

## Law Review<sup>1</sup> 25046

December 2025

### Dispute about Congressional Redistricting in Texas Could Cause Military Absentee Ballots Not To Count in the 2026 Primary.

By Captain Samuel F. Wright, JAGC, USN (Ret.)<sup>2</sup>

#### 7.1—Election officials must get the absentee ballots out in time for service members to vote.

Those who serve our country in uniform protect the rights that we all enjoy, including the right to vote in free elections. But all too often military personnel are unable to enjoy the rights that they are prepared to fight and die to protect. Because of late primaries, ballot access or redistricting lawsuits, and other problems, local election officials (LEOs)

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<sup>1</sup> I invite the reader's attention to [www.roa.org/lawcenter](http://www.roa.org/lawcenter). You will find more than 2,200 "Law Review" articles about the Uniformed Services Employment and Reemployment Rights Act (USERRA), the Servicemembers Civil Relief Act (SCRA), the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA), the Uniformed Services Former Spouses' Protection Act (USFSPA), the title 38 chapters that provide veterans' benefits administered by the Department of Veterans Affairs, and other laws that are especially pertinent to those who serve our country in uniform. You will also find a detailed Subject Index, to facilitate finding articles about specific topics. The Reserve Officers Association, now doing business as the Reserve Organization of America (ROA), initiated this column in 1997. I am the author of more than 90% of the articles, but we are always looking for "other than Sam" articles by other lawyers.

<sup>2</sup> BA 1973 Northwestern University, JD (law degree) 1976 University of Houston, LLM (advanced law degree) 1980 Georgetown University. I served in the Navy and Navy Reserve as a Judge Advocate General's Corps officer and retired in 2007. I am a life member of ROA. For 45 years, I have collaborated with volunteers around the country to reform absentee voting laws and procedures to facilitate the enfranchisement of the brave young men and women who serve our country in uniform. I have also dealt with the Uniformed Services Employment and Reemployment Rights Act (USERRA) and the Veterans' Reemployment Rights Act (VRRRA—the 1940 version of the Federal reemployment statute) for 38 years. I developed the interest and expertise in this law during the decade (1982-92) that I worked for the United States Department of Labor (DOL) as an attorney. Together with one other DOL attorney (Susan M. Webman), I largely drafted the proposed VRRRA rewrite that President George H.W. Bush presented to Congress, as his proposal, in February 1991. On 10/13/1994, President Bill Clinton signed into law USERRA, Public Law 103-353, 108 Stat. 3162. The version of USERRA that President Clinton signed in 1994 was 85% the same as the Webman-Wright draft. USERRA is codified in title 38 of the United States Code at sections 4301 through 4335 (38 U.S.C. §§ 4301-35). I have also dealt with the VRRRA and USERRA as a judge advocate in the Navy and Navy Reserve, as an attorney for the Department of Defense (DOD) organization called Employer Support of the Guard and Reserve (ESGR), as an attorney for the United States Office of Special Counsel (OSC), as an attorney in private practice, and as the Director of the Service Members Law Center (SMLC), as a full-time employee of ROA, for six years (2009-15). Please see Law Review 15052 (June 2015), concerning the accomplishments of the SMLC. My paid employment with ROA ended 5/31/2015, but I have continued the work of the SMLC as a volunteer. You can reach me by e-mail at <mailto:swright@roa.org>.

sometimes do not have ballots printed and ready to mail until a few days before Election Day. For military personnel at sea or at isolated overseas duty stations, there sometimes is not enough time for the ballot to go from the LEO to the voter and back and the voter is disenfranchised.

I became aware of this issue in November 1976, in my first case as a lawyer, when I represented a freshman Republican Congressman (Ron Paul) who had been elected to Congress six months earlier in a special election and who very narrowly lost the 1976 general election. Ballots received in the days after Election Day, mostly from APO and FPO addresses, were not counted, and if they had been counted, they could have changed the outcome of this exceedingly close election.

