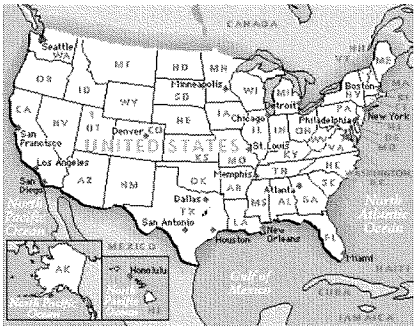
E

General Administration

- Important Dates
- Ballot Certification
- Ballot Preparation
- Election Day Procedures
- Election Workers
- Provisional Ballots

TEXAS SECRETARY OF STATE

Preparing for 2016 Primary



Keith Ingram and Ashley Fischer
Elections Division – Texas Secretary of State
17th Biennial County Chair Election Seminar – October 2015

TEXAS SECRETARY OF STATE

Agenda

- Resources for County Chairs
- Duties of County Chair and County Election Official
- Calendar for County Chairs
- Preparing Your Ballots
- Election Workers
- Election Day Procedures
  - Provisional Ballots

TEXAS SECRETARY OF STATE

Resources

- Secretary of State
  - Primary Calendar
  - Candidate's Guide
  - Handbook
  - Online Poll Worker Training
- County Election Official
  - Contracts/Joint Elections
- State Chairs
- Texas Ethics Commission

TEXAS SECRETARY OF STATE

General Duties of Chair

You serve on **County Election Commission** (31.032)

-Appoints an Election Administrator

-Fills Vacancy in Election Administrator

-Accepts Resignation of Election Administrator

-Suspends/Terminates Election Administrator

TEXAS SECRETARY OF STATE

Duties of Chair – Primary Election

- Accept and Review Applications of Candidates
  - Submit Names of Candidates to SOS Website
  - Prepare Ballot
- Prepare and Organize for Primary Election Day (Runoff Primary Election Day, if one is held)
  - Work with County Election Official on Contracts/Leases
  - Select Polling Places
  - Appoint Election Judges and Other Workers
  - Procure Supplies/Programming Voting Equipment
  - Prepare Tabulation of Results
  - Etc., etc.
- Conduct Canvass for Local Election Results
- Managing and Reporting Expenses

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TEXAS SECRETARY OF STATE

Duties of Chair – Primary Election

- Party Activities
  - Post Notice of Date, Hour, and Place for Precinct Conventions.
  - Post Notice of Date, Hour and Place for County and Senatorial Conventions.
  - Provide Notice of Conventions to County Clerk.
  - Retain Lists of Convention Attendees for Voting Year

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TEXAS SECRETARY OF STATE

Duties of Chair – Primary Election

- County Chair is also presiding officer of the **County Executive Committee**, which:
  - Enters Contracts/Joint Election Agreements (31.092)
  - Approves Appointment of Election Judges (32.006)
  - Consolidates Precincts, Selects Polling Places for Consolidated Precincts (42.008, 43.003)
  - Provides Training for Election Workers (31.113)
  - Approves Procurement of Supplies (51.003)
  - Acquires Electronic Voting Systems (123.033)
  - Conducts Ballot Drawing (172.082)

TEXAS SECRETARY OF STATE

Duties of Chair – Primary Election

- County Chair is also on the **Primary Committee** if one is established, which:
  - Conducts Ballot Drawing for Primary and Runoff Primary by Order/Resolution County Executive Committee
  - Reviews and Approves Primary Ballot
- If the County Executive Committee adopts resolution to not establish a primary committee, the county chair will perform the duties.

TEXAS SECRETARY OF STATE

Duties of County– Primary Election

- The county election officer will:
  - Conduct Early Voting by Mail (accept applications, mail ballots, receive carrier envelopes)
  - Conduct Early Voting in Person (establish polling places, hire early voting election workers)
  - Deliver Early Voting Ballots to Early Voting Ballot Board

TEXAS SECRETARY OF STATE

Duties of County– Primary Election

- If you choose to contract with the county or hold a joint primary, the county election officer, will be responsible for tasks under the contract.
- Examples:
  - Arrange for Use of Selected Polling Places
  - Procuring Supplies/Programming Voting Equipment
  - Prepare Tabulation

TEXAS SECRETARY OF STATE

Duties of Chair – General Election

- Submit List of Eligible Persons to Serve:
  - Election Day Judges
  - Election Day Clerks
  - Early Voting Clerks
  - Early Voting Ballot Board Judge & Members
  - Signature Verification Committee Members
  - Judge for Central Counting Station
- Submit Certification for Vacancies in Nomination /Office
- Certify Nominees for General Election Ballot

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TEXAS SECRETARY OF STATE

Calendar

- Tuesday, February 16 – Friday, February 26
  - Early Voting for March 1 Primary
- Tuesday, March 1, 2016
  - Primary Election Day
- Monday, May 16 – Friday, May 20
  - Early Voting for May 24 Runoff Primary
- Tuesday, May 24, 2016
  - Runoff Primary Election Day

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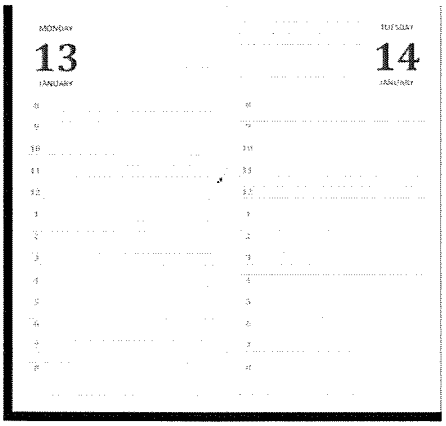
TEXAS SECRETARY OF STATE

"To Do" List for Chairs



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Now

- Think about the following:
  - Contracts - Joint Primary Election Agreement, Countywide Polling Place Program, Contract for Election Services, Lease for Equipment.
    - What works best for your county? What did your county do in 2014?
  - Voting Systems and Ballots
    - What type of voting system does the county usually use? Talking to vendors, etc.
  - Locating and Training Election Workers
    - Talking to previous chair, talking to county and other groups to find workers and how party will train.

TEXAS SECRETARY OF STATE

Contracts

- **Joint Primary** = Parties contract with county to conduct a joint primary.
  - If you are conducting a joint primary, may also consider use of Countywide Polling Place Program. Under the Program, voters may vote at any polling place on election day.
- **Contract for Services** = Party contracts with county to preform certain services.
- **Lease for Equipment** = Party contracts with county or vendor for voting systems.

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Voting Systems

- Optical Scan = Paper ballot that is electronically tabulated. Examples: ES&S M-100, Hart E-Scan.
- Direct Recording Equipment ("DRE") = System that electronically records vote. Examples: Hart E-Slate, ES&S iVotronic

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TEXAS SECRETARY OF STATE

November 5

- Recommended date for county official to hold mandatory meeting with you and other county chair to discuss:
  - Establishment of Early Voting Ballot Board
  - Acceptance of Mail Ballots
  - Processing Manually Counted Early Voting Ballots
- Also recommend discussing contracts – joint primary and contract for election services.

TEXAS SECRETARY OF STATE

December 13

- Deadline for you post required Notice of Address for filing applications. (172.022(b))
  - Posted on the party's internet site, or at location where candidate files.

TEXAS SECRETARY OF STATE

November 14 – December 14

- Accepting and Reviewing Applications for Place on the Primary Ballot
  - Applications for Precinct Chair may be filed starting September 15.
- Submitting Names of Candidates on SOS Website
- Deadline is Monday, December 14 at 6 p.m.

TEXAS SECRETARY OF STATE

December 21

- Extended deadline to receive applications for certain offices:
  - Write-In Candidates for County and Precinct Chairs
  - Unexpired Terms if Vacancy Occurred Between 12/4 and 12/9.
  - Offices that Candidate Dies, Withdraws, or Declared Ineligible in Certain Situations → See Primary Appendices.

TEXAS SECRETARY OF STATE

December 22

- Deadline for you to submit names of all candidates on SOS Website. (172.029)
  - SOS will post all candidates on 12/23.

TEXAS SECRETARY OF STATE

December 24

- Deadline for ballot drawing to be conducted by County Executive Committee or Primary Committee. (172.082)
  - Drawing must be conducted at county seat.
  - Each candidate is entitled to be present or have a representative.
- County Chair MUST post 24 hours' notice on commissioners court bulletin board and party website (if one exists). Must provide electronic notice to candidates who provided an email address on application.

TEXAS SECRETARY OF STATE

December 30

- Recommend deadline to:
  - Submit ballot format to Primary Committee, and seek approval. (172.083)

    NOTE: County Executive Committee may provide for a paper ballot for office of precinct chair. (124.065, 172.090)
  - Order Ballots (after approval) and order supplies. (51.003)
  - Order List of Registered Voters (18.006)

TEXAS SECRETARY OF STATE

January 4

- Recommended deadline for appointing:
  - Judges and Alternate Judges for Polling Places (32.006)
    - Requirement to Appoint Bilingual Clerks (272.009)
  - Presiding Judge of Early Voting Ballot Board (87.002)
  - Presiding Judge of Central Counting Station and Personnel of Central Counting Station (if necessary) (127.002-127.005)
- Must have approval of County Executive Committee.

TEXAS SECRETARY OF STATE

January 13

- Recommended date to conduct testing on electronic voting equipment (L&A Testing). SOS recommends testing before mail ballots are sent.
  - Must publish notice at least 48 hours prior to testing.
  - Ballots to overseas and military voters **MUST** be mailed by **Saturday, January 16**.

TEXAS SECRETARY OF STATE

January 19

- Deadline to submit itemized estimate and request for state funds to cover primary expenses. (173.081(f))

TEXAS SECRETARY OF STATE

February 3

- Deadline to appoint Signature Verification Committee members if a Signature Verification Committee is created. (87.027)

TEXAS SECRETARY OF STATE

February 9

- Deadline to post Notice of Election on commissioners court bulletin board. (4.003, 172.1112)

TEXAS SECRETARY OF STATE

February 16

- Deadline to provide appointed election judges their Writ of Election notifying them of the duty to hold election and number of clerks to be appointed. (4.007)

TEXAS SECRETARY OF STATE

February 22

- Deadline to post Notice of Consolidation (if precincts are consolidated) at polling places used in the preceding primary election. (4.003(b) and 172.1112)

TEXAS SECRETARY OF STATE

February 29

- Deadline to post Notice of Changed Polling Places. (43.062)

TEXAS SECRETARY OF STATE

March 1

- ELECTION DAY
  - Chair prepares unofficial tabulation (172.113)
  - County Election Official will periodically transmit results to the SOS (68.034)

TEXAS SECRETARY OF STATE

March 10

- Deadline for Early Voting Ballot Board to convene and count provisional ballots and late ballots from overseas. (87.125 and 65.051(c))
- Deadline to conduct local canvass, and ballot drawing should be conducted immediately after canvass for county and precinct offices that will have runoff. (172.084 and 52.094)
  - Must provide 72 hours' notice for canvass.
  - Must provide 24 hours' notice for ballot drawing.

TEXAS SECRETARY OF STATE

March 11

- Deadline to submit itemized estimate for state funds to cover runoff expenses. (173.081)

TEXAS SECRETARY OF STATE

March 17

- Recommend date for conducting ballot drawing for state and district candidates that will have runoff.
  - Conducted by Primary Committee at county seat.
  - Must provide 24 hours' notice for ballot drawing. Must provide electronic notice to candidates who provided an email address on application. (172.084)
- Recommend date for Primary Committee to approve ballot and for chair to order ballots. (172.083)

TEXAS SECRETARY OF STATE

March 25

- Recommended deadline for appointing (with approval of County Executive Committee):
  - Judges and Alternate Judges for Polling Places (32.006)
    - Requirement to Appoint Bilingual Clerks (272.009)
  - Presiding Judge of Early Voting Ballot Board (87.002)
  - Presiding Judge of Central Counting Station and Personnel of Central Counting Station (if necessary) (127.002-127.005)
- Recommended deadline for ordering additional supplies.
- Recommended deadline to get List of Registered Voters.

TEXAS SECRETARY OF STATE

March 30

- Deadline for you to provide to state chair, names of persons elected as county and precinct chair for the county. (172.118)

TEXAS SECRETARY OF STATE

March 31

- Deadline for you to submit precinct results of primary election to SOS. (67.017 and 172.124)

TEXAS SECRETARY OF STATE

April 9

- Deadline for early voting clerk to mail out runoff primary ballots to military and overseas voters.
  - Recommended testing electronic voting equipment (L&A testing) before ballots are mailed.
  - Must publish notice at least 48 hours before test.

TEXAS SECRETARY OF STATE

April 27

- Deadline to appoint Signature Verification Committee members if a Signature Verification Committee is created. (87.027)

TEXAS SECRETARY OF STATE

June 2

- Deadline for Early Voting Ballot Board to convene and count provisional ballots and late ballots from overseas. (87.125 and 65.051(c))
- Deadline to conduct local canvass. (172.116)
  - Must provide 72 hours' notice for canvass.

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June 3

- Deadline for chair to submit canvassed returns to state party. (172.119(b))

TEXAS SECRETARY OF STATE

June 13

- Date new party officers take office. (171.022(c))

TEXAS SECRETARY OF STATE

June 23

- Deadline for you to submit precinct results of primary election to SOS. (67.017 and 172.124)
- Deadline to file final cost report of primary expenses with SOS. (173.084)

TEXAS SECRETARY OF STATE

May 3

- Deadline to post Notice of Election on commissioners court bulletin. (4.003, 172.1112)

TEXAS SECRETARY OF STATE

May 9

- Deadline to provide appointed election judges their Writ of Election notifying them of the duty to hold election and number of clerks to be appointed. (4.007)

TEXAS SECRETARY OF STATE

May 16

- Deadline to post Notice of Consolidation (if precincts are consolidated) at polling places used in the preceding primary election. (4.003(b) and 172.1112)

TEXAS SECRETARY OF STATE

May 24

- ELECTION DAY
  - Chair prepares unofficial tabulation (172.113)
  - County Election Official will periodically transmit results to the SOS (68.034)

TEXAS SECRETARY OF STATE

July 13

- Deadline for former county chair to transfer party bank account records to new county chair. (171.028)

TEXAS SECRETARY OF STATE

August 29

- Deadline enter and finalize candidate information for the November general ballot.
  - May have to fill vacancy in nomination/office that occurred on or before August 26, 2016.

