

GOVERNOR'S PROCLAMATION ON HAND DELIVERY OF MAIL BALLOTS

On July 27, 2020, Governor Greg Abbott issued a proclamation suspending certain provisions of the Texas Election Code for the November 3, 2020 elections. In the proclamation, Governor Abbott suspended a portion of Section 86.006(a-1) to allow a voter to hand-deliver their marked mail ballot to the early voting clerk's office before election day.

1. **What was suspended?** The Governor's July 27, 2020 proclamation suspended the portion of Section 86.006(a-1) that limits the ability of a voter to hand-deliver their marked ballot "only while the polls are open on election day." This suspension allows a voter to hand-deliver their marked ballot to the early voting clerk's office any time after the voter receives their ballot until 7:00 p.m. on election day. All other requirements listed in Section 86.006 remain in place.
2. **Who can hand-deliver a ballot?** Only the voter who voted the ballot can hand-deliver their ballot. The voter must present an acceptable form of identification when delivering their ballot. If a voter does not possess and cannot reasonably obtain an acceptable form of photo identification, the voter may show a List B identification and complete a reasonable impediment declaration (RID). (Sections 86.006, 63.001, 63.0101).
3. **What does the voter need to give to the early voting clerk's office?** The voter must execute (sign) their Carrier Envelope as if they were preparing for it to be mailed (except for postage). The marked ballot must be enclosed in the Carrier Envelope. The carrier envelope must be signed, as the ballot will be sent to the early voting ballot board to verify the voter's signature pursuant to Section 87.041.
4. **What is the procedure for hand delivery of marked ballots?** The following steps should be followed when a voter hand-delivers their marked ballot to the early voting clerk's office:
 - a. The voter will bring the marked ballot enclosed in the executed Carrier Envelope to the early voting clerk's office.
 - b. The voter must present a List A form of photo identification (or List B identification with a RID) to the election official taking the ballot.
 - c. The election official will add the voter's name to the "Signature Roster – Hand Delivery of Ballot by Mail" and instruct the voter to sign the signature column on the corresponding numbered line.
 - d. The election official will indicate on the roster whether the voter provided an approved form of photo identification or executed a RID, and the official will note the date and time that the ballot was delivered.
 - e. The election official will print the name of the official who received the ballot from the voter.
 - f. The election official will write "Hand Delivered" on the Carrier Envelope and note the date and time that the ballot was delivered.
 - g. Upon receipt of the Carrier Envelope, the election official must secure the ballot (in the same manner that the early voting clerk secures ballots received by mail) until the ballot is delivered to the early voting ballot board.
5. **What if a voter refuses to present an ID?** The election official should notify the voter that presenting an acceptable form of identification is required when hand-delivering a marked ballot. If the voter refuses to present an acceptable ID, the election official should inform the

voter that if they do not present an acceptable ID and insist on leaving the ballot, the ballot will be treated as improperly delivered and will not be sent to the early voting ballot board. The election official should also notify the voter that they can mail the ballot and as long as the envelope is postmarked by 7:00 p.m. on Election Day and received by the early voting clerk no later than 5:00 p.m. the next business day after election day, the ballot will be sent to the early voting ballot board for processing. **NOTE:** The Election Code sets later deadlines for the receipt of ballots by mail from certain military and overseas civilian voters using an FPCA or ABBM. (Sections 86.007(d), 101.057).

6. **What if someone other than the voter attempts to drop off the ballot?** The election official should notify the person dropping off the ballot that only the voter can hand-deliver their ballot. If an individual insists on dropping off someone else's ballot, the ballot will be treated as improperly delivered and will not be sent to the early voting ballot board for counting.
7. **Can we use a drop box so voters can deposit their ballot after hours or without having to interact with election officials?** No. The law does not authorize the use of drop boxes for the in-person delivery of marked mail ballots. As described above, only the voter can drop off their own ballot; through this process, the voter must present an acceptable form of identification and sign the "Signature Roster – Hand Delivery of Ballot by Mail" form. These procedures require the voter to interact with an election official.
8. **What if the voter no longer wants to vote by mail?** During the early voting period, if the voter still has the ballot that they received by mail and wants to vote in person rather than by mail, the voter may surrender the mail ballot to the early voting clerk and vote a regular ballot in person. On Election Day, the voter may also appear in person and surrender the mail ballot to the presiding election judge at the voter's precinct polling place. (Section 84.032(d)). This means that the voter must check in through the regular process, surrender the mail ballot, and be issued a new ballot.