

Early Voting Ballot Board



35th County Election Officials Election Law Seminar
July 2017



Purpose of EVBB

- To serve as the authority that processes early voting ballots and provisional ballots.



Composition of EVBB

- Presiding judge and at least 2 other members
- How many members are appointed?
 - General Election for State and County officers:
 - The same number of members must be appointed from each list provided by political parties
 - All other elections:
 - Authority ordering election sets number of members.



Who appoints Presiding Judge and Clerks?

Type of Election	Presiding Judge	EVBB Clerks
General Election for State and County Officers	County Election Board -- from list provided by political party whose nominee for Gov received the most votes in the county	County Election Board -- from lists provided by political parties (same number from each list)
Primary Elections	County Chair of Political Party with approval of County Executive Committee	Presiding Judge of EVBB
All Other County ordered elections	Commissioner's Court	Presiding Judge of EVBB
All other Elections	Authority ordering election	Presiding Judge of EVBB



Eligibility to Serve on Board

- Same qualifications for Election Judges/Clerks
 - Qualified voter of the political subdivision served by the **early voting clerk**.
- Ineligible if:
 - Hold public elective office
 - Opposed candidate in election on the same day
 - Related to an opposed candidate within 2nd degree by blood or marriage
 - Serving as campaign treasurer/campaign manager for candidate in election



Compensation

- Same hourly compensation as election judges EXCEPT
 - If work is less than 10 hours – payable for up to 10 hours.
 - Board members serving as election judges/clerks cannot be compensated for performing both tasks at the same time.



Signature Verification Committee



Signature Verification Committee

- EV Clerk:
 - Appoints by written order, posts order 10 days before first meeting
 - **Recommended** date for ordering signature verification committee
 - No later than 29 days before Election Day
 - Determines place, day and hours of operation
 - Determines the number of members
- Composition
 - County Election Board appoints members
 - Minimum of 5 members; balanced between parties
 - Subcommittees
- May not begin operating before the 20th day before election day. Section 87.027.



Signature Verification Committee

- Comparison of voter signatures on:
 - Application for Ballot by Mail AND
 - Carrier Envelope
- May request copy of Voter Registration Application for review to confirm a signature but not to disqualify a signature.
 - *DIFFERENT FROM NEW LAW ALLOWING EVBB TO USE MULTIPLE DOCUMENTS.*
- Determination that signatures are not the same person must be made by majority vote.
- Determination that signatures are different can be overridden by majority vote of EVBB.
- EVBB CANNOT override decision that signatures are from the same person.



Convening the Early Voting Ballot Board



Convening the EVBB

- The board must convene to complete the following tasks:
 - Qualify and Process Regular Ballots by Mail
 - Qualify and Process Late Ballots (old and new categories)
 - Qualify and Process Provisional Ballots
- The EVBB usually meets a minimum of two times.



Convening the EVBB

- **On or before Election Day:**
 - Qualify ballots by mail
- **After Election Day:**
 - Process Provisional Ballots
 - Qualify “Late Ballots”
 1. Qualify Late Ballots mailed from outside the US (5th/6th)
 2. New law, HB 1151: qualify Late Ballots mailed within US (received by next business day) voters using ABBM
 3. New law, HB 929: qualify Late Ballots mailed within US (received by 6th day) military voters using FPCA



Convening: Early Voting Ballots by Mail

- **Counties with a population of less than 100,000**
 - Qualifying and Processing Ballots:
 - May convene at the end of Early Voting by Personal Appearance (3rd day before)
 - Ballots may not be counted until after the polls open on election day.
- **Counties with a population of 100,000 or more**
 - Qualifying and Processing Ballots:
 - May convene on the 8th day before the last day of the period of early voting (12th day before)
 - EVBB may deliver ballots to the central counting station for early counting after the end of the early voting period. Results may not be released until the close of polls on election day.



Convening: Late Ballots Outside the US

- The Board must reconvene to count mail ballots that were:
 - Cast from outside US (FPCA or ABBM)
 - Placed in delivery before polls closed
 - Received by 5th day after election (non-military)
 - New law, HB 929: Late Ballots mailed from outside US (received by 6th day) military voters using FPCA
 - In a Tuesday election, 5th day rolls to 6th day
- The board shall convene no earlier than the 6th day after the election for these ballots, unless the EV clerk certifies that all ballots from outside the US have already been received.



Convening: Late Ballots (“business day after election day”) from ABBM voters Inside the US

- **New law: HB 1151:** same 13th day after election day deadline for November even-numbered year elections.
- Other elections like November (odd year) and primary:
- SOS applies the similar (reconvening for overseas) deadline of the 9th day after election day.



Convening: Late Ballots (“6th day after election day”) from military FPCA voters

Inside the US

- **New law: HB 929:** same 13th day after election day deadline for November even-numbered year elections.
- Other elections like November (odd year) and primary:
- SOS applies the similar (reconvening for overseas) deadline of the 9th day after election day.



Convening: Provisional Ballots

- May convene as soon as practicable after the Voter Registrar completes their review.
- **General Rule:** Cannot convene a **final time** until after the 6th day after the election due to Voter ID verification.
- **SOS RECOMMENDATION:** Review provisional ballots on a rolling basis.



When is the EVBB allowed to meet?

	Regular Ballots by Mail	Late Ballots from Outside the US	Provisional Ballots <i>All Late Ballots</i>
<u>Counties</u> with a population of <u>less</u> than 100,000	After the end of Early Voting by Personal Appearance (3 rd day before)	*Final meeting no earlier than 6 th day after election day	**Final meeting no later than the 9th day after election (13 th in Nov. 2018).
<u>Counties</u> with a population of 100,000 or <u>more</u>	The 8 th day before the end of early voting (12 th day before)	*Final meeting no earlier than 6 th day after election day	**Final meeting no later than the 9th day after election (13 th in Nov. 2018).