TEXAS SECRETARY OF STATE

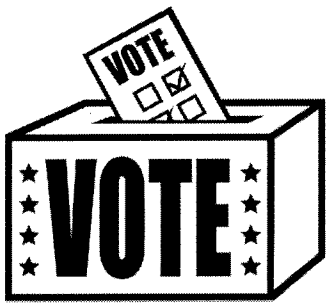
Other Key Dates

- February 1 = Registration Deadline for Primary
- April 25 = Registration Deadline for Runoff

TEXAS SECRETARY OF STATE

Ballots

- Ballot Titles in Spanish
- Ballot Outline
  - Ballot Drawing
  - Ballot Preparation
  - Number of Ballots Needed
  - Format of Ballot
  - Names on Ballot
  - Ballot Correction



TEXAS SECRETARY OF STATE

Ballot Drawing

- Who conducts drawing?
  - The County Executive Committee unless the County Executive Committee provides by resolution that the drawing be conducted by the Primary Committee.
- Where is drawing conducted?
  - Ballot Drawing must be held at the county seat.
- When is ballot drawing?
  - Ballot Drawing must be held no later than December 24, 2015.

TEXAS SECRETARY OF STATE

Ballot Preparation

- Ballots must be prepared, finalized, and tested in time for mail ballots to be mailed in compliance with Section 86.004 of the Texas Election Code, UOCAVA, MOVE.
  - Recommended Deadline =
    - December 30 for Primary
    - March 17 for Runoff Primary

TEXAS SECRETARY OF STATE

Minimum Number of Ballots

Formula for calculating number of ballots to be ordered:

$$A \times B^* + C = D$$

Legend:

A = percentage of voter turnout in a precinct

B* = current number of registered voters in precinct

C = 25% of A x B

D = minimum number of ballots to be ordered

*REGISTERED VOTERS WHO APPEAR ON THE LIST WITH A "S" DESIGNATION DO NOT HAVE TO BE INCLUDED IN THE TOTAL NUMBER OF REGISTERED VOTERS IN THE PRECINCT.

Use figures from last like election (2014 Primary/Runoff Primary Election, as applicable) to perform calculations.

TEXAS SECRETARY OF STATE

Example of Ballot Calculation

Precinct 1

- 10% voter turnout.
- There are currently 595 registered voters.
- 20 registered voters are designated with an "S" in precinct 1.

595 - 20 = 575

10% x 575 = 57

57 x 25% = 14

Therefore:

57 + 14 = 71 (minimum number of ballots to be ordered for precinct 1)

Note: This is a formula for the minimum number of ballots to be ordered. Local issues and circumstances may require that more ballots be ordered.

TEXAS SECRETARY OF STATE

Minimum Number of Ballots - Joint

- The formula for estimating turnout for a joint primary elections is:

  (A x B) + C + D = E

  Legend:

  A = the percentage of voter turnout for the office that received the most votes in the most recent comparable party primary election (percentage is the sum of all votes cast for the office that received the most votes in the most recent comparable party primary election divided by the number of registered voters).

  B = the number of registered voters as of October 2015.

  C = 25% of the number resulting when you multiply A x B.

  D = Other party's estimated turnout figure.

  E = Preliminary Estimated Turnout for Joint-Primary Election.

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TEXAS SECRETARY OF STATE

Ballot Format Requirements

- Printed on white or light-colored paper with black ink or some other color as approved by SOS.
- Sample ballots printed on yellow paper.
- Numbered consecutively beginning with 1.
- Must be in uniform size and type.
- Ballots must be bilingual.

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TEXAS SECRETARY OF STATE

Ballot Format Requirements

- **Nature of the election** and **date of the election** must be printed at the top of the ballot.
- "**OFFICIAL BALLOT**" must be printed in large letters on the ballot immediately below the designation and date of the election.
- "Order of races = Section 52.092 of Texas Election Code.
- "voting squares" and mandatory instructions = Sections 52.070, 52.071 & 124.063 of the Texas Election Code.

TEXAS SECRETARY OF STATE

Ballot Format – Joint Primary

- The county election officer shall prepare ballots in a joint primary so that each party's ballots are easily distinguishable. The county election officer may use different colors of paper in order to achieve this distinction. (Note: Yellow paper may not be used. Only sample ballots may be printed on yellow paper.)

TEXAS SECRETARY OF STATE

Name of Candidate on Ballot

- Subchapter B of Chapter 52 of the Texas Election Code
- **Basic Rule**
  - given name or initials first, followed by a nickname, if any, followed by the surname (last name).

TEXAS SECRETARY OF STATE

Name of Candidate on Ballot

- A candidate may use one or more of the following in combination with his or her surname:
  - given name or initials of given name; or
  - a contraction or familiar form of a given name by which the candidate is known.
  - a suffix such as "Sr.," "Jr.," or "2nd" may be used in combination with a candidate's name.

TEXAS SECRETARY OF STATE

Name of Candidate on Ballot

- **Nickname Rules**
  - One unhyphenated word of not more than 10 letters.
  - Must have been commonly known by nickname for at least three years preceding the election.
  - Must execute an affidavit that the nickname complies with section 52.031(c) of the Election Code.
    - The SOS has included the nickname affidavit in the prescribed candidate application.
  - The nickname may be set off with ( ) or " ".
  - The nickname may not have any political, economic, social or religious connotation or constitute a slogan.

TEXAS SECRETARY OF STATE

Name of Candidate on Ballot

- Titles or designation of office, status, or position are generally **prohibited**.
- Names of married woman or widows.
- Two candidates with same or similar names may use a title or description of not more than four words to distinguish themselves.

TEXAS SECRETARY OF STATE

Ballot Correction

- Occurs when mistake on ballot could affect the choice of the voter.
- Three options for correcting a ballot:
  - Stickers,
  - Line out or otherwise obscure, or
  - Reprint.
- **Requirements** for a Ballot Correction: (52.006-52.0064, Election Code)
  - Notify SOS within 24 hours of decision.
  - Destruction of incorrect Ballots.
  - Make record of ballots destroyed.
  - Order new ballots beginning with ballot #1.
  - Mail corrected ballots to voters who have been mailed a ballot if time permits and the correction would affect the choice of the voter.

Election Workers

- Qualifications
- Number Appointed
- Appointing Authority
- Duties
- Vacancies

Qualifications – Poll Workers

	Election Judge	Election Clerk
Qualified Voter of _____	Precinct (If unable to find qualified voter of precinct, may use qualified voter of political subdivision → clerk requirements)	Political Subdivision (County, City, etc.)
Can be an employee of political subdivision?	**Yes** – if there is no other legal or practical conflict, e.g. employee of candidate.	**Yes** – if there is no other legal or practical conflict, e.g. employee of candidate.
Can be a candidate?	**No** – if candidate for a *contested* office in election held on that day → cannot serve in a precinct for which candidate appears on ballot.	**No** – if candidate for a *contested* office in election held on that day → cannot serve in a precinct for which candidate appears on ballot.
Can be a relative of candidate?	**No** – if related within the second degree of consanguinity or affinity to an *opposed* candidate → cannot serve in a precinct for which candidate appears on ballot.	**No** – if related within the second degree of consanguinity or affinity to an *opposed* candidate → cannot serve in a precinct for which candidate appears on ballot.
Can be an employee of candidate?	**No** – if candidate is *opposed* and employer of judge → cannot serve in a precinct for which candidate appears on ballot.	**No** – if candidate is *opposed* and employer of clerk → cannot serve in a precinct for which candidate appears on ballot.
Can be employee of campaign?	**No** – if campaign manager or treasurer. **Unadvisable** – If serving other role within campaign.	**No** – if campaign manager or treasurer. **Unadvisable** – If serving other role within campaign.
Can be an public officeholder?	**No** – if they hold elective public office.	**No** – if they hold elective public office.
Can be convicted of election offense?	**No** – if finally convicted of election related offense.	**No** – if finally convicted of election related offense.

FAQs - Relatives of Candidates

Q: Can a person that is not related within the first or second degree of marriage or blood be appointed?

A: Yes, but we recommend being cautious in situations like these as there may be a perception of bias. We also recommend equal treatment among potential workers, e.g., if you allow one eligible relative of a candidate to work, you should allow another eligible relative of different candidate.

FAQs - Campaign Staff/Supporters

Q: Can a person that works on a candidate's campaign but is not the campaign manager/treasurer be appointed?

A: Yes, but we recommend being cautious in situations like these as there may be a perception of bias. We also recommend equal treatment among potential workers.

Qualifications – Early Voting Ballot Board and Signature Verification Committee

	Early Voting Ballot Board Judge and Member	Signature Verification Committee Member
Qualified Voter of _____	Territory served by early voting clerk.	The county in a primary election.
Must meet all other requirements of an election judge?	Yes.	No requirement.

Qualifications – Central Counting Station (CCS)

	CCS Manager	Tabulation Supervisor	Assistant Tabulators	CCS Judge	CCS Clerks
Registered Voter of _____	Political subdivision of authority establishing CCS	Political subdivision of authority establishing CCS	No requirement.	Political subdivision of authority adopting voting system	Political subdivision.
Registered voter unless...	Person is employee or it's the first year of adoption	Person is employee	N/A	N/A	N/A
Can be an employee of political subdivision?	Yes.	Yes.	Yes.	Yes.	Yes – if no other legal or practical conflict.
Can be a candidate or officeholder?	Yes – if general custodian of election records.	No.	Yes – if no other legal or practical conflict.	Yes – if general custodian of election records.	No.
Other requirements	Knowledge of voting system	Trained on voting system.	Trained on voting systems	None.	None.
Must meet other requirements of an election judge?	Yes.	Yes.	No.	Yes.	Must meet clerk requirements.

FAQs – Personnel

Q: Do I need to perform a criminal background check on personnel?

A: Yes. You need to perform a background check on all election officials, staff and temporary workers who will engage in pre-election programming, testing and preparing of the voting system equipment for early voting and election day. Please see Election Advisory 2012-02 for more information. After conducting the background check, you will need to decide whether to hire someone if they have a criminal record.

Number of Personnel

Location	Number	Roles
Precinct Polling Location	-Minimum of 3 per precinct -Maximum # of clerks set by appointing authority (county chair)	-Presiding Judge -Alternate Judge/Clerk -Election Clerks
Early Voting Personnel	-Recommend 2 per early voting location. -No maximum - appoint # of deputies necessary to conduct early voting.	-Early Voting Clerk -Deputy Early Voting Clerk
Early Voting Ballot Board	-Minimum of 3 – presiding judge and two other members. -No maximum – appoint # necessary for Board tasks.	-Presiding Judge -Early Voting Ballot Board Members
Signature Verification Committee (If any)	-Minimum of 5 members. -No maximum – appoint # necessary to conduct committee tasks.	-Signature Verification Committee Members
Central Counting & Central Accumulation Station	-Minimum of 3: CCS manager, tabulation supervisor & presiding judge. -Minimum of 4 for elections in which alternate presiding judge appointed. -No maximum – may appoint # of clerks and assistants to tabulation supervisor as necessary	-Central Counting Station Manager -Tabulation Supervisor -Assistants to Tabulation Supervision -Presiding Judge -Clerks

Number of Workers Per Precinct

Number of Election Workers Per Voting Precinct (1 T.A.C. 81.117) (Includes one judge and one alternate judge who serves as a clerk)		
Estimated Turnout Per Polling Location	Paper Ballot/Optical Scan (primary voting method)	Electronic Voting System (primary voting method)
200 or fewer	3	3
201 - 400	5	4
401 - 700	6	5
701 - 1,100	8	6
1,101 or more	12	8

Number of Workers – Joint Primary

Number of Election Workers Per Joint-Voting Precinct (1 T.A.C. 81.149) (Includes two co-judges and two alternate judges who serve as a clerk)		
Estimated Turnout Per Joint-Polling Location	Paper Ballot/Optical Scan (primary voting method)	Electronic Voting System (primary voting method)
200 or fewer	4	4
201 - 400	6	5
401 - 700	7	6
701 - 1,100	9	7
1,101 or more	13	9

FAQs - Personnel

Q: Do I need to hire elections clerks that are bilingual?

A: Yes-if 5% or more of inhabitants of a precinct are of Spanish origin or descent, you must make a reasonable effort to appoint a sufficient number of bilingual clerks. We recommend working with people in your community to locate bilingual clerks, e.g. language teachers, minority groups, civic teachers, current elections workers, etc.

NOTE: <u>If you cannot find enough bilingual clerks, you must provide one bilingual worker at a central location to provide translation and assistance.</u>

Who Appoints for Primary Election?

Position	Appointer
Election Judge (Presiding and Alternate)	County Chair, with approval of County Executive Committee (32.006)
Election Clerks	Presiding Judge (32.003)
Early Voting Clerk	N/A - EVC is County Clerk/Elections Administrator (83.002)
Deputy Early Voting Clerks	County Clerk/Elections Administrator (83.032)
Early Voting Ballot Board Judge	County Chair, with approval of County Executive Committee (32.006 and 87.002(a))
Early Voting Ballot Board Member	Presiding Judge of Early Voting Ballot Board (87.002(a))
Signature Verification Committee Member	County Chair (87.027(b))
Central Counting Station Manager	Authority Establishing Central Count (127.002)
Tabulation Supervisor	Authority Establishing Central Count (127.003)
Assistants to the Tabulation Supervisor	Tabulation Supervisor, with approval of Authority Establishing Central Count (127.004)
Presiding Judge of Central Count	County Chair, with approval of County Executive Committee (32.006 and 127.005(a))
Clerk of Central Counting Station	Central Counting Station Manager or Presiding Judge of Central Count (127.006)

Who Appoints for Joint Primary?

