



Texas Secretary of State
ELECTIONS DIVISION



Issues for Conducting Multiple May Elections



Topics to Discuss

Possible Ballot By
Mail Scenarios

Notice of Elections

Which Equipment
can be re-used



Elections in May

May 2, 2026 Cities, Schools, and Other Political Subdivisions

May 26, 2026 Primary Runoff



Calendars for Each Election

May 2, 2026 Election Calendar

- [Advisory 2026-02](#)

May Primary Runoff Calendar

- [Advisory 2025-17](#)



Mail Ballot Deadlines

May 2, 2026 Election

- March 18, 2026 – Deadline to mail or email ballots to all FPCA voters
- April 20, 2026 – Deadline to receive FPCAs and ABBMs

May 26, 2026 Primary Runoff Election

- April 11, 2026 - Deadline to mail or email ballots to ALL FPCA voters.
- May 15, 2026 - Deadline to Receive FPCAs and ABBMs



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Common Mail Scenarios for Multiple May Elections



Scenario 1

- The early voting ballot board (“EVBB”) for the May 2, 2026 election is meeting to count ballots. They open a ballot secrecy envelope and there is a primary runoff ballot inside. As the ballot secrecy envelope would have been separated from the carrier envelope, there would be no way to determine which voter’s ballot this is.



Procedure for Scenario 1

- This ballot cannot be counted nor retained in a carrier envelope to be forwarded to the EVBB for the runoff primary election. We suggest that the EVBB presiding judge make a notation on the ballot to explain the situation and why the ballot was not counted. The ballot should be stored in the envelope that contains the other rejected ballots (which will still be in their carrier envelopes). Tex. Elec. Code § 87.043.
- As there is no way to know which voter submitted this ballot, no notice of rejection can be sent to the voter. There is no authority in the Code to store a voted ballot outside of the jacket or carrier envelope.
- Additionally, while the EVBB qualified the voter's ballot with respect to the May 2, 2026 election, the EVBB did not qualify the runoff primary ballot.
- The May 2, 2026 EVBB does not have the authority to qualify a ballot for the runoff primary.



Scenario 2a

- The EVBB for the May 2, 2026 election reviews a carrier envelope (that is marked to show it is a carrier for the May 2, 2026 election) and determines it will accept the ballot. The EVBB proceeds to open the carrier envelope to remove the ballot secrecy envelope, but the ballot is not in a secrecy envelope.
- The EVBB is able to immediately determine that the ballot inside the carrier is a primary runoff ballot. In this scenario, the ballot is tied to a particular voter as the carrier envelope is still effectively with the ballot.



Procedure for Scenario 2a

- We recommend that the EVBB immediately put the ballot back in the carrier envelope and seal the envelope. The EVBB should deliver the carrier envelope to the early voting clerk, who should then place the carrier envelope in the jacket envelope for that voter for the primary runoff, ready to be forwarded to the EVBB for that election at the appropriate time.
- We also suggest that the presiding judge of the EVBB write a memo to detail what occurred, what actions were taken, and the date those actions were taken. The presiding judge and at least one other member of the EVBB should sign off on the memo.
- A copy of the memo should be placed in the voter's May 2, 2026 jacket envelope and a copy provided to the early voting clerk for placement in the voter's primary runoff jacket envelope. When the EVBB for the primary runoff election convenes and sees a carrier envelope for the May 2, 2026 election in the jacket envelope for the primary runoff, the memo will serve to inform that EVBB of what has occurred.



Scenario 2b

- As a corollary to Scenario 2a, as the voter's May 2, 2026 carrier envelope contained the primary runoff ballot, it is possible that the primary runoff carrier contains the May 2, 2026 ballot. Can the early voting clerk take the primary runoff carrier and provide it to the May 2, 2026 EVBB for processing?



Procedure for 2b

- As we can identify the voter under these scenarios, and hopefully contact the voter, the chain of custody can be well established.
- Regarding the carrier envelope for the runoff, which presumably contains the May 2, 2026 entity ballot, we suggest that the early voting clerk call the voter (if possible) to see if the voter can confirm that the May 2, 2026 ballot is probably in the runoff carrier envelope.
- If the voter confirms that he/she believes the ballot in the primary runoff carrier envelope is in fact the May 2, 2026 ballot (or if the early voting clerk is unable to reach voter), the early voting clerk may forward that carrier envelope to the May 2, 2026 EVBB to process as normal, if able to do so in a timely manner.



Continuing 2b

- We do not recommend that the early voting clerk open the carrier envelope, with or without the voter's permission, to determine whether the carrier actually contains the May 2, 2026 ballot.
- Only the EVBB should open this carrier envelope, once the EVBB has determined that the carrier envelope was properly processed (signature comparison completed, voter eligibility determined, etc.).
- We suggest that the early voting clerk write a memo to detail what occurred, what actions were taken, and the date of those actions, and place a copy of the memo in the voter's May 2, 2026 jacket envelope.
- Another copy should be placed in the voter's primary runoff jacket envelope.



Scenario 3a

- The EVBB for the May 2, 2026 election qualifies the carrier envelope and finds two ballots, each inside a separate ballot secrecy envelope or neither ballot in a ballot secrecy envelope.



