- **Digital and Social Media ($167,724.95):** SOS maintains social media accounts on Facebook, Twitter and Instagram related to voting and its Vote Texas campaign. These channels allow SOS to connect directly with Texas voters, especially in the 18-25 range. SOS will use these channels to remind voters about important dates and other key voting facts, publicize news related to voter education, and directly answer questions. The funds allocated for this media strategy are targeted to toward helping SOS amplify its message across social media networks.

- **Contingency Funds ($243,867.65)**

There are also other amounts budgeted under the contract, for example, Contract Administration ($100,192.23), which funds the management, compliance, and reporting required for the execution of the voter education campaign with our vendor. These Contract Administration funds are used to fulfill state contracting requirements.

At the end of the day, my clients are opposed to Plaintiffs controlling our ability to update agency websites, press releases, social media messages, email communications with election officials and poll workers, etc. through an ongoing review and approval process. We are hopeful we can find ways to involve you in the creation of the education plan, but we firmly believe that the execution of the plan should be left to the State.

We are much more inclined to hear your thoughts on the public education component that involves the expenditure of slightly more than $2.5 million of state funds. We have provided you with the most current information we have on these topics and propose that the parties continue to discuss your concerns and suggestions to the education component in a future call this afternoon.
Thank you very much for your patience as we prepared this response. We will respond separately to the emails sent by the Plaintiffs yesterday and this morning. As we indicated to Myrna when she contacted us, we are generally available for a call this afternoon.

Thanks,
Angela

Angela V. Colmenero
Chief, General Litigation Division
Office of the Attorney General
512.475.4100 (direct)
EXHIBIT

J
Good morning, Angela:

Private plaintiffs write in advance of this morning’s conversation to provide 5 pieces of input.

1. Attached to this email please find suggested edits to the poster and the website updates you shared with us yesterday, and which you agreed to review should we provide them to you by noon today.

2. Also attached to this email please find a non-exhaustive list of CBOs to supplement the document you kindly shared with us yesterday. We cross-checked this list with yours to avoid duplications. Please confirm that these entities will be added to your distribution and outreach list.

3. Also attached to this email please find a non-exhaustive list of elected officials/bodies we would like to receive the elected official toolkits. Please confirm that these elected officials/bodies will be added to your distribution and outreach list.

4. Your August 11 email indicated that there are particular pages on VoteTexas.gov and on the SOS’s main website that will be updated by COB Monday. Some of those pages overlap with our feedback reflected in the attached chart. We urge you to consider our feedback as you update these sites.

   Note that we also have identified at least one page on the DPS site that requires updating.

5. We also have reviewed the updates to VoteTexas.gov that you identified and offer the following feedback:

   - The banner language on this page, http://www.sos.state.tx.us/sos_espanol.shtml, which provides a statement in Spanish translation, should also be translated into Spanish: “Notice: The Office of the Secretary of State is in the process of updating its websites to reflect a court order issued on August 10, 2016, relating to identification requirements for voting.”

   - We reiterate our issues with the “Press Release: Voters in November election have additional ID options announces Secretary Cescos,” including that it fails to inform voters that (1) the reason given for being unable to obtain SB 14 ID cannot be questioned and (2) the address on the supporting documentation need not match the current registration address. The statement also suggests that the declaration is only available to those “not able to obtain ID” rather than those that have a “reasonable impediment” or difficulty obtaining ID and does not include other examples of qualifying ID such as out-of-state ID.

   - Though you have updated the (now called) “Voter ID Education Resources” section of VoteTexas.gov in English and Spanish (http://www.votetexas.gov/resources/voter-ld-educate-materials), the location of the language in this document suggests that the alternative documents, used in support of a RI declaration, also have a four year expiration point. However, the expiration period only applies to SB 14 IDs. We suggest that this language be moved up in the document to the section just below where SB 14 IDs are identified. The document should also note that the address on the supporting documentation need not match the registration address. And the statement also suggests that the declaration is only available to those “not able to obtain ID” rather than those that have a “reasonable impediment” or difficulty obtaining ID
• Though you updated the document at this link, http://www.vctetexas.gov/es/recursos/folletos-educativos-sobre-identificacion-para-votar, we urge you incorporate the same suggestions as above, though in Spanish translation.

Thank you,
Jennifer L. Clark
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This message may contain information that is confidential or legally privileged. If you are not the intended recipient, please immediately advise the sender that this message has been inadvertently transmitted to you and delete this e-mail from your system.
EXHIBIT

J-1
Input on Poster and Website Text

**Poster**
- Change "Unable to obtain one of these IDs?" to "Unable to obtain one of those IDs?"
- Place a left-pointing arrow next to "Unable to obtain one of those IDs?", pointing to SB 14 ID box.
- Place an asterisk next to "TEXAS-ISSUED" and an asterisk next to "US-ISSUED" and remove the asterisk after "YOU MUST BRING ID TO THE POLLS."
- Move the text "ID CAN BE EXPIRED UP TO FOUR YEARS" to the bottom of the SB 14 ID box.

**Website Text**
**Required Identification for Voting in Person**
- Change second sentence in opening paragraph to "As a result, voters who have an accepted ID are still required to present it when voting in person in all Texas elections."
- Change third sentence in opening paragraph to "Note that the acceptable form of photo identification may be expired up to four years. If a voter has not been able to obtain one of the forms of acceptable photo identification listed below, and has a reasonable impediment or difficulty to obtaining such identification . . . ."
- Change sentence preceding alternative forms of identification to: "Here is a list of supporting forms of ID that can be presented if the voter cannot obtain, and has a reasonable impediment or difficulty to obtaining one of the forms of acceptable photo ID:"
- Change second sentence in first paragraph of "Procedures for Voting" to "If a voter has not been able to obtain one of the seven (7) acceptable forms of photo ID, and has a reasonable impediment or difficulty to obtaining . . . ."
- Change first sentence in fourth paragraph of "Procedures for Voting" to "If a voter possesses an acceptable form of photo ID but does not have it at the polling place"

**FAQs**
- Delete first sentence of answer 1 and insert "The following is a list of acceptable photo ID at the polling place:"
- In answer 1, after "United States passport" bullet, insert amended first 14 lines from Question 3, starting with "If a voter cannot obtain . . . ." and ending with "contains a photograph)."
- Change question 2 to "My photo ID is expired. Will it still work?"
- In answer 3, change first sentence to "If a voter cannot obtain an acceptable form of photo ID, and the voter has a reasonable impediment or difficulty to obtaining . . . ."
- In answer 3, change second bullet point to "Original or certified copy of birth certificate"
- Bold Question 4
EXHIBIT

K
Thank you for the email this morning.

We have had a chance to review input from the Plaintiffs on the Register to Vote: Need ID? Procedures for Voting update to SOS’s website. Thank you for the suggestions, and as you can see from the version now attached to the email, we have accepted the majority of them. For ease of reference, we have attached a document that references change made and the reasons changes were not made.

We are inclined to accept the changes you have proposed to the draft poster prepared by our vendors (attached to August 10 email), but we need confirm with our vendor whether an arrow is feasible (and that will then implicate whether we use “those” or “these” in the declaration box).

As for the list of Supplemental CBOs and elected officials you provided this morning, we need additional time to get back to you on this point.

With respect to the website updates, here are our responses:

- We will agree to update the banner you have identified in your first bullet point with the Spanish language translation.
- We will not agree to add in your language to the press release previously issued by Secretary Cascos or issue a corrected press release.
- We believe that you have raised concerns regarding the posters in the polling place, which are available at http://www.votetexas.gov/resources/voter-id-education-materials. This poster is required by Section 62.016 of the Texas Election Code, which specifically requires that the list of acceptable forms of ID be in 24-point font. Adding additional text (including language about reasonable impediment and address) may inhibit our ability to comply with that statute as to font size may make an already crowded poster more crowded. Further, we prefer not to add language about the address matching because it is not new. The address on your SB 14 ID doesn’t have to match your registration address and it never did. The FAQs also address this issue. For these reasons, we are not inclined to accept those two suggestions. Further, we want to highlight that the content of this poster is within the statutory prerogative of SOS and they believe that the poster conveys the necessary message to the voter. Finally, as to moving up the language regarding the expiration period, that was a change SOS was already inclined to make and had prepared a new draft (see attached) incorporating that change.
- We will agree to update the Spanish language translation of the document referenced in your fourth bullet point.