I have been working on this issue ever since, for 49 years. Finally, in 2009, Congress amended the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Now, federal law now explicitly requires each state to transmit absentee ballots to UOCAVA voters (military personnel and family members within or outside our country and U.S. citizens outside our country temporarily or permanently) at least 45 days before any primary, general, special, or runoff election for federal offices.<sup>3</sup>

In Texas, the primary election for United States Senator, United States Representative, Governor, Lieutenant Governor, Attorney General, and other state and local offices will be conducted on Tuesday, 3/3/2026.<sup>4</sup> Absentee ballots for military and overseas citizens must be transmitted

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<sup>3</sup> See 52 U.S.C. § 20302(a)(8).

<sup>4</sup> See <https://www.sos.state.tx.us/elections/voter/important-election-dates.shtml>. This is part of the website of the Texas Secretary of State/

by 1/17/2026, which is 45 days before the primary date.<sup>5</sup> According to the website of the Texas Secretary of State, candidates for the 2026 primary started submitting their nominating papers on 11/8/2025, and the deadline for submitting those nominating papers is 12/8/2025.<sup>6</sup>

In 2025, the Texas Legislature redrew the lines of Texas' 38 congressional districts, and this redistricting plan has been challenged in court, and the dispute has not yet been resolved. Until the shape of the 38 districts is definitively set, the candidates for the United States House of Representatives cannot submit their nomination papers. Until the nomination papers have been submitted, the local election officials in Texas' 254 counties cannot print absentee ballots, much less transmit them.<sup>7</sup> My concern is that the dispute about the shape of the 38 congressional districts will result in overseas military personnel being disenfranchised—through no fault of their own they will not receive their absentee ballots in time for them to mark and return the ballots in time for the ballots to be counted.

On 11/26/2025, I sent a letter to Texas Secretary of State Jane Nelson, calling upon her to take action to ensure that Texas' sons and daughters serving in our nation's armed forces will be able to cast ballots that really do count, no matter where the service of our country has taken them. Here is the entire text of that letter:

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<sup>5</sup> This assumes, of course, that the voter has submitted his or her absentee ballot application by that date.

<sup>6</sup> See <https://www.sos.state.tx.us/elections/voter/important-election-dates.shtml>.

<sup>7</sup> This problem is not limited to Texas. In California also, the Legislature has redrawn the congressional district lines and the shape of the districts is still in dispute.

**Samuel F. Wright**  
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November 26, 2025

Honorable Jane Nelson  
Secretary of State of Texas  
P.O. Box 12887  
Austin, TX 78711

Re: Military voting rights

Dear Secretary Nelson:

Those who serve our country in uniform protect the rights that we all enjoy, including the right to vote in free elections. But all too often military personnel are unable to enjoy the rights that they are prepared to fight and die to protect. Because of late primaries, ballot access lawsuits, and other problems, local election officials (LEOs) sometimes do not have ballots printed and ready to mail until a few days before Election Day. For military personnel at sea or at isolated overseas duty stations, there sometimes is not enough time for the ballot to go from the LEO to the voter and back and the voter is disenfranchised.

I became aware of this issue in November 1976, in my first case as a lawyer, when I represented a freshman Republican Congressman (Ron Paul) who had been elected to Congress six months earlier in a special election and who very narrowly lost the 1976 general election. Ballots received in the days after Election Day, mostly from APO and FPO addresses, were not counted, and if they had been counted, they could have changed the outcome of this exceedingly close election.

I have been working on this issue ever since, for 49 years. Finally, in 2009, Congress amended the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Now, federal law now explicitly requires each state to transmit absentee ballots to UOCAVA voters (military personnel and family members

within or outside our country and U.S. citizens outside our country temporarily or permanently) at least 45 days before any primary, general, special, or runoff election for federal offices. *See* 52 U.S.C. 20302(a)(8).

