PROVISIONAL BALLOTS

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➢ Who is eligible to vote a Provisional Ballot?

➢ Why are Provisional Ballots important?

➢ Polling place procedures

➢ Registering through DPS

➢ Curing a Provisional Ballot

➢ Why is it important to keep provisional ballots in a separate and secure container?

Affidavit of Provisional Voter (Declaración Jurada de Votante Provisional) *(Ballot number if using DRE _____)*

7-15, 12/2021
Prescribed by Secretary of State
Election Code Sec. 63.011

| Type of Election / Tipo de Elección **1** | Precinct Number/Polling Location where voted / Núm. de Precinto-lugar de votación **2** | Precinct Number where registered (if known) / Núm. de Precinto-inscrito para votar (si se sabe) **3** | Date of Election / Fecha de la Elección **4** | Authority Conducting Election / Autoridad Administrando la Elección **5** |

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 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 false information under oath is a misdemeanor, and I understand that it is a Class A Misdemeanor to vote in an election for which I know I am not eligible.

PARA QUE EL VOTANTE LO LLENE: Estoy inscrito como votante en esta subdivisión política y en el precinto en cual estoy intentando a votar y aun no he votado en esta elección (en persona o por correo). Soy residente de esta subdivisión política, no he sido definitivamente declarado culpable de un delito grave o si soy el autor de un delito grave, he cumplido toda mi condena inclusive el período de encarcelamiento, la libertad condicional, la libertad supervisada, la libertad vigilada, o he sido indultado. No me han determinado por un juicio final de una corte de la legalización de un testamento, ser totalmente incapacitado mentalmente o parcialmente incapacitado sin el derecho de votar. Entiendo que dar información falsa bajo juramento

| Last Name (Include Suffix if any) / Apellido usual (Incluir sufijo si lo hay) | First Name / Su nombre de pila | Middle Name (if any) / Segundo nombre (si tiene) | Former Name / Nombre anterior |

Residence Address: Street Address and Apartment Number, City, State, and ZIP. If none, describe where you live (Do not include P.O. Box, Rural Rt. Or Business Address) Domicilio: calle y número de apartamento, Ciudad, Estado, y Código Postal: A falta de estos datos, describa la localidad de su residencia. (No incluya el apartado de correos, camino rural, ni dirección comercial.) **6**

Gender: (Optional) / Sexo (Optativo) ☐ Male (Hombre) ☐ Female (Mujer)

Mailing Address: City, State, and ZIP- If mail cannot be delivered to your residence address. / Dirección postal: Ciudad, Estado y Código Postal (si es imposible entregarle correspondencia a su domicilio).

Date of Birth: Month, Day, Year
Fecha de nacimiento: mes, día, año

TX Driver's License No. or TX Personal I.D. No. (Issued by Dept. of Public Safety) (Número de su Licencia de Conducir de Texas o de su Cédula de Identidad de Texas expedida por el Departamento de Seguridad Publica de Texas).

Social Security No. (last 4 digits required if you do not have a TX Driver's License or TX Personal I.D. Number) / Número de Seguro Social. (Si no tiene Licencia de Conducir de Texas ni Cédula de Identidad Personal de Texas, se requiere los últimos 4 números de su seguro social) XXX-XX-

☐ I have not been issued a TX Driver's License Number, TX Personal I.D. Number or a Social Security Number Yo no tengo una Licencia de Conducir de Texas, Cédula de Identidad Personal de Texas ni un Número de Seguro Social.

Check appropriate box: ARE YOU A UNITED STATES CITIZEN?
Marque el cuadro apropiado: Soy ciudadano/a de los Estados Unidos
Yes / Si ☐   NO / No ☐

Signature of Voter / Firma del votante **7**
X _____

Affidavit of Provisional Voter envelope – Front REQUIRED FIELDS FOR CONSIDERATION

1. Type of Election – Write in the type of election that is being conducted (General, Primary, Runoff, Special)

2. Precinct number/Polling Location – Write the polling location you are in

3. Precinct number where voter is registered – This information can be found on the voter's registration certificate or in VoteSafe. This information is important when processing ballots

4. Date of Election – The date of the election, Election Day, is the date that is entered

5. Authority Conducting Election – This will always be Midland County

6. This is the voter information section. All fields, except gender, MUST be filled out entirely. Voter's residential address MUST be a Midland County address. **MUST BE LEGIBLE!** Fill this information out for the voter if necessary