We have reviewed the chart you sent yesterday and the proposals you have made. We have held off making any further changes to the website until the FAQs go live later today. Once those are live, we intend to update the other aspects of the website and will consider the
Finally, we would like to provide our position on several issues Myrna raised at the end of the call:

- We will agree to send you a Spanish language translation of the FAQs that you had a chance to review yesterday. Consistent with the timetables we described in the August 5 submission with the court, we can provide this to you within 3 business days or sooner and we ask that you provide your response within 24 hours.
- We asked the Election Divisions about the county level training, but we are still a little unclear about your description on the call. We had initially represented that the Qualifying Voters Handbook would be updated by September 20, but SOS has clarified that it will available sooner. I am told that it should be finalized by August 26. The Inspector and Poll Watcher Handbooks will be finalized by August 19. There is also an Early Voting Ballot Board handbook with sections about ID we are amenable to sharing with you in the same manner. We can commit that the updates to that handbook will be ready by August 19. We will continue to stand by our representation to share with you the pages from these handbooks that will address updates to the photo ID requirement and the implementation of the reasonable impediment declaration 24 hours before they are finalized. It is possible that some counties may conduct their own training for the November election before September 20 and will use the updated handbook. The online poll worker training module will not be ready until September 19 (anticipated launch date) because we are utilizing a vendor to administer the platform.

Thanks,
Angela

From: Clark, Jennifer [mailto:clarkj@mercury.law.nyu.edu]
Sent: Friday, August 12, 2016 9:36 AM
To: Colmenero, Angela <angela.coltmenero@texasattorneygeneral.gov>; Frederick, Matthew <matthew.frederick@texasattorneygeneral.gov>; Perez, Myrna <PerezM@mercury.law.nyu.edu>
Cc: VOTTexasID@usdoj.gov; All Texas Voter ID <alltexasvoterid@dechert.com>
Subject: Education and Training: Input

Good morning, Angela:

Private plaintiffs write in advance of this morning’s conversation to provide 5 pieces of input.  
1. Attached to this email please find suggested edits to the poster and the website updates you shared with us yesterday, and which you agreed to review should we provide them to you by noon today.
2. Also attached to this email please find a non-exhaustive list of CBOs to supplement the document you kindly shared with us yesterday. We cross-checked this list with yours to avoid duplications. Please confirm that these entities will be added to your distribution and outreach list.
3. Also attached to this email please find a non-exhaustive list of elected officials/bodies we would like to receive the elected official toolkits. Please confirm that these elected officials/bodies will be added to your distribution and outreach list.
4. Your August 11 email indicated that there are particular pages on VoteTexas.gov and on the SOS’s main website that will be updated by COB Monday. Some of those pages overlap with our feedback
reflected in the attached chart. We urge you to consider our feedback as you update these sites. Note that we also have identified at least one page on the DPS site that requires updating.

5. We also have reviewed the updates to VoteTexas.gov that you identified and offer the following feedback:

- The banner language on this page, http://www.sos.state.tx.us/sos_espanol.shtml, which provides a statement in Spanish translation, should also be translated into Spanish: “Notice: The Office of the Secretary of State is in the process of updating its websites to reflect a court order issued on August 10, 2016, relating to identification requirements for voting.”
- We reiterate our issues with the “Press Release: Voters in November election have additional ID options announces Secretary Cascar,” including that it fails to inform voters that (1) the reason given for being unable to obtain SB 14 ID cannot be questioned and (2) the address on the supporting documentation need not match the current registration address. The statement also suggests that the declaration is only available to those “not able to obtain ID” rather than those that have a “reasonable impediment” or difficulty obtaining ID and does not include other examples of qualifying ID such as out-of-state ID.
- Though you have updated the (now called) “Voter ID Education Resources” section of VoteTexas.gov in English and Spanish (http://www.votetexas.gov/resources/voter-id-education-materials), the location of the language in this document suggests that the alternative documents, used in support of a RI declaration, also have a four year expiration point. However, the expiration period only applies to SB 14 IDs. We suggest that this language be moved up in the document to the section just below where SB 14 IDs are identified. The document should also note that the address on the supporting documentation need not match the registration address. And the statement also suggests that the declaration is only available to those “not able to obtain ID” rather than those that have a “reasonable impediment” or difficulty obtaining ID.

Thank you,

Jennifer L. Clark
Counsel, Democracy Program
Brennan Center for Justice at NYU School of Law
161 Avenue of the Americas, Floor 12
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Direct line: (646) 292-8332
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jennifer.clark@nyu.edu

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EXHIBIT

L
Angela-

This is the issue that Ezra just began to tee up.

We appreciate that you notified us of the updates to the Registered to Vote: Need ID? Procedures for Voting on SOS's website: http://www.votetexas.gov/register-to-vote/need-id. After reviewing, private-plaintiffs offer the following additional feedback for your consideration.

1. The site states: "Voters who have not been able to obtain one of the forms of acceptable photo identification listed below, and have a reasonable impediment or difficulty to obtaining such identification, may present a supporting form of identification and execute a Reasonable Impediment Declaration...." (italics added). And below that the site states: "Here is a list of the supporting forms of ID that can be presented if the voter cannot obtain, and has a reasonable impediment or difficulty to obtaining one of the forms of acceptable photo ID." (emphasis added)

The order (Doc 895) does not require any showing that a voter "ha[s] not been able to obtain" or "cannot obtain" an acceptable photo ID, only that the voter has a subjective reasonable impediment / difficulty to currently having or acquiring an acceptable photo ID. Therefore, the language on the website should be clarified such that the sentence reads: "Here is a list of the supporting forms of ID that can be presented if the voter has a reasonable impediment or difficulty to obtaining one of the seven forms of photo ID listed above." In addition to this change, we urge that any other documents and website pages with this "have not been able to obtain" or "cannot obtain" language also should be modified (see, e.g., 2b below).

2. Frequently asked questions:
   a. Under Question 3: "What if a voter does not have any of the acceptable forms of photo ID?," the website again implies that a voter must make an additional showing that they "cannot obtain" one of the seven "acceptable" forms of photo ID. See above our request that this language "cannot obtain" be struck.

As an additional matter, we've been reviewing the websites for each of the counties. Regarding the information about ID requirements, some of those websites link to
VoteTexas.gov, including the pages that continue to be updated, as well as some pdfs or other pages that live on that VoteTexas.gov site. See, e.g.,
http://www.sos.state.tx.us/about/newsreleases/2014/101414.shtml
http://www.sos.state.tx.us/about/newsreleases/2013/062513.shtml

We suggest that as VoteTexas.gov is updated, you also consider redirecting all old links on your site, such as those above, to the new, up-to-date information. More generally, given our review, we also suggest that as you correspond with counties, you encourage them to update their websites. Many of the county websites that we reviewed continue to have outdated information about the ID requirements for voting in person this November.

Thank you.

From: Perez, Myrna <PerezM@mercury.law.nyu.edu>
Sent: Saturday, August 13, 2016 2:15 PM
To: Colmenero, Angela
Cc: Clark, Jennifer; Frederick, Matthew; VOTTexasID@usdoj.gov; All Texas Voter ID
Subject: Re: Education and Training: Input

Thanks for letting us know Angela. Have a great weekend!

Sent from my iPhone

On Aug 12, 2016, at 11:37 PM, Colmenero, Angela <angela.colmenero@texasattorneygeneral.gov> wrote:

Here is the link to the updated Registered to Vote: Need ID? Procedures for Voting on SOS’s website: http://www.votetexas.gov/register-to-vote/need-id. This Spanish version will be available within three business days or sooner. As we mentioned in our email today, we will agree to provide you with a draft of the Spanish version 24 hours before it is set to go live on the website.

Thanks,
Angela

From: Colmenero, Angela
Sent: Friday, August 12, 2016 3:42 PM
To: Colmenero, Angela; 'Clark, Jennifer'; Frederick, Matthew; 'Perez, Myrna'
Cc: 'VOTTexasID@usdoj.gov'; 'All Texas Voter ID'
Subject: RE: Education and Training: Input

We wanted to let you know that we still intend to update the FAQs on the website today by uploading the revised version we sent earlier this afternoon. We appreciate the comments you provided.

