

# VOTERS GUIDE

EARLY VOTING • OCTOBER 23 – NOVEMBER 3, 2017 ELECTION DAY • NOVEMBER 7, 2017 • POLLS OPEN 7AM TO 7PM

**AD VALOREM TAXATION • CHALLENGE TO THE CONSTITUTION • LIMITING SERVICE OF OFFICEHOLDERS  
HOME EQUITY LOANS • CHARITABLE SPORTS FOUNDATIONS • PRIZES BY FINANCIAL INSTITUTIONS**

Support the **VOTERS GUIDE**

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1212 Guadalupe # 107  
Austin, TX 78701  
or make a secure donation online at [www.lwvtexas.org](http://www.lwvtexas.org).

## Voter Identification: What To Take To The Polls

### TEXAS REQUIRES VOTERS TO SHOW PHOTO ID

The seven forms of approved photo ID's are: (must not be expired more than 4 years)

1. Texas driver license issued by the Texas Department of Public Safety (DPS);
2. Texas personal identification card issued by DPS;
3. Texas Election Identification Certificate issued by DPS;
4. Texas handgun license issued by DPS;
5. United States military identification card containing the person's photograph;
6. United States citizenship certificate containing the person's photograph;
7. United States passport.

**OPTIONS:** voters who are on the official list of registered voters and who do not have any form of approved photo ID may complete and sign a "reasonable impediment declaration" and vote a regular ballot if they present a:

- Valid voter registration certificate (card)
- Certified birth certificate (original)
- Current utility bill
- Current bank statement
- Current government check
- Current paycheck
- Any other government document with the individual's name and address (original).

ID address does not have to match the voter registration address.

### Your Voter Registration Certificate

VOTER REGISTRAR  
800-687-8548 / 972-547-1990  
2010 REDBUD BLVD., SUITE 102  
MCKINNEY, TX 75069  
[www.collincountytx.gov](http://www.collincountytx.gov)

Secretary of State's Office  
Elections Division  
1-800-252-VOTE (8683)

2016 – 2017 Sample

RETURN SERVICE REQUESTED

VOTER REGISTRATION CERTIFICATE (Certificado de Registro Electoral)			CONGRESS (Congreso)	STATE SEN. (Sen Estado)	STATE REP. (Rep. Estado)	COM	JP
COLLIN COUNTY (condado de Collin)			CITY (Ciudad)	CITY DIST. (Ciudad dist.)	ISD (escuela)	ISD DIST. (escuela dist.)	SBOE
VUID (VUID)	Gender (Sexo)	Valid from (Valio desde)	Name and Mailing Address (Nombre y dirección de correo)				
Year of Birth (Año de Nacimiento)	Prec. No. (Pct. Num.)	thru (hasta)					
Name and Permanent Residence Address (Nombre y dirección residencial permanente)			Name and Mailing Address (Nombre y dirección de correo)				
Voter, John Q. 1234 Street City Name, Tx 75024			John Q. Voter 1234 Street City Name, Tx 75024				

VOTER MUST PERSONALLY SIGN HEREIN. NAME IMMEDIATELY UPON RECEIPT. IF ASSE. (El Votante debe firmar esta tarjeta personalmente al punto de recibirla al instante)

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## About This Voters Guide.....

This Voters Guide is funded and published by the League of Women Voters of Texas Education Fund. For more than 90 years, helping voters cast an informed vote when they go to the polls has been the primary goal of the League of Women Voters. As an organization that encourages informed and active participation in government, the League believes that all of us are stakeholders in Making Democracy Work. Neither the League nor the Education Fund supports or opposes any political party or candidate.

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## HELPFUL WEBSITES

**Secretary of State**  
www.sos.state.tx.us  
www.VoteTexas.gov

**League of Women Voters (U.S.)**  
www.lwv.org

**Democratic Party**  
www.txdemocrats.org

**Green Party**  
www.txgreens.org

**League of Women Voters of Texas**  
www.lwvtexas.org

**Republican Party**  
www.texasgop.org

**Libertarian Party**  
www.lptexas.org

**VOTE411.org**

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# ► PROPOSITION 1 AD VALOREM TAXATION (HJR 21)

## OFFICIAL BALLOT LANGUAGE:

The constitutional amendment authorizing the legislature to provide for an exemption from ad valorem taxation of part of the market value of the residence homestead of a partially disabled veteran or the surviving spouse of a partially disabled veteran if the residence homestead was donated to the disabled veteran by a charitable organization for less than the market value of the residence homestead and harmonizing certain related provisions of the Texas Constitution.

