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ELECTION ADVISORY **NO. 2024-01**

TO: County Elections Officers (County Clerks/Elections Administrators/Tax Assessors-Collectors)

FROM: Christina Worrell Adkins, Director of Elections *CWA*

DATE: January 15, 2024

RE: Instructions and Deadlines for Mailing/Emailing Ballots Under the Federal "MOVE Act" for Overseas Voters

Pursuant to the federal Military and Overseas Voter Empowerment ("MOVE") Act, the blank official ballot must be mailed or emailed to any voter who submits a Federal Postcard Application ("FPCA"). **All FPCAs submitted on or after January 1, 2024 are effective for the 2024 primaries and general election.**

Section 84.007, Texas Election Code, provides that if an ABBM is faxed or emailed or if an FPCA is faxed, then the applicant must submit the original application by mail to the early voting clerk so that the early voting clerk **receives the original no later than the 4th business day after receiving the emailed or faxed ABBM or faxed FPCA.** An FPCA still has independent authority for email delivery under Section 101.052. This means an emailed FPCA is **not** required to be followed by hardcopy.

Deadline to Mail Overseas Ballots

As a reminder, all ballots to FPCA voters **must** be mailed on or before the 45th day before election day. **The deadline for mailing ballots for the 2024 primary election is Saturday, January 20, 2024.** Please note that although the deadline falls on a Saturday, it does not extend to the next business day. **Therefore, we recommend mailing your ballots by Friday, January 19, 2024.** If you plan on mailing your ballots on Saturday, we recommend that you consult with your local post office to confirm dates/hours their office will be open.

If a FPCA is received after the 45th-day deadline, the ballot should be mailed or emailed not later than the seventh calendar day after the date the FPCA is received. If a regular (non-FPCA) application for a ballot by mail is received after the 45th-day deadline from a voter who is not in the military or overseas, the ballot should be mailed not later than the seventh calendar day after the date the application is accepted. TEX. ELEC. CODE § 86.004(b).

The following are important deadlines affecting FPCA voters:

March 5, 2024 General Primary Election

- **Saturday, January 20, 2024** - Deadline to mail or email ballots to ALL FPCA voters. (We have more information about deadlines to mail ballots in *Advisory [No. 2023-21](#) - March 5, 2024 Primary Election Law Calendar.*)
- **Friday, February 23, 2024** - Deadline to Receive FPCAs and Deadline to request an emailed, unmarked ballot.
- **3 Business Days after FPCA Voter Activity** - Submit your FPCA tracking information for new FPCAs received, FPCA ballots mailed and received to the Office of the Secretary of State in order that the Ballot by Mail Tracker is populated with timely information. As a reminder, offline counties can update FPCA information via file import, online counties may update directly in TEAM.

May 28, 2024 Primary Runoff Election

- **Saturday, April 13, 2024** - Deadline to mail or email ballots to ALL FPCA voters. (We have more information about deadlines to mail ballots in *Advisory [No. 2023-21](#) - March 5, 2024 Primary Election Law Calendar.*)
- **Friday, May 17, 2024** - Deadline to Receive FPCAs and Deadline to request an emailed, unmarked ballot.
- **3 Business Days after FPCA Voter Activity** - Submit your FPCA tracking information for new FPCAs received, FPCA ballots mailed and FPCA ballots received to the Office of the Secretary of State in order that the Ballot by Mail Tracker is populated with timely information. As a reminder, offline counties can update FPCA information via file import; online counties may update directly in TEAM.

November 5, 2024 General Election for State and County Officers

- **Saturday, September 21, 2024** - Deadline to mail or email ballots to ALL FPCA voters. (We will have more information about deadlines to mail ballots in our November 5, 2024 Election Law Calendar.)
- **Friday, October 25, 2024** - Deadline to Receive FPCAs and Deadline to request an emailed, unmarked ballot.
- **3 Business Days after FPCA Voter Activity** - Submit your FPCA tracking information for new FPCAs received, FPCA ballots mailed and FPCA ballots received to the Office of the Secretary of State in order that the Ballot by Mail Tracker is populated with timely

information. If you need an updated spreadsheet for submission, please contact a member of the Voter Registration team as soon as possible.

Emergency Ballots

We would also like to take this time to remind you that you have the authority to create emergency ballots. If you do not receive your ballots in time to meet the 45-day deadline, you may create your own paper ballots or, if you have a copy of the ballot in the Adobe .pdf format, which is often provided by the printer for your proofing, you may forward a copy to the voter. If you have a physical copy of the ballot and a scanner, you could scan the ballot and attach a copy of the scanned ballot to the email to the voter. If you have a copy of the ballot in Microsoft Word, you could attach a copy in that format. The main key is that it should be in a digital format that the average voter will be able to open and print.

Instructions for Emailing Ballots

Any voter who submits an FPCA and requests that the ballot be emailed, must be emailed a blank official ballot. The voter should be emailed a signature sheet and detailed instructions on returning their voted mail ballot. Below you will find information related to email instructions which we encourage you to use and modify as necessary for your county:

Instructions to the Early Voting Clerk

When an Early Voting Clerk emails the balloting materials to a MOVE voter, the early voting clerk should take the following steps:

1. **Paste MOVE Act Email Ballot Instructions into the email.** The MOVE Act Email Ballot Instructions form contains several instances where the early voting clerk will need to add attachments and personalize the email to make sure that MOVE voters receive all instructions necessary for completing and returning the marked ballots, as appropriate to their Early Voting Clerk.
2. **Attach Ballot or Insert a Link to the Ballot and List of Certified Write-In Candidates (if applicable).** The Early Voting Clerk will need to attach an Unmarked Ballot (appropriate to the voter's specific precinct) and the List of Certified Write-In Candidates, if applicable. The Early Voting Clerk may insert a link to the unmarked ballot, as the ballot is "static," which means that voter can mark and print the ballot without being connected to the Internet.
3. **Attach all applicable instructions.** The Early Voting Clerk must remember to include the ballot instructions for the applicable method of voting and the [Signature Sheet for FPCA Voters](#) as prescribed by the Office of the Secretary of State.
4. **Insert Early Voting Clerk contact information in the attached notice to voter.** In the email instructions to the voter, the Early Voting Clerk should include the clerk's telephone number, email and mailing address in the designated areas for MOVE voters to use if they need additional assistance in completing or returning their marked ballot by mail.

