



Bell County

The Office of Elections Administration

Dr. Desi Roberts, Elections Administrator

550 E. 2nd Ave
P.O. Box 1629
Belton, Texas 76513
254.933.5774

Elections@BellCounty.Texas.gov
Voter.Registration@BellCounty.Texas.gov

Eligibility to Vote by Mail

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

NEW LAW: House Bill 3920 (2021) • Modified the definition of disability to include a qualified voter who is expecting to give birth within three weeks before or after election day. However, note that voters in this category are not eligible to submit an Annual ABBM. Section 82.002, Texas Election Code.

NEW LAW: House Bill 3107 (2021) • Created a new category of eligibility for voting by mail for voters that have been civilly committed under Chapter 841 of the Health and Safety Code. Section 82.008, Texas Election Code.

NEW LAW: House Bill 3107 (2021) • Expanded FPCA eligibility to a member of the Texas National Guard or the National Guard of another state or a member of the reserves serving on active duty, and includes their spouse or dependents. Section 101.001, Texas Election Code.

NEW LAW: House Bill 3920 (2021) • The following do not constitute sufficient cause to entitle a voter to vote under the disability category: (1) a lack of transportation (2) a sickness that does not prevent the voter from appearing at the polling place on election day without a likelihood of needing personal assistance or of injuring the voter's health, or (3) a requirement to appear at the voter's place of employment on election day. Section 82.002, Texas Election Code.

Methods of Submitting an ABBM

Voters may use either:

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

Informal Application NEW LAW: House Bill 3920 (2021) - An application for a ballot to be voted by mail on the ground of disability must require the applicant to affirmatively indicate the following: "I have a sickness or



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physical condition that prevents me from appearing at the polling place on election day without a likelihood of needing personal assistance or injuring my health.” - This statement must be affirmatively indicated by the voter on their application to vote by mail - Note: This statement is not required from a voter who is expecting to give birth within three weeks before or after election day. Section 82.002, Texas Election Code.

Informal Application NEW LAW: House Bill 3107 (2021) -For an application for a ballot to be voted by mail on the ground of involuntary civil commitment, the application must include the address of the facility operated by or under contract with the Texas Civil Commitment Office or of a person related to the applicant within the third degree of consanguinity, as determined under Chapter 573, Government Code. Section 84.002, Texas Election Code.

Informal Application

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

Frequently Asked Questions Question:

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

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

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

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



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Question: It appears the voter may have recently gotten married/divorced and is now using a different last name on the ABBM than the last name the voter is registered to vote with. May the application be accepted?

Answer: If the EV clerk is able to confirm that the individual is a registered voter of the political subdivision, then the ABBM should not be rejected. However, if possible, the voter should be advised that there may be a problem later when the early voting ballot board (EVBB) reviews the name on the carrier envelope compared to the name on the list of registered voters. There is a possibility that the EVBB will reject the ballot. If possible, the EV clerk should contact the voter and have the voter update their information as to the name change. Once updated, the EV clerk can process the ABBM.

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

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

Question: A voter submitted an ABBM to vote a ballot by mail on the ground of being confined in jail. However, the voter provided the residence mailing address at which he/she is registered to vote on the "residence address" portion of the application instead of providing the address for a jail. The voter included a handwritten note on the application reflecting that the voter is under house arrest. Should the application be rejected?

Answer: No, the application should not be rejected. Section 84.002(a)(4) of the Code requires an early voting ballot application to include, for an application for a ballot to be voted by mail on the ground of confinement in jail, the address of the jail or of a person related to the applicant within the degree described by Section 84.002(a)(3) of the Code. If the voter indicated that he/she is requesting a ballot by mail on the ground of being confined in jail and included a notation that the voter is under house arrest, the application should be processed, and a ballot should be mailed to the voter at the residence address at which he/she is registered to vote.

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



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

Question: May a voter under 65 years of age submit an Annual ABBM if the voter turns 65 before the first election in which he/she will vote by mail?

Answer: Yes. Pursuant to Section 82.003, a voter must be "65 years of age or older on election day" to vote early by mail.

Question: The EV clerk received an application from a voter, but it contained a digital signature. May the application be accepted?

Answer: No, the application must be rejected. An application must be in writing and signed by the applicant. An electronic signature is not permitted. [Sec. 84.001] Likewise, a voter's stamped signature is also not permitted.

Question: May a political campaign pre-fill in certain information for the voter? For example, may the campaign include the voter's name, address, and the fact that the voter is submitting the application on the ground of being 65 years of age or older? Also, if the application is pre-filled by the campaign, must the campaign complete the assistance portion of the application?

Answer: Campaigns may pre-fill in a voter's name, address, and the fact that the voter is submitting the application on the ground of being 65 years of age or older. Assistance is defined as being "in the presence" of the applicant. [Sec. 84.003] Note that candidates or campaigns that send pre-filled ABBMs to voters are not considered to be assistant to those applicants. As such, the campaign is not required to complete the assistance portion of the application.

ABBM Transparency and Public Information

- A copy of an ABBM, including the Annual ABBM, is not available for public inspection (except to the voter whose application it is) until the first business day after the election day of the EARLIEST occurring election (rather than latest) for which the application is submitted. (Sec. 86.014(a), as amended). – So it's available after the first election rather than the last. – Originals of any ABBMs and Carrier Envelopes are not available for public inspection until those materials are delivered to the custodian after the election. (Sec. 86.014(b)).
- Early Voting Rosters – Information on the early voting roster for a person to whom a ballot has been mailed is not available until the 1st business day after election day. [Sec. 87.121(f)]
- Except to a voter seeking to verify the accuracy of his or her own ballot by mail. [Sec. 87.121(f)] • Except - name of a voter who voted by mail is available no later than the day following the day the early voting clerk receives the ballot. [Sec. 87.121(h)]