I am trying to confirm with SOS when the updated version will be publicly available. I will send a link to everyone where you can access the new FAQs. Also, consistent with our representation at the status conference, we will alert the Court and the plaintiffs if any substantive changes are made to this document in the future.

Thanks,
Angela

From: Colmenero, Angela
Sent: Friday, August 12, 2016 1:20 PM
To: Clark, Jennifer; Frederick, Matthew; Perez, Myrna
Cc: VOTTexasID@usdoj.gov; All Texas Voter ID
Subject: RE: Education and Training: Input

Thank you for the email this morning.

We have had a chance to review input from the Plaintiffs on the Register to Vote: Need ID? Procedures for Voting update to SOS’s website. Thank you for the suggestions, and as you can see from the version now attached to the email, we have accepted the majority of them. For ease of reference, we have attached a document that references change made and the reasons changes were not made.

We are inclined to accept the changes you have proposed to the draft poster prepared by our vendors (attached to August 10 email), but we need confirm with our vendor whether an arrow is feasible (and that will then implicate whether we use “those” or “these” in the declaration box).

As for the list of Supplemental CBOs and elected officials you provided this morning, we need additional time to get back to you on this point.

With respect to the website updates, here are our responses:
• We will agree to update the banner you have identified in your first bullet point with the Spanish language translation.
• We will not agree to add in your language to the press release previously issued by Secretary Cascos or issue a corrected press release.
• We believe that you have raised concerns regarding the posters in the polling
place, which are available at http://www.votetexas.gov/resources/voter-id-education-materials. This poster is required by Section 62.016 of the Texas Election Code, which specifically requires that the list of acceptable forms of ID be in 24-point font. Adding additional text (including language about reasonable impediment and address) may inhibit our ability to comply with that statute as to font size may make an already crowded poster more crowded. Further, we prefer not to add language about the address matching because it is not new. The address on your SB 14 ID doesn’t have to match your registration address and it never did. The FAQs also address this issue. For these reasons, we are not inclined to accept those two suggestions.

Further, we want to highlight that the content of this poster is within the statutory prerogative of SOS and they believe that the poster conveys the necessary message to the voter. Finally, as to moving up the language regarding the expiration period, that was a change SOS was already inclined to make and had prepared a new draft (see attached) incorporating that change.

- We will agree to update the Spanish language translation of the document referenced in your fourth bullet point.

We have reviewed the chart you sent yesterday and the proposals you have made. We have held off making any further changes to the website until the FAQs go live later today. Once those are live, we intend to update the other aspects of the website and will consider the comments you have provided.

Finally, we would like to provide our position on several issues Myrna raised at the end of the call.

- We will agree to send you a Spanish language translation of the FAQs that you had a chance to review yesterday. Consistent with the timetables we described in the August 5 submission with the court, we can provide this to you within 3 business days or sooner and we ask that you provide your response within 24 hours.

- We asked the Election Divisions about the county level training, but we are still a little unclear about your description on the call. We had initially represented that the Qualifying Voters Handbook would be updated by September 20, but SOS has clarified that it will available sooner. I am told that it should be finalized by August 26. The Inspector and Poll Watcher Handbooks will be finalized by August 19. There is also an Early Voting Ballot Board handbook with sections about ID we are amenable to sharing with you in the same manner. We can commit that the updates to that handbook will be ready by August 19. We will continue to stand by our representation to share with you the pages from these handbooks that will address updates to the photo ID requirement and the implementation of the reasonable impediment declaration 24 hours before they are finalized. It is possible that some counties may conduct their own training for the November election before September 20 and will use the updated handbook. The online poll worker training module will not be ready until September 19 (anticipated launch date) because we are utilizing a vendor to administer the platform.
Thanks,
Angela

From: Clark, Jennifer <mailto:clarkj@mercury.law.nyu.edu>
Sent: Friday, August 12, 2016 9:36 AM
To: Colmenero, Angela <angela.cılmenero@texasattorneygeneral.gov>; Frederick, Matthew <matthew.frederick@texasattorneygeneral.gov>; Perez, Myrna <PerezM@mercury.law.nyu.edu>
Cc: VCTexasID@usdoj.gov; All Texas Voter ID <alltexasvoterid@dechert.com>
Subject: Education and Training: Input

Good morning, Angela:
Private plaintiffs write in advance of this morning’s conversation to provide 5 pieces of input.
1. Attached to this email please find suggested edits to the poster and the website updates you shared with us yesterday, and which you agreed to review should we provide them to you by noon today.
2. Also attached to this email please find a non-exhaustive list of CBOs to supplement the document you kindly shared with us yesterday. We cross-checked this list with yours to avoid duplications. Please confirm that these entities will be added to your distribution and outreach list.
3. Also attached to this email please find a non-exhaustive list of elected officials/bodies we would like to receive the elected official toolkits. Please confirm that these elected officials/bodies will be added to your distribution and outreach list.
4. Your August 11 email indicated that there are particular pages on VoteTexas.gov and on the SOS’s main website that will be updated by COB Monday. Some of those pages overlap with our feedback reflected in the attached chart. We urge you to consider our feedback as you update these sites. Note that we also have identified at least one page on the DPS site that requires updating.
5. We also have reviewed the updates to VoteTexas.gov that you identified and offer the following feedback:
   - The banner language on this page, http://www.sos.state.tx.us/sos_espanol.shtml, which provides a statement in Spanish translation, should also be translated into Spanish: “Notice: The Office of the Secretary of State is in the process of updating its websites to reflect a court order issued on August 10, 2016, relating to identification requirements for voting.”
   - We reiterate our issues with the “Press Release: Voters in November
election have additional ID options announces Secretary Caspos,"
including that it fails to inform voters that (1) the reason given for being
unable to obtain SB 14 ID cannot be questioned and (2) the address on
the supporting documentation need not match the current registration
address. The statement also suggests that the declaration is only available
to those “not able to obtain ID” rather than those that have a “reasonable
impediment” or difficulty obtaining ID and does not include other
examples of qualifying ID such as out-of-state ID.

• Though you have updated the (now called) “Voter ID Education
Resources” section of VoteTexas.gov in English and Spanish
(http://www.vctetexas.gov/resources/voter-id-education-materials, the
location of the language in this document suggests that the alternative
documents, used in support of a RI declaration, also have a four year
expiration point. However, the expiration period only applies to SB 14
IDs. We suggest that this language be moved up in the document to the
section just below where SB 14 IDs are identified. The document should
also note that the address on the supporting documentation need not
match the registration address. And the statement also suggests that the
declaration is only available to those “not able to obtain ID” rather than
those that have a “reasonable impediment” or difficulty obtaining ID

• Though you updated the document at this link,
http://www.vctetexas.gov/es/recursos/folletos-educativos-sobre-
identificacion-para-votar, we urge you incorporate the same suggestions
as above, though in Spanish translation.

Thank you,
Jennifer L. Clark
Counsel, Democracy Program
Brennan Center for Justice at NYU School of Law
161 Avenue of the Americas, Floor 12
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Direct line: (646) 292-8332
Fax: (212) 463-7308
jenniferl.clark@nyu.edu

www.brennancenter.org

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EXHIBIT M
Leah,

Thank you for the email. Defendants are not inclined to incorporate your proposed language in the FAQs for a couple of reasons. We believe your language is ambiguous, and therefore confusing, to voters and election officials. From our standpoint, not “having” an ID could mean they left it at home, and that is not our understanding of what the reasonable impediment declaration is intended to cover or what the parties agreed it covered. You raise a scenario below regarding an individual who has lost their license or had it suspended or revoked. If an individual has lost their license, they would “not be able to obtain” a valid SB 14 ID and therefore would qualify as having a reasonable impediment. Indeed, this scenario is specifically accounted for in the language of the declaration and defined as a reasonable impediment in FAQ #4. If an individual has had their license suspended or revoked, this individual would not be able to reasonably obtain a valid ID that would work for them at the time they went to vote. In other words, we believe individuals who have suspended or revoked licenses would qualify as having a reasonable impediment and could exercise that option by checking the “other” box on the declaration.

