



# Legislative Updates: Voting by Mail

*37th Annual*  
Election Law Seminar  
for Cities, Schools, and  
Other Political Subdivisions

*December 1-3, 2025*



## Agenda

Review of bills passed  
regarding voting by  
mail.

Practical considerations  
for voting by mail.

Table-share exercises 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 523
- Senate Bill 370
- Senate Bill 1540
- Senate Bill 1569
- House Bill 16 (2<sup>nd</sup> C.S)

### Voter Registration Applications and Related Forms for Voting By Mail

- Senate Bill 1862



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ELECTIONS DIVISION



# 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 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.

Entities 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 have been 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 Election Officials?

New **Application for Ballot by Mail** and the **Instruction Sheet** became effective Sept. 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 has been posted on [VoteTexas.gov](http://VoteTexas.gov).



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# New ABBM and Instruction Sheet

TEXAS APPLICATION FOR BALLOT BY MAIL							
<b>Voter information</b> <i>Failure to provide your voter registration number, voter registration precinct number, or telephone number does not invalidate this application</i>	Last Name		First Name		Middle Name (if any)		
	Residence Address (Number and Street)			Suffix (Jr., Sr., III) Apt/Unit			
	City		State		Zip Code		
	<b>1 Optional Information:</b> Providing this information is helpful to the Early Voting Clerk if needed to clarify any information on this application and/or your voted mail ballot.						
	VUID Number		Voter Registration Precinct Number				
	Telephone Number		Email Address				
Date of Birth (mm/dd/yyyy)		<input type="text"/> / <input type="text"/>					
<b>Where to mail my ballot</b> <i>Select one option</i>	An address from my voter registration certificate			Another address that fits one of the categories below			
	<input type="checkbox"/> My residence address <input type="checkbox"/> My mailing address		Number and Street		Apt/Unit	City	
	<b>OR</b> <input type="checkbox"/> Hospital, nursing home, long-term care facility, retirement center, assisted living facility, or a close relative (state your relationship) <input type="checkbox"/> Jail, civil commitment facility, or a close relative (state your relationship) <input type="checkbox"/> Other address outside the country					State	Zip Code
<b>Reason for applying and ballots requested</b> <i>*Primary elections take place in even-numbered years only</i>	<b>My reason for voting by mail</b> <input type="checkbox"/> 65 years of age or older <input type="checkbox"/> Disability – I affirm that, "I have a sickness or physical condition that prevents me from appearing at the polling place on Election Day without a likelihood of needing personal assistance to protect my health," as defined in Texas Election Code 82.002(a).			<b>My reason for voting by mail</b> <input type="checkbox"/> Expected to give birth within three weeks before or after election <input type="checkbox"/> Selected absence from the county – The dates during which I can receive mail at the address outside of the county are: _____ / _____ to _____ / _____ <b>OR</b> <input type="checkbox"/> Send me a ballot for the following elections <input type="checkbox"/> May Election <input type="checkbox"/> Special Election (name or date, if known) <input type="checkbox"/> November Election <input type="checkbox"/> Any resulting runoff			
	<b>Send me a ballot for the following elections</b> <input type="checkbox"/> Annual Application – I want to receive a ballot for all elections in this voting year; I qualify because I am 65 years of age or older, or have a disability.			<b>My reason for voting by mail</b> <input type="checkbox"/> Confined in jail or involuntarily civilly committed			
	<b>I would like to vote in a primary election*</b> for the following party and any resulting runoff: <input type="checkbox"/> Democratic Primary <input type="checkbox"/> Any resulting runoff <input type="checkbox"/> Republican Primary <input type="checkbox"/> Any resulting runoff <input type="checkbox"/> Do not send me a ballot for a primary election			<input type="checkbox"/> I would like to vote in a primary election* for the following party and any resulting runoff: <input type="checkbox"/> Democratic Primary <input type="checkbox"/> Any resulting runoff <input type="checkbox"/> Republican Primary <input type="checkbox"/> Any resulting runoff			
<b>Applicant, sign here</b>	<b>I certify that the information given in this application is true, and I understand that giving false information in this application is a crime.</b> The box below requires your original signature signed in ink. A witness must complete Section 5 if you are unable to sign and you make a mark instead of a signature, or you are unable to sign or make a mark.						
	<input type="checkbox"/> X		Date (mm/dd/yyyy) <input type="text"/> / <input type="text"/>				
<b>Witness and/or assistant, sign here</b> <i>For definition of witness and assistant, see the application instructions</i>	<b>Check this box and complete this section if the applicant is unable to make a mark in Section 4. Do not sign for the voter in Section 4.</b>						
	<b>Witness</b> – Check this box if you witnessed the applicant make a mark or the applicant could not sign in Section 4 and you are signing on his or her behalf. Do not sign for the voter in Section 4. State your relationship to the applicant below and complete this section.						
	<b>Assistant</b> – Check this box and complete this section if you assisted the applicant in filling out this application in his or her presence or submitted on his or her behalf (by mail, email, or fax).						
<b>Failure to complete this section is a Class A Misdemeanor if applicant's signature or mark was witnessed or applicant was assisted in completing this application.</b> Signature of witness or assistant <input type="checkbox"/> X							

## ADDITIONAL INSTRUCTIONS FOR COMPLETING YOUR TEXAS APPLICATION FOR BALLOT BY MAIL

**NEW!**



## 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
✓	The voter must indicate the election for which they are applying to vote by mail
✓	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