The fact that federal law requires that ballots go out at least 45 days before Election Day does not necessarily mean that all LEOs meet that standard. More than 7,600 LEOs administer absentee voting for federal elections. If nobody is watching, the LEO will sometimes send out ballots when he or she gets around to it, without regard to the requirements of federal law.

I am most concerned that the ongoing dispute about redistricting the congressional districts will result in the disenfranchisement of Texas' sons and daughters serving in the armed forces, especially Navy, Marine Corps, and Coast Guard personnel serving at sea, where mail service is slow and intermittent. Until the congressional district lines are finalized, candidates cannot file their nomination papers, and until the nomination papers have been filed, local election officials cannot print the absentee ballots, much less send them out. We must find a solution to this problem. Were it not for the sacrifices of military personnel, from the American Revolution to the Global War on Terrorism, none of us would have the opportunity to vote in free elections.

Very respectfully,

Samuel F. Wright

**Please join or support ROA.**

This article is one of 2,300-plus "Law Review" articles available at [www.roa.org/lawcenter](http://www.roa.org/lawcenter). The Reserve Officers Association, now doing business as the Reserve Organization of America (ROA), initiated this column in 1997. We add new articles each month.

ROA is the nation's only national military organization that exclusively and solely supports the nation's reserve components, including the Coast Guard Reserve (6,179 members), the Marine Corps Reserve (32,599 members), the Navy Reserve (55,224 members), the Air Force Reserve (68,048 members), the Air National Guard (104,984 members), the Army Reserve (176,171 members), and the Army National Guard (329,705 members).<sup>8</sup>

ROA is more than a century old. On 10/2/1922 a group of veterans of "The Great War," as World War I was then known, founded our organization at a meeting in Washington's historic Willard Hotel. The meeting was called by General of the Armies John J. Pershing, who had commanded American troops in the recently concluded "Great War." One of those veterans was Captain Harry S. Truman. As President, in 1950, he signed our congressional charter. Under that charter, our mission is to advocate for the implementation of policies that provide adequate national security. For more than a century, we have argued that the Reserve Components, including the National Guard, are a cost-effective way to meet our nation's defense needs.

Through these articles, and by other means, including amicus curiae ("friend of the court") briefs that we file in the Supreme Court and other courts, we advocate for the rights and interests of service members and educate service members, military spouses, attorneys, judges, employers, Department of Labor (DOL) investigators, Employer Support of the Guard and Reserve (ESGR) volunteers, federal and state legislators and staffers, and others about the legal rights of service members and about how to exercise and enforce those rights. We provide information to service members, without regard to whether

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<sup>8</sup> See <https://crsreports.congress.gov/product/pdf/IF/IF10540/>. These are the authorized figures as of 9/30/2022.

they are members of ROA, but please understand that ROA members, through their dues and contributions, pay the costs of providing this service and all the other great services that ROA provides.

If you are now serving or have ever served in any one of our nation's eight<sup>9</sup> uniformed services, you are eligible for membership in ROA,<sup>10</sup> and a one-year membership only costs \$20 or \$450 for a life membership. Enlisted personnel as well as officers are eligible for full membership, and eligibility applies to those who are serving or have served in the Active Component, the National Guard, or the Reserve. If you are eligible for ROA membership, please join. You can join on-line at <https://www.roa.org/page/memberoptions> or call ROA at 800-809-9448.

If you are not eligible to join, please contribute financially, to help us keep up and expand this effort on behalf of those who serve. Please mail us a contribution to:

Reserve Organization of America  
1 Constitution Ave. NE  
Washington, DC 20002<sup>11</sup>

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<sup>9</sup> Congress recently established the United States Space Force as the eighth uniformed service.

<sup>10</sup> Spouses, widows, and widowers of past or present members of the uniformed services are also eligible to join. ROA members recently amended the ROA Constitution. Ancestors and lineal descendants of past or present members of the U.S. armed forces are now eligible to join ROA.

<sup>11</sup> You can also contribute on-line at [www.roa.org](http://www.roa.org).