 Defendants are committed to providing the public with accurate information regarding the change in election procedures. We believe we have accomplished that with the language of the revised FAQs. We disagree with your assertion that the information is misleading or inconsistent with the Court’s order. It is our position that any language suggesting that an individual who does not have an ID would qualify as having a reasonable impediment is inconsistent with the legislative intent of SB 14 and the court’s interim remedy order. This is because the reasonable impediment declaration is intended to be used by those individuals who are unable to obtain a SB 14 ID. If an individual has simply left their ID at home on election day, this is an inconvenience that is not covered by the court’s order.

As we explained to the court during the status conference last week, it was important for Defendants to update the FAQs last week because the information contained in them formed the baseline for other updates to the website that have been made this week. While we have incorporated many of the suggestions you have sent us, we cannot be in a situation where we are forced to constantly update the website whenever you believe your preferred language should be added. We intend for the information on the website to remain constant in order to minimize confusion and to provide clear guidance to voters and election officials regarding the new voting procedures. It was our hope that by providing you with a review period to preview some of the documents we were adding to the website, we would be able to avoid these types of disputes once information had already been uploaded and disseminated to the public.

We are happy to continue discussing this issue with you, but I cannot do so today because I will be traveling. To the extent you would like to discuss further, I propose we find a time on Monday to see if we can resolve your concerns.
Thanks,
Angela

From: Leah Aden [mailto:ladden@naacpldf.org]
Sent: Thursday, August 18, 2016 5:12 PM
To: Colmenero, Angela; Clark, Jennifer
Cc: Frederick, Matthew; alltexasvoterid@dechert.com; VOTTexastaxID@usdoj.gov
Subject: RE: Spanish Version of the FAQs

Angela –

I think that we would all agree that the important issue is not whether one party or the other was able to catch a mistake within a given time, but rather whether the information that is being disseminated to the public is accurate and not misleading. We assume that the State would want to correct mistakes in its messaging no matter when they are raised.

To that end, we continue to have concerns with language on the VoteTexas.gov website or otherwise released to the public that states or suggests that voters can only use the reasonable impediment process if they “have not been able to obtain” or “cannot obtain” one of the SB 14 IDs.

Accordingly, we re-urge you to remove this language from any and all information released to the public because it is misleading and inaccurate based on the parameters set forth in the interim remedial order (Doc. 895). Voters are able to take advantage of the reasonable impediment process if they “cannot reasonably obtain” or have an impediment or difficulty to obtaining a SB 14 ID. Id. at 3; see also Doc. 895-1 at 6. You can imagine voters who have obtained a SB 14 ID but it may be lost, suspended, or revoked and, thus, they are not capable of using it to vote in person. Based on the current language on the VoteTexas.gov website and other places, the State is suggesting that voters cannot take advantage of the RI process under such scenarios since they technically have obtained SB 14 IDs.

Please let us know how the continued use of this language is consistent with the interim remedial order.

We’d like to address this issue before raising it with Judge Ramos.

Leah Aden
Senior Counsel
NAACP Legal Defense and Educational Fund, Inc.
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212-955-7715 LAden@naacpldf.org
www.naacpldf.org

LDF
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From: Colmenero, Angela [mailto:angela.colmenero@texasattorneygeneral.gov]
Sent: Thursday, August 18, 2016 2:35 PM
To: Clark, Jennifer <clarkj@mercury.law.nyu.edu>
Cc: Frederick, Matthew <matthew.frederick@texasattorneygeneral.gov>; alltexasvoterid@dechert.com; VoteTexasID@usdoj.gov
Subject: Re: Spanish Version of the FAQs

Jennifer and Leah,

Thank you for the comments you sent this morning. Here are our responses:

- “Listadas a continuación” simply means “listed below”.
- The word “obtener” used in the Spanish translation carries the same meaning as the language used in the English version. If changed in the Spanish translation, the meaning would differ from the English language. The word “una” is not necessary as English words do not have to be directly translated to imply the same meaning.
- We can add “(original o copia)” to “Documento del gobierno con su nombre y dirección (se requiere documento original si el documento contiene una fotografía)” so it reads “Documento del gobierno con su nombre y dirección (original o copia) (se requiere documento original si el documento contiene una fotografía).”

Even though we believe it is unnecessary, we will accept the edit referenced in the third bullet point and add "una" in the two places you identified. We will also agree to add "(original o copia)." For the reasons explained above, we will not agree to accept any of your other proposed changes. We intend to go live with the Spanish version (incorporating the changes above) this afternoon.

We are not inclined to accept the additional substantive edits you sent us yesterday. We allowed you 24 hours to review the FAQs and accepted several of your suggestions. Now that the FAQs are up on the website, we will not agree to make edits we believe are unnecessary and are past your review period.

Also, in response to the other issues you raised, it is not our intention to take down press releases. Press releases remain on the website for historical purposes. The two you have cited are either talking about procedures for elections that took place two years ago, or one that was issued three years ago. We informed the court we would move archived content at our discretion.

Finally, we told the Court we would inform election officials that they can contact SOS to get an icon to link their website to the updated VoteTexas.gov website, and send link(s) to, or the actual updated firms no later than August 19. This should address the last point you raised.

Thanks,
Angela

Sent from my iPhone

On Aug 18, 2016, at 8:21 AM, Clark, Jennifer <clarkj@mercury.law.nyu.edu> wrote:
Good morning, Angela-

Thank you for providing us with the Spanish language translation of the “Need ID?” portion of VoteTexas.gov. Attached please find a PDF with a handful of comments. While we tried to point out where the translation would need to be adjusted per Leah Aden’s email from yesterday afternoon, we would appreciate another opportunity to review pursuant to those suggested edits.

Thank you.

From: Colmenero, Angela [mailto:angela.colmenero@texasattorneygeneral.gov]
Sent: Wednesday, August 17, 2016 11:22 AM
To: Ezra Rosenberg; alltexasvoterid@kiechert.com; VOTTexasID@usdoj.gov
Cc: Frederick, Matthew
Subject: Spanish Version of the FAQs

Ezra,

We have attached a Spanish language translation of the “Register to Vote: Need ID? Procedures for Voting” section of the VoteTexas.gov website. Per our agreement, we are providing you 24 hours to review this draft. We intend to upload this version to the website tomorrow afternoon.

Thanks,
Angela

<20160812_Voter ID FAQs_FINAL_Spanish Comments.pdf>
EXHIBIT

N
Thank you for the comments to the handbooks we sent you on August 19 and the digital toolkits we sent you on August 29. We intend to send finalized versions of the handbooks to the list of election officials today and also upload that information to the SOS homepage, where the handbooks are ordinarily posted. Additionally, we intend to begin distribution of the toolkits and upload the finalized versions to the website today. We have attached the finalized versions of the handbooks and toolkits to this email, and as you will see, we included many of your proposed suggestions.

As an initial matter, we have received correspondence from the Private Plaintiffs and DOJ objecting to the State’s language indicating that a voter can use a reasonable impediment declaration if they are unable to obtain a form of SB 14 ID. This language was first proposed in the “Register to Vote: Need ID? Procedures for Voting” webpage we circulated for your review on August 11. During the meet and confer process, we explained to you and the Court that we sent the draft language before it was finalized because the information contained therein would be used throughout our training materials. You were provided with an opportunity to object to the language and the State’s use of “unable to obtain” or “cannot obtain.” The revisions we received from you did not object to this language, but instead incorporated our language into your changes. See Email from J. Clark dated Aug. 12, 2016 (attached). We did not learn about your concerns until several days after this language was made public on the Secretary of State’s website. See Email from L. Aden dated Aug. 17, 2016 (attached).

Private Plaintiffs have advocated for language suggesting that an individual who “does not have” an acceptable form of SB 1 ID can execute a reasonable impediment declaration while DOJ proposes that the declaration should be available to individuals who “do not possess an acceptable form of ID.” The State is unwilling to incorporate either proposal in the training materials that will be sent to election officials and posted on the website today. Nor is the State willing to modify information that has already been posted to the Secretary of State’s website since August 12 and incorporated in press releases, training materials already distributed to the counties, and scripts for television commercials that were filmed this week.

