

SITUATION 7. Provisional Voter

At all elections, the following individuals are eligible to vote a provisional ballot:

1. A voter who states they do not possess an acceptable form of photo ID, and that they can reasonably obtain an acceptable form of photo ID;
2. A voter who states that they do not possess an acceptable form of photo ID, and that they cannot otherwise reasonably obtain an acceptable form of photo ID, but they did not bring their form of supporting ID to the polling place.

NOTE: A voter who does not possess and could otherwise not reasonably obtain an acceptable form of photo ID but just did not bring a form of supporting ID to the polling place may opt to leave the polling place, and return at a later time with their acceptable form of supporting ID and vote a regular ballot after executing a Reasonable Impediment Declaration.

3. A voter who states they possess an acceptable form of photo ID, but do not have it with them to present at the polling place. **NOTE:** This voter may opt to leave the polling place, and return at a later time with their acceptable form of ID and vote a regular ballot.
4. A voter who does not present an acceptable form of photo ID or follow the Reasonable Impediment Declaration procedure and has a religious objection to being photographed and the voter has consistently refused to be photographed for any governmental purpose from the time the voter has held this belief. [Sec. 65.054(b)(2)(B)]
5. A voter does not present an acceptable form of photo ID or follow the Reasonable Impediment Declaration procedure because of a natural disaster that was declared by the president of the United States or the Texas governor, occurred not earlier than 45 days before the date the ballot was cast, and caused the destruction of or inability to access the voter's identification. [Sec. 65.054(b)(2)(C)]
6. A voter whose name on the form of identification presented (acceptable form of photo identification, or, if the voter does not possess and cannot reasonably obtain an acceptable form of photo identification, the supporting form of identification presented in connection with a Reasonable Impediment Declaration) is determined by the election officer not to exactly match or be substantially similar to the name as it appears on the election precinct list of registered voters.
7. A voter who presented a form of identification (acceptable form of photo identification, or, if the voter does not possess and cannot reasonably obtain an acceptable form of photo identification, the supporting form of identification presented in connection with a Reasonable Impediment Declaration) but whose identity cannot be verified by the identification presented.

8. A voter who has received a disability exemption under 13.002(i) of the Code, but does not have or otherwise fails to present the voter's voter registration certificate at the polling place indicating such exemption, or a voter who is eligible for a disability exemption under 13.002(i) of the Code, but has not yet submitted the documentation required to receive a disability exemption under 13.002(i) of the Code.
9. Under section 63.009 of the Code (Situation 6), a voter who claims to be properly registered and eligible to vote at the election precinct where the voter presents himself or herself to vote, but whose name does not appear on the precinct list of registered voters and who does not present a voter registration certificate indicating that the voter is currently registered (as described in Section 63.006 of the Texas Election Code).
10. A voter who has applied for a ballot by mail, but has not yet cancelled the mail ballot application with the early voting clerk at the main early voting location or cancelled the mail application by returning the ballot to be voted by mail to the election judge at the voter's election day precinct polling place.
11. A voter who votes during the polling hours that are extended by a state or federal court.
12. A voter who is registered to vote but attempting to vote in a precinct other than the one in which the voter is registered.
13. A voter who is on the election precinct list of registered voters, but whose registered residence address is outside the political subdivision in which the voter is presenting himself or herself to vote.
14. Other: _____ (with an explanation). [*See, e.g.*, Sec. 63.011; 1 T.A.C. §§81.172—81.176; Texas Water Code § 49.1025]

If a voter is eligible to cast a provisional ballot under the provisions set forth above, the election judge shall immediately inform the voter of this right.

1. If the voter is casting a provisional ballot due to reasons 1-7 above, the election judge must advise the voter that in order to have their provisional ballot accepted, the voter must present an acceptable form of photo ID to the voter registrar, or, if the voter does not possess and cannot reasonably obtain an acceptable form of photo ID, execute a Reasonable Impediment Declaration and present a supporting form of ID to the voter registrar, or, if applicable, qualify for one of the exemptions (disability, natural disaster, or religious objection to being photographed), within 6 calendar days of election day. The election judge must also provide a [Notice to Provisional Voter \(ID Voter\)](#) to the voter, and inform the voter that they will receive a notice in the mail about whether the voter's provisional ballot was counted. The Notice to Provisional Voter (ID Voter) will provide the following information:
 - a. A list of acceptable forms of photo identification, information about the Reasonable Impediment Declaration (including a list of supporting identification which may be presented if the voter does not possess and cannot reasonably obtain an acceptable form of photo identification and executes a Reasonable Impediment Declaration), and information about the temporary and permanent exemptions;

- b. The procedure for presenting acceptable photo identification to the voter registrar, or, if the voter does not possess and cannot reasonably obtain an acceptable form of photo identification, following the Reasonable Impediment Declaration procedure at the voter registrar's office, or, if applicable, executing an affidavit for a temporary exemption in the presence of the voter registrar, or qualifying for a permanent disability exemption, within 6 calendar days of election day;
- c. A map showing the location of the voter registrar for purposes of presenting an acceptable form of photo identification, or, if the voter does not possess and cannot reasonably obtain an acceptable form of photo identification, executing a Reasonable Impediment Declaration and presenting a supporting form of ID; or seeking an exemption to the identification requirement; and
- d. A place for the election official to enter the voter's name, voter unique identifier (VUID) number (if available) and the precinct polling place at which the provisional ballot was voted.

NOTE: Although as of September 1, 2017, it is no longer legally required, it is strongly advised that voters who do not present an acceptable form of photo ID (including, but not limited to, those who do not possess and cannot reasonably obtain an acceptable form of photo ID who present a supporting form of ID and execute a Reasonable Impediment Declaration), be provided with a copy of [Form 13-1 – Notice of Required Identification](#).