Procedure for Scenario 3a

- Under this limited circumstance, the EVBB may open the ballot secrecy envelopes, if used by the voter. (The EVBB has the discretion to open a ballot secrecy envelope in limited circumstances, such as to see if there is a Statement of Residence included in the secrecy envelope rather than the carrier envelope. It is also not a requirement for a ballot to be in the secrecy envelope.)
- If one of the ballots is for the May 2, 2026 election and one is for the primary runoff election, the May 2, 2026 ballot may be counted. The primary runoff ballot cannot be counted.
- There is no authority for the EVBB to, for example, copy the carrier envelope for the May 2, 2026 election and place the runoff ballot back in the carrier envelope for forwarding to the primary runoff EVBB



Continuing 3a

- We suggest that the presiding judge of the EVBB make a notation on the primary runoff ballot to explain the situation and why the ballot was not counted. The primary runoff ballot should be stored in the envelope that contains the rejected ballots (which will still be in their carrier envelopes). Tex. Elec. Code § 87.043.
- We recommend sending this voter a written notification which explains why the voter's runoff ballot will not be counted, even though this EVBB is not the proper ballot board for the May 26, 2026 primary runoff ballot.
- The written notification issued by the EVBB for the May 2, 2026 election should also inform the voter that he/she may cast a provisional primary runoff ballot in person if they wish.
- Recommend that a memo be written and signed by the EVBB presiding judge to detail the actions taken. A copy of the memo should be placed in the voter's May 2, 2026 jacket envelope and a copy provided to the early voting clerk for placement in the voter's primary runoff jacket envelope.



Scenario 3b

- The EVBB for the May 2, 2026 election qualifies the carrier envelope, but later discovers that the ballot secrecy envelope contains both a May 2, 2026 ballot and a primary runoff ballot.



Procedure for 3b

- As in Scenario 3a, the May 2, 2026 ballot may be counted, but the May 26, 2026 primary runoff ballot cannot be counted. No notice can be sent to the voter as the identity of the voter cannot be determined by the time the error (2 ballots in one secrecy envelope) is discovered.
- Again, we suggest that the presiding judge of the EVBB make a notation on the rejected primary runoff ballot and store it with the rejected May 2, 2026 ballots.



Scenario 4

- The early voting clerk receives two carrier envelopes from a voter. One carrier envelope is for the May 2, 2026 election and was properly executed by the voter, which includes the personal identification information required from the voter. The other carrier envelope is for the May 26, 2026 primary runoff and does not include the voter's personal identification information. Can the carrier envelope for the May 2, 2026 election be used by the EVBB for the primary runoff to qualify the voter's primary ballot?



Procedure for Scenario 4

- There is no authority for the EVBB for the primary runoff election to copy the carrier envelope from the May 2, 2026 election. Similarly, there is no authority for the EVBB in the primary runoff election to copy the carrier envelope from the May 2, 2026 election and use it to qualify the voter's primary runoff ballot. If the early voting clerk timely receives the defective carrier envelope for the May 26, 2026 primary runoff election the clerk may use the corrective action process addressed in Section 86.011(d) of the Code to inform the voter of the existing defect(s).



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Notice of Elections



Notice Deadlines

May 2, 2026

- April 11, 2026 – Deadline to post notice for all political subdivisions on the bulletin board used for posting notices
- Remember, cities and school districts are also required to publish their notice in a newspaper in accordance with Section 4.003(a)(1) between the 30th day and the 10th day before election day. (April 2nd through April 22nd)

May 26, 2026

- May 5, 2026 – Deadline to post notice of the primary runoff on the county's website



Notice Requirements

- The type and date of the election;
- The location of the main early voting polling place, including the street address, room number, and building name. The notice must designate which location is the main early voting polling place;
- The location of each polling place, including the street address, room number, and building name;
- The hours the polls will be open;
- The regular dates and hours for early voting by personal appearance;
- The dates and hours of any Saturday or Sunday early voting;
- The early voting clerk's official mailing address or street address at which the clerk may receive delivery by common or contract carrier, if different, phone number, e-mail address, and the Internet website, if the early voting clerk has an Internet website;
- We recommend that the information regarding branch early voting locations be included as part of your notice; and
- Any other information required by law. (Secs. 4.004, 83.010, 85.004, 85.007).



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What Equipment Can be Reused?



Re-Using Equipment

Equipment	Can be reused between the two elections?
Scanners	Yes
Ballot Markers	Yes
Pollbooks	Yes
Media Storage Devices for L&A Tests	No, Texas Election Code 127.152(c) sets out that the testing materials must be preserved for at least one year after election day or for at least 22 months after election day for an election involving a federal office.
Ballot Boxes	No, Texas Election Code 66.058 sets out that for a period of at least 60 days after the date of the election, the voted ballots shall be preserved in a locked room in the locked ballot box. On the 61 st day the boxes can be opened and transferred to a more permanent storage.
Media Storage Devices with Ballots	No, For electronic media containing cast vote records, those cast vote records and other information contained on the drive must be retained on that original drive for the initial 60-day period. After that initial 60-day period has ended, you can transfer the information on those drives to another backup storage drive for the remainder of the 22-month preservation period. Once the drive has been backed up after that 60-day period, you can reuse the drive for other elections.



Logic and Accuracy Testing

Reminder

- Equipment being reused still has to comply with Logic and Accuracy tests as required by Chapter 129 of the Texas Election Code.

May 2, 2026 Election

- Last Day to Conduct the Public L&A test is March 15, 2026
 - This is a Sunday but it does not fall back to Monday

May 26, 2026 Primary Runoff

- Last day to complete L&A testing by April 8, 2026



E-Pollbook Testing

New Law Reminder

- **SB 2166 (2025, R.S.)**, effective September 1, 2025, requires the general custodian of election records to perform logic and accuracy testing for electronic pollbook systems for each election. The test must be conducted at least **48 hours before voting begins in an election**. (Sec. 129.023).

May 2, 2026

- Deadline to conduct this test is Friday, April 17, 2026

May 26, 2026 Primary Runoff

- Deadline to conduct this test is Wednesday, May 13, 2026



Available Support



WEBINARS



TRAINING



RESOURCES

elections@sos.texas.gov

800-252-VOTE • 512-463-5650

sos.texas.gov