5. **The Early Voting Clerk MUST provide the voter with a signature sheet that contains a place for the voter to include the required personal identification number for review by the early voting ballot board.**
6. **The Early Voting Clerk MUST provide the voter with information about mailing the voted ballot back to the Early Voting Clerk.**
 - The voter can mail their FPCA, ballot or FWAB postage-free using a proper return envelope. Below are the envelopes prescribed by FVAP for this purpose:
 - **Standard U.S. Envelope Size (#10)**
 - [FPCA Postage-Paid Return Envelope](#)
 - [Ballot Return and FWAB Postage-Paid Return Envelope](#)
 - [Ballot Return and FWAB Security Envelope](#)
 - **Standard Europe Envelope Size (C4)**
 - [FPCA Postage-Paid Return Envelope](#)
 - [Ballot Return and FWAB Postage-Paid Return Envelope](#)
7. **The county has two choices with regard to the carrier envelope or mailing envelope for voters to use when returning the voted ballot:**
 - The county may rely on the voter to print the carrier envelope from the link provided on the email; or
 - If the county has access to the appropriate software and the technological ability, it may include, as an attachment with the unmarked ballot, a carrier envelope file that has the voter's name in the upper left hand corner and the county's return mailing address to assist the MOVE voter in returning their marked ballot by mail.

Sample Email Instructions to Voter

The text below contains a sample email you may use to provide voters with their balloting materials. Please note that the email contains information that must be personalized to your county.

Dear FPCA Voter:

Per your request and in accordance with the Military and Overseas Voter Empowerment (MOVE) Act, this correspondence includes your unmarked ballot for the upcoming election. This email also includes instructions for processing the ballot, and a list of certified write-in candidates, if applicable.

If, after reading the instructions, you have questions regarding the completion or return mailing of this ballot, please contact your early voting clerk at [insert county telephone number] or by email at [insert county email address].

Note: Your marked ballot must be received in our office by regular mail on or before 7:00 p.m. on Election Day. If you are a non-military overseas citizen submitting your ballot from outside the United States, the ballot must be postmarked by Election Day and received by the county elections office no later than the 5th day after Election Day. If you are a

member of the military, Merchant Marine or National Guard, the ballot must be received by the 6th day after election day. If your ballot is not received by the applicable deadline, it will be rejected and will not be counted for this election.

Instructions for Processing the Emailed Ballot

- Open the attachment designated as the unmarked ballot, or click on the link in your email to access your ballot.
- Follow the ballot instructions provided for marking your ballot.
- Place the marked ballot in a secrecy (or security) envelope. An envelope may have been provided, or you may use any envelope you have at your disposal. If you cannot provide a secrecy envelope at all, don't worry; the lack of a secrecy envelope will not invalidate your ballot.
- Print out and complete the [Signature Sheet for FPCA Voters](#). The signature sheet **MUST** be completed and returned with the voted ballot. The signature sheet contains information that is required for the Early Voting Ballot Board to verify when reviewing your ballot.
- Place your marked ballot contained in the secrecy envelope, and the signature sheet in your carrier envelope. **Note that the carrier envelope is “postage-free” if mailed within the U.S. postal system, including APO and FPO addresses, U.S. Embassies and Consulates for use by absentee voters covered under UOCAVA. You are not required to use the “postage-free” envelope. You can place the marked ballot and signature sheet in a separate envelope and affix the proper postage for mailing.**
- Put your name and current mailing address in the upper left hand corner of your mailing envelope or carrier envelope, if it has not already been pre-printed by our office. Also, put the county address in the middle of the envelope (if not already provided for you).
- Mail marked ballot to our county elections office: [county official, please insert your mailing address here for affixing to the federal envelope, if used].

Instructions for Marking the Emailed Ballot

- Make sure you follow the instructions provided by our office for marking the ballot and for voting for write-in candidates, if any.

Federal Write-In Ballot Process

- If you have submitted an FPCA by the state application deadline of the 11th day before election day AND you do not feel you can return your ballot by the deadline, you are entitled to use a “FWAB” -- a “Federal Write-in Absentee Ballot” -- to vote in federal elections only.
- The Federal Voting Assistance Program (FVAP) provides a Federal Write-In Absentee Ballot (FWAB) wizard. According to FVAP, this wizard will seamlessly, intuitively, and easily guide a military or overseas voter through the State-specific requirements for

completing the FWAB, including providing the voter all federal candidate choices. Here is a link to their website: <http://www.fvap.gov/>.

Resources

The following items are helpful guidance on the MOVE Act's requirements:

- [MOVE Act FAQ](#)
- [Administrative Rule Implementing the MOVE Act](#)

If you have any questions relating to the implementation of the MOVE Act, please contact our office at your earliest convenience. You may reach the Legal Department at 1-800-252-2216, Option 2.

CA:HM