## EXPLANATION

The Texas Constitution, Art. 8, Sec. 1-b(1), allows the legislature to provide a partial homestead exemption for a partially disabled veteran or the surviving spouse equal to the percentage of the disability if the homestead was donated at no cost to the disabled veteran.

Proposition 1 would amend the constitution to allow the legislature to entitle a partially disabled veteran or the surviving spouse to a partial homestead exemption even if the homestead was donated at some cost to the veteran. The enabling legislation, HB 150, allows partially disabled veterans to claim a property tax exemption if they paid 50 percent or less of the market value for the house donated to them by a charity.

### Arguments For:

- Currently a partially disabled veteran who paid part of the cost of a donated home receives no property tax exemption. Proposition 1 would give the same property tax exemption to a partially disabled veteran who paid something toward the value of a donated home that is currently received by partially disabled veterans whose homes were donated in full.

### Arguments Against:

- Proposition 1 would continue a pattern of giving exemptions to specific groups of people. Reducing the taxes on specific groups usually means other groups must absorb more of the tax burden.
- The legislature should focus its efforts on reducing the tax burden on everyone.

## Amendments to the Texas Constitution Since 1876 .....

The 1876 Texas Constitution, the fifth since statehood, had 289 sections organized into 17 articles. The original version of this 1876 constitution is viewable online on The University of Texas School of Law Tarlton Law Library website at <http://tarlton.law.utexas.edu/constitutions/texas1876>.

Over the years, 216 new sections have been added, while 66 of the original sections and 51 of the added sections have been removed, so that the Texas

Constitution today has 388 sections. For most of that time, the constitution has been updated at least biennially through amendments proposed by the legislature and approved by the Texas electorate.

No legislative rules or other restrictions limit the number of amendment proposals, provided each receives the required two-thirds vote in both the senate and the house.

Since 1876, the legislature has proposed 673 constitutional amendments, and 670 have gone before Texas voters. Of the amendments submitted to the voters so far, 491 have been approved by the electorate and 179 have been defeated. Three amendments never made it to the ballot for reasons that are historically obscure.

(Texas Legislative Council, 2016)

# ▶ PROPOSITION 2 HOME EQUITY LOANS (SJR 60)

## OFFICIAL BALLOT LANGUAGE:

The constitutional amendment to establish a lower amount for expenses that can be charged to a borrower and removing certain financing expense limitations for a home equity loan, establishing certain authorized lenders to make a home equity loan, changing certain options for the refinancing of home equity loans, changing the threshold for an advance of a home equity line of credit, and allowing home equity loans on agricultural homesteads.

## EXPLANATION

Proposition 2 would amend Article 16, Section 50(a)(6) of the Texas Constitution that governs home equity loans—money borrowed against the value of a homestead by its owner using the property as a guarantee to repay the loan. This amendment proposes changes to the following terms:

*Fee cap.* Lower the maximum limit on fees that can be charged to borrowers from 3% to 2% of the loan principal and exclude the cost of appraisals, property surveys, title insurance premiums, title insurance, and title examination reports from calculation of the maximum limit on fees.

*Refinancing.* Allow a home equity loan to be refinanced as a non-home equity loan secured with a lien against the property if certain conditions are met. This is currently prohibited.

*Home equity lines of credit.* Repeal a provision that prevents additional advances on a home equity line of credit if the unpaid principal exceeds 50% of the fair market value of the homestead.

*Agricultural homesteads.* Allow a home equity loan for a homestead designated for agricultural use. This is currently prohibited.

*Approved lenders.* Expand the list of approved home equity lenders by adding subsidiaries of banks, savings and loan associations, savings banks, and credit unions; and replace mortgage brokers with mortgage bankers and mortgage companies.