The State chose to use the “cannot obtain” or “unable to obtain” language in its guidance because it is consistent with the language used in the Court’s Interim Remedy Order. See, e.g., Interim Remedy Order (ECF No. 895) at 2 (“The reasonableness of a voter’s impediment to obtain SB 14 ID shall not be questioned by election officials.”). 3 (“Defendants shall continue to educate voters in subsequent elections concerning both voter identification requirements and the opportunity for voters who do not possess SB 14 ID and cannot reasonably obtain it to cast a regular ballot.”). The Reasonable Impediment Declaration makes clear that a person must affirm that he faces “a reasonable impediment or difficulty that prevents [him] from getting an acceptable form of photo identification.” See id.

There are two prerequisites to demonstrating eligibility to vote using the Reasonable Impediment Declaration. Not being able to obtain a form of SB 14 ID is one of them, so not only is the use of the word “have” or “possess” not accurate, the Private Plaintiffs’ and DOJ’s requested changes to only instruct voters that they need to meet one criterion — i.e., only not “have” or “possess” a form of SB 14 ID to vote using a reasonable impediment declaration, are inaccurate because they ignore the second criterion. The existence of a reasonable impediment is the other requirement. The State’s guidance about these prerequisites must incorporate both requirements to be accurate, and we believe we have achieved that with our language. We want it to be very clear what is required when a voter comes to the polls. For this reason, we will not agree to anything that would suggest someone could vote without an ID because they left it at home.

Your objection appears to focus on the first part of the “Register to Vote: Need ID? Procedures for Voting” where the State explains that “[v]oters who have not been able to obtain one of the forms of acceptable photo identification listed below” can utilize the reasonable impediment declaration, but your concerns are addressed in the second part of the sentence (underlined below), which means exactly what you want it to say:

Voters who have not been able to obtain one of the forms of acceptable photo identification listed below and have a reasonable impediment or difficulty to obtaining such identification, may present a supporting form of identification and execute a Reasonable Impediment Declaration, noting the voter’s reasonable impediment to obtaining an acceptable form of photo identification, and stating that the voter is the same person on the presented supporting form of identification.

See http://www vote texas.gov/register-to-vote/need-id/ (emphasis added).

Additionally, you have expressed concerns that individuals who have lost their ID may think they don’t fall into the “cannot obtain” category and then assume they cannot vote. First, as noted above, voters who have lost their ID may in fact qualify as being “unable to obtain” an ID, but they still must also have a reasonable impediment or difficulty to obtaining a replacement ID. Numerous SOS references to “unable to obtain” follow with instructions to, or a reference to, completing the declaration and/or having a reasonable impediment or difficulty, which reflects all of the qualifications required to complete the reasonable impediment declaration. The “Qualifying Voters Handbook,” which will be distributed to all election judges, specifically states that “a voter with a lost, stolen, suspended, or expired more than four years, form of photo ID listed above could be considered to have not obtained one of the acceptable forms of photo ID for purposes of being eligible to execute a Reasonable Impediment Declaration.” See Qualifying Voters Handbook at 22. As is made clear in the handbook, the next question to the voter would be “do you have a reasonable impediment or difficulty to obtaining an acceptable form of photo ID?” The “Register to Vote: Need ID? Procedures for Voting” on the VoteTexas.gov website also includes a reference to “lost or stolen ID.” See http://www.vote texas.gov/register-to-vote/need-id/.

At no time has the Court or any of the parties intended the Reasonable Impediment Declaration to be a convenience document, and the
State will not use language to suggest that is true in any of its voter education materials. Indeed, we have already seen the danger in suggesting that voters who "do not have" a form of SB 14 ID may execute a Reasonable Impediment Declaration in the communication sent from the Montgomery County Democratic Party Chair and a reasonable impediment declaration executed in Denton County in a tax ratification election held on August 27, 2016. See Exhibit A, Email from Montgomery County Democratic Party Chair, Exhibit B (reasonable impediment declaration executed by individual who states her reasonable impediment is that "[she] forgot her wallet"). As a result, the State will not agree to modify its current language to provide inaccurate information to voters and election officials about the purpose of the Reasonable Impediment Declaration.

We have provided an explanation below describing the reasons we rejected some of your other proposals.

**Poll Watcher’s Guide**
In the Poll Watcher’s Guide, we have declined to include your suggested language regarding stolen, lost, suspended, or expired IDs (first appearing on page 3 and then elsewhere in the guide) for the reasons stated above.

We will also not agree to include the list of examples of “other government documents” because it is unnecessary in this guide. The guide is not directed to voters or persons who will be accepting the government documents. SOS has provided a list of specific examples of “other government documents” in the Qualifying Voters Handbook that tracks the examples already provided in the training materials provided to the counties (see PowerPoint presentation available on VoteTexas.gov).

We are not inclined to include the proposed language on page 12 that is labeled as “Note.” We believe it is redundant of the guidance provided on page 3 and do not believe there is a reason to include it again.

We will not accept your proposed language on page 15. These detailed types of explanations are more appropriate for the Qualifying Voters Handbook.

**Early Voting Ballot Board Handbook**
We will not modify the language in the handbook using the “has not been able to obtain” phrase to include your suggested language regarding stolen, lost, suspended, or expired IDs for the reasons provided above.

We will also not agree to include the list of examples of “other government documents” because it is unnecessary for the intended audience. This handbook is not directed to voters or persons who will be accepting the government documents. SOS has provided a list of specific examples of “other government documents” in the Qualifying Voters Handbook that tracks the examples already provided in the training materials provided to the counties.

**Election Inspector Handbook**
We will not agree to include the proposed language discussing the notice to provisional voters. The point of the notice is to provide the voter with what they need to do to cure the provisional ballot. Your language discussing supporting IDs on here as it relates to the reasonable impediment declaration is confusing because it suggests to the voters that they can bring a supporting ID in order to cure the provisional ballot. Because a voter cannot use a supporting ID to cure a provisional ballot, there is no reason to include your language.

We will not agree to include your list of “other government documents” for the reasons explained above.

We will not agree to include the “Note” you have proposed in response to Question No. 5 on page 9. We do not believe it is necessary and see it as another attempt to introduce language we have previously rejected.

**Qualifying Voters Handbook**
- **Response to DOJ Comments**
  - The State will not modify the use of the word “obtain” on pages 13-14 and 18 for the reasons discussed above. Lost, stolen, suspended, or expired more than four years IDs are covered on page 15 as part of the explanation of the meaning of not able to obtain an acceptable form of photo ID.
  - As to the comment on page 18, we disagree that “the Handbook appears to place the onus on the voter to ask for a reasonable impediment declaration.” In fact, the step-by-step instructions in the handbook include a question to the voter who has not obtained an acceptable form of photo ID as to whether the voter has a reasonable impediment or difficulty. See Qualifying Voters Handbook at 14, at b. (“If the voter states that they have not obtained an acceptable form of photo ID, the poll worker should ask the voter if they have a reasonable impediment or difficulty in obtaining an acceptable form of photo ID?”). That said, we have decided to include a more specific description of that process and have accepted the edit which relates to the asking of a question to the voter, but mirrored the language to that on page 14 at b. as to the remainder. Accordingly, the first paragraph on page 18 reads as follows: “The voter states that they have not obtained an acceptable form of photo identification listed on page 13, and the voter is asked if they have a reasonable impediment or difficulty in obtaining an acceptable form of photo ID, and states that they do have a reasonable impediment or difficulty to obtaining an acceptable form of photo ID. [Docket No. 895].”

- **Response to Private Plaintiffs Comments**
  - We accepted the addition of the reference to http://www.votepeace.gov on the first page of the handbook.
  - We will not accept the proposed language at the bottom of page 11. Because there is no other mention of specific irregularities noticed by the poll watcher in this section, mentioning the reasonable impediment declaration here seems out of place and out of context.
  - We will not agree to accept the following language suggested by the Private Plaintiffs in various places: “The purpose of the reasonable impediment declaration is not to trap unwary citizens who wish to cast their ballots into mistakenly filling out a sworn statement, but rather to give people who in good faith believe they do not have SB 14 ID an opportunity to vote.” We do not agree that declarations under penalty of perjury on their face, are to be signed lightly, or that the seriousness of executing a false statement should be dismissed.
  - We will not accept the addition of “such ID was subsequently stolen, lost, suspended, or expired by more than four years” as an alternative to not been able to obtain. As noted above, elsewhere in the document there is language which includes stolen, lost, suspended, or expired by more than four years IDs as situations in which a voter may be unable to obtain an acceptable form of photo ID.
If the voter states they have obtained an acceptable form of photo ID, but they did not bring it to the polling place, the election officer should explain that the voter may take one of two actions:

a. The voter may leave the polling place and return with their acceptable form of photo ID.

b. The voter may cast a provisional ballot, and “cure” by appearing at the county voter registrar’s office within 6 calendar days of election day and presenting an acceptable form of photo ID, or completing a natural disaster affidavit because the voter’s acceptable photo ID is inaccessible due to certain natural disasters. The presiding judge will follow the procedure prescribed in Situation 7.

