



Texas Secretary of State
ELECTIONS DIVISION



Legislative Updates: Voting by Mail

43rd Annual
Election Law Seminar
for County Election Officials
August 11-13, 2025



Agenda

Review of bills passed
regarding voting by
mail.

Practical considerations
and the primary
election

A table-share exercise to
discuss best practices
for voting by mail.



Bills By Subject Matter

Corrective Action

- Senate Bill 2964

Official Application for Ballot by Mail

- House Bill 2259
- House Bill 3697

Voter Confidentiality

- Senate Bill 1540
- Senate Bill 1569

Updates to Existing Registrations for In-County Moves

- Senate Bill 2217



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Corrective Action Procedures



Corrective Action Procedures

SB 2964—Requires that if an early voting clerk identifies a defect in a voter's carrier envelope, the clerk must notify the voter of the defect and provide a correction form within two days of discovering the defect

- Notice must include an explanation of the defect and explain how the defect may be corrected not later than the sixth day after election day
- If voter cannot be timely notified, may contact the voter by telephone or email
- Early voting clerks are no longer authorized to return the defective carrier envelope in person or by mail to the voter



What Does This Mean for County Election Officials?

Fewer voters may have a ballot to surrender at the polling place because the defective carrier was not returned to them in person or by mail.

Counties may experience an increase in the number of provisional ballots cast. Train election workers on proper provisional ballot procedures and ensure that the voter completes a cancellation form at the polling place.

Deadline to correct a defective carrier envelope is the sixth day after election day, regardless of whether notice of the defect is issued by the early voting clerk, early voting ballot board, or signature verification committee.

Corrective action forms will be updated. Train your office staff on the new procedure.



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Application for Ballot by Mail and Instruction Sheet



Instructions for Application for Ballot by Mail

HB 2259

- Instructions for the officially prescribed **Application for Ballot by Mail** issued by the Secretary of State must be presented in:
 - Portrait orientation on a single piece of paper that is 8 ½ by 11 inches;
 - Printed in 12-point Calibri or Aptos font (or largest font size that allows the instructions to fit on a single piece of paper); and
 - Contain bold print



Application for Ballot by Mail

HB 3697

- Officially prescribed Application for Ballot by Mail issued by the Secretary of State must be printed in at least 10-point type and printed in black text



What Does This Mean for County Election Officials?

New **Application for Ballot by Mail** and the **Instruction Sheet** become effective September 1, 2025.

Counties and local political subdivisions may continue using existing stock of the ABBM until completed. Once stock is no longer available, will need to use the updated ABBM and accompanying Instruction Sheet.

Very important that you train your office staff on the updated ABBM and new Instruction Sheet!

Updated ABBM and Instruction Sheet will be posted on [Votetexas.gov](https://www.votetexas.gov)



What About Informal ABBMs?

Existing Requirements:

✓	Voters not required to use the official ABBM
✓	Law allows campaigns, candidates, and third-party organizations to generate their own application
✓	They must meet minimum statutory requirements under Section 84.002 of Election Code
✓	If voter is requesting a ballot for a primary election, the application must include which party's primary!
✓	Campaigns, candidates, political parties, and third-party organizations may pre-fill certain information for the convenience of the voter.
✓	Should not pre-fill: Witness or assistant information; personally identifiable information; affirmations that must be made by the voter
✓	Campaigns should ensure that they are using current data when pre-filling certain information



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Voter Confidentiality



Voter Confidentiality

SB 1540

- Expands list of individuals eligible for confidentiality protections to include:
 - Current or former election official, or employee, volunteer, or designee of an election official; and
 - An employee of the Secretary of State who performs duties related to elections



Voter Confidentiality

SB 1569

- Expands list of individuals eligible for confidentiality protections to include:
 - Members of the governing boards of higher education institutions;
 - Chancellors and chief executive officers of university systems; and
 - Presidents and chief executive officers of public and private universities



What Does This Mean for County Election Officials?

Early Voting Rosters: Information contained in the rosters (both in-person and by-mail) must be posted on the entity's website

At a minimum, the rosters must contain the voter's name, VUID, and precinct number

When responding to public information requests for the rosters, be sure to redact the residence address for the new category of voters who are eligible for confidentiality



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Updates to Existing Registrations for In-County Moves



Updates to Voter Registration

SB 2217—An update to a voter's registration takes effect immediately upon the voter registrar's receipt of a notice of the voter's change of address if the voter changes residence within the same county as the voter's current registration address

- **Replaces failsafe voting** by allowing voters to update their registration and vote in the precinct **of their new residence**.
- Bill is effective for elections ordered on or after September 1, 2025.
- Bill will not be in effect for the November 2025 Constitutional Amendment Election
- First election it will be in effect for will be the December 13, 2025 Runoff election



What Does This Mean for County Election Officials?

Voter registration applications must be continuously reviewed and processed

Voter registrars and early voting clerks must work closely together and communicate when a voter has updated their residence address within the same county

What ballot by mail procedures the early voting clerk will follow if an in-county update is made to a voter's residence address on their voter registration will depend on several factors



What Does This Mean for County Election Officials?

