

# The State of Texas



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Ruth R. Hughs  
Secretary of State

## **ELECTION ADVISORY**

**No. 2020-32**

TO: County Elections Officers (County Clerks/Elections Administrators/Tax Assessor-Collectors)

FROM: Keith Ingram, Director of Elections 

DATE: October 5, 2020

RE: Presidential Ballot (Chapter 113, Texas Election Code)

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Pursuant to Chapter 113 of the Texas Election Code, voters who have moved out of the State of Texas may be eligible to cast a ballot from Texas for President and Vice President only, referred to as a "Presidential Ballot."

**Requirements.** There are four conditions that must be met. The former resident:

- (1) is domiciled in another state;
- (2) was registered to vote in Texas at the time the former resident ceased to be a resident;
- (3) would be eligible for registration to vote in Texas if a resident; AND
- (4) **on presidential election day will not have resided in the state of present domicile for more than 30 days and is not eligible to vote in the presidential election in their new state.**

**NOTE:** All four requirements must be met in order for the individual to be eligible to cast a Presidential Ballot.

A person may vote in person during the regular early voting period **through** presidential Election Day, or by mail. If voting in person, the voter may vote only at the main early voting polling place for the county of the person's most recent registration to vote in Texas. Beginning on the day after the last day of the period for early voting by personal appearance and through presidential election day, the dates and hours for voting presidential ballots by personal appearance are the dates and hours that the county clerk's main business office is regularly open for business. The period to vote a Presidential Ballot in person for the upcoming November 3, 2020 Presidential Election is Tuesday, October 13, 2020 – Tuesday, November 3, 2020.

**Presidential Ballot in-Person:** The person wishing to vote a Presidential Ballot must complete an Application for a Presidential Ballot. The substantially similar name affidavit applies only to voters voting by personal appearance, since they are required to show an acceptable form of identification. Voters who cast their Presidential Ballot by Mail do not need to provide a copy of identification.



**Presidential Ballot by Mail:** Voters who request a Presidential Ballot by mail must complete the Application for a Presidential Ballot **and** an Application for Ballot by Mail. The deadline to apply for a Presidential Ballot by mail is the same as the deadline to apply for a regular ballot by mail; the 11<sup>th</sup> day before election day. For the November 3, 2020 Presidential Election, you must receive the voter's Application for a Presidential Ballot and Application for Ballot by Mail no later than Friday, October 23, 2020.

**Procedures.** The in-person voting process will be handled using the balloting materials for early voting by mail. The early voting clerk will provide: (1) a ballot to the voter with all races crossed off except President/Vice President; (2) a Ballot Envelope; and (3) a Carrier Envelope. The voter will put the marked ballot inside a Ballot Envelope, then put the Ballot Envelope inside the Carrier Envelope. The voter does not need to sign the Carrier Envelope. The voter gives the sealed Carrier Envelope to the early voting clerk who puts it with other ballots voted by mail. The early voting clerks should enter the voter's name to the Restricted Ballot Roster (PDF) for both voters voting in person or by mail. The voter's name should not be added to the Combination Form. The early voting clerk must make a notation on the Carrier Envelope that the voter voted under this procedure (Chapter 113). The voter's ballot is delivered to the early voting ballot board and is processed together with other ballots voted by mail. When the ballot board judge enters the voter's name on the poll list, the judge should indicate that the voter voted a Presidential Ballot only.

The Early Voting Clerk is required to notify the voter registrar that the voter voted under this provision so the voter's registration may be cancelled. We recommend that you provide the voter registrar with a copy of the voter's signed Application for Presidential Ballot.

When preparing the ballot, adapt the procedures that are outlined for each voting system in the Limited Ballot Voters and District Chart memo.

If you have any questions, contact an attorney at the Election Division toll-free 1-800-252-2216 (press 2).

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