If a voter indicates that they have not obtained an acceptable form of photo ID, the election officer will need to follow the guidelines below depending on the situation:

If the voter states that they have not obtained an acceptable form of photo ID...

On page 14, we did not accept the deletion of "of the voter" after "forms of supporting ID," to the extent Plaintiffs are making any suggestion that the voter could present someone else’s utility bill or other supporting document and vote with a Reasonable Impediment Declaration.

On pages 15 and 19, we rejected Plaintiffs’ additional examples of government documents, which were beyond those listed in the PowerPoint presentation posted on SOS’s website. We also are not inclined to list your examples because they are confusing. For instance, social security cards would not be accepted because they don’t contain addresses. Public college or university IDs probably would not be accepted because we are not aware of any with a student’s address on it. We believe that giving the examples similar to those in the PowerPoint Presentation posted on SOS’s website is sufficient.

On pages 15 and 19, we reject Plaintiffs’ change relating to the address on the government document not needing to match. It is confusing and underinclusive. The address on any of the supporting IDs or, for that matter, the acceptable photo IDs doesn’t have to match. Also, as noted above, the lack of address matching is covered at the bottom of page 16. Instead of accepting the change on page 15, we added words to the note on page 16 such that it is clear the address does not need to match on either a supporting form or an acceptable form of photo ID. "NOTE: The address on an acceptable form of ID or a supporting form of ID does not have to match the address on the list of registered voters.”

We accepted Plaintiffs’ edit on page 15 that added into the example related to lack of transportation a reference to “challenge how the voter came to the polling site,” but fixed the grammar in the rest of the sentence to account for this addition. It now reads: “The election officer may not question the reasonableness of the voter’s reasonable impediment or difficulty or the truth of the declaration. For example, if the voter checks ‘lack of transportation’, the election officer may not challenge how the voter came to the polling site, or the voter’s access to a bus route or other means of transportation.”

We will agree to outline the concept that voters who would otherwise have a reasonable impediment or difficulty to obtaining an acceptable form of photo ID, but just did not bring a supporting form of ID to the polling place, may come back during early voting or election day and vote a regular ballot at the polling place if they bring back an acceptable form of supporting identification and execute the Reasonable Impediment Declaration.

On page 15, we edited the Note relating to those who did not bring a supporting form of ID with them to the polls as follows:

NOTE: A voter who would otherwise have a reasonable impediment or difficulty to obtaining an acceptable form of photo ID but just did not bring a form of supporting ID to the polling place may opt to leave the polling place and return at a later time with their acceptable form of supporting ID and vote a regular ballot after executing a Reasonable Impediment Declaration. However, a voter who would otherwise have a reasonable impediment or difficulty to obtaining an acceptable form of photo ID who did not bring a supporting form of ID to the polling place may not “cure” at the county voter registrar’s office by showing an acceptable form of supporting ID and executing a reasonable impediment declaration at the county voter registrar’s office. For voters who vote in person at the polling place, the Reasonable Impediment Declaration process is an election day/early voting procedure only, and there is no “cure” option involving the execution of a reasonable impediment declaration or the presentation of supporting ID at the county voter registrar’s office.

Page 26 (relating to who may vote a provisional ballot) has been revised to read:

A voter who has not obtained an acceptable form of photo ID, and does not have a reasonable impediment or difficulty to obtaining an acceptable form of photo ID (including if the voter did not provide a form of supporting ID in connection with a Reasonable Impediment Declaration). NOTE: A voter who would otherwise have a reasonable impediment or difficulty to obtaining an acceptable form of photo ID but just did not bring a form of supporting ID to the polling place may opt to leave the polling place, and return at a later time with their acceptable form of supporting ID and vote a regular ballot after executing a Reasonable Impediment Declaration.

For consistency, we added a similar note to the poll watcher’s guide (because that guide also mentioned that the voter who did not bring their acceptable form of photo ID could bring back the ID and vote). The note on page 14 of the Poll Watcher’s Guide now reads as follows:

NOTE: If a voter has an acceptable form of photo ID but does not have it with them at the polling place and there is enough time left when polls are open, the voter may choose to return at a later time with an acceptable form of photo ID, or the voter may vote provisionally. A voter who would otherwise have a reasonable impediment or difficulty to obtaining an acceptable form of photo ID but just did not bring a form of supporting ID to the polling place may also opt to leave the polling place, and return at a later time with their acceptable form of supporting ID and vote a regular ballot after executing a Reasonable Impediment Declaration.
Digital Toolkit

We reject all deletions of the words “cannot obtain” which attempt to replace the phrase with “does not possess” for the reasons set forth above. We will agree to add in “and have a reasonable impediment or difficulty to obtaining” where that language was not previously included.

We will replace the language in the constituent email to state that a voter “may vote by signing a declaration at the polls explaining the reasonable impediment or difficulty that the voter has to obtaining one of the seven forms of approved photo ID.” This change incorporates your proposed suggestion.

We will not agree to include your list of “other government documents” for the reasons explained above.

We will not agree to emphasize “an” before “an address” when discussing a government document. It is under-inclusive and non-matching is not new. We have added a note stating that addresses do not have to match on either an acceptable form of photo ID or a supporting form of ID (not just a government document) on the constituent email. We will not add it to the press release on the first page of the toolkit because it is not a new requirement and it clutters those pages.

Their edits to the last Instagram caption are underinclusive (because they ignore the exemptions), and they also make it too long and don’t refer to the Reasonable Impediment Declaration. We have incorporated some of their edits and it now reads as follows:

There are seven approved forms of photo ID in Texas — a Texas driver license, a Texas Election Identification Certificate, a Texas personal identification card, a Texas license to carry a handgun, a US military photo ID card, a US citizenship certificate containing a photo or a US passport. Voters who have not obtained an approved photo ID and have a reasonable impediment or difficulty to obtaining one have additional options, including the ability to fill out a declaration at the polls explaining why they are unable to obtain approved photo ID together with presenting a supporting document, like a current utility bill or bank statement. Learn more about ID requirements at www.VoteTexas.gov #VoteTexas

We have accepted the singular of “religious objection” instead of “religious objections.”

Thanks,
Angela

Angela V. Colmenero
Chief, General Litigation Division
Office of the Attorney General
512.475.4100 (direct)

From: Freeman, Daniel [CRT] (mailto:Daniel.Freeman@usdoj.gov)
Sent: Tuesday, August 30, 2016 6:52 PM
To: Colmenero, Angela <angela.colmenero@texasattorneygeneral.gov>; Frederick, Matthew <matthew.frederick@texasattorneygeneral.gov>
Cc: alltexastovoterid@dechert.com; VOTETexasID (CRT) <VOTETexasID@usdoj.gov>
Subject: Voter Education and Poll Worker Training Materials

Angela and Matt,

We write concerning the State of Texas’s repeated statements in voter education and poll worker training materials that only voters who “have not obtained” and “cannot obtain” SB 14 ID may vote using a Reasonable Impediment Declaration. Despite repeated objections from the United States and private plaintiffs, the State has incorporated this and similar language in numerous documents. We think that language is inaccurate and potentially misleading. Moreover, it conflicts with the Court’s interim Remedial Order (ECF No. 895), as well as the legal standard applied in Vesey v. Abbott, No. 14-41127, 2016 WL 3923868 (5th Cir. July 20, 2016) (en banc). We write in the hope that the State will reconsider use of this language and eliminate it from all future documents and communications with the public and election officials regarding the interim remedy.