Position	Appointer
Election Judge (Presiding and Alternate)	County Clerk via "List Procedure" (172.126) Must have at least one co-judge from each party.
Election Clerks	County Clerk via "List Procedure" (172.126) Must have at least one clerk from each party.
Early Voting Clerk	N/A - EVC is County Clerk/Elections Administrator (83.002)
Deputy Early Voting Clerks	County Clerk/Elections Administrator (83.032)
Early Voting Ballot Board Judge	County Clerk via "List Procedure" (172.126)
Early Voting Ballot Board Member	County Clerk via "List Procedure" (172.126)
Central Counting Station Manager	County Clerk via "List Procedure" (172.126)
Tabulation Supervisor	County Clerk via "List Procedure" (172.126)
Assistants to the Tabulation Supervisor	County Clerk via "List Procedure" (172.126)
Presiding Judge of Central Count	County Clerk via "List Procedure" (172.126)
Clerk of Central Counting Station	County Clerk via "List Procedure" (172.126)

Joint Primary

- Party parity is required in appointments from lists submitted by the chairs of both parties. (172.126)

Who Appoints for 2016 November General?

Position	November General
Election Judge (Presiding and Alternate)	County Commissioners Court via "List Procedure" (32.002)
Election Clerks	Presiding Judge via "List Procedure" (32.034)
Early Voting Clerk	N/A is EVC is County Clerk/Elections Administrator (83.002)
Deputy Early Voting Clerks (Office Personnel)	County Clerk/Elections Administrator (83.032)
Early Voting Election Officers (Polling Place Personnel)	County Clerk via "List Procedure" (85.009)
Early Voting Ballot Board Judge	County Election Board via "List Procedure" (87.002(d))
Early Voting Ballot Board Member	County Election Board via "List Procedure" (87.002(c))
Signature Verification Committee Member	County Election Board via "List Procedure" (87.027(b))
Central Counting Station Manager	Authority Establishing Central Count (127.002)
Tabulation Supervisor	Authority Establishing Central Count (127.003)
Assistants to the Tabulation Supervisor	Tabulation Supervisor, with approval of Authority Establishing Central Count (127.004)
Presiding Judge/Alternate Judge of Central Count	County Commissioners Court via "List Procedure" (32.002 and 127.005)
Clerk of Central Counting Station	Central Counting Station Manager or Presiding Judge of Central Count (127.006)

Party Parity – "List Procedure"

Position	Date List Due	Who May Submit List	List Submitted to...
Election Judge (Presiding and Alternate)	June 30 in a county over 100k July 31 in a county under 100k	The County Chair of party with highest and second highest gubernatorial votes.	County Commissioners Court
Election Clerks	25th day before election day	The County Chair of party with highest and second highest gubernatorial votes.	Presiding Judge of Precinct (If no judge appointed by 25th day, list is submitted to county chair of party with highest number of gubernatorial votes and commissioners court.)
Early Voting Election Officers (Polling Place Personnel)	June 30 in all counties.	The County Chair of each political party holding a primary in the county.	County Clerk
Early Voting Ballot Board Judge/Member	No prescribed date. Recommend by date of other appointments for judges.	The County Chair of each political party with nominees on the general election ballot.	County Election Board
Signature Verification Committee Member	No prescribed date. Recommend lists be submitted by 32nd day before election day.	The County Chair of each political party with nominee or aligned candidate on the ballot.	County Election Board
Presiding Judge/ Alternate Judge of Central Count	June 30 in a county over 100k July 31 in a county under 100k	The County Chair of party with highest and second highest gubernatorial votes.	County Commissioners Court

Duties

Position	Duties
Election Judge	Management of polling place on election day; preserve order and prevent breaches of peace. Management of clerks hours and activities.
Election Clerks	Performs duties assigned by judge in conducting election.
Early Voting Clerk	Officer in charge of conducting early voting for the election. Also, maintains hours on election day for early voting activities. Provide notice of clerks address per 83.010.
Deputy Early Voting Clerk	Also, an officer of the election for conducting early voting with same authority of EVC subject to their supervision.
Early Voting Ballot Board Judge and Members	EVBB process early voting results for the election and processes provisional ballots.
Signature Verification Committee Member	SVC compares signatures on application for mail ballot to carrier envelope to confirm signature is that of the voter's.
Central Counting Station Manager	Management of central counting station and personnel; established written plan for station.
Tabulation Supervisor	Management of automatic tabulating equipment for counting ballots.
Assistants to the Tabulation Supervisor	Assists with automatic tabulating equipment.
Judge of Central Count	Maintaining order of station, and conferring with personnel and review of irregularly marked ballots.
Clerk of Central Counting Station	Assists manager or judge with functions of station.

Duties - Joint

- A co-judge may only process provisional voters from the judge's own party. (This applies to the provisional process at the polling place.)
- A co-judge may only determine a voter's intent on an irregularly marked ballot cast by a voter from the co-judge's own party. (This limitation applies to individuals serving in a co-judge capacity at the polling place, early-voting-ballot board, or central counting station.)

Types of Vacancies

- Vacancy for Election
- "True" Vacancy for Term Appointed Judge

Vacancy for Election

- Occurs when a presiding judge cannot serve for that election. Example: A judge is appointed for a one year term. The judge has an illness that prevents them from serving on election day, but they can serve in future elections in their term.
- What happens? Alternate judge will serve as presiding judge and appoint additional clerks as needed. (32.001)

Emergency Appointment

- **ONLY** happens if presiding **AND** alternate cannot serve on election day. Example: Presiding judge is sick, and alternate has to leave town for a family emergency. (32.002)
- What happens? If after the 20th day before election or 15th day before special election, appointing authority appoints a replacement judge. If appointing authority is unavailable, can be authority for distributing supplies.

"True" Vacancy

- Occurs when a presiding judge cannot serve for their appointment. Example: A judge is appointed for a one year term, but then moves out-of-state. This creates a "true" vacancy.
- What happens? Appointing authority should appoint a replacement judge for the remainder of the term. If close to an election, and no time to appoint a replacement, alternate judge would serve as presiding.

TEXAS SECRETARY OF STATE

Election Day Procedures and Provisional Voting

Ashley Fischer
Election Law Seminar for County Chairs

TEXAS SECRETARY OF STATE

Agenda

1. General Information
2. Qualifying Voters
3. People in the Polling Place
4. Voter Assistance
5. Interpreters
6. Electioneering
7. Miscellaneous Polling Place Procedures
8. Provisional Voting

TEXAS SECRETARY OF STATE

General Information

- Polls are open from 7 a.m. to 7 p.m.
  - Election judges and clerks should arrive early enough to setup the polling location before 7 a.m.
  - Any voter standing in line at 7 p.m. will be able to vote.

TEXAS SECRETARY OF STATE

Qualifying Voters

1. Voter Provides Acceptable Form Identification
2. Voter is Located on List of Registered Voters
3. Have You Moved?
4. Check-in Voter
5. Voter Signs Combination Form and Accepts Applicable Affidavits
6. Voter Casts Ballot

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TEXAS SECRETARY OF STATE

Step 1: Voter Identification

- Election workers should ask each voter to present acceptable identification.
- The voter should present his/her photo identification, **or** a voter's registration certificate with an (E) notation signifying that the voter has a permanent disability exemption.

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TEXAS SECRETARY OF STATE

Acceptable ID

There are 7 forms of acceptable ID:

- Texas driver license issued by the Texas Department of Public Safety (DPS)
- Texas Election Identification Certificate issued by DPS
- Texas personal identification card issued by DPS
- Texas handgun license issued by DPS
- United States military identification card containing the person's photograph
- United States citizenship certificate containing the person's photograph
- United States passport

A voter can use *any* form of acceptable ID

Images of acceptable IDs may be found on our website.

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TEXAS SECRETARY OF STATE

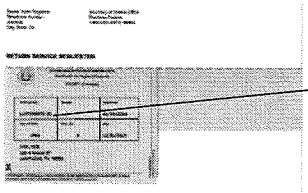
ID Must be Valid

- The identification must be current or have expired no more than 60 days before being presented for voter qualification at the polling place.
- NOTE: There are some forms of acceptable identification that do NOT expire and are current at the time of voting:
  - Certificates of Citizenship/Naturalization
  - Uniformed Services IDs (Military)
  - Veterans Affairs IDs (Military)
  - EICs for voters 70 years of age or older

TEXAS SECRETARY OF STATE

Permanent Exemption

If a voter has applied for and received a permanent exemption to the photo ID requirement, they will provide a voter registration certificate with an (E) notation.



NOTE:
Designation of (E) next to VUID Number.

Example:
1197099876 (E).

TEXAS SECRETARY OF STATE

Common FAQs

Q: Does the voter still have to provide their voter registration certificate?

A: No. The voter only needs to provide ONE of the seven acceptable forms of ID. Most commonly, this will be a Texas Driver's License.

Unless, they have a permanent disability exemption, and show their registration certificate with the (E) notation.

TEXAS SECRETARY OF STATE

Common FAQs

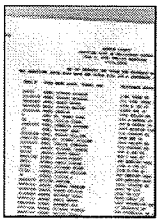
Q: What if a voter does not have one of the seven forms of ID or registration certificate with an (E)?

A: **The voter will be offered a provisional ballot.** Within 6 days of the election, the voter may appear at the Voter Registrar to show an ID or execute an applicable affidavit for a permanent or temporary exemption. **No voter should be turned away from the polls for failing to provide photo ID.**

TEXAS SECRETARY OF STATE

Step 2: List of Registered Voters

- Locate the voter's name on the List of Registered Voters, and:
  1. Confirm registration status;
  2. Confirm name is the same or "substantially similar"
  3. Look for early voting status ("early" or "voted" notation);
  4. Check for suspense list status ("S" notation).



TEXAS SECRETARY OF STATE

Confirming Registration Status

- If voter appears on list of registered voters, election worker should move to the next step.
- If voter the voter does not appear on the List of Registered Voters, one of the following situations may apply:
  1. Incorrect Certificate, Appearing at Correct Precinct
  2. Correct Certificate, Erroneously Omitted from List
  3. No Certificate, Not On List

TEXAS SECRETARY OF STATE

Contacting Voter Registrar

- Election judges and clerks may contact the voter registrar when a voter comes into the polling place if his/her name is not on the list of registered voters for the precinct to determine if the voter is registered in another precinct.
- The judge or clerk should direct the voter to the correct precinct.
- A voter who has not updated his registration information and who insists on voting in the "wrong" precinct must vote provisionally.

TEXAS SECRETARY OF STATE

Name Matches

- Election workers will need to fully compare the voter's name listed on the List of Registered Voters to the name listed on the acceptable form of ID.

TEXAS SECRETARY OF STATE

Names are Identical

- If the voter's name on the List of Registered Voters is identical to the name on the ID, the voter will proceed as usual.
- Example:

Texas Driver License

Lady Bird Johnson
123 Texas Way
Austin, Texas 71234

Date of Birth: 12/22/1912

Precinct 1 – Travis County
List of Registered Voters

Lady Bird Johnson
123 Texas Way
Austin, Texas 71234

Date of Birth: 12/22/1912

TEXAS SECRETARY OF STATE

What are Substantially Similar Names

- **Names that are:**
  1. Slightly Different: Marc Cuban vs. Mark Cuban, or Jamie Foxx vs. Jamie Fox
  2. Customary Variation: Sam Houston vs. Samuel Houston, or Henry B. Gonzales vs. Enrique B. Gonzales
  3. Initial, Middle Name or Former Name: Lyndon B. Johnson vs. Lyndon Baines Johnson, or Laura Lane Welch vs. Laura Welch Bush
  4. Different Field: Sandra Day vs. Sandra Day O'Connor, or Beyonce Knowles vs. Beyonce Knowles-Carter

TEXAS SECRETARY OF STATE

Totality of the Circumstances

- Use all information on ID and the List of Registered Voters to assist in the determination:
  - Address
  - Date of Birth
  - Photograph

TEXAS SECRETARY OF STATE

Totality of the Circumstances

- Sylvester "Sly Stone" Stewart

Texas Driver License

Sylvester Stewart
237 Funk Drive
Austin, Texas 78701

Date of Birth: 3/15/1943

Precinct 1 – Travis County
List of Registered Voters

Sly Stone Stewart
237 Funk Drive
Austin, Texas 78701

Date of Birth: 3/15/1943

TEXAS SECRETARY OF STATE

Processing the Voter

- Voters with identical matches, proceed as usual.
- Voters with similar name will need to initial the affidavit on combination form, and then proceed to cast a regular ballot.

TEXAS SECRETARY OF STATE

"Voted" Notation

- If "voted" appears next to the persons name on the List of Registered Voters, that signifies they voted early.
- This voter should be offered a provisional ballot, unless they have their mail ballot or have a Notice of Improper Delivery.

TEXAS SECRETARY OF STATE

Step 3: Have You Moved?

- Clerks must ask **EVERY** voter if they still live at the address shown on the List of Registered Voters.
- There is no "correct" form of this question
  - "Is this still your correct address?"
  - "Are you still at 123 Texas Drive?"

TEXAS SECRETARY OF STATE

Voter States they Moved

If the voter has moved, they need to complete a Statement of Residence form showing their new address.

TEXAS SECRETARY OF STATE

Suspense Voters = "S" Notation

A voter must complete a Statement of Residence ("SOR") if there is an "S" notation next to voter's name on the list of registered voters.

NOTE: The voter may only vote a regular ballot if the address the voter lists on the SOR is still within the same county.

TEXAS SECRETARY OF STATE

Common FAQs

Q: Does a voter's address on their ID have to match the address listed on the List of Registered Voters?

