

PROVIDING ASSISTANCE IN THE VOTING-BY-MAIL PROCESS

(Prepared by the Ellis County Elections Department – Revised September 2019)

An application for a ballot by mail must be submitted to the Elections Department by mail, common or contract carrier, fax or email. (Effective December 1, 2017 if an Application for Ballot by Mail (ABBM) is faxed or emailed, the original application must be received by mail no later than the 4th business day after the faxed or emailed ABBM was received.) (Election Code Section 84.007). **Only the voter may deliver his or her own application in person to the Elections Department and only if submitted prior to the first day of in-person early voting** (Election Code Section 84.008).

ASSISTING DURING THE APPLICATION PROCESS

- A person commits an offense if, in the same election, the person signs an application for a ballot to be voted by mail as a witness for more than one applicant in the same election; or the person signs an application for annual ballots by mail as a witness for more than one applicant in the same calendar year. (Election Code Section 84.004(a)) The witness must sign and provide his or her printed name and residence address (Election Code Section 84.003 (b)) unless the witness is related within the second degree by blood or marriage to each voter. A witness is a person who signs in appropriate box on application confirming the voter cannot sign their name because of a physical disability or illiteracy. If the voter is unable to make a mark the witness must state that fact on the application. The witness must sign and provide his or her printed name and residence address (Election Code Section 1.011), failure to do so is a Class A misdemeanor (Election Code Section 84.003 (c)). It is a Class B misdemeanor for a person to witness more than one application for ballot by mail (Election Code Section 84.004 (c)).
- A person who in the presence of the applicant otherwise assists the applicant in completing an early voting ballot application (i.e. helps the applicant complete the form, but the voter is able to sign his or her own name) must complete and sign the assistant portion of the application unless the assistant is related to the applicant or is registered at the same address as the applicant. (A person commits a Class A misdemeanor if the person provides assistance without providing this information. (Election Code Section 84.003 (c)) There is no limit to the number of applicants that a person may assist or possess for mailing to the Elections Department.

ASSISTING A VOTER WITH READING OR MARKING THE BALLOT:

- A voter may receive assistance with marking and/or reading the ballot if the voter has a physical disability or an inability to read that prevents the voter from voting his or her own ballot. An assistant must sign the written oath that is part of the certificate on the official carrier envelope and must include the assistant's printed name and residence address. There is no limit to the number of voters that a person may assist, however it is a criminal offense for a person to be compensated for assisting a voter in marking a ballot if the compensation is in any way based upon the number of votes assisted (Election Code Section 86.0105).
- On the voter's request, the voter may be assisted by any person selected by the voter other than the voter's employer, an agent of the voter's employer, or an officer or agent of a labor union to which the voter belongs. (Election Code Section 86.010, 64.032(c)).

POSSESSION OF ANOTHER VOTER'S CARRIER ENVELOPE (VOTED BALLOT):

- A person may possess someone else's carrier envelope (containing a voted ballot) only if the person
- is related to the voter, **OR**
- is registered to vote at the same address as the voter, **OR**
- has possession of the carrier envelope in order to deposit it in the mail or with a common/contract carrier and this assistant needs to provide his or her signature, printed name, and residence address on the carrier envelope as required by Election Code Section 86.0051 (Election Code Section 86.006(f)).
- It is a criminal offense for a person to be compensated for collection and depositing carrier envelopes (containing voted ballots) into the mail or with a common/contract carrier if the compensation is in any way based on the number of ballots deposited (Election Code Section 86.0052).
- Carrier envelopes containing ballots may not be collected and stored at another location prior to placement in the mail or with a common/contract carrier. (Election Code Section 86.006(e)).
- A carrier envelope may not be returned in an envelope or package containing another carrier envelope unless the persons are registered to vote at the same address (Election Code Section 86.006(b)).