### Arguments For:

- The proposed amendment will make home equity loans more accessible, lower costs for borrowers, and provide consumers more choice.
- Fee cap. Lenders will be able to make loans under \$100,000 more easily; the fee cap will not include fees by third parties, and consumers will still be protected against extreme fees from lenders.
- Refinancing. Allowing a home equity loan to be refinanced into a non-home equity loan within reasonable restrictions would increase consumer choice. The borrower could combine a home equity loan with another loan to have one payment or to get a lower interest rate.
- Home equity lines of credit. The change would allow the borrower to initially take out a smaller loan and pay less interest before borrowing more against the line of credit.
- Agricultural homesteads. Owners of large and small agricultural homesteads should have the same choice as other Texans to borrow against their property under the consumer protections of a home equity loan.

### Arguments Against:

- The proposed amendment will raise costs for borrowers and remove several important consumer protections that have worked for borrowers and lenders.
- Fee cap. Adding the costs for appraisals, surveys, and title insurance and reports on top of a maximum fee limit of 2% of the loan principal would likely be higher than the current 3% cap on all fees.
- Refinancing. Home equity loans have important protections related to judicial foreclosure and protection against loss of non-home assets. A new home equity loan with the consumer protections is a better option than a non-home equity loan without those protections.
- Home equity lines of credit. Current limits require the borrower to budget carefully for projected expenses and their repayment.
- Agricultural homesteads. Home equity loans and lines of credit for agricultural properties are costlier than farm operating loans and lines of credit due to the added large costs for appraisals, surveys, and title insurance and reports.



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# ▶ PROPOSITION 3

## LIMITING SERVICE OF OFFICEHOLDERS (SJR 60)

### OFFICIAL BALLOT LANGUAGE:

The constitutional amendment limiting the service of certain officeholders appointed by the governor and confirmed by the senate after the expiration of the person's term of office.

### EXPLANATION:

Proposition 3 would modify the holdover provisions for all unsalaried officers appointed by the governor such as appointees to volunteer boards and commissions. Current law, known as the "holdover" provision, allows all unsalaried appointees to continue to perform the duties of their office until a successor is duly qualified. "Holdovers" ensure continuation of functions but have been used to serve as extensions of terms of office.

This proposition makes it clear that if a term expires when the legislature is not in regular session, the officer will continue to serve only until the last day of the next regular session of the legislature. These unsalaried officials would not continue to serve in office past the expiration even if no successor has been appointed. If a new official is not appointed by the end of the session, then the office would become vacant.

#### ARGUMENTS FOR:

- This amendment would limit the amount of time a governor's appointee can serve and would address concerns about some gubernatorial appointees being held over in their positions long after their terms have expired. Placing the limit at the end of a regular legislative session allows Senate confirmation hearings of appointees.
- Placing a limit on how long an appointee could continue serving in office would ensure that these unsalaried volunteer positions are rotated among qualified Texans.

#### ARGUMENTS AGAINST:

- The Governor has many appointed positions to fill; the existing law allows flexibility for appointees to continue serving until qualified replacements are found.
- This amendment could result in many important appointed positions remaining vacant if a qualified replacement is not found within a certain time frame.

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## REGISTERING TO VOTE - Be Ready for the 2018 Primary Elections .....

You must register to vote at least 30 days before the election date. The last day you can register to vote in the 2017 Constitutional Amendment Election is October 10, 2017.

**Eligibility** - You are eligible to register to vote if:

- You are a United States citizen;
- You are a resident of a Texas County;
- You are at least 17 years and 10 months old;
- You are not a convicted felon, or, if convicted you have been pardoned or fully discharged your sentence, including any term of incarceration, parole, supervision, or probation; and
- You have not been declared by a court to be either totally mentally incapacitated or partially mentally incapacitated without the right to vote.

#### How to Register to Vote

- In person at the voter registration office in your county, or
- Fill out an application that can be mailed (or faxed with follow-up by mail) or returned in person to the voter registrar in your county of residence.
- Application forms are available at many libraries, government offices and high schools.
- The application is available online at the Secretary of State's voter information website, [www.VoteTexas.gov](http://www.VoteTexas.gov). This website allows you to search to see if you are already registered.

After you apply, a voter registration certificate will be mailed to you within 30 days. This certificate includes your precinct for voting on Election Day as well as your congressional, state legislative, county, and local districts.

#### For how long is my registration effective?

- The registration will remain in effect until you move or change your name,
- A new certificate will be sent to you every two years without further application on your part.
- If you move, however, your registration certificate will not be forwarded to your new address.
- If you move within the same county or change your name, you must notify your county clerk or election administrator in writing or online of your new address or your new name as soon as possible. Then a new certificate will be mailed to you.
- If you move to another county, you must re-register by applying to the election office in your new county.