*Unless EV Clerk certifies that all overseas ballots have been received at an earlier date.

**Unless VR certifies that there are no outstanding provisional ballots due to Voter ID.



When is the last day the EVBB can complete their duties?

- Review of all late-qualified ballots must be completed by:
 - The 9th day after date of the election, (General Rule) OR,
 - The 13th day after the date of the election, (Elections held on the date of the general election for state and county officers – November even numbered years)



WARNING

If the EVBB does not complete their duties by the last day allowed under Texas law, they MUST get a court order to continue their review of ballots.



Notice Requirements



Delivery of Early Voting Ballots

- Early Voting Clerk must post **Notice of Delivery of Ballots** to the EVBB 24 hours before each delivery that is made prior to the time the polls open on election day.
- **General Election for State and County Officers:**
 - Early Voting clerk must also provide notice to the county chair of each political party with a nominee on the ballot at least 24 hours before the first delivery of ballots is made to the EVBB.
- SOS has prescribed forms for this notice: AW6-6 (Mail ballots only) & AW6-7 (Mail and paper balloting materials)



Delivery of Provisional Ballots

- Presiding Judge must post notice of the EVBB meeting on provisional ballots on the same bulletin board used for posting notices of meetings of the governing body ordering election.
- Notice must be posted no later than 24 hours before EVBB meets.



Security of Ballots



Security of Ballots

- Presiding judge must inspect box, seals, numbers on seals and indicate on receipt any discrepancies.
- Presiding Judge cannot refuse delivery of ballot boxes.
- Custodian of second ballot box key must deliver key when requested.



Security of Ballots

AW5-39
Prescribed by Secretary of State
Sections 53.032(b), 127.004, 127.006, Texas Election Code
3/07

RECEIPT OF SEALED EARLY VOTING BALLOT BOX

I, the Presiding Judge of the Early Voting Ballot Board for the _____ Election, do hereby certify that the early voting ballot box was delivered to me in a locked and sealed condition.

I further certify that the serial number of the seal used to seal the ballot box to prevent unauthorized opening of the box was _____.

I also certify that the serial number of the paper seal used to prevent unauthorized deposit of ballots in the box was _____.

Signature of Early Voting Ballot Board Judge

Signature of Clerk of Early Voting Ballot Board

Signature of Poll Watcher (if present)

Signature of Poll Watcher (if present)

Attach a copy of this receipt to the Record of Early Voting Ballot Seals and return to the general custodian of the records.

- PJ must lock and seal each ballot box before delivering to the custodian of records
- PJ must complete Ballot Security Form
- Form must be signed by another member of EVBB that witnessed the procedure.
 - In November of even-numbered year election, Co-signer must be from different political party.
- PJ retains the key to ballot boxes.
 - If PJ unwilling to retain keys, keys delivered to Sheriff (66.060 (a)).



Timeliness of Overseas Ballots

- Carrier envelope must:
 - Be properly addressed with postage
 - Sent from address outside of US
 - Bear cancellation mark from postal service or receipt mark
- Presumed timely if no cancellation mark but other requirements are met.



Ballot By Mail Procedures



Ballot by Mail Procedures

- Review of Ballot
 - Reasons for voting by mail
 - Voter registration status
 - Procedures for submitting ballot properly followed
- Signature Verification
- Return materials to General Custodian



Qualifying Ballots By Mail

- Signature Verification
 - Authorized to use electronic copies of balloting materials
 - Board may also compare signatures with two or more signatures the voter made within the preceding 6 years and on file with VR.
 - May only use other signatures to verify that the voter is the same person – may NOT be used with intent to disqualify a voter
- “ID” Voters
 - Must provide copy of one of the 7 valid forms of photo identification **OR** RID plus supporting form of ID
- Witnessing v. Assisting a voter
 - NO limit on number of carrier envelopes that a person may witness or assist.



Provisional Ballot Procedures



Provisional Ballot Procedures

- Review Provisional Ballot Envelope
- Counting of Provisional Ballots
- Return of Materials to General Custodian



Reviewing Provisional Ballots

- Authority appointing EVBB may determine which members of the board will review the provisional ballots
- Entire board does not need to be present
- Minimum of three EVBB members must be present.



Counting of Provisional Ballots

- Counting regular paper provisional ballots:
 - See Chapters 3 and 4 of Early Voting Ballot Board Handbook for Election Judges and Clerks.
 - After counted, all provisional ballots and records are returned in locked containers to the general custodian of election records.



Counting of Provisional Ballots

- DRE Voting System:
 - The entity conducting the election will provide instructions on the counting procedures.
- Optical Scan:
 - Manager of central counting station must give notice to presiding judge of EVBB prior to the board convening as whether to count ballots or whether the central counting station will be reconvened.



Administrative Duties



Return of Materials to Custodian

- Delivered to General Custodian of Election Records.
 - Re-locked ballot boxes containing ballots
 - Key to ballot box returned to general custodian
 - List of Provisional Voters
- General custodian prepares amended unofficial return
- Ballots and Envelopes retained for preservation period
- Public Records
 - Carrier Envelopes
 - Application for Ballot By Mail (Annual ABBMS not available until they “expire”)
 - Provisional Ballot Affidavit Envelope
 - List of Provisional Voters
- Rejected Ballots may only be opened by court order



Notice to Voters

- Ballots by Mail
 - ***Notice of Rejected Ballot***
 - Within 10 days of election
- Provisional Ballots
 - ***Notice of Outcome to Provisional Voters***
 - No later than 10th day after the local canvass
 - Use mailing address provided on Provisional Ballot Affidavit.



Thank you for your time.

Questions?

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