A: **No. However, a voter's address can be used to help verify a voter's identity.**

TEXAS SECRETARY OF STATE

The address on a voter's ID does NOT have to match their voter registration address!

TEXAS SECRETARY OF STATE

Residency Issues

When a voter has moved and not updated their registration:

- Voter Moved Within County
  - Under the law, the voter is able to return to their precinct of registration or "old precinct," complete a Statement of Residence (SOR) and cast their ballot. The SOR will serve to update their registration for future elections.
- Voter Moved Into the County
  - On election day, the voter may only cast a provisional ballot. The provisional affidavit will serve to update their registration for future elections.

TEXAS SECRETARY OF STATE

Step 4: Check-In Voter

TEXAS SECRETARY OF STATE

Step 5: Voter Signs Combination Form and Accepts Applicable Affidavits

- The voter will sign their name in the appropriate location.
- If the voter needs to accept either or both the Voter's Affidavit or Similar Name Affidavit, the voter will need to initial in the appropriate location.

TEXAS SECRETARY OF STATE

Step 6: Voter Casts Ballot

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People in the Polling Place

- ALLOWED:
  - Election Workers
  - Voters
  - Minors with parent/guardian
  - Poll watchers, inspectors, SOS
  - Interpreters/Assistants
  - Law enforcement (if requested by presiding judge)

TEXAS SECRETARY OF STATE

People in the Polling Place

- ALLOWED, cont.
  - County Chairs: As necessary to perform "administrative functions."
    - Examples
      - repairing a voting system
      - providing supplies, such as ballots.

TEXAS SECRETARY OF STATE

People in the Polling Place

- NOT ALLOWED:
  - Candidates (§ 61.001(b))
    - Unless voting, assisting a voter, or conducting official business in the building.
  - Bystanders (§ 61.001(a))
    - People who are not in the polling place to vote or for one of the other permitted reasons.

TEXAS SECRETARY OF STATE

Assisting a Voter

- Who is eligible for assistance?
  - A voter who has a physical disability that renders the voter unable to write or see.
  - A voter who has an inability to read the language in which the ballot is written. (64.031)

TEXAS SECRETARY OF STATE

Assisting a Voter

- What types of assistance are allowed?
  - Reading the ballot to the voter.
  - Directing the voter to read the ballot.
  - Marking the voter's ballot.
  - Directing the voter to mark the ballot. (64.0321)

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TEXAS SECRETARY OF STATE

Assisting a Voter

- Who is eligible to assist a voter?
  - Any person that the voter chooses.
    - Except: The voter's employer, an agent of their employer, or an officer or agent of the voter's union.
  - This includes candidates!
- A person can provide assistance regardless of:
  - The fact that they have assisted someone else.
  - Their residence, citizenship, age or voter registration status.

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TEXAS SECRETARY OF STATE

Assisting a Voter

- What if the voter doesn't choose the assistant?
  - Election workers may assist a voter.
  - **Two** workers **must** assist together. (One worker may assist during early voting.) (64.032(b))

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TEXAS SECRETARY OF STATE

Assisting a Voter

- Who else can be there?
  - If the voter chooses their assistant, no one else may be present.
  - If election workers are assisting a voter, poll watchers may be present to observe.

TEXAS SECRETARY OF STATE

Assisting a Voter

- What else does an assistant need to do?
  - Take the Oath of Assistance.
  - Name and address must be entered next to voter's name on poll list. (64.032(d), 64.034, 64.035, 64.036)

TEXAS SECRETARY OF STATE

Assisting a Voter

- Election official must ask voter if voter wants entire ballot read to him/her, and if so, must instruct assistant to do so.
- Must NOT mark ballot in any way other than how the voter indicates he/she wants the ballot marked. Offense is a Class A misdemeanor.

TEXAS SECRETARY OF STATE

Election Officials Assisting Voters

- Two election officials may assist a voter. (One during early voting.)
- Entire ballot must be read to voter unless voter states that they only want to hear certain offices or measures.
- Election officials must also take Oath of Assistance, though only need to take oath once. (§ 33.057, 34.002(b), 64.032, 64.033)

TEXAS SECRETARY OF STATE

Election Officials Assisting Voters

- Election workers' names are not entered next to voter's name on poll list.
- Poll watcher and inspectors may observe assistance when provided by election officials.

TEXAS SECRETARY OF STATE

Assisting a Voter – Curbside Voting

- What is curbside voting?
  - –If voter is unable to enter a polling place without assistance or likelihood of injury, he/she may be assisted "curbside." (64.009)

TEXAS SECRETARY OF STATE

Interpreting for a Voter

- An interpreter may also assist a voter
  - Interpreters must be registered voters of the political subdivision. Interpreter must take Oath of Interpreter.
  - Remember: Unless voter needs the interpreter to read the ballot because voter cannot read the language in which the ballot is printed OR unless voter is eligible for assistance, the interpreter's job ends when voter gets his/her ballot.
  - If the above is the case, the interpreter/assistant will need to treated as **BOTH** an interpreter and an assistant . (61.032, 61.033, 61.035)

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TEXAS SECRETARY OF STATE

What is Electioneering?

- Electioneering is advocating for or against a candidate, measure, party or issue within 100 feet of an outside door through which a voter may enter the polling place.
  - Section 61.003 provides that electioneering includes "the posting, use, or distribution of political signs or literature."
- Electioneering is a crime; it is a Class C misdemeanor. (§ 61.003)

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TEXAS SECRETARY OF STATE

Electioneering

- The entity that owns or controls a public building being used as an election day or early voting polling place may not, at any time during the voting period, prohibit electioneering on the building's premises outside of the 100-foot distance marker, but may enact reasonable regulations concerning the time, place, and manner of electioneering.
  - Example: electioneering may not be completely prohibited outside the 100-foot distance from the entrance to a school building being used as a polling place.

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TEXAS SECRETARY OF STATE

What is NOT electioneering?

- Voter Assistance Materials (§ 61.011)
  - Voters are permitted to bring written materials into the voting place to help them vote.
    - Election officials should periodically check the polling place and dispose of any such materials left behind.
- Exit polling, if not disruptive.

TEXAS SECRETARY OF STATE

What is NOT electioneering? (con't)

- Name Tags Worn by Certain Officials (§§ 33.051, 61.010)
  - Election judges, clerks, state or federal inspectors, peace officers, and poll watchers must wear name tags or official badges while on duty to identify them.
    - Upon accepting a **poll watcher** for service, an election official will provide the poll watcher with an ID (prescribed by the SOS), which the poll watcher must wear while serving as a watcher.
    - No other person may wear a name tag or badge in the polling place. An offense is a Class C misdemeanor.

TEXAS SECRETARY OF STATE

If electioneering is going on ...

- What if someone is electioneering? (§ 32.075)
  - Presiding judge has responsibility to ensure safe, confidential voting at polling place.
  - Presiding judge may ask a disruptive person to leave.
    - If a voter, they must be given the opportunity to vote before removal from polling place.
- What if they won't stop?
  - The presiding judge may summon a peace officer.

TEXAS SECRETARY OF STATE

Electioneering: Tips to Remember

- Electioneering is permitted outside the 100 foot distance markers:
  - Unless person is using a prohibited sound amplification device, such as a megaphone or speaker system, within 1,000 feet of polling place.
  - Unless reasonably restricted on the premises of a public building.
  - Presiding judge may not enforce outside of distance markers.

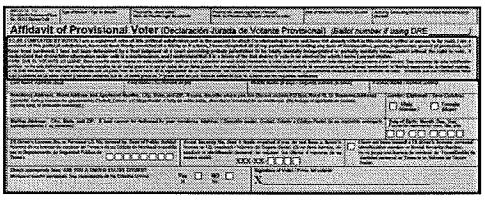
TEXAS SECRETARY OF STATE

Miscellaneous Polling Place Procedures

- Wireless communications devices or mechanical or electronic devices to record sound or images may not be used within 100-feet of voting stations. Such devices include cell phones, digital phones, cameras, phone cameras, and sound recorders. Presiding election judge has authority to require persons to deactivate any such devices and to require persons who do not comply to leave the polling place. (§§ 61.014, 62.0111)

TEXAS SECRETARY OF STATE

Provisional Ballots


Affidavit of Provisional Voter (Declaración Jurada de Votante Provisional)

TEXAS SECRETARY OF STATE

Why are provisional ballots important?

THEY ARE THE LAW!!!

TEXAS SECRETARY OF STATE

HAVA Requirements

- In 2002, the Help America Vote Act required that provisional ballots be offered to:
  1. Any voter that declares that they are a registered and eligible voter of the precinct in which they are appearing, and
  2. Any voter whose eligibility is called into question by an election official, e.g. shown have to have voted early by mail.

52 U.S.C. § 21082

TEXAS SECRETARY OF STATE

Texas Election Code Requirements

- Texas law echoes the federal requirements, but also adds that a voter may vote provisionally if they do not have the required identification.

Tex. Elec. Code § 63.011

TEXAS SECRETARY OF STATE

Why are provisional ballots important?

THEY HELP THE VOTER!!!

TEXAS SECRETARY OF STATE

Why are provisional ballots important?

- We often hear from voters that provisional ballots "do not matter."
- We also have heard stories of election workers telling voters that their provisional ballot "will not count."
- However, this is not true. Provisional ballots often end with a voter's ballot being counted, when it otherwise wouldn't have counted.

TEXAS SECRETARY OF STATE

Why are provisional ballots important?

A provisional ballot helps the voter when...

- An error occurred when they went to DPS to obtain/update a license and the registration information was not transmitted to SOS.
- When an error occurred on the list of registered voters, e.g. city annexed land and did not provide an updated map.
- The voter's registration application is smudged/poor-handwriting.
- When an registration update was timely post-marked but was delivered to VR after the OLRV was printed.
- When a voter registered through a VDR, but the VDR did not turn in the application.

TEXAS SECRETARY OF STATE

Why are provisional ballots important?

THEY REGISTER THE VOTER!!!

TEXAS SECRETARY OF STATE

Why are provisional ballots important?

- By casting a provisional ballot-even if it's not accepted- the person will become a registered voter.

TEXAS SECRETARY OF STATE

Moral of the Story

Provisional ballots **must** be offered to voters when required!!!

TEXAS SECRETARY OF STATE

General Procedures

Voter – Executes Affidavit Envelope and Casts Provisional Ballot at Polling Place

Election Judge/Early Voting Clerk – Completes Portion of Envelope and Transfers Ballot to General Custodian

General Custodian of Election Records – Prepares Ballots for Transfer to Voter Registrar

Voter Registrar – Reviews Voter's Status and Completes Portion of Envelope

General Custodian of Election Records/Presiding Judge of Ballot Board – Prepares for counting

Early Voting Ballot Board – Determines to Accept/Reject Provisional Ballot and Provide Notice to Voter

General Custodian of Election Records – Preserves Records

TEXAS SECRETARY OF STATE

Polling Place Procedures

TEXAS SECRETARY OF STATE

Preparing the Polling Place

- The supplies sent to the polling place must include.
  - The green Affidavit of Provisional Voter envelope.
  - The white Secrecy Envelope.
  - The Notice to Provisional Voter.
  - The List of Provisional Voters.
  - Secured container for provisional ballots.

TEXAS SECRETARY OF STATE

Preparing the Polling Place

- The election judge/deputy early voting clerk should setup the polling place to allow for provisional ballots. The setup will depend on if you are using:
  - Paper or optical scan ballots
  - DREs

TEXAS SECRETARY OF STATE

Paper and Optical Scan Ballots

- The election judge should set aside a sufficient number of regular ballots, and stamp or mark them "provisional" on the back of the ballot.
- The ballots should be disarranged as to allow for a random numerical order.
- The provisional ballots should be kept separate from regular ballots to avoid a voter getting the incorrect ballot.

TEXAS SECRETARY OF STATE

DREs

- If your DRE system is capable of segregating provisional ballots from the regularly-cast ballots, and adding accepted provisional ballots to the vote total, you may use your DRE for voters casting a provisional ballot. (This oftentimes involves the equipment providing a code that can be used later to count the ballot.)
- If you are using DREs, the election judge needs to be prepared to setup and operate the system for provisional voting.

TEXAS SECRETARY OF STATE

DREs

- All DREs currently certified in Texas can be used for provisional voting:
  - ES&S iVotronic
  - Hart e-Slate
  - Premier Accu-Vote

TEXAS SECRETARY OF STATE

DREs

- You are not required to use DREs for provisional ballots, and may use optical scan ballots.
- However, you will need to make sure:
  - A voting booth is provided for voters to have privacy while marking their ballots, and indelible ink.
  - If you are participating in the countywide polling program you will need ensure that all ballot styles will be available. (In these cases, likely easier to use DREs.)

TEXAS SECRETARY OF STATE

Polling Place Procedures (T.A.C. 81.172)

- A provisional ballot must be offered when...
  1) A voter who does not provide an acceptable form of identification.
  2) A voter whose name not an exact match or not substantially similar.
  3) A voter whose identity cannot be verified by the identification presented.
  4) A voter who has received a disability exemption under, but does not have voter registration certificate indicating such exemption.
  5) A voter whose name does not appear on the list of registered voters and does not have a registration certificate, but states they are a registered and eligible voter of the precinct.

TEXAS SECRETARY OF STATE

Polling Place Procedures (T.A.C. 81.172)

- A provisional ballot must be offered, cont.
  6) A voter who has applied for a ballot by mail, but has not yet properly cancelled the mail ballot application.
  7) A voter who votes during the polling hours that are extended by a state or federal court.
  8) A voter who is registered in another precinct other than the one the voter is registered.
  9) A voter who is on the precinct list of registered voters, but whose registered residence address is outside the political subdivision for which the voter is seeking to vote.
  10) Other _____(with an explanation).

TEXAS SECRETARY OF STATE

Polling Place Procedures (T.A.C. 81.173)

- If a voter fits into one of these categories, the election worker shall inform the voter of their right to cast a provisional ballot.
  - If the voter is not appearing on the list of registered voters, the election worker may assist the voter in determining if they are registered in another precinct.
    - Using an e-pollbook, or calling Voter Registrar.