Language limiting the availability of a Reasonable Impediment Declaration to voters who have not and “cannot obtain” SB 14 ID is currently found on VoteTexas.gov and in the Poll Watchers Guide, the Election Inspector Handbook, the Early Voting Ballot Board Handbook, the Qualifying Voters Handbook, and the Toolkit for Community Organizations and ELECTED OFFICIALS. For example, the homepage of VoteTexas.gov currently states, “Voters who cannot obtain one of the seven forms of approved photo ID have additional options at the polls.” Similarly, the Toolkit for Community Organizations and ELECTED OFFICIALS entreats readers to distribute information to voters “including what approved photo ID they need to bring to the polls and what options they have if they cannot obtain an approved photo ID.” The United States and the private plaintiffs have repeatedly expressed concerns regarding this language, including on August 18, 22, 23, 29, and 30.

Our concerns are rooted in the plain language of the District Court’s interim Remedial Order. That order directs the State to educate voters concerning “the opportunity for voters who do not possess SB 14 ID and cannot reasonably obtain it to cast a regular ballot.” Interim Remedial Order ¶11. Statements that limit the availability of a Reasonable Impediment Declaration to voters who “have not obtained” and “cannot obtain” SB 14 ID improperly exclude voters who have obtained SB 14 ID in the past but no longer possess it and voters who cannot reasonably obtain SB 14 ID (even though, theoretically, they might be able to obtain that identification through expenditures of time or money needed to overcome substantial obstacles). The Court similarly ordered the State to use a Reasonable Impediment Declaration that instructs poll workers to allow a voter who “does not possess an acceptable form of photo identification . . . due to a reasonable impediment” to complete the Declaration and cast a regular ballot. Interim Remedial Order Ex. 1 at 1. Language narrowing the set of eligible voters to those who “have not obtained” and “cannot obtain” SB 14 ID improperly excludes some voters protected by the Court’s Interim Remedial Order.
This issue is not new. In Veasey v. Abbott, the Fifth Circuit rejected the State's argument that only those voters who "cannot obtain" SB 14 ID are injured by voter identification requirements. Rather, the Court held SB 14 abridged the rights of individual plaintiffs who faced "excessive burdens" or "a substantial obstacle to voting because of SB 14." Veasey v. Abbott, 2016 WL 3923868, at *25; see also id. at *42 (Higginson, J., concurring) ("[f]or a Section 2 burden is cognizable only if it is impossible for some minority voters to comply with the challenged law, Justice Scalia must have mistakenly stated that Section 2 would be violated if a county permitted voter registration for only three hours one day a week, and that made it more difficult for blacks to register than whites.") (quoting Chisom v. Roemer, 501 U.S. 380, 408 (1991) (Scalia, J., dissenting)); Veasey v. Perry, 71 F. Supp. 3d 627, 686 (S.D. Tex. 2014) (concluding that SB 14 violated Section 2 despite finding that "Plaintiffs have not demonstrated that any particular voter absolutely cannot get the necessary ID or vote by absentee ballot"); aff'd in relevant part, No. 14-41127, 2016 WL 3923868 (5th Cir. July 20, 2016) (en banc). The Fifth Circuit notably considered the burden on an individual voter who eventually managed to procure a birth certificate necessary to obtain SB 14 ID, albeit only with the assistance of a relative traveling through his state of birth. See Veasey v. Abbott, 2016 WL 3923868, at *26. Communicating that Reasonable Impediment Declarations are available only to voters who "cannot obtain" SB 14 ID would therefore improperly exclude individuals harmed by a Voting Rights Act violation from the remedy on remand.

We hope that the State will reconsider using this language in voter education and training materials. We request a response to these concerns by no later than Friday, September 2, and we are available to discuss this matter at any time.

Regards

Dan

Daniel J. Freeman
Trial Attorney
Voting Section, Civil Rights Division
U.S. Department of Justice
950 Pennsylvania Ave. NW
NWB Room 7123
Washington, DC 20530
(202) 305-4355
daniel.freeman@usdoj.gov
EXHIBIT

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Hello everyone,

Attached are the final versions of the Early Voting Ballot Board, the Poll Watcher, the Elections Inspectors and the Qualifying Voters' handbooks for this election. These incorporate changes for both voter ID and Interpreters for the upcoming elections. We will have them available for order as soon as possible. Please let me know if there are any questions.

Keith Ingram
Director, Elections Division
Office of the Secretary of State
800-252-VOTE (8683)
www.sos.state.tx.us/elections/index.shtml

For Voter Related Information, please visit:
EXHIBIT

P
Have you ever obtained one of the following forms of Identification?

- **A Texas Driver’s License**  
  (Issued by the Texas DPS)  
  [It can have expired within the last 4 years and still be an acceptable form of ID for voting purposes]

- **A Texas Personal Identification Card**  
  (Issued by the Texas DPS)  
  [It can have expired within the last 4 years and still be an acceptable form of ID for voting purposes]

- **A Texas Election Identification Certificate**  
  (Issued by the Texas DPS)  
  [It can have expired within the last 4 years and still be an acceptable form of ID for voting purposes]

- **A Texas Handgun License**  
  (Issued by the Texas DPS)  
  [It can have expired within the last 4 years and still be an acceptable form of ID for voting purposes]

- **A U.S. Military ID card**  
  with a photograph on it? [It can have expired within the last 4 years and still be an acceptable form of ID for voting purposes]

- **A U.S. Citizenship Certificate**  
  with a photograph on it

- **A U.S. Passport?**  
  [It can have expired within the last 4 years and still be an acceptable form of ID for voting purposes]

- **An Exempt Voter Registration Card**  
  [with a VUID# followed by an “E”] [It can have expired within the last 4 years]

If you have obtained an acceptable form of Photo ID, but did not bring it with you, you may vote a provisional ballot and bring the acceptable form of Photo ID to the Galveston County Voter Registrar within 6 days to cure your ballot.
Do you have a reasonable impediment or difficulty to obtaining one of the forms of ID shown on the reverse side of this card?

If you have been unable to obtain an ID shown on the other side of this card and have a reasonable impediment or difficulty to obtaining one of them, then you may present one of the following forms of supporting identification and execute the "Reasonable Impediment Declaration" indicating under penalty of perjury that you have not been able to obtain one of the forms of ID shown on the reverse side of this card and that you have a reasonable impediment or difficulty to obtain one of them. You will then be allowed to vote a regular ballot.

☑️ A valid voter registration card?
[An expired Voter Registration Card could be an example of a form of another government document, shown below]

☑️ A Certified Birth Certificate?
[It must be an original]

☑️ A copy or original of a current utility bill?
[with your name and an address on it] [It must be within the last two months]

☑️ A copy or original of a bank statement?
[with your name and an address on it]

☑️ A copy or original of a government check?
[with your name and an address on it]

☑️ A copy or original paycheck?
[with your name and an address on it] OR

☐ A copy or original of another government document
with both your name and address on it?
[If it has a photograph, it must be an original document]
EXHIBIT

Q
Defender Network
@defendernetwork

Texans, if you’re confused on Texas voter ID requirements, here’s a handy reference by @VoteTexas. #VoteTexas pic.twitter.com/fdVaDnClTk
EXHIBIT

R
Angela,

Thank you for the opportunity to comment on the updated draft of the Qualifying Voters Handbook. While we understand the private plaintiffs have made several potential suggestions, the United States also wishes to point out several critical areas where we believe the Handbook diverges from the letter or spirit of the Court’s Interim Remedy Order (ECF No. 895).

Our first concern is that the Handbook replaces negotiated language that allows voters who do not “possess” SB 14 ID and face a reasonable impediment to obtaining it to complete a reasonable impediment declaration, Interim Remedy Order ¶ 11 & Ex. A (Declaration Instructions), with narrower language concerning whether a voter has “obtained” SB 14 ID. The following changes would correct this discrepancy:

- On Page 13, replace <has not been able to obtain an acceptable form of photo ID> with <does not possess an acceptable form of photo ID>, replace <have obtained an acceptable form of photo ID> with <possess an acceptable form of photo ID>, and replace <have not obtained an acceptable form of photo ID> with <do not possess an acceptable form of photo ID>.
- On Page 14, replace <If the voter states that they have not obtained an acceptable form of photo ID> with <if the voter states that they do not possess an acceptable form of photo ID>, replace <Not being able to obtain an acceptable form of photo ID includes that the voter has not been able to obtain a valid form of acceptable photo identification.> with <Not possessing an acceptable form of photo ID includes that the voter does not possess a valid form of acceptable photo identification.>, and replace <if the voter states that they have not obtained an acceptable form of photo ID, and the voter does not have a reasonable impediment or difficulty to obtaining an acceptable form of photo ID> with <if the voter states that they do not possess an acceptable form of photo ID, and the voter does not have a reasonable impediment or difficulty to obtaining an acceptable form of photo ID.>
- On Page 18, replace <The voter states that they have not obtained an acceptable form of photo identification> with <The voter states that they do not possess an acceptable form of photo identification>.