7. Signature of Voter – There MUST be a valid signature for ballot to be considered

TO BE COMPLETED BY ELECTION JUDGE:

VOTER PRESENTED ACCEPTABLE FORM OF IDENTIFICATION OR A SUPPORTING FORM OF IDENTIFICATION AND EXECUTED A REASONABLE IMPEDIMENT DECLARATION

☐ Yes ☐ No

1

REASON FOR VOTING PROVISIONALLY

1. _____ Failed to present acceptable form of photo identification, a supporting form of identification with an executed Reasonable Impediment Declaration, or voter registration 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 surrendered mail ballot, presented a Notice of Improper Delivery, or presented Notice of Surrendered Ballot.
5. _____ Voting after 7:00 p.m. due to court order.
6. _____ Voter on list, but registered residence address is outside the _____ political subdivision.
7. _____ Registered at Department of Public Safety (DPS): When:_____ Where: _____
8. _____ Other: _____ (Please explain)

2

Sworn and subscribed to before me this date: _____.

_____
Signature of Election Judge

3

TO BE COMPLETED BY THE COUNTY VOTER REGISTRAR FOR STATUS:

I, the voter registrar/deputy registrar, did research the records of my office and the following conclusion(s) was made:

FOR VOTERS WHO DID NOT PRESENT ACCEPTABLE PHOTO IDENTIFICATION AT THE POLLING PLACE

1. _____ Voter presented acceptable form of identification **OR** a supporting form of identification and executed a Reasonable Impediment Declaration within 6 calendar days of election day.
2. _____ Voter met disability exemption within 6 calendar days of election day.
3. _____ Voter executed religious objection affidavit within 6 calendar days of election day.
4. _____ Voter executed natural disaster affidavit within 6 calendar days of election day.
5. _____ Voter did not satisfy identification or affidavit requirements, listed in categories 1-4 above, within 6 calendar days of election day.

FOR VOTERS WHO VOTED PROVISIONALLY FOR OTHER REASONS

6. _____ Not a registered voter or registration not effective in time for this election.
7. _____ Registered to vote, erroneously listed in wrong precinct.
8. _____ Registered to vote in a different precinct within the county.
9. _____ Information on file indicating applicant completed a voter registration application, but it was never received in the voter registrar's office.
10. _____ Voter erroneously removed from the list.
11. _____ Voter is not registered to vote in _____ political subdivision.
12. _____ Other: _____ (Please explain)

_____   _____
Signature of Voter Registrar   Date

4

Action taken by the Early Voting Ballot Board: ☐ ACCEPTED ☐ REJECTED Signature of Ballot Board Judge: _____

5

Affidavit of Provisional Voter envelope – Back   REQUIRED FIELDS FOR CONSIDERATION

1. Voter presented acceptable form of identification – Check 'Yes' or 'No'. This helps determine if a voter must come in to cure their ballot

2. Reason for Voting Provisional – We MUST know the reason the voter is voting a provisional ballot. If voter states they went to DPS and registered, write license issue date on 'When' line on reason # 7 along with 'Where' (city, in person/online). FYI, a voter can transfer their registration from one Texas county to another online, but they cannot 'Register' online.

3. Date and Signature – The Deputy EV Clerk/Judge MUST date the envelope the date the transaction is taking place, and we MUST have a signature. You all know I'm not afraid to call you!

4. This field is to be completed by the County Voter Registrar

5. This field is to be completed by the County Voter Registrar and Early Voting Ballot Board

Who is Eligible to Vote a Provisional Ballot?

▶ A voter who does not provide an acceptable form of ID from List A or List B.

▶ A voter whose identity cannot be verified by the ID presented. (A document outside of List A or B).

▶ A voter who has received a disability exemption but does not have voter registration certificate indicating exemption.

▶ A voter whose name does not appear on the list of registered voters and does not have a registration certificate, but states they are registered and eligible to vote in the county.

▶ A voter who has applied for a ballot by mail, has not returned their voted ballot, has not properly cancelled the mail ballot application and is not surrendering their ballot.

Provisional Ballots HELP the voter. How?

If an error occurred when voter went to DPS to obtain/update a license and registration information was not transmitted to SOS. We can submit an inquiry to DPS. DPS will let us know if the voter obtained/updated license in person and whether the voter chose to register.

If an error occurred on the list of registered voters. If a portion of the city or a school district is annexed, and an updated map was not provided.