Different residence address on ABBM than that associated with voter registration?

Update to voter's in-county residence address after a ballot was mailed to the voter?

Update to voter's in-county residence address after ballot delivered to EVBB and Election Day has passed?

Other scenarios?



What Does This Mean for County Election Officials?

Our office will issue an advisory with detailed information on impacts to voting by mail as a result of SB 2217

It is important to train your staff (including your EVBB) on the changes to voting by mail if a voter updates their residence address within the county so they may properly assist voters

Do not forget about your local political subdivisions who are conducting their elections



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Litigation Update



RNC v. Wetzel

Lawsuit challenging a Mississippi law that allows for mail ballots to be received up to five days after Election Day if they are postmarked on or before that date

- October 25, 2024—U.S. Court of Appeals for the Fifth Circuit issued an opinion
- Ruled that the Mississippi provision is preempted by federal law that establishes a uniform, national day to elect members of Congress and presidential electors
- No ruling that applies this decision to the deadlines for late-arriving ballots under Texas law
- **However...**



RNC v. Wetzel

Fifth Circuit includes Texas within its geographic coverage and generally provides controlling guidance on questions of federal law

- Counties are still permitted to count their late-arriving mail ballots
- In an abundance of caution, counties should keep late-arriving mail ballots that may lawfully be counted under existing state law separated from other, timely mail ballots for tabulation, storage, and retention
- Guidance applies only to “late domestic ballots”
- Late-arriving mail ballots for military and overseas voters are not included in the ruling and may be counted together, and stored with, the timely mail ballots received on or before Election Day



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Updates from Federal Voting Assistance Program (FVAP)



FVAP Faxing Service

Effective August 1, 2025, the Federal Voting Assistance Program canceled its faxing service

- Military voters stationed in recognized hostile fire or imminent danger pay areas, or areas designated as combat zones by the President of the United States, are authorized to return an early voting ballot by telephonic facsimile transmission (fax)
- Voters will no longer be able to send an email to FVAP with an attached ballot to be forwarded to localities as a fax
- This affects a very small number of counties



What Does This Mean for County Election Officials?

Counties will need to remove from their website any information which reflects that military voters and their spouses or dependents stationed in these areas qualify to submit their ballots by fax

This information will also be removed from VoteTexas.gov

This category of voters will be able to return the ballot by email to the early voting clerk [Sec. 105.004]



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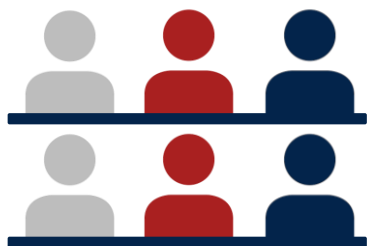
Voting by Mail and Best Practices



Partner Share

Prompt:

- Discuss some best practices your county has implemented regarding the review of ABBMs and their record keeping.
 - Responses could range from must-do's to helpful tips.



Work together with the person directly behind you

Ensure that both people have a turn to share their thoughts, ideas, or perspective

You will have
5 minutes
to discuss with
your partner



Organization of Applications

File mark ABBMs and FPCAs as soon as they arrive at the elections office. Ensure that day and time of receipt is permanently documented on the form.

Immediately review the applications for completeness and determine if there are any defects.

Consider alphabetizing applications so that they can be located easily.

Keep all correspondence, records of actions taken and other relevant paperwork with the application.



Organization of Applications

Implement a system for all annual applications to be pulled into the next election during the voting year for which the application is active.

Verify voter registration for each application before mailing the ballot.

Conduct your Logic and Accuracy Testing prior to mailing ballots by mail.

Make a checklist of all items that should be a part of the balloting materials.



Organization of Applications

Keep ABBMs and FPCAs in a locked room that a limited number of persons can access.

File mark ABBM and FPCA carrier envelopes as soon as they arrive at the elections office.

Ensure that voters are timely notified of defects with their carrier envelopes.

Coordinate delivery of carrier envelopes with your Signature Verification Committee and Early Voting Ballot Board.

Ensure that rosters are properly maintained and timely posted.



Best Practices When Reviewing ABBMs

Review for:	
✓	Timeliness
✓	Proper delivery (mail, common/contract carrier, fax, in person by voter, email)
✓	Correct early voting clerk (if not, forward)
✓	Voter's registration status
✓	Residence and mailing address
✓	Ensure that all required information was provided
✓	Date-stamp on the date received



Effective Dates

Bill	Topic	Effective	2025 Constitutional
HB 2259	Instruction Sheet for the ABBM	September 1, 2025	✓
HB 3697	Officially Prescribed ABBM	September 1, 2025	✓
SB 2964	Defective Carriers	September 1, 2025	✓
SB 2217	Update to Voter Registration In-County Residence Address	Elections ordered on or after September 1, 2025	-
SB 1540	Voter Confidentiality	September 1, 2025	✓
SB 1569	Voter Confidentiality	September 1, 2025	✓



Available Support



WEBINARS



TRAINING



RESOURCES

elections@sos.texas.gov

800-252-VOTE • 512-463-5650

sos.texas.gov