TEXAS SECRETARY OF STATE

New Procedure

- If the voter believes they are registered, the election judge **must** ask if the voter registered or updated their registration at DPS.
- If voter did go to DPS, the election judge **must** note this and the approximate date the voter went to DPS on the green Affidavit of Provisional Voter envelope.

TEXAS SECRETARY OF STATE

Recommended Procedure

- In addition to asking about DPS, it is okay for the Election Judge to ask additional information about when/how the voter believes they have registered:
  - When did you mail in your card?
  - What was the name and/or location for which you registered through a VDR?

All of these help the voter!!!

TEXAS SECRETARY OF STATE

Polling Place Procedures (T.A.C. 81.173)

- If the voter is not appearing on the list of registered voters, the election worker should inform the voter that the ballot will only be counted if it is determined they are registered voter of the precinct.
- If voter is casting a ballot due to lack of an acceptable ID, the election worker should inform the voter that the ballot will only be counted if the voter appears at the Voter Registrar and shows ID, or executes a temporary affidavit (if applicable), or permanent exemption (if applicable) within 6 day of the election date.

TEXAS SECRETARY OF STATE

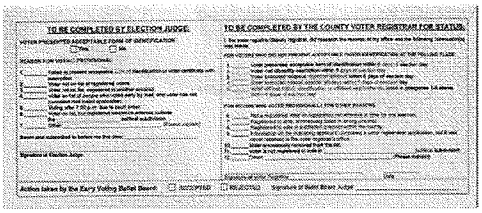
Polling Place Procedures (T.A.C. 81.173)

- After notifications...

1. Voter should complete a green Affidavit of Provisional Voter envelope on the front side.
2. Election Judge should complete their portion on the reverse side, and **sign it.**
3. Election Judge should add voter's name to List of Provisional Voters.
4. Election judge should add name of voter to combination form/poll list, and indicate they are a provisional voter.
5. Voter should sign the combination form/poll list.
6. The election judge should provide a Notice to Provisional Voter to the voter.

TEXAS SECRETARY OF STATE

New Procedure



If a voter states that they have updated their registration at DPS use the "Other" line to indicate that, and the approximate date they went to DPS.

TEXAS SECRETARY OF STATE

Voting a Provisional Ballot (T.A.C. 81.173)

- Optical Scan/Paper Ballots:
  - Voter should pick their own ballot from disarranged supply of provisional ballots.
  - Voter should mark their ballot, and then place inside the white Secrecy Envelope.
  - Voter should place white Secrecy Envelope into the green Affidavit of Provisional Voter envelope.
  - Voter should then deposit into separate and secured container for provisional ballots.

TEXAS SECRETARY OF STATE

Voting a Provisional Ballot (T.A.C. 81.173)

- DREs:
  - The election judge shall prepare voting system for provisional voting in accordance with instructions provided by you and vendor.
  - If there is a code that needs to be written on the green Affidavit of Provisional Voter envelope, or slip of paper with code needs to be placed inside by the voter, this will need to be done.
  - After submitting their ballot on the DRE, voter should then deposit envelope into separate and secured container for provisional ballots.

TEXAS SECRETARY OF STATE

Separate and Secured Container

Q: Why is it important that provisional ballots be placed in a separate, secured container?

A: Provisional ballots do not get counted on election night, and take a different route than all other ballots. You may use a securable ballot box or ballot bag.

TEXAS SECRETARY OF STATE

Transfer Procedures to the General Custodian of Election Records

TEXAS SECRETARY OF STATE

Election Day (T.A.C. 81.174)

- After the polls close on election night, election judge should enter the number of provisional ballots on the Register of Official Ballots and the List of Provisional Voters.
- Election judge should place a copy of the List of Provisional Voters in Envelope No. 2, which goes to the General Custodian.

TEXAS SECRETARY OF STATE

FAQ

Q: What if the election judge returns voted ballots marked "provisional" that are not in the green Affidavit of Provisional Voter envelopes?

A: If ballots are not with their affidavits, the voter's registration/identification cannot be verified. These cannot be counted, and must be treated as "irregularly marked" ballots.

TEXAS SECRETARY OF STATE

Election Day (T.A.C. 81.174)

- The judge should then deliver the secured container with provisional ballots, and Envelope No. 2 to the General Custodian.
- The General Custodian (or central counting station personnel) should open the container and confirm that the number of provisional ballots matches the number of voters on the List of Provisional Voters.
- The General Custodian will sign the List of Provisional Voters after confirming the number.

TEXAS SECRETARY OF STATE

FAQ

Q: What happens if you discover the election judge has not signed the envelope?

A: We recommend that the election worker receiving the ballots, also look to see if the election judge has signed in the appropriate place before the judge leaves. If not, ask them to sign at that time. May also contact the judge ask them to come back and sign the envelopes.

TEXAS SECRETARY OF STATE

Election Day (T.A.C. 81.174)

- General Custodian prepares the Summary of Provisional Ballots, and then places the following into the transfer case:
  1. Provisional Ballots (green envelopes)
  2. List of Provisional Voters
  3. Blank Verification of Provisional Ballots and Serial Numbers forms
  4. Seals to allow Voter Registrar to seal transfer case for return to General Custodian.
- After the transfer case is sealed, the General Custodian writes the seal number on the Summary of Provisional Ballots.
- If present, a poll watcher may also sign.

10/2/2015 Texas Secretary of State 85

TEXAS SECRETARY OF STATE

Voter Registrar Review of Provisional Ballots

10/2/2015 Texas Secretary of State 86

TEXAS SECRETARY OF STATE

Deadline to Review (T.A.C. 81.175)

- 7th Calendar Day After Election Day for November Even General Election for State and County Officers.
- 6th Calendar Day After Election Day for all other elections.

10/2/2015 Texas Secretary of State 87

TEXAS SECRETARY OF STATE

Voter Registrar Review (T.A.C. 81.175)

If voter comes in and "cures" ballot, VR will mark one of the following:

1. ___ Voter presented acceptable form of identification within 6 days of election day.
2. ___ Voter met disability exemption within 6 days of election day.
3. ___ Voter executed religious objection affidavit within 6 days of election day.
4. ___ Voter executed natural disaster affidavit within 6 days of election day.

10/2/2015 Texas Secretary of State 88

TEXAS SECRETARY OF STATE

Voter Registrar Review (T.A.C. 81.175)

- The VR may use the following records in determining status:
  - County registration files and records
  - DPS records
  - Volunteer Deputy Registrars
  - Other records that may establish the provisional voter's eligibility.

10/2/2015 Texas Secretary of State 89

TEXAS SECRETARY OF STATE

Voter Registrar Review (T.A.C. 81.175)

- After the VR determines the status, must mark the envelope:
  6. ____ Not a registered voter or registration not effective in time for this election.
  7. ____ Registered to vote, erroneously listed in wrong precinct.
  8. ____ Registered to vote in a different precinct within the county.
  9. ____ Information on file indicating applicant completed a voter registration application, but it was never received in the voter registrar's office.
  10. ____ Voter erroneously removed from the list.
  11. ____ Voter is not registered to vote in _____ political subdivision.
  12. ____ Other: _____.

10/2/2015 Texas Secretary of State 90

TEXAS SECRETARY OF STATE

EVBB (T.A.C. 81.176)

- EVBB will meet to review and accept or reject provisional ballots under the law.

TEXAS SECRETARY OF STATE

EVBB (T.A.C. 81.176)

- Accepted Provisional Ballots: The envelope will be opened and ballot counted.
- Rejected Provisional Ballots: The envelope is not opened.

TEXAS SECRETARY OF STATE

EVBB (T.A.C. 81.176)

- The envelopes for accepted and rejected ballots and all paperwork should be secured in a container and transferred to the General Custodian.
- The envelopes should be kept with other precinct election returns, including:
  - Lists of Provisional Voters
  - Summary of Provisional Ballots
  - Verification of Provisional Ballots and Serial Numbers

TEXAS SECRETARY OF STATE

Voter Registrar Review (T.A.C. 81.175)

- At the close of the period, VR must mark any provisional ballots not "cured."

5. ___ Voter did not satisfy identification or affidavit requirements, listed in categories 1-4 above, within 6 days of election day.

TEXAS SECRETARY OF STATE

Voter Registrar Review (T.A.C. 81.175)

- VR must sign and date the provisional ballots after they have completed their review.

TEXAS SECRETARY OF STATE

Transfer of Provisional Ballots to General Custodian of Election Records or Presiding Judge of the Early Voting Ballot Board

TEXAS SECRETARY OF STATE

EVBB (T.A.C. 81.176)

- EVBB will meet to review and accept or reject provisional ballots under the law.

TEXAS SECRETARY OF STATE

EVBB (T.A.C. 81.176)

- Accepted Provisional Ballots: The envelope will be opened and ballot counted.
- Rejected Provisional Ballots: The envelope is not opened.

TEXAS SECRETARY OF STATE

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- The envelopes should be kept with other precinct election returns, including:
  - Lists of Provisional Voters
  - Summary of Provisional Ballots
  - Verification of Provisional Ballots and Serial Numbers

TEXAS SECRETARY OF STATE

Public Information (T.A.C. 81.176)

- Except for the ballots themselves (accepted and rejected), all other information becomes **public information** when it is returned to the General Custodian.

March 1, 2016 Primary Calendar

- **Downloadable Calendar for Windows**
- **Downloadable Calendar For Mac**
- **Downloadable PDF**

Note: For deadlines affecting all candidates, refer to our online 2016 Candidates' Guide Important Dates calendar. Remember that under Section 41.007(d) of the Texas Election Code, no other elections may be conducted on primary or runoff primary election day.

SEPTEMBER 2015

S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

OCTOBER 2015

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18	19	20	21	22	23	24
25	26	27	28	29	30	31

NOVEMBER 2015

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15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

DECEMBER 2015

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27	28	29	30	31		

JANUARY 2016

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24	25	26	27	28	29	30
31						

FEBRUARY 2016

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28	29					

MARCH 2016

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27	28	29	30	31		

APRIL 2016

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MAY 2016

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29	30	31				

JUNE 2016

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19	20	21	22	23	24	25
26	27	28	29	30		

JULY 2016

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17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

AUGUST 2016

S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25		

Notes

1. Campaign Information
2. Submissions to the U.S. Department of Justice
3. Statutory and Administrative Code References
4. Notice of Elections
5. Joint Primaries
6. Testing Tabulating Equipment
7. Conventions of Parties Holding Primary Elections
8. Party Electoral Rules

1. Note on Campaign Information

Under Title 15 of the Texas Election Code, candidates running for office must file campaign contribution and expenditure reports. For further information and all questions about such disclosure filings, campaign finance, and political advertising, please contact the Texas Ethics Commission at 201 E. 14th, 10th Floor, Austin, Texas 78701; call 512-463-5800; or access their website at www.ethics.state.tx.us. Candidates filing for federal offices should contact the Federal Elections Commission toll-free at 1-800-424-9530 or visit their website at www.fec.gov.

2. Note on Submissions to the U.S. Department of Justice

On June 25, 2013, the United States Supreme Court issued its decision in Shelby County, Alabama v. Holder, 133 S. Ct. 2612 (2013). That decision held that Section 4 of the federal Voting Rights Act of 1965 is unconstitutional and its formula can no longer be used as a basis for subjecting jurisdictions to preclearance. We suggest that Texas counties or other Texas political subdivisions discuss the effect of Shelby and the continuing applicability of other provisions of the Voting Rights Act with their legal counsel.

3. Note on Statutory and Administrative Code References

Unless otherwise indicated, all references are to the Texas Election Code. The county election officer is either the county clerk, the county elections administrator, or the county tax assessor collector, depending on the actions of the county commissioners court. (Secs. 31.031, 31.071 & 31.091). The county voter registrar is either the county clerk, the county elections administrator, or the county tax assessor collector, depending on the actions of the county commissioners court. (Secs. 12.001, 12.031, 31.031 & 31.071).

Any references to the Texas Administrative Code are cited to the relevant section of the "T.A.C."

4. Note on Notice of Elections

The county chair **must post** a notice of election on or before the 21st day before the election. (Secs. 4.003(b), 172.1112). (**NOTE:** There is no requirement to publish notice of the primary or runoff primary elections in a newspaper, and the cost of any such publication will not be reimbursed with primary funds.) For the Tuesday, March 1, 2016 Primary Election, this notice must be posted on the commissioners court

bulletin board on or before Tuesday, February 9, 2016. For the Tuesday, May 24, 2016 Runoff Primary Election, the notice must be posted on or before Tuesday, May 3, 2016.

This notice must include:

1. The type and date of the election;
2. The location of each polling place;
3. The hours the polls will be open;
4. The location of the main early voting polling place;
5. The regular dates and hours for early voting by personal appearance;
6. The dates and hours of any Saturday or Sunday early voting, if any; and
7. The early voting clerk's mailing address.

Note regarding branch early voting locations: The branch early voting locations are no longer a required part of the notice under the Texas Election Code. (Sec. 4.004).

Notice for Consolidated Precincts: If precincts are to be consolidated for the election, a notice of consolidated precincts must also be posted and may be included on the Notice of Election. (Sec. 4.003, 172.1112).

Notice of Changed Polling Place: If a different polling place is being used from the previous election held by the same authority, notice must be posted at the entrance of the previous polling place informing voters of the current polling place location, if possible, no later than the day before election day. (Sec. 43.062).

5. Note on Joint Primaries

In many Texas counties, the commissioners court, the county election officer, and the county chair of each political party holding a primary election in the county will sign a joint resolution agreeing to hold a joint primary. (Sec. 172.126(a)). Joint primary elections are held in approximately 40% of Texas counties, with the political parties sharing election equipment, polling places, and a team of election workers in each polling place composed of an even number of workers from each political party. (Sec. 172.126; 1 T.A.C. Ch. 81, Subch. G). The entries in this calendar are generally written in terms of primary elections being held separately rather than jointly. Unless indicated to the contrary, entries in this calendar are applicable whether a primary election is held separately or jointly. However, in a joint primary, the authority responsible for carrying out many of the activities associated with conducting an election will be the county election officer. (Sec. 172.126).