# ▶ PROPOSITION 4 CHALLENGE TO THE CONSTITUTION (SJR 6)

## OFFICIAL BALLOT LANGUAGE

The constitutional amendment authorizing the legislature to require a court to provide notice to the attorney general of a challenge to the constitutionality of a state statute and authorizing the legislature to prescribe a waiting period before the court may enter a judgment holding the statute unconstitutional.

## EXPLANATION:

Proposition 4 would require a court to notify the state attorney general when a party to litigation files a petition, motion, or other pleading challenging the constitutionality of a state statute. Courts must wait 45 days, after providing the notice, before entering a judgment holding the statute unconstitutional.

In 2011, the state legislature passed a statute with a similar notice and waiting period, but in 2013, the Texas Court of Criminal Appeals ruled that the law was unconstitutional. Proposition 4 is designed to provide a constitutional basis for the notice and waiting period to restore the 2013 law.

### ARGUMENTS FOR:

- Proposition 4 ensures the state has an opportunity to defend the constitutionality of its laws.
- The proposed amendment would not alter the state's separation of powers doctrine nor restrict the ability of courts to strike down laws as unconstitutional.
- This amendment would only provide the attorney general with notice so the attorney general could offer assistance to defend a state law. It would not change the authority of the attorney general's office over criminal matters.

### ARGUMENTS AGAINST:

- The constitution should not be amended in a way that could undermine the state's separation of powers doctrine. Each branch of the government should be able to exercise its powers without interference from another branch.
- The legislature should not establish procedures that delay a Texan's right to pursue and receive relief from unconstitutional laws.
- Under current law, in criminal cases the state prosecuting attorney, not the attorney general, represents the state. This law could create confusion regarding the attorney general's role in criminal cases.

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# ► PROPOSITION 5

## CHARITABLE SPORTS FOUNDATIONS (HJR 100)

### OFFICIAL BALLOT LANGUAGE:

The constitutional amendment on professional sports team charitable foundations conducting charitable raffles.

### EXPLANATION:

Proposition 5 would amend Article 3, Section 47(d-1) of the Texas Constitution, enabling certain professional sports team charitable foundations to conduct charitable raffles. Voters approved a constitutional amendment in 2016 to allow certain professional sports team charitable foundations that existed on January 1, 2016, to conduct charitable raffles at home games. It authorized the 10 Texas major league sports franchises that had charitable foundations on that date to conduct charitable raffles.

Proposition 5 and its enabling legislation, HB 3125, would expand the number of professional sports team charitable foundations that are eligible to hold charitable raffles at home sports games. This amendment proposes to:

- Remove the restriction that only charitable foundations existing on January 1, 2016 may conduct charitable raffles
- Define “professional sports teams” eligible to conduct charitable raffles to allow professional hockey, basketball, football, baseball, soccer, motorsports, and golf teams, including minor leagues as well as major leagues

### ARGUMENTS FOR:

- Proposition 5, in expanding the number of eligible sports teams, allows more teams to capitalize on the large and supportive crowds at sporting events, which increases the amount of charitable funds to support their charitable programs.
- It would add minor league sports teams representing more rural and suburban communities, bringing charitable revenue to new and different parts of the state and uniting sports teams and their communities to assist disadvantaged Texans.
- The proposed amendment only expands the number of sports teams that could participate in charitable raffles; it would make no other change and would not remove safeguards that were established to protect against improperly conducted raffles.

### ARGUMENTS AGAINST:

- Current law, which applies only to the 10 Texas major league sports franchises, protects against the creation of entities solely to take advantage of charitable raffles.
- Proposition 5 could open the door to further expansion of charitable raffles conducted by the foundations of less well-established teams.
- The proposed amendment expands gambling in Texas by increasing the number of raffles that sports team foundations can conduct, which could lead to other groups requesting authority to offer such raffles.



## STUDENT VOTERS .....

Students may use either their parents’ address or their college address for voter registration, whichever they consider to be their permanent address. Students cannot be registered at both places. The general rule of thumb is that wherever students claim residency is the place where they should be registered to vote. Students who will be away from their address on Election Day and during early voting may request ballots by mail. Student IDs are not adequate photo IDs for voting and will not be accepted at the polls.