If a registration application was received with a timely post-mark but was updated after the list of registered voters uploads into VoteSafe. Voter's who submit a registration applications post-marked within the registration deadline will be eligible to vote. These applications are sometimes received after Early Voting has started.

If a voter requests a ballot by mail and decides they would rather vote in person and DOES NOT bring their ballot to surrender. Even when a voter requests to receive their ballots by mail, they can still come in to vote in person if they wish.

They register the voter to vote!

Why Are Provisional Ballots Important?

Vote Center Procedures

- ✓ Provisional voting occurs both during Early Voting in person and on Election Day

- ✓ **The following procedures apply to both Early Voting and Election Day**

- ✓ Prepare Vote Center – Prepare a table to accept/assist Provisional Voters

- ✓ You will need

  - **Provisional Ballot Packet** – contains green Affidavit of Provisional Voter envelope, combo form with green dot, white secrecy envelope, and the Notice to Provisional Voter

  - **List of Provisional Voters**

  - **Secure container for provisional ballots**

    - o Provisional Ballot Bag

  - **2 Pens**

Vote Center Procedures, continued

- ✓ If a voter is not appearing on the list of registered voters (VoteSafe), the Election judge should inform the voter that the ballot will be counted if it is determined they are registered to vote.

- ✓ If voter is casting a provisional ballot due to lack of an acceptable or supporting ID, the election judge should inform the voter that the ballot will only be counted if the voter appears at the Voter Registrar and shows acceptable ID or a permanent exemption (if applicable).

Vote Center Procedures, continued

✓ After notification, you will need a Provisional Ballot packet to proceed

✓ Before stepping away from the Check-In table, have voter select the ballot they will vote
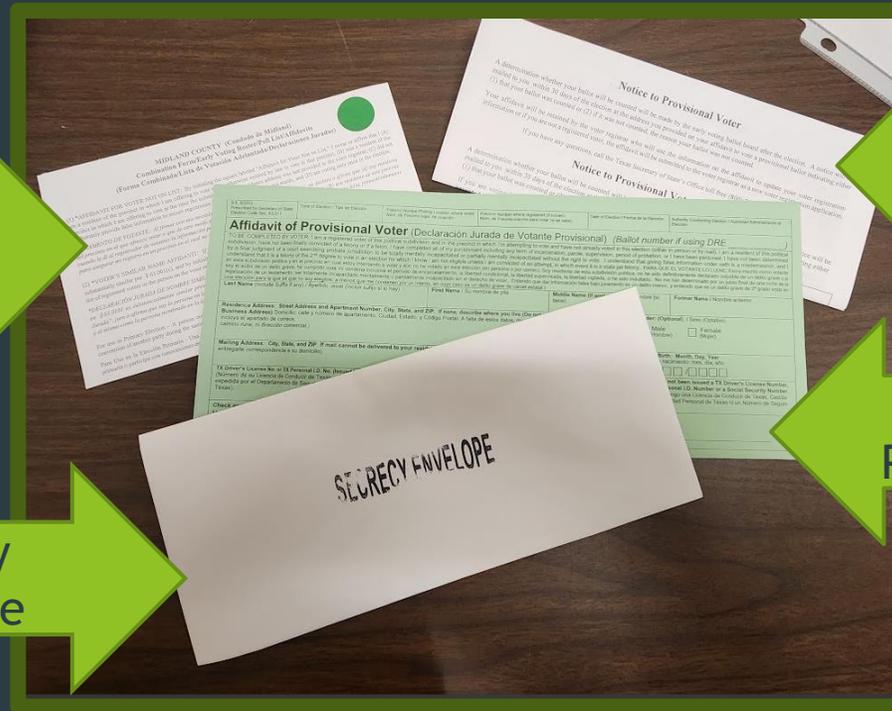
Provisional Packet contains

EV Combo forms will have Rosa's signature

Combo form w/green dot

ED Combo forms will be signed by Election Judge

Secrecy envelope

Notice to a Provisional Voter

Affidavit of Provisional Voter

Vote Center Procedures, continued

- Voter/Deputy EV Clerk/Judge will complete section 5 on the front of the green **Affidavit of Provisional Voter** envelope

- Voter will sign section 6 on the front of the green **Affidavit of Provisional Voter** envelope

- Deputy EV Clerk/Election Judge will complete sections 1, 2, 3, & 4 on the front of the green **Affidavit of Provisional Voter** envelope