6. Note on Testing Tabulating and Electronic Voting Equipment

Note on Ballot Testing:

Once all candidate filing deadlines have passed, we recommend that you proof and test your ballot programming as soon as possible. Early testing will allow adequate time to locate any errors and make any necessary corrections in ballot programming. We also strongly suggest that you have candidates proof their names and offices before finalizing the ballot to avoid the necessity for last minute ballot corrections.

Note on Logic and Accuracy Test:

We recommend establishing a date to perform the first test of your electronic voting equipment (L&A, or Logic and Accuracy Test) as soon as possible. We recommend that this test be performed on a date that allows time to correct programming and retest, if necessary. A notice of this test must be published by the custodian of the electronic voting equipment at least 48 hours before the date of the test. (Sec. 129.023; Tex. Sec'y of State Election Advisory No. 2014-06). The L&A test must be conducted not later than 48 hours before voting begins on a voting system. (Sec. 129.023).

Note on Testing Tabulating Equipment:

The automatic tabulating equipment used for counting ballots at a central counting station must be tested three times for each election. (Ch. 127, Subch. D). We recommend you test the equipment as soon as possible; early testing will allow adequate time to locate any errors and make any necessary corrections in programming. However, the first test must be conducted at least 48 hours before the automatic tabulating equipment is used to count ballots voted in the election. The second test shall be conducted immediately before the counting of ballots with the equipment begins. The third test must be conducted immediately after the counting of ballots with the equipment is completed. Please note that the custodian of the automatic tabulating equipment must publish notice of the date, hour, and place of the first test in a newspaper at least 48 hours before the date of the test. (Sec. 127.096). The electronic files created from the L&A testing are what must be used for testing the tabulating equipment. (Tex. Sec'y of State Election Advisory No. 2014-06)

Precinct tabulators must also be tested in accordance with the procedures set forth in Chapter 127, Subchapter D of the Texas Election Code to the extent those procedures can be made applicable. (Sec. 127.152; Tex. Sec'y of State Election Advisory No. 2014-06).

Our recommendation is that both L&A testing and testing of the automatic tabulating equipment take place prior to ballots by mail being sent out. However, should there be a reason to delay testing, please be advised that L&A testing must be conducted at least 48 hours before voting begins on a voting system. This means that L&A testing should be completed before early voting and possibly, before election day, if your election day system is different than your early voting system. Additionally, the automatic tabulating equipment may not be used to count ballots voted in the election until a test is successful.

For more information on testing tabulating equipment used at the central counting station, please see Chapter 127, Subchapter D of the Election Code and Tex. Sec'y of State Election Advisory No. 2014-06. See Chapter 129, Subchapter B of the Election Code and Tex. Sec'y of State Election Advisory No. 2014-06 for other types of testing such as functionality tests, logic and accuracy tests, tests for central accumulators, etc. Also see Tex. Sec'y of State Election Advisory Nos. 2011-17, 2011-18, and 2011-19 pertaining to voting system equipment access, security and preservation, and chain of custody.

7. Note on Conventions of Parties Holding Primary Elections

Precinct Conventions

Time and Place: Section 174.022 of the Texas Election Code provides that precinct conventions may be held at a time and place determined by rules adopted by the state executive committee of a political party. If precinct conventions are held on general primary election day, the hour set for convening the conventions may not be earlier than 7:00 p.m. or later than 9:00 p.m., but a convention may not convene

until the last voter has voted at the precinct polling place. If precinct conventions are held on a day other than general primary election day, the county executive committee must set the hour for convening or a time frame in which the convention must convene. (Secs. 174.021 & 174.022)

Notice Required: Section 174.023(a) requires the county chair to post a notice of the date, hour, and place for convening each precinct convention on the county or state party's Internet website or other Internet location easily found through a search engine. If the county party does not maintain an Internet website, the chair shall post the notice on the county commissioners court bulletin board. The notice must remain posted continuously for the 10 days immediately preceding the date of the convention. Because the convention times are not yet determined, this calendar does not show any deadlines for posting such notices. Not later than the 10th day before the date of the precinct conventions, the county chair must deliver to the county election officer written notice, either on paper or in electronic form, of the date, hour, and place for convening each precinct convention. (Sec. 174.023(b)).

County and Senatorial Conventions

Time and Place: Section 174.063(a) provides that the state executive committee by rule specifies the date the county and senatorial conventions will be held. Under Section 172.021 of the Texas Election Code, a political party may by rule allow a county to hold precinct conventions before the county convention on the same day and at the same place as the county convention.

Notice Required: Section 174.064(a) requires notice of the hour and date for convening each county convention to be posted electronically on the county or state party's Internet website or on the bulletin board used for posting notice of meetings of the commissioners court. The notice must remain posted continuously for the 10 days immediately preceding the date of the convention. Because the convention times are not yet determined, this calendar does not show any deadlines for posting such notices. Not later than the 10th day before the date of the county and senatorial convention, the county chair must deliver to the county election officer written notice, either on paper or in electronic form, of the date, hour, and place for convening the county and senatorial convention. (Sec. 174.064(b)).

State Conventions

Section 174.092(a) of the Texas Election Code provides that the biennial state convention must be convened on a date selected by the state executive committee. The state convention date is no longer limited to one in June or July. Section 174.092(b) of the Texas Election Code continues to provide that the state executive committee must set the date of the state convention not later than the date the state chair delivers to the county chairs the certification of names for placement on the primary election ballot. *See* entry at Wednesday, December 23, 2015. Accordingly, this calendar does not show any deadline or time frame for holding the state convention. Notice of the date, hour, and place for convening the state convention must be posted by the state chair on the party's Internet website before the date of the party's precinct conventions under Section 174.093 of the Texas Election Code.

8. Note on Party Electoral Rules

Section 163.006(a) of the Texas Election Code provides that a rule on electoral affairs that is to become effective in a year in which the party will hold precinct conventions must be posted on the party's Internet website, as well as filed with Secretary of State, not later than the 30th day before the date the party convenes its earliest precinct conventions. It should be noted that the date of precinct conventions is no

longer fixed by statute. (*See* Note 7 above.) Accordingly, this calendar does not show any deadline for the posting or filing of such electoral rules.

Calendar of Events

Primary Election Day is March 1, 2016
Runoff Primary Election Day is May 24, 2016

September

Thursday, September 3, 2015 (180th day before primary election day)

-First day to accept applications for state write-in ballots for March 1, 2016 primary election. (Sec. 105.002).

Tuesday, September 15, 2015 (90th day before regular filing deadline)

-First day to file an application for the office of precinct chair. (Sec. 172.023(b)). County chair must review each application within five days after the date the application is received. If the application is rejected, the chair must immediately deliver written notice of the reason for the rejection to the candidate. (Sec. 141.032).

November

November 2015

-Secretary of State must deliver to each state and county chair rules regarding primary election financing. (Sec. 173.010).

Monday, November 2, 2015 (72 hours before meeting date of county election officer and county chairs)

-Deadline to prove notice of meeting under Section 31.124, if the meeting is to be held on November 5, 2015, as recommended. The county election officer must deliver written notice of time and place of meeting between county election officer and county chair on or before this date. *See* entry under Thursday, November 5, 2015. Notice may be delivered by U.S. mail, electronic mail, or other method of written communication. (Sec. 31.124).

Thursday, November 5, 2015

-*Recommended* day in which the county election officer in each county should hold the mandatory meeting with the county chair of each political party to discuss for the primary election the implementation of Subchapters A, B, C, and D of Chapter 87 concerning the establishment of the early voting ballot board, the delivery of materials to the early voting ballot board, the acceptance of mail ballots, and the manual counting of early voting ballots. (Sec. 31.124).

-*Recommended* date by which county chairs who wish to conduct a joint primary should meet with the county election officer to determine whether to enter into a joint resolution to conduct the primary, and if the

determination is in the affirmative, to discuss potential consolidation or combination of election precincts, to determine the estimated number of election judges and clerks, members of the early voting ballot board, and central counting station personnel to be appointed from the parties, and to decide which voting system and ballot formats are to be used. (Sec. 172.126(a)).

-*Recommended* date by which county chairs should meet with the county election officer to discuss whether a contract for election services should be entered into, even if a joint primary will not be conducted. The terms of such a contract, potential consolidation or combination of election precincts, the estimated number of election judges and clerks, members of the early voting ballot board, and central counting station personnel that will be needed and how they will be obtained, and which voting system and ballot formats will be used should be discussed. (Secs. 31.092, 31.094 & 172.1113).

Saturday, November 14, 2015 (30th day before regular filing deadline)

-First day to file an application for a place on the primary ballot for an office other than precinct chair. (Sec. 172.023(b)).

-First day to file a declaration of independent candidacy with appropriate filing authority. (Sec. 142.002).

Saturday, November 21, 2015 (30th day before write-in deadline)

-First day to file declaration of write-in candidacy for county or precinct chair. (Secs. 146.025 & 171.0231).

December

December 2015

-*Recommended* time frame in which the commissioners court should approve resolution to have a joint primary. *See* entry under Thursday, November 5, 2015. (Sec. 172.126(a)).

Saturday, December 5, 2015 (after 10th day before date of regular filing deadline)

-If a vacancy for an unexpired term in an office of the state or county government occurs after the 10th day before the date of the regular filing deadline, but on or before the 5th day before the date of the regular filing deadline (on or before December 5 and December 9), an application for the unexpired term is subject to an extended filing deadline. *See* entry at Monday, December 21, 2015. (Sec. 202.004(a), (c)).

Wednesday, December 9, 2015 (5th day before regular filing deadline)

-Last day a vacancy for an unexpired term in an office of the state or county government may occur and appear on the primary ballot. (Sec. 202.004(a)).

Sunday, December 13, 2015 (last day before regular filing deadline)

-Deadline for the county chair (or secretary of the county executive committee) to post on the political party's Internet website or in the location where a candidate files for a place on the ballot a notice containing the address at which the county chair and secretary of the county executive committee will be available to

receive applications on the last day for filing an application. This deadline is not extended under Section 1.006. (Sec. 172.022(b)).

NOTE: If the party secretary is accepting applications at a second location in addition to the party chair, the notice must include both locations.

Monday, December 14, 2015 (2nd Monday in December)

-6:00 p.m. – Deadline for applications for a place on the general primary election ballot to be received by the state or county chair, as applicable to the office. (Secs. 172.022(a), 172.023(a)). Postmark by this deadline without actual receipt by the state or county chair is not sufficient. (Sec. 172.021(c)).

NOTE: This deadline is also applicable to applications for a place on the primary election ballot to fill a vacancy for an unexpired term in an office of the state or county government that occurred on or before the 10th day before the date of the regular filing deadline. (Sec. 202.004(b)).

-6:00 p.m. – Deadline for minor party candidates to file applications to be nominated by convention. (Sec. 181.033(a)).

-6:00 p.m. – Deadline for independent candidates to file declaration of independent candidacy with appropriate filing authority. (Sec. 142.002).

-Deadline for each party chair to deliver lists of names of election judges and clerks, early voting ballot board members, and central counting station personnel (if applicable) to the county election officer if joint primary election is going to be conducted. (Sec. 172.126(c); 1 T.A.C. § 81.148).

Tuesday, December 15, 2015 (1st day after the regular filing deadline)

-If a candidate withdraws, dies or is declared ineligible by this date, their name is omitted from the primary ballot. (Secs. 172.057(a) & 172.058(a)).

Monday, December 21, 2013 (7th day after regular filing deadline)

-6:00 p.m. – Deadline for a write–in candidate for the office of county or precinct chair to file a declaration of write-in candidacy. (Secs. 1.006 & 171.0231(d)). (The deadline is extended to the next regular business day which is Monday, December 21, 2015 due to the 5th day after the regular candidate filing deadline falling on Saturday, December 19, 2015.)

NOTE: Write–in voting in a primary election is not permitted except in the general primary election for the offices of county chair and precinct chair. (Secs. 171.0231 & 172.112).

-6:00 p.m. – Deadline for the state or county chair, as applicable, to receive applications for a place on the general primary election ballot for an unexpired term for a vacancy in an office of the state or county government that occurs after the 10th day (December 4, 2015) before the date of the regular filing deadline, but on or before the 5th day (December 9, 2015) before the date of the regular filing deadline. (Secs. 1.006 & 202.004(a), (c)). (The deadline is extended to the next regular business day which is Monday, December 21, 2015 due to the 5th day after the regular candidate filing deadline falling on Saturday, December 19, 2015. (Sec. 1.006).)

-6:00 p.m. – Extended deadline for the state or county chair to receive an application for a place on the general primary election ballot for an office if a candidate who has made an application that complies with the applicable requirements (Sec. 172.054(b)):

- dies on or after the fifth day before the date of the regular filing deadline (December 9, 2015) and on or before the first day after the date of the regular filing deadline (December 15, 2015);

- holds the office for which the application was made and withdraws or is declared ineligible on the date of the regular filing deadline (December 14, 2015) or on the first day after the date of the regular filing deadline (December 15, 2015); or

- withdraws or is declared ineligible on the date of the regular filing deadline (December 14, 2015) or on the first day after the date of the regular filing deadline (December 15, 2015), and at the time of the withdrawal or declaration of ineligibility no other candidate has made an application that complies with the applicable requirements for the office sought by the withdrawn or ineligible candidate.

(The deadline is extended to the next regular business day which is Monday, December 21, 2015 due to the 5th day after the regular candidate filing deadline falling on Saturday, December 19, 2015. (Sec. 1.006).)