## WHERE AND WHEN

### TO VOTE .....

**Early Voting:** All registered voters may vote early by personal appearance at any early voting location in their county. Check with your local newspaper or the county clerk or election administrator for early voting times and locations. Early voting days for the November 7, 2017 Constitutional Amendment are October 23 – November 3, 2017.

**Election Day Voting:** On Election Day you must vote in your precinct of residence (unless your area is participating in countywide vote centers). Your precinct is listed on your registration card, or you may find out where to vote by calling or going online with your county election administrator.

County elections addresses and fax numbers are available at [www.VoteTexas.gov](http://www.VoteTexas.gov) or at [www.VOTE411.org](http://www.VOTE411.org). Voting places are also listed in most newspapers. If you report to the incorrect polling place, you will be redirected to the correct site or offered a provisional ballot. You can vote by provisional ballot, but if it is determined that you are not registered in the precinct where you vote, your ballot will not be counted by Texas law. More information on provisional voting appears on the Texas Secretary of State website [www.VoteTexas.gov](http://www.VoteTexas.gov).

### Ballot-by-Mail Voting

Only specific reasons entitle a person to vote by mail (no longer called absentee voting).

You may request a ballot by mail if you

- will be away from your county on Election Day and during early voting
- are sick or disabled
- are 65 years of age or older on Election Day
- are confined to jail, but still eligible to vote.

You do not need a photo ID to vote by mail, but photo ID will be required of first time voters if a driver’s license or Social Security number was not included with the voter registration application.

Request an Application for Ballot by Mail from the early voting clerk in the county where you are registered, or download the form from [www.VoteTexas.gov](http://www.VoteTexas.gov). The completed form must be received by mail or fax by October 27, 2017. Note: postmarks don’t count.

A ballot will be mailed to you, and you must return your completed ballot to your county elections department by 7 p.m. on Election Day, November 7, 2017. The ballot must be received, not just postmarked, by that date. If you are mailing your ballot from outside the United States, the early voting clerk must receive your ballot by the fifth day after Election Day. (You must mail it no later than 7 p.m. on Election Day.)

# ▶ PROPOSITION 6 AD VALOREM TAXATION (SJR 1)

## OFFICIAL BALLOT LANGUAGE:

The constitutional amendment authorizing the legislature to provide for an exemption from ad valorem taxation of all or part of the market value of the residence homestead of the surviving spouse of a first responder who is killed or fatally injured in the line of duty.

## EXPLANATION:

Proposition 6 would give property tax exemptions to surviving spouses of first responders killed in the line of duty if the spouse has not remarried. If the surviving spouse moves to a new homestead, the spouse is entitled to an equivalent homestead exemption for real property taxation.

### ARGUMENTS FOR:

- Families of fallen first responders, with their incomes reduced, should not have to bear the burden of losing their homes because of the price of property taxes.
- Surviving spouses of first responders killed in the line of duty should be treated the same as surviving spouses of veterans killed in the line of duty.
- The fiscal impact on a single taxing district would be minimal.

### ARGUMENTS AGAINST:

- Regardless of how deserving the recipients, creating additional property tax exemptions may require local governments to place an additional tax burden on other taxpayers.
- School districts would receive less revenue from property taxes so the state may decide to cover this reduction by taking it from the General Revenue Fund, creating a cost to the state.

# ▶ PROPOSITION 7 PRIZES BY FINANCIAL INSTITUTIONS (HJR37)

## OFFICIAL BALLOT LANGUAGE

Proposing a constitutional amendment relating to legislative authority to permit credit unions and other financial institutions to award prizes by lot to promote savings.

## EXPLANATION:

The Texas Constitution, Art. 3, Sec. 47, prohibits lotteries and raffles with a few exceptions, such as bingo games and charitable raffles conducted by nonprofit or religious organizations. Proposition 7 would amend the constitution to allow the legislature to authorize credit unions or other financial institutions to conduct promotional activities that can award a prize to one or more of the institution's depositors selected by lot to encourage savings.

The enabling legislation for Proposition 7, HB 471, defines raffles legalized under this amendment as savings promotion raffles; the criteria for entering is a deposit of a specific amount into a savings account or savings program. Other terms of the savings account or program – fees, withdrawal limits, interest or dividends – must be commensurate with those of savings accounts or programs that are not subject to a savings promotion raffle.