## Alternate Address Program

### SB 523

- Expands coverage under Alternate Address Program (AAP) through the Department of Public Safety (DPS) for **parole officers & probation officers**
  - AAP allows use of an alternate address on a voter's driver's license or ID card in lieu of their actual residential address
  - Voters are authorized to designate their work address on their voter-registration certificate if they choose
  - Applicant's voter registration information will be subject to public disclosure, but because the residence address on the voter registration application is the applicant's workplace, the actual residence address cannot be disclosed



## Voter Confidentiality

### SB 370

- Expands list of individuals eligible for confidentiality protections to include:
  - Current or former employees of a **public defender's office**;
  - Current or former employees of the **attorney general's office**, and the employee's family members (spouse and children).
    - Previously only employees assigned to certain divisions within the attorney general's office were eligible.



## 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



## Voter Confidentiality

### HB 16 (2nd C.S.)

- Expands list of individuals eligible for alternate address program and/or confidentiality protections to include:
  - Current or former **county clerk, district clerk, or county and district clerk**, or a current or former employee of the office of a county clerk, district clerk, or county and district clerk or municipal court personnel;
  - Current or former employee whose duties relate to **court administration**, including a court clerk, court coordinator, court administrator, juvenile case manager, law clerk, or staff attorney;
  - Current or former employee of the **Office of Court Administration of the Texas Judicial System** and entities administratively attached to the office; or
  - Current or former employee or commissioner of the **State Commission on Judicial Conduct**



## What Does This Mean for Election Officials?

**Early Voting Rosters:** Information contained in the rosters (both in-person *and* by-mail rosters) 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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# Voter Registration Application and Related Forms for Voting by Mail



## Voter Registration Applications & Related Forms

**SB 1862—Requires a voter registration application to include the address, including the city and county, where the applicant formerly resided**

- Before SB 1862, the city and county where the voter formerly resided was required, but **not** the address.
- If voter registration application reflects that the voter's previous residence address was **outside** of the State of Texas, the voter registrar must document the voter's full legal name, date of birth, current address of residence, and previous address of residence. Voter registrar must **compile** this information and, at least once a month, submit it to the SOS.
- SOS must notify the voter registrars with jurisdiction over the previous residence on a **monthly** basis that the voter may be removed from that jurisdiction's voter registration list.



## What Does This Mean for Election Officials?

**UPDATED FORMS:** Every voter-registration form that has a former residence address section has been updated, specifically:

- Voter Registration Application
- Volunteer Deputy Registrar Application
- Provisional Ballot Affidavit
- Address Confirmation Notice
- Statement of Residence (used for voting in person *and* by mail)
- Limited Ballot Application (used for voting in person *and* by mail)
- Corrective Action Forms



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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**

- Oct. 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**

- Supreme Court granted Mississippi's petition for a writ of certiorari and will soon decide whether a mail-in ballot must be received by Election Day to count, or if it merely must be sent by then.
- 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.



# Updates from Federal Voting Assistance Program (FVAP)



## FVAP Faxing Service

**Effective Aug. 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 Election Officials?

Counties and entities 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 was removed from [VoteTexas.gov](http://VoteTexas.gov).

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



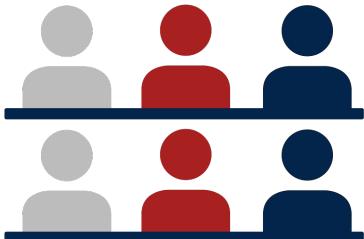
# Voting by Mail and Best Practices



## Partner Share

### **Prompt:**

- Discuss some best practices your local political subdivision has implemented regarding the review of ABBMs and their record keeping.
  - Responses could range from must-dos 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

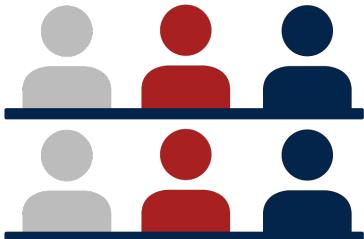
Review for:	
✓	Timeliness
✓	Proper delivery (mail, common/contract carrier, fax, in person by voter, email)
✓	Correct early voting clerk (if not, forward)
✓	Voter's registration status
✓	Residence and mailing address
✓	Ensure that all required information was provided
✓	Date-stamp on the date received



## Partner Share

### **Prompt:**

- What are two new things you've learned about today that your entity could incorporate into your process regarding the review of ABBMs and their record keeping?



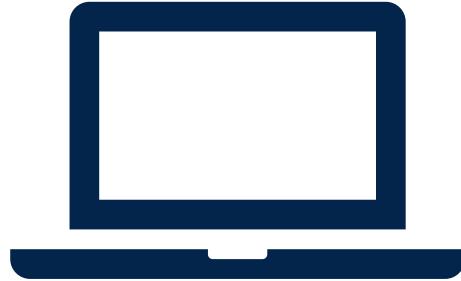
**Work together with the person directly behind you**

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

You will have **5 minutes** to discuss with your partner



## Available Support



**WEBINARS**



**TRAINING**



**RESOURCES**

[elections@sos.texas.gov](mailto:elections@sos.texas.gov)

800-252-VOTE • 512-463-5650

[sos.texas.gov](http://sos.texas.gov)