NOTE: An application filed by mail with the state chair under this extended deadline provision is not timely if received later than 5:00 p.m. on the extended deadline.

Tuesday, December 22, 2015 (8th day after regular filing deadline)

-Deadline for county and state chairs to electronically submit candidate information and status for posting on the Secretary of State's website.

-Recommended deadline for each state chair to certify to Secretary of State for placement on the general primary election ballot the name of each candidate who files with the chair an application that complies with Section 172.021(b). (Sec. 172.028(a)).

NOTE: The Texas Election Code does not provide a deadline for the state chairs to make their certification. However, because a new law enacted by the 2015 Legislature requires the state chairs to notify the county chairs no later than the 9th day after the regular filing deadline that the list of district and statewide candidates for the primary has been posted on Secretary of State's website, it is reasonable to request the state chairs to make the certification no later than December 22, 2015 so that the information can be posted to Secretary of State's website on or before December 23, 2015, the 9th day after the regular filing deadline.

Wednesday, December 23, 2015 (9th day after regular filing deadline)

-Deadline for state chair to notify county chair in each county in which the candidate's name is to appear on the ballot that certification of candidates who has been posted by Secretary of State. (Sec. 172.028(b), as amended by Senate Bill 1703, 2015 Legislative Session).

-Date by which Secretary of State anticipates posting on Secretary of State's Internet website that is viewable by the public the certified list of candidates who filed, provided by each chair. (Sec. 172.028(a), as amended by Senate Bill 1703, 2015 Legislative Session).

-Deadline for chair to post notice on the commissioners court bulletin board of the date, hour, and place of ballot drawing if the ballot drawing is conducted on December 24, 2015. If the party maintains an Internet website, the party must post the notice on the party's website. All candidates who provide an email address on their filing form must be notified electronically of the drawing. (Sec. 172.082(e)).

-Deadline for state executive committee to set date, hour, and place for convening state convention. (Sec. 174.092(b)). (*See* Note 7 prior to Calendar of Events.)

Thursday, December 24, 2015 (10th day after regular filing deadline)

-Deadline for county executive committee to conduct drawing for candidate order on ballot at the county seat (unless committee provides by resolution that primary committee is to conduct drawing). (Sec. 172.082(c)), as amended by Senate Bill 1703, 2015 Legislative Session).

-Deadline for state chair to allocate the filing fees for district offices to the county chairs. (Sec. 173.062(c)).

Wednesday, December 30, 2015 (62nd day before election day)

-Recommended date for county chair to submit the ballot format to primary committee for its approval. (Sec. 172.083).

-Recommended date for primary committee to approve ballot format.

-Recommended date for county chair to order ballots.

-Recommended last day to order election supplies (other than ballots).

-Recommended date to order the lists of registered voters from the county voter registrar. (Sec. 18.006).

January

Friday, January 1, 2016

-First day for voters to submit a regular application for ballot by mail for an election in 2016. The application is considered submitted at the time of receipt. (Secs. 84.001(e), 84.007, as amended by House Bill 1927, 2015 Legislative Session).

-First day for voters to submit an annual application for ballot by mail for all elections in calendar year 2016. The voter must be 65 on election day or disabled in order to submit an annual application. The application is considered submitted at the time of receipt. (Secs. 84.001(e), 84.007, as amended by House Bill 1927, 2015 Legislative Session).

Monday, January 4, 2016 (57th day before primary election day)

-Deadline for printers/vendors to register with the Secretary of State to print primary ballots. (Sec. 51.013). (This deadline is extended by Sec. § 1.006 from the 60th day before primary election day, which falls on Friday, January 1, 2015, which is a legal state holiday.)

-Recommended last day for the county chair of each political party, with the approval of their respective county executive committees, to appoint presiding and alternate judges for each precinct in which the primary election will be held in the county, presiding judges for the early voting ballot board and the central counting station, and personnel for the central counting station. (Secs. 32.006, 32.008, 87.002 & 127.002-127.005). Written notice of the appointments must be given to the judges in accordance with Section 32.009 of the Texas Election Code.

-Recommended last day for the county election officer to appoint presiding and alternate judges from the lists provided by each county chair and to appoint the election clerks in a joint primary election. (Sec. 172.126(c)). Written notice of the appointments must be given to the judges in accordance with Section 32.009 of the Texas Election Code.

> **NOTE:** General eligibility requirements for election judges and clerks are found in Subchapter C, Chapter 32 of the Texas Election Code. General eligibility requirements for central counting station personnel are found in Sections 127.002-127.005 of the Texas Election Code. The presiding judge appoints the clerks, but not more than the maximum set by the political party, consistent with Secretary of State's primary finance rules; however, the alternate judge must serve as one of the clerks. (Secs. 32.032 & 32.033).

Monday, January 11, 2016 (50th day before election day)

-Last day to publish notice for testing of automatic tabulation equipment testing and logic and accuracy testing (L&A testing) of a voting system that uses direct recording electronic (DRE) voting machines and precinct scanners if test will be completed by recommended deadline of Friday, January 15, 2016. Notice of the public tests must be published at least 48 hours before the test begins. (Secs. 127.093, 129.001, 129.023). See Note 6, above.

Wednesday, January 13, 2016 (48th day before election day)

-*Recommended* date to conduct the first test of the automatic tabulating equipment and for logic and accuracy (L&A test) test on precinct scanners and DREs. (Secs. 127.093; 127.096; 129.022; 129.023). The SOS recommends you complete your first round of testing prior to mailing your mail ballots if those ballots will be counted using automatic tabulation equipment. If you conduct your first round of testing by this date, you must publish notice of the test 48 hours prior to testing. See Note 6, above.

Saturday, January 16, 2016 (45th day before primary election day)

-Deadline for early voting clerk to mail ballots to military and overseas voters. If the clerk cannot meet this 45th-day deadline, the clerk must notify Secretary of State within 24 hours. If a federal postcard application ("FPCA") is received after the 45th-day deadline, the ballot should be mailed not later than the 7th calendar day after the date the FPCA is received.

NOTE: The 45th-day deadline under Section 86.004(b) is not extended by Section 1.006 to the next business day. The ballots covered by Section 86.004(b) should be sent out on or before Saturday, January 16, 2016.

Reminder: In regards to mail ballots for other voters (not military or overseas), the early voting clerk must mail a ballot not later than the 7th day after the later of: (1) the date the early voting clerk has accepted a voter's application for a ballot by mail or (2) the date the ballots become available for mailing. However, if the 7th day falls earlier than the 45th day before election day, the voter's mail ballot must be mailed no later than the 38th day before election day. (Sec. 86.004(a)).

-Recommended deadline for county chair of party holding a primary election to procure from voter registrar a set of precinct lists of registered voters (also supplemental lists and correction lists, if necessary) to deliver to county election officer for use in conducting early voting by mail and in person in the party's general primary. (Secs. 18.001(d) & 18.002-18.004).

Tuesday, January 19, 2016 (42nd day before primary election day)

-Deadline for state chairs and county chairs to submit itemized estimate and request for state funds to cover general primary expenses. (Sec. 173.081(c)(2)). Notice of consolidation of county election precincts, if any, must accompany the itemized estimate. (Sec. 173.081(f)). (The deadline is extended to the next regular business day which is Tuesday, January 19, 2016, due to the 45th day before primary election day falling on Saturday, January 16, 2016, and Monday, January 18, 2016 is a legal holiday, Martin Luther King, Jr. Day.) (Sec. 1.006).

Friday, January 29, 2015 (32nd day before primary election day and 12th day before first day signature verification committee may convene)

-Recommended date for early voting clerk to issue order calling for appointment of signature verification committee for the primary election, if the early voting clerk determines that a committee is to be appointed. (Sec. 87.027).

-If the signature verification committee will start meeting on Wednesday, February 10, 2016, recommended date early voting clerk should post copy of the order calling for appointment of the signature verification committee. (Saturday, January 30, and Sunday, January 31, 2016 are the 10th and 11th days before the first day the committee may meet.) The notice must remain posted continuously for at least 10 days before the first day the committee meets. (Sec. 87.027).

February

Monday, February 1, 2016 (29th day before primary election day)

-Last day to register to vote or make a change of address effective for the Tuesday, March 1, 2016 primary election. (Secs. 13.143, 15.025).

NOTE: A Federal Postcard Application (FPCA) also serves as an application for permanent registration under Texas law **unless the voter marked "outside the U.S. indefinitely" (2005) form or "do not intend to return" (2011 form)**. The early voting clerk should make a copy (for mailing

ballots, keeping records, etc.), then should forward the original to the county voter registrar, as soon as practicable. (Sec. 101.055, 1 Tex. Admin. Code Sec. 81.40(a), (c)(2)).

Wednesday, February 3, 2016 (5th day after recommended date to order signature verification committee)

If the early voting clerk issues order calling for appointment of signature verification committee, this is the deadline for the county chair to appoint the members to the committee. *See* entry under Friday, January 29, 2016. (Sec. 87.027).

Tuesday, February 9, 2015 (21st day before primary election day)

-Last day for county chair to post notice of the general primary election on the commissioners court bulletin board. (Secs. 4.003 & 172.1112).

Wednesday, February 10, 2016 (20th day before primary election day)

-Last day for a person to apply for a full ballot by mail using an FPCA, if the person is not a registered voter but meets the requirements under Title 2 of the Texas Election Code. (Secs. 101.052(e) & 101.055(a)). (If the voter marks the FPCA form indicating "indefinitely" (older form) or "do not intend to return" (newer form), the voter receives a federal-only ballot.) Postmark with this date on the FPCA is proof that the applicant submitted the FPCA by this deadline. (See entry below for FPCA without postmark at the 14th day before primary election day, on February 16, 2016.) (Sec. 101.052(e), (i)).

-Last day to publish notice of L&A test for DRE voting machines or precinct scanners if test will be held on Friday, February 12, 2016, if testing has was not already completed by January 13, 2016. Notice of the public L&A Test must be published at least 48 hours before the test begins. (Secs. 129.001, 129.023). See Note 6, above.

-First day that the signature verification committee, if one is appointed, may begin operating. (Sec. 87.027).

Thursday, February 11, 2016 — Friday, February 19, 2016 (19th — 11th day before primary election day)

-A person submitting an FPCA during this period who is not registered to vote is not entitled to receive a ballot for any non-federal election held on Tuesday, March 1, 2016. *See* entry below under Tuesday, February 16, 2016 (FPCA without a postmark). (Secs. 101.052(g) & 114.004(c)).

NOTE: Section 84.007(c), as amended by Senate Bill 1703, 2015 Legislative Session, changed the deadline for filing an application for ballot by mail and an FPCA to the 11th day before election day.

NOTE: Be sure to check the list of registered voters for permanent registration status. Also, state law authorizes an FPCA to also serve as an application for permanent registration; therefore, the person might be permanently-registered based on a prior FPCA. Even if the FPCA arrives too late for a particular election, the early voting clerk will still need to forward the original FPCA to the county voter registrar, after making a copy for the early voting clerk's use (mailing ballots, etc.) and records unless the voter marked "indefinitely" (older form) or "do not intend to return" (newer form), in which case, it will not serve as a permanent registration. (Sec. 101.055; 1 T.A.C. § 81.40).

NOTE: Overseas (non-military) voters marking the FPCA as "indefinitely" (older form) or "do not intend to return" (newer form) receive a federal ballot only regardless of the date filed. (*See* Chapter 114). A person submitting an FPCA during this period is entitled to receive a federal ballot only (no state, district, or county offices), if not already a permanent registered voter. (Sec. 101.052(f)).

Friday, February 12, 2016 (18th day before primary election; last business day 48 hours before start of early voting in person)

-Last day to conduct public L&A test of a voting system that uses DRE voting machines or precinct scanners. We highly *recommend* that this test is done on an earlier date to allow time for corrections to programming, if necessary. (See Note 6, above). Per Section 129.023, the L&A test shall be conducted not later than 48 hours before voting begins on such voting systems, assuming that the voting system will first be used for early voting in person.

-If a defective application to vote early by mail is received on or before this date, the early voting clerk must mail the applicant a new application with explanation of defects and instructions for submitting the new application. For defective applications received after this date and before the end of early voting by personal appearance, the early voting clerk must mail only the notice of defect and a statement that the voter is not entitled to vote early by mail unless he or she submits a sufficient application by the deadline. (Sec. 86.008, as amended by Senate Bill 1073, 2015 Legislative Session).

Tuesday, February 16, 2016 (14th day before primary election day)

-First day to vote early in person. (Sec. 85.001(a)).

NOTE: The early voting period for the general primary election begins 17 days prior to election day, but because this day falls on a weekend (Saturday, February 13, 2016) and Monday, February 15, 2016 is Presidents' Day, a legal holiday, it is extended to the next regular business day, Tuesday, February 16, 2016. (Sec. 85.001(c)).

NOTE: About branch early voting in a primary election: The commissioners court:

1. in a county with a population of 400,000 or more, **must** establish one or more temporary polling places, other than the main early voting polling place, in each state representative district containing territory covered by the election. The temporary polling place(s) must remain open the same days as the main early voting polling place, but the commissioners court determines the hours during which voting is to be conducted, unless a written request signed by 15 registered voters requesting the same number of hours as the main polling place is timely filed with the commissioners court;

2. in a county with a population of 120,000 or more but less than 400,000, **must** establish one or more temporary polling places, other than the main early voting polling place, in each commissioners precinct containing territory covered by the election. The temporary polling place(s) must remain open the same days as the main early voting polling place, but the commissioners court determines the hours during which voting is to be conducted, unless a written request signed by 15 registered voters requesting the same number of hours as the main polling place is timely filed with the commissioners court; or

3. in a county with a population of 100,000 or more but less than 120,000, **must** establish one or more early voting polling places in each commissioners precinct for which the commissioners court receives a **timely filed written request by at least 15 registered voters of that precinct**. The temporary polling place(s) must remain open the same days as the main early voting polling place, but the commissioners court determines the hours during which voting is to be conducted, unless a written request signed by 15 registered voters requesting the same number of hours as the main polling place is timely filed with the commissioners court. (Secs. 85.062; 85.064).

