

From: [Elections Internet](#)
To: [Elections Internet](#)
Subject: MASS EMAIL (CC/EA -680) - ABBM Questions
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Dear County Election Officials,

Our office has recently received several questions related to ballot by mail requests.

- 1. Ballot by Mail Request Deadlines.** As a reminder, the last day to submit an Application for a Ballot by Mail (ABBM) is **Friday, February 21, 2020**. If an ABBM is faxed or emailed or if an FPCA is faxed, then the applicant must submit the ORIGINAL application BY MAIL to the early voting clerk so that the early voting clerk **receives the original no later than the 4th business day after receiving the emailed or faxed ABBM or faxed FPCA. For the primary election, that day is Thursday, February 27, 2020.** If the early voting clerk does not receive the original ABBM or FPCA by that deadline, then the emailed or faxed ABBM or faxed FPCA will be considered incomplete, and the early voting clerk may NOT send the applicant a ballot. The requirement to mail the original application does not apply to an emailed FPCA.
- 2. Request for an Application for a Ballot by Mail, not a Ballot.** We were recently sent copies of a campaign mailer that appears to be an application for ballot by mail. However, the campaign mailer indicates that the voter is over the age of 65 and is requesting an “Application for the March 3rd Republican Primary” and an “Application for the General Election.” We have been asked whether this form serves as a request for a ballot or a request for an ABBM. Section 84.012 of the Texas Election Code requires the early voting clerk to mail “an appropriate official application form for an early voting ballot to each applicant requesting the clerk to send the applicant an application form.” Consistent with this provision, because the language in the mailer requests an “application” (not a ballot) for the referenced elections, the early voting clerk should not mail the voter a ballot in response to such a request. Instead, the early voting clerk should mail the voter an ABBM to the address at which the voter is registered or the voter’s mailing address if applicable. When mailing voters the ABBM, the early voting clerk may wish to include a letter to the voter advising that the enclosed ABBM is being sent as requested by the voter for the primary election and the general election.
- 3. Multiple Elections Selected on an ABBM.** Several counties have asked about how to handle ABBMs that were submitted by voters who are eligible for an Annual ABBM, but did not select the annual option on the form AND only indicated they wanted a ballot for the primary election and the general election for state and county officers. Specifically, the voter opted not to mark the May Uniform election date. We have been asked whether the county should treat this as an Annual ABBM. If a voter only indicated they wanted a mail ballot for selected elections but did not select the annual option on the form, you would NOT treat this as an Annual ABBM. Instead, you would treat this as a request for the specific elections identified by the voter.

4. ABBMs with different Primary selections. It's not uncommon for a voter who is eligible for an Annual ABBM to send in multiple applications for a ballot by mail. For example, the first application may have only one box checked for "Republican Primary," and the second application may have only one box checked for "Democratic Primary" (or vice versa). When the voter provides two applications with different primaries checked, the second application for ballot by mail will cancel the first application. A letter may be sent to the voter informing them of this action. The second application submitted will be considered the valid one, and the EV Clerk should send the voter a ballot for the primary indicated on that second-in-time ABBM. This is the case even if the EV Clerk has already mailed the voter a ballot based on the first ABBM. If the voter returns the first mailed ballot, it should be treated as cancelled and not sent to the early voting ballot board.

5. Labeling on Carrier Envelope. As a reminder, before providing the balloting materials to the voter, the clerk shall enter on the carrier envelope the identity and date of the election. This is critical for mail ballots in Spring of 2020 as the Primary runoff election and the May uniform election date occur in such close proximity that it's not uncommon for voters to mix up their carrier envelopes.

We appreciate your efforts to make sure you are handling these ABBM issues correctly. Please let us know if you have any additional questions or concerns.

Thank you,

Christina Worrell Adkins

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For Voter Related Information, please visit:



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.