In addition, we are concerned that the Handbook appears to place the onus on the voter to ask for a reasonable impediment declaration, rather than directing the poll worker to inform voters who lack SB 14 ID that they may complete the declaration if they possess a reasonable impediment to obtaining SB 14 ID. This front-line interaction is a critical avenue of voter education. Therefore, we would request the following change:

- On Page 18, replace <but voter states that they do have a reasonable impediment or
difficulty in obtaining an acceptable form of photo ID> with <and the voter is asked if they have a reasonable impediment or difficulty in obtaining an acceptable form of photo ID and states that they do face such an impediment>.

Thank you for your consideration,

Dan

From: Colmenero, Angela [mailto:angela.colfmenero@texasattorneygeneral.gov]
Sent: Saturday, August 27, 2016 10:41 AM
To: eroenberg@lawyerscommittee.org; alltexasvoterid@dechert.com; VOTTexasID (CRT)
Cc: Frederick, Matthew
Subject: Updated Draft of Qualifying Voters Handbook

We have attached the updated draft of the Qualifying Voters Handbook. If you have any comments, we ask that you send them to us by Monday, August 29 at 12:00 p.m. CST.

Thanks,
Angela

Sent from my iPhone
EXHIBIT S
Subject: FW: MASS EMAIL-CSO/CC/VR/EA--voter ID update

From: Elections Internet
Sent: Friday, August 19, 2016 9:20 PM
To: Elections Internet <Elections@sos.texas.gov>
Subject: MASS EMAIL-CSO/CC/VR/EA--voter ID update

Hello Everyone,

Attached are the forms that have been revised for use with the court ordered interim remedy procedure on voter identification. I have also attached a template for a press release for you to use with your local media to update them on the changes for this election. Finally, here is the page where you can download the html code to make a voter ID button on your own web pages if you would like to do so. The button will link to the most up to date information we have available on voter ID.

Please let me know if you have any questions.

Keith

From: Elections Internet
Sent: Thursday, August 18, 2016 7:41 PM
To: Elections Internet <Elections@sos.texas.gov>
Subject: MASS EMAIL-CSO/CC/VR/EA--voter ID update

Hello Everyone,

We have updated the power point presentation regarding required ID for voting and it is attached. It will also be posted on our website at the previous link.

Keith

From: Elections Internet
Sent: Wednesday, August 10, 2016 6:08 PM
To: Elections Internet <Elections@sos.texas.gov>
Subject: MASS EMAIL-CSO/CC/VR/EA--voter ID update

Hello Everyone,

As you may be aware, the U.S. Fifth Circuit Court of Appeals has ordered the District Court to fashion an interim remedy relating to voter identification requirements. The District Court ordered the parties to confer regarding the terms of an
interim relief order. In accordance with these orders the parties made a joint submission to the court last week and today the Court approved that submission. Attached is a copy of the court's order. I have also attached a copy of the Reasonable Impediment Declaration in English and Spanish.

Broadly speaking, voters will still have to show an approved form of photo identification under SB-14 in order to vote. However, these forms can now be expired up to four years. In addition, if a voter is not able to obtain, and has a reasonable impediment to obtaining, one of the seven forms of approved photo ID, the voter may vote by (1) signing a Reasonable Impediment Declaration, and (2) providing one of various forms of supporting documentation. Supporting documentation can be a certified birth certificate (must be an original), a valid voter registration certificate, a copy or original of one of the following: current utility bill, bank statement, government check, or paycheck, or other government document that shows the name and address of the voter, although government documents including a photo must be original and cannot be copies. If a voter meets these requirements and is otherwise eligible to vote, the voter will be able to cast a regular ballot in the election.

We are working on updating the necessary forms and poll worker training to reflect this procedure and will be sending you those materials in the near future. We have already made available the revised polling place notices on our website. Please let us know if you have any questions.

Keith Ingram  
Director, Elections Division  
Office of the Secretary of State  
800-252-VOTE(8683)  
www.sos.state.tx.us/elections/index.shtml  
For Voter Related Information, please visit:

VOTE TEXAS.GOV

POWERED BY THE TEXAS SECRETARY OF STATE

The information contained in this email is intended to provide advice and assistance in election matters per §31.004 of the Texas Election Code. It is not intended to serve as a legal opinion for any matter. Please review the law yourself, and consult with an attorney when your legal rights are involved.
From: Elections Internet  
Sent: Monday, August 22, 2016 4:34 PM  
To: Elections Internet  
Subject: FW: MASS EMAIL-CSO/CC/VR/EA--voter ID update

Hello everyone,

Here is one last form that was inadvertently left off of the list Friday evening. I am sorry about that.

Keith

From: Elections Internet  
Sent: Friday, August 19, 2016 9:20 PM  
To: Elections Internet  
Subject: MASS EMAIL-CSO/CC/VR/EA--voter ID update

Hello Everyone,

Attached are the forms that have been revised for use with the court ordered interim remedy procedure on voter identification. I have also attached a template for a press release for you to use with your local media to update them on the changes for this election. Finally, here is the page where you can download the html code to make a voter ID button on your own web pages if you would like to do so. The button will link to the most up to date information we have available on voter ID.

Please let me know if you have any questions.

Keith

From: Elections Internet  
Sent: Thursday, August 18, 2016 7:41 PM  
To: Elections Internet  
Subject: MASS EMAIL-CSO/CC/VR/EA--voter ID update

Hello Everyone,

We have updated the power point presentation regarding required ID for voting and it is attached. It will also be posted on our website at the previous link.

Keith

From: Elections Internet  
Sent: Wednesday, August 10, 2016 6:08 PM
To: Elections Internet <Elections@sos.texas.gov>
Subject: MASS EMAIL-CSO/CC/VR/EA--voter ID update

Hello Everyone,

As you may be aware, the U.S. Fifth Circuit Court of Appeals has ordered the District Court to fashion an interim remedy relating to voter identification requirements. The District Court ordered the parties to confer regarding the terms of an interim relief order. In accordance with these orders the parties made a joint submission to the court last week and today the Court approved that submission. Attached is a copy of the court’s order. I have also attached a copy of the Reasonable Impediment Declaration in English and Spanish.

Broadly speaking, voters will still have to show an approved form of photo identification under SB-14 in order to vote. However, these forms can now be expired up to four years. In addition, if a voter is not able to obtain, and has a reasonable impediment to obtaining, one of the seven forms of approved photo ID, the voter may vote by (1) signing a Reasonable Impediment Declaration, and (2) providing one of various forms of supporting documentation. Supporting documentation can be a certified birth certificate (must be an original), a valid voter registration certificate, a copy or original of one of the following: current utility bill, bank statement, government check, or paycheck, or other government document that shows the name and address of the voter, although government documents including a photo must be original and cannot be copies. If a voter meets these requirements and is otherwise eligible to vote, the voter will be able to cast a regular ballot in the election.

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ORDER

Before the Court is Defendants’ Response to the United States’ Motion to Enforce Interim Remedial Order [Doc. 924], and Private Plaintiffs’ Motion for Further Relief to Enforce Interim Remedial Order [Doc. 926]. The Court, having considered the United States’ and the Private Plaintiffs’ motions, and the Defendants’ response to both, has determined that the United States' and Plaintiffs’ motions lack merit and should therefore be DENIED.

IT IS THEREFORE ORDERED that the United States’ Motion to Enforce Interim Remedial Order, and the Private Plaintiffs’ Motion for Further Relief to Enforce Interim Remedial Order are hereby DENIED.

Signed this _______ day of September, 2016.

HON. NELVA GONZALES RAMOS
UNITED STATES DISTRICT JUDGE