- Deputy EV Clerk/Election Judge will complete sections 1, 2, & 3 on the back of the green **Affidavit of Provisional Voter** envelope

- Deputy EV Clerk/Election Judge will provide a **Notification of Provisional Voter** to the voter. Indicate to the voter what section of the Notification of Provisional Voter pertains to them

- Deputy EV Clerk/Election Judge will add the voter's name and precinct number to the **List of Provisional Voters**

- If a Ballot by Mail voter does not surrender their ballot and they choose to vote a provisional ballot, this voter will need to fill out the **Notice to Cancel Ballot by Mail** form as well

- Deputy EV Clerk will write 'PROVISIONAL' on the back of the ballot the voter selected.
- Deputy Clerk will initial the provisional box on the top right side of the ballot
- **Have voter sign Provisional Combo Form**
- Deputy EV Clerk/Election Judge will take voter to Votec Kiosk and begin check-in process
- Have voter place selected ballot in ballot printer
- After the top portion of the ballot has printed, hand the voter the white secrecy envelope and escort them to an ExpressVote to vote
- Instruct the voter to vote their ballot, print ballot then fold ballot to fit inside white secrecy envelope
- Have voter insert secrecy envelope into **Affidavit of Provisional Voter** envelope and seal with clear tape
- Have voter insert **Affidavit of Provisional Voter** envelope in the **Orange Provisional Ballot Bag**
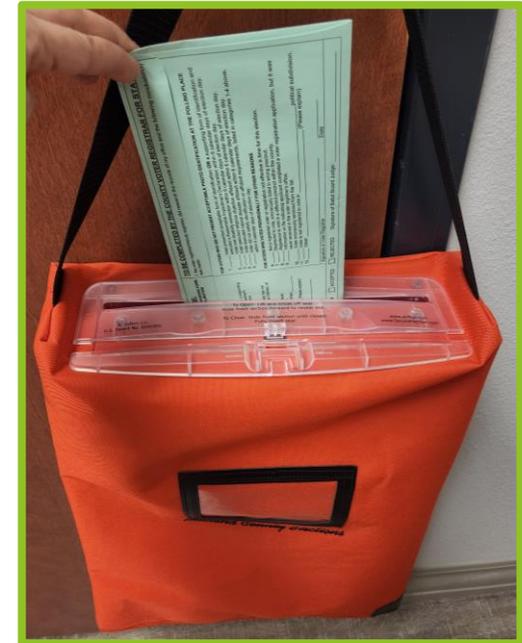
Vote Center Procedures, continued

Provisional Ballot Bag

Closed & Sealed

Remove seal and slide open

Insert Provisional Ballot

Provisional Ballot Bag

Registering Through DPS

➢ A voter can register to vote when obtaining/renewing a license at DPS

➢ This transaction **MUST** be made in person

➢ A voter can register online **IF** the voter is transferring their registration from one Texas county to another (no other way to register to vote online, voter will have to complete an application and mail it in or return it in person)

➢ If the voter believes they are registered, the election judge MUST ask if the voter registered or updated their registration **AT** DPS

➢ If the voter did go to DPS, the election judge **MUST** note this and the appropriate date (DL issue date) the voter went to DPS on the green **Affidavit of Provisional Voter** envelope

Issue Date

Issue Date

Issue Date

'Curing' a Provisional Ballot

▶ The **ONLY** individuals that are required to 'cure' their provisional ballot are individuals who **DID NOT** bring an acceptable form of ID from List A or a supporting ID from List B

▶ The voter's ballot will only be counted if/when the voter appears in person to the Voter Registrar and shows acceptable ID, executes a temporary affidavit (if applicable), or a permanent exemption (if applicable)

▶ A voter has 6 days after Election Day to present proper identification

Why Is It Important to Keep Provisional Ballots in a Separate and Secure Container?

➢ Provisional Ballots **DO NOT** get counted on Election night. There are separate procedures then other ballots. Provisional ballots go to the county Voter Registrar for investigation. If it is determined that the voter is in fact registered to vote, or if it is determined that a ballot by mail provisional voter did not mail in their ballot, the provisional ballot will be accepted

➢ All Provisional voters are notified whether their ballot was accepted or rejected and the reason for rejection

➢ **THIS IS WHY IT IS IMPORTANT THAT YOU INITIAL THE BOX IN THE TOP RIGHT CORNER OF THE VOTER'S BALLOT**. There is a chance the ballot could be rejected