### ARGUMENTS FOR:

- Saving incentives are needed as more than one-third of Texas households lack a savings account and about half do not have a three-month emergency fund. States that have removed legal barriers to such raffles have seen a significant increase in consumer savings.
- Savings promotion raffles are not gambling as they require no form of payment, only a deposit into a savings account, and benefit the consumer even if the consumer does not win a prize. Depositors can withdraw their money at any time and therefore do not lose money as in other raffles.

### ARGUMENTS AGAINST

- Proposition 7 would permit one industry to do a raffle and would be the only non-charitable raffle allowed in the state. It is not equitable to allow only one industry to conduct raffles.
- This proposition could lead to other industries requesting permission to hold raffles and to more serious forms of gambling.

## WHAT IS PROVISIONAL VOTING? .....

The Federal Help America Vote Act (HAVA) of 2002 provides for provisional voting if a voter's name does not appear on the list of registered voters due to an administrative error. If your name is not on the rolls of registered voters in your precinct, but you believe you are registered, the election judge will attempt to determine if you are registered somewhere in your county. If your registration cannot be found, you may cast a provisional vote by filling out an affidavit and a paper ballot. This ballot is kept separate from the regular ballots, and the case will be reviewed by the provisional voting ballot board. The ballot will be counted only if the voter is determined to be a registered voter in that precinct. Provisional voters will receive a notice in the mail by the tenth day after the local canvass advising them if their provisional ballots were counted and, if they were not counted, the reason why.

## **i** Photo Id Requirements and Exceptions

See WHAT TO TAKE TO THE POLLS on the front page for a list of accepted photo IDs. This section provides additional information about the photo ID requirements.

- The photo ID needs to be current or have expired no more than 4 years before voting (citizenship and naturalization certificates have no expiration date).
- The name on the photo ID should match the voter registration card. If names don't match, a voter may be accepted if names are "substantially similar." If names match, addresses don't need to match.
- If the names don't match exactly, the voter can be accepted if names are substantially similar; poll workers will look at address, date of birth, and the photo. If names are substantially similar, the voter will initial a box for similar name when signing in to vote.
- Voters with a documented disability from Social Security or Veterans Affairs can apply for a voter registration certificate exempting them from the photo ID requirement.
- Voters without acceptable ID can obtain an Election Identification Certificate (EIC) from Texas DPS. Requirements for the EIC can be found at <http://www.txdps.state.tx.us/DriverLicense/electionID.htm>. There is no charge for the EIC but the necessary documentation may have a cost.
- Photo ID is not required to vote by mail. See Ballot-by-Mail Voting, p. 6.
- Voters who do not show an acceptable ID at the polls can vote a provisional ballot and have six days to show the required photo ID. See What Is Provisional Voting, p. 7.

### **Attention Voters Affected by Harvey:**

- If you had one of the accepted photo IDs, but no longer have it, you may vote with one of the alternative forms of ID (see the list of What to Take to the Polls on the front page). You will **sign the affidavit and vote a regular ballot**.
- If you are temporarily staying in a county where you are not registered to vote, you may submit an application for ballot by mail to your county's election office. It must be received no later than October 27, 2017. **You will need to provide a mailing address that is outside of your home Texas county.** See Ballot-by-Mail Voting, p. 6.
- You may choose to register to vote in the county where you are now residing if you intend to stay in the new county. The deadline to register is October 10, 2017.
- You may vote a "limited ballot" during early voting in the county where you are currently residing. Limited ballot voting is only available at the main early voting location in the county. The limited ballot will include the constitutional amendment election. **Voting a limited ballot in the new county has the effect of registering the voter in the new county.**
- As a last resort, if you no longer have any form of acceptable ID, you may vote a provisional ballot. **You have six days to go to your county registrar's office and complete affidavit swearing to the natural disaster.** See What Is Provisional Voting, p. 7.

Check the League's website for other helpful information about elections, voting and issues: [www.lwvtexas.org](http://www.lwvtexas.org).

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### **ORGANIZATIONS:**

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**Mary Kay O'Connor Fund of Communities Foundation of Texas**



**Texas Bar Foundation**

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