2. If the voter is casting a provisional ballot due to reasons 8-14 above, the voter should present an acceptable form of photo ID or, if the voter does not possess an acceptable form of photo ID and cannot reasonably obtain an acceptable form of photo ID, execute a Reasonable Impediment Declaration and present a form of supporting ID, to the election judge. The election judge must provide a [Notice to Provisional Voter \(Form 7-15-a\)](#) to the voter, and inform the voter that they will receive a notice in the mail about whether their provisional ballot was counted.
3. If the provisional voter indicates they are registered, the election officer must ask the person if they registered at DPS. If person states they did register at DPS, the election officer must ask the person if the person knows the approximate date that the person went to DPS. The election officer must then note that the voter went to DPS and, if the person knows, the approximate date the person went to DPS, on the Provisional Ballot Affidavit Envelope in the "Other" line.
4. The election judge shall also advise the provisional voter that in order to have the voter's provisional ballot accepted, the provisional voter must be voting in the election precinct to which the voter is assigned. It is recommended that election officers make every effort to direct a voter to the polling place for the election precinct to which the voter is assigned. The election judge should familiarize himself or herself with the procedures and policies of the voter registrar on election day for confirming a voter's

correct election precinct. However, the election officer may not accept from the voter registrar a determination that the voter is a registered voter of the county.

5. Prior to casting a provisional ballot, the election judge shall advise the provisional voter to complete and sign a Provisional Ballot Affidavit Envelope. The Provisional Ballot Affidavit Envelope shall state that the provisional voter is a registered voter in the election precinct in which the voter seeks to vote and eligible to vote in the election. In order to vote a provisional ballot, a provisional voter must sign the Provisional Ballot Affidavit Envelope, and the election judge shall make this clear to the provisional voter.
6. The election judge shall complete the appropriate judge's portion of the reverse side of the Provisional Ballot Affidavit Envelope, including checking the appropriate box, "yes" or "no," as to whether the voter presented a valid and acceptable form of identification. The election judge shall check the reason for which the voter voted provisionally on the Provisional Ballot Affidavit Envelope, and shall then sign the Provisional Ballot Affidavit Envelope. The reasons are:
 - 1) Failed to present acceptable form of identification or voter certificate with exemption;
 - 2) Voter not on list of registered voters;
 - 3) Voter not on list, registered in another precinct;
 - 4) Voter on list of people who voted early by mail, and voter has not cancelled mail ballot application;
 - 5) Voting after 7:00 p.m. due to court order;
 - 6) Voter on list, but registered residence address outside the _____political subdivision; or
 - 7) Other _____ (Please explain).

***NOTE:** This includes failing to follow the Reasonable Impediment Declaration procedure.
7. After the provisional voter completes the Provisional Ballot Affidavit Envelope and the election judge completes the judge's portion of the reverse side of the Envelope, the election judge shall enter the provisional voter's name on the List of Provisional Voters form.
8. The election judge shall add the name of the provisional voter to the poll list or combination form and check the column "Provisional".

9. The election judge shall have the provisional voter sign the regular signature roster or combination form in the appropriate place. If the provisional voter did not possess and could not reasonably obtain an acceptable form of photo identification, and the provisional voter presented a supporting form of identification and executed a Reasonable Impediment Declaration, the box for Reasonable Impediment Declaration on the combination form should be checked, as should the box for any other relevant applicable items.
10. If provisional voting is being conducted with paper or optical/digital scan ballots, the election judge shall direct the provisional voter to choose a ballot from a disarranged (random numerical order) supply of stack of pre-designated "provisional" ballots that are separate from regular ballots. The election judge shall inform the provisional voter that, after voting the provisional ballot, the voter must place the ballot in the provided secrecy envelope and that the ballot in the secrecy envelope must be placed inside the Provisional Ballot Affidavit Envelope and the Envelope sealed in order to have the voter's provisional ballot accepted.
11. After the provisional paper or optical scan ballot has been voted, the provisional voter shall:
 - a. Seal the provisional ballot in a secrecy envelope;
 - b. Seal the secrecy envelope inside the Provisional Ballot Affidavit Envelope; and
 - c. Deposit the Provisional Ballot Affidavit Envelope in the secure container for completed Provisional Ballot Affidavit Envelopes provided at the polling place.
12. If provisional voting is being conducted on DRE voting machines, the election judge shall prepare the DRE voting machine for provisional voting in accordance with instructions provided by the general custodian of election records, which may include the instructions of the vendor of the system. The election judge shall inform the provisional voter of the procedures to be followed after voting the provisional ballot on the DRE voting machine. To vote provisionally on a DRE voting machine, the provisional voter, as directed by the election judge, shall either:
 - a. Sign the "stub;" seal the "stub" in a secrecy envelope; seal the secrecy envelope inside the Provisional Ballot Affidavit Envelope; access the ballot on the DRE voting machine using the access code printed along with the "stub;" vote the ballot on the DRE voting machine; and deposit the Provisional Ballot Affidavit Envelope (containing the signed "stub") in the secure container for completed Provisional Ballot Affidavit Envelopes provided at the polling place; or
 - b. Be provided by the election judge with a random number from a preset list for provisional ballots on the DRE voting machine enabling the provisional voter to access the provisional ballot on the machine. The election judge shall place a sticker with that number on the Provisional Ballot Affidavit Envelope in the blank labeled "Ballot Number if Using DRE." Nothing is placed inside the

Provisional Ballot Affidavit Envelope. The provisional voter will deposit the Provisional Ballot Affidavit Envelope in the secure container for completed Provisional Ballot Affidavit Envelopes provided at the polling place.