

CHAPTER 12

SPECIAL TYPES OF EARLY VOTING

The early voting clerk's office must be open while the polls are open on election day. [Sec. 83.011] The early voting clerk is responsible for handling the following special voting situations:

SECTION A: LATE VOTING BECAUSE OF ILLNESS

1. Eligibility [Sec. 102.001]

The Election Code authorizes late voting by a recently disabled voter if the voter becomes sick or disabled on or after the day before the last day for submitting an application for a ballot to be voted by mail, and is unable to go to the polling place on election day.

2. Contents of Application [Sec. 102.002]

- a. The request for a late ballot must include name and residence address of applicant.
- b. The request must also contain a certificate issued by a licensed physician; chiropractor; or accredited Christian Science practitioner.
- c. The certificate must state that a sickness or disability:
 - (1) originated on or after the day before the last day for submitting an application for a ballot to be voted by mail; and
 - (2) prevents the voter from appearing at the polling place on election day without a likelihood of needing personal assistance or of injuring their health.

See "Application for Early Voting Ballot Due to Sickness or Physical Disability", Forms Manual 5-24.

3. Submitting the Application [Sec. 102.003]

- a. The application must be submitted in person at the main early voting polling place by a representative of the applicant.
- b. The representative must:
 - (1) be 18 years of age or older;
 - (2) not be currently employed by or related within the third degree by blood or marriage to any candidate on the ballot; and
 - (3) not have served in the election as the representative for another applicant.

- c. An application for a late ballot may be received by the early voting clerk at any time:
 - (1) after the last day of the period for early voting by personal appearance; and
 - (2) before 2 p.m. on election day.
- 4. Reviewing the Application and Providing Balloting Materials [Sec. 102.004]
 - a. The application is reviewed and the applicant's registration status is verified by the early voting clerk in the same manner as in early voting by mail.
 - b. The early voting clerk must provide balloting materials for early voting by mail to the representative to deliver to the voter.
- 5. Method of Returning Marked Ballot and Deadline for Returning Marked Ballot [Sec. 102.006]

The ballot must be returned in its carrier envelope to the early voting clerk before 7:00 p.m. on election day by the same representative who delivered the ballot to the voter.

SECTION B: LATE VOTING BECAUSE OF DEATH IN IMMEDIATE FAMILY

- 1. Eligibility [Sec. 103.001]
 - a The Election Code authorizes late voting because of the death of a person related to the . voter within the second degree by blood or marriage
 - b The death must have occurred on or after the fifth day before election day (the day . before the last day of the period for early voting in person).
 - c The voter will be absent from the county of their residence on election day as a result of . the death.
 - d The voter may vote in person at the main early voting polling place.
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- 2. Form and Contents of Application [Sec. 103.002]
 - a The application must be in the form of an affidavit
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 - b The application must:
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 - (1) comply with the general requirements for an application for an early voting ballot;
and
 - (2) contain the date of death of the decedent and a statement of the relationship of the

voter to the decedent *See "Application for Emergency Ballot Due to Death in Family", Forms Manual 5-23.*

3. Submitting the Application [Sec. 103.003] The application may be submitted in person during regular office hours:
 - a after the close of the regular period for early voting by personal appearance; and
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 - b before election day.
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4. Voting Procedure [Sec. 103.004]
 - a The application is reviewed and the applicant's registration status is verified by the early
. voting clerk in the same manner as early voting by mail.
 - b The voting is conducted with the balloting materials for early voting by mail.
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 - c The voter must mark and seal the ballot in the same manner as in early voting by mail,
. except that they are not required to sign the certificate on the carrier envelope.
 - d The voter must give the envelope to the clerk, who must note on the envelope that the
. ballot was voted under chapter 103.
 - e The results are processed in accordance with the procedures applicable to processing
. early voting by mail.

SECTION C: VOTING BY DISABLED VOTER ON ELECTION DAY

1. Eligibility [Sec. 104.001]

The Election Code authorizes voting on election day by a disabled voter from a precinct where voting machines or punch card voting devices are used.
2. Time and Place of Voting [Sec. 104.003]
 - aDisabled persons who live in precincts that use punch card voting devices may vote on
. election day between the hours of 8:00 a.m. and 2:00 p.m. at the main early voting polling place.
 - tDisabled persons who live in precincts that use voting machines may vote on election
. day during the hours the polls are open (7:00 a.m. to 7:00 p.m.) at the main early voting polling place.

3. Form and Contents of Application [Sec. 104.002]

aThe application must be in the form of an affidavit.

tThe application must comply with the general requirements for an early voting ballot application; and -- contain a statement that the applicant has not previously voted in the election.

4. Voting Procedure [Sec. 104.004]

aThe voting must be conducted with the balloting materials for early voting by mail.

tThe voter must mark and seal the ballot in the same manner as in early voting by mail, except that the certificate on the carrier envelope need not be completed.

cOn sealing the carrier envelope, the voter must give it to the clerk, who must note on the envelope that the ballot was voted under chapter 104.

SECTION D: LIMITED BALLOT (AFTER CHANGING COUNTY OF RESIDENCE)

1. Eligibility [Sec. 112.002]

a. After changing residence to another county, a person is eligible to vote a limited ballot under this chapter by personal appearance or by mail if:

- (1) the person would have been eligible to vote in the county of former residence on election day if still residing in that county;
- (2) the date of the election is not more than 90 days after the new residence was established; and
- (3) a voter registration for the person in the county of new residence is not effective on or before election day.

b. A person is not eligible to vote a limited ballot by mail unless, in addition to satisfying the eligibility requirements prescribed above, the person is eligible to vote early by mail under the standard early by mail rules.

2. Offices and Measures on which a voter may vote [Sec. 112.004] A person voting a limited ballot under this chapter is entitled to vote only on each office or measure to be voted in a territorial unit (state or district) of which the person was a resident both before changing their county of residence and after the change.

3. Submitting Request for Mail Ballot [Sec. 112.005]

An application for a limited ballot to be voted by mail under this chapter must be submitted to the early voting clerk serving the election precinct in which the applicant currently resides.

4. Place for Voting by Personal Appearance [Sec. 112.006]

A person may vote a limited ballot by personal appearance only at an early voting polling place serving the voters of the election precinct in which the person currently resides.

5. Verifying Registration Status of Applicant for Ballot [Sec. 112.007]

- a. Before providing a limited ballot to the applicant, the early voting clerk must verify, if possible, that the applicant does not have an effective voter registration in the county of new residence.
- b. If the person has applied in the county of new residence for a voter registration that will be effective on or before election day, the limited ballot application must be rejected.

6. Notification to Voter Registrar [Sec. 112.012]

Not later than the 30th day after receipt of an application for a limited ballot, the early voting clerk must notify the voter registrar of the voter's former county of residence, that the voter has applied for a limited ballot.