NOTE: If a county has a population under 100,000, the location, days, and hours of temporary branch locations may be established only by the commissioners court. **No petition process is available**. (Sec. 85.065).

NOTE: A temporary branch polling place that is "movable" may be established only with the approval of the county clerk. If a movable temporary branch polling place is established on the request of a political party, each political party, whose nominee for governor in the most recent gubernatorial general election received more than 10 percent of the total number of votes received by all candidates for governor in the 2014 election, is entitled to the establishment of such a polling place. The election officers serving a polling place covered by this subsection must be appointed from the list submitted by the county chairs to the early voting clerk. (Sec. 85.062(e)).

-If early voting by personal appearance is required to be conducted for extended hours or for weekend hours, the county voter registrar's office is required to remain open for providing voter registration information during the extended hours or weekend hours that the main early voting polling place is open for voting. (Secs. 12.004(d), 85.005(c) & 85.006(e)).

-If an FPCA is received by this date without a postmark to prove mailing date, the early voting clerk will accept the FPCA and send the applicant a full ballot if the applicant is not already a permanent registered voter, but meets the requirements under Title 2 of the Texas Election Code. (Sec. 101.052(i)). (The deadline is extended to the next regular business day which is Tuesday, February 16, 2016, due to the 15th day before primary election day falling on Monday, February 15, 2016, a legal holiday, Presidents' Day.) (Sec. 1.006).

-Deadline to notify election judges of duty to hold election (Writ of Election). (Sec. 4.007). Written notice must be given to the presiding judge of the duty to hold the election, purpose of election, the election date, location of the polling place, hours the polls are open, and the number of clerks to be appointed. (The deadline is extended to the next regular business day which is Tuesday, February 16, 2016, due to the 15th day before primary election day falling on Monday, February 15, 2016, which is a legal holiday, Presidents' Day.) (Sec. 1.006).

Wednesday, February 17, 2016 (72 hours preceding first hour Saturday early voting will be conducted)

-Deadline to post notice on bulletin board used for posting notice of meetings of the commissioners court 72 hours preceding first hour that early voting on Saturday, February 20, 2016 will be conducted. (Sec. 85.007(b), (c)).

Thursday, February 18, 2016 (72 hours preceding first hour Sunday early voting will be conducted; 12th day before primary election day)

-Deadline for the early voting clerk to post notice on bulletin board used for posting notice of meetings of the commissioners court 72 hours preceding first hour that early voting on Sunday, February 21, 2016 will be conducted. (Sec. 85.007(b), (c)).

-A voter who becomes sick or disabled on or after this date may vote a late ballot if the sickness or disability prevents the voter from appearing at the polling place without the likelihood of needing personal assistance or of injuring his or her health. (Sec. 102.001).

> **NOTE:** Section 84.007(c), as amended by Senate Bill 1703, 2015 Legislative Session, changed the deadline for filing an application for ballot by mail to the 11th day before election day. Because the date that the sickness or physical condition originates is keyed to the "day before the last day for submitting an application for ballot by mail," the date the sickness or physical condition originates has now become the 12th day before the primary election. *See* entry at Friday, February 19, 2016.

-First day that counties with a population of 100,000 or more (or local subdivisions conducting a joint election with such a county) may convene their early voting ballot board and deliver by mail ballots to begin processing and qualifying mail ballots; however, the mail ballots may not be counted until (i) the polls open on election day, or (ii) in an election conducted by an authority of a county with a population of 100,000 or more or conducted jointly with such a county, the end of the period for early voting in person. (Secs. 87.0222, 87.0241). The early voting clerk shall continuously post notice for 24 hours preceding each delivery of voting materials that is to be made before the time for opening the polls on election day. (Sec. 87.0222).

> **NOTE ON NEW LAW:** Section 87.0222, as amended by Senate Bill 383 (2015), changed the first day that a county with a population of 100,000 or more may begin processing and qualifying mail ballots from the end of the ninth day before election day to the end of the ninth day before the last day for early voting by personal appearance.

Friday, February 19, 2016 (11th day before primary election day)

-Last day for early voting clerk to receive applications for a ballot to be voted by mail. (Sec. 84.007(c), as amended by Senate Bill 1703, 2015 Legislative Session). All applications to vote by mail must be received by the early voting clerk before the close of regular business or 12 noon, whichever is later. Applications to vote by mail must be submitted by mail, common or contract carrier, fax (if a fax machine is available in the office of the early voting clerk) or e-mail. (Sec. 84.007(c)).

> **NOTE ON NEW LAW:** Section 84.007(c) (as amended by Senate Bill 1703, 2015 Legislative Session) provides that an application for ballot by mail must be submitted no later than the eleventh day (rather than the ninth day) before election day. Additionally, section 84.007(b), as amended by House Bill 1927, 2015 Legislative Session, provides that applications for ballot by mail can now be submitted by a scanned application with an original signature via email. The early voting clerk's designated email address must be posted on the Secretary of State's website.

-Last day to receive an FPCA from a voter. If the voter is not registered in the county, the voter is eligible for a ballot containing federal offices only. (Secs. 101.052(g) & 114.004(c)).

NOTE ON NEW LAW: Section 84.007(c), as amended by Senate Bill 1703, 2015 Legislative Session, changed the deadline for filing both an application for ballot by mail and an FPCA to the eleventh day before election day.

Saturday, February 20, 2016 (10th day before primary election day)

-In counties with a population of 100,000 or more, early voting must be conducted for 12 hours on the last Saturday of the early voting period at the main early voting polling place. In counties with a population less than 100,000, early voting must be conducted for this same number of hours at the main early voting polling place upon receipt of a petition submitted by at least 15 registered voters of the county. (Sec. 85.006(e)).

Sunday, February 21, 2016 (9th day before primary election day)

-In counties with a population of 100,000 or more, early voting must be conducted at the main early voting polling place for five hours on the last Sunday of the early voting period. In counties with a population less than 100,000, early voting must be conducted for this same number of hours at the main early voting polling place upon receipt of a petition submitted by at least 15 registered voters of the county. (Sec. 85.006(e)).

Monday, February 22, 2016 — Friday, February 26, 2016 (8th day — 4th day before primary election day)

-In counties with a population of 100,000 or more, the early voting clerk must keep the main polling place open for 12 hours each day between February 22 and February 26. Early voting must be conducted at permanent branch locations for 12 hours each day. Early voting must be conducted for 12 hours on each **weekday** of the last week at required **temporary branch locations** (created under Section 85.062(d) of the Texas Election Code) if a written request signed by 15 registered voters was filed by Wednesday, February 17, 2016. Please note there is a 5-day notice posting requirement if the early voting clerk received petition requesting these extended hours. (Secs. 85.005(c), 85.063, 85.064 & 85.067).

-In counties with a population of less than 100,000, the early voting clerk must keep the main polling place open for 12 hours each day for the primary election if 15 or more registered voters petition the county for the extended 12-hour schedule. (Secs. 85.005(c) & 85.067).

Monday, February 22, 2016 (8th day before primary election day)

-If county election precincts are consolidated, county chair must post at the polling place used in the preceding general election for state and county officers a notice of consolidation and location of the polling place. For purposes of conducting a primary election, the "preceding general election" is the preceding primary election. (Secs. 4.003(b) &172.1112). (The deadline is extended to the next regular business day which is Monday, February 22, 2016 due to the 10th day falling on Saturday, February 20, 2016.) (Sec. 1.006).

Wednesday, February 24, 2016 (4th business day before primary election day)

-Last day for Secretary of State to receive requests for state election inspectors for general primary election. (Sec. 34.001).

Thursday, February 25, 2016 (day before the last day of early voting in person)

-A voter who will be absent from his county of residence due to a death of an immediate family member occurring on or after this day may apply for a late ballot. Application may be made after the last day of early voting in person, up to the close of business on the day before primary election day. (Secs. 103.001 & 103.003). *See* entry under Saturday, February 27, 2016.

-Deadline to post notice of delivery of early voting ballots and materials if delivery will be made to the early voting ballot board between the end of the period for early voting by personal appearance and the opening of the polls on primary election day (*see* entry under March 1, 2016), notice must be posted of such delivery, 24 hours in advance. (Secs. 87.0221, 87.0222, 87.023, 87.024 & 87.0241).

Friday, February 26, 2016 (4th day before primary election day)

-Last day to vote early in person. (Sec. 85.001(a)).

-Last day to publish notice of public test of automatic tabulating equipment, if test will be held on Sunday, February 28, 2015, and testing was not already completed. The public notice of the test of automatic tabulating equipment must be published at least 48 hours before the test begins. (Sec. 127.096).

Saturday, February 27, 2016 (day after last day of early voting in person; 3rd day before primary election day)

-First day to submit an application for and vote a late ballot because of a death in the immediate family that occurred on or after Thursday, February 25, 2016 ("the day before the last day for early voting by personal appearance"), and will require absence from the county on election day. May submit application through Monday, February 29, 2016, the day before primary election day. (Secs. 103.001 & 103.003(b)).

-First day to submit an application for and vote a late ballot because of sickness or disability that arose on or after Thursday, February 18, 2016. May submit application through 5:00 p.m. on primary election day. (Secs. 102.001 & 102.003).

-Counties with a population of 100,000 or more and using electronic voting equipment may begin counting ballots voted in person or by mail during the early voting period. (Sec. 87.0241(b)).

Sunday, February 28, 2016 (2nd day before primary election day)

-Last day to conduct public test of automatic tabulation equipment. Per Section 127.093, the test shall be conducted at least 48 hours before the automatic tabulating equipment is used to count ballots voted in an election and was not previously tested. We highly *recommend* that this test is done on an earlier date to allow time for corrections to programming, if necessary. (See Note 6, above).

Monday, February 29, 2016 (day before primary election day)

-Last day to for early voting clerk to mark the precinct list of registered voters with a notation beside each name of voter who voted early, and deliver list to election judges. The early voting clerk must also deliver the precinct early voting list. (Sec. 87.122).

NOTE ON NEW LAW: Section 87.122, as amended by House Bill 2366 (2015), requires the early voting clerk to notate those voters that have voted early on the precinct list of registered voters instead of the presiding election judge.

-Last day to submit application to vote a late ballot due to death in immediate family that occurred on or after Thursday, February 25, 2016. (Sec. 103.003).

-Deadline for county chair to post notices of changed polling places. (Sec. 43.062).

March

Tuesday, March 1, 2016, PRIMARY ELECTION DAY (Sec. 41.007(a), (c))

-Prior to opening the polls, presiding judge of each precinct must post at each entrance to the building a notice of the time and place for convening the precinct convention. This notice must remain posted continuously through election day. (Sec. 172.1111).

NOTE: For the date of the precinct, county, and state conventions, *see* Note 7 prior to Calendar of Events.

7:00 a.m. to 7:00 p.m.	Polls are open. (Sec. 41.031(a)). Voter registrar's and early voting clerk's offices are open. (Secs. 12.004(c), 83.002(2) & 83.011).
7:00 a.m. to 7:00 p.m.	Sick and disabled persons may vote at the main early voting polling place if voting machines are used at regular polling place(s) on election day and the voter has a sickness or condition that prevents the voter from voting in the regular manner without personal assistance or likelihood of injury. (Secs. 104.001 & 104.003). However, if the early voting ballots by mail are processed at a location other than the main early voting polling place, the early voting clerk may require the voting to be conducted at that location. (Sec. 104.003).
5:00 p.m.	Deadline for receiving applications for late early ballots to be voted by persons who became sick or disabled on or after Thursday, February 18, 2016 (12th day before election day). (Sec. 102.003(b)). *See* entries at Thursday, February 18, 2016, Friday, February 19, 2016, and Saturday, February 29, 2016.
7:00 p.m.	Deadline for receiving early ballots by mail and late early ballots cast by voters who became sick or disabled on or after Thursday, February 18, 2016 (12th day before election day). (Secs. 86.007(a) & 102.006(c)). *See* entries at Thursday, February 18, 2016, Friday, February 19, 2016, and Saturday, February 29, 2016. (*See* late ballot exception to the by-mail rule under entry for March 7, 2016.)
7:00 p.m.	County election officer begins transmitting results to Secretary of State and transmits continuously until results are final. (Sec. 68.034).

Note on Receipt of Mail Ballots: All marked early voting ballots sent by mail from inside the United States must arrive before the time the polls are required to close on election day. If the early voting clerk cannot determine whether a ballot arrived before the deadline, the ballot is considered to have arrived at the time the place at which the carrier envelopes are deposited was last inspected for removal of returned ballots. (Sec. 86.007(a)). The early voting clerk must check the mailbox for early voting mail ballots at least once after the time for regular mail delivery. (Sec. 86.007(b)). A marked ballot that is not timely returned may not be counted unless the ballot may be counted late, pursuant to Section 86.007(d), which applies to ballots mailed from outside of the United States.

Note on Delivery of Early Voting by Personal Appearance and Mail Ballots: The early voting clerk delivers the voted ballots, the key to the double-locked ballot box, etc., to the early voting ballot board at the time or times specified by the presiding judge of the early voting ballot board, during the hours on election day that the polls are open or as soon after the polls close as practicable. (Sec. 87.022). The custodian of the key to the second lock of the double-locked early voting ballot box delivers his or her key to the presiding judge of the early voting ballot board on request of the presiding judge. (Secs. 85.032(d) & 87.025). **The custodian is the sheriff for county elections, elections ordered by the governor, and a primary election** (or the county judge in a year when the office of sheriff is on the ballot); the **chief of police or city marshal for city elections**; and the constable of the justice precinct in which the political subdivision's main office is located (or the sheriff, if there is no constable), for other political subdivision elections. (Sec. 66.060).

Note on Manual Examination of Ballots Before Processing on Automatic Counting Equipment: The central counting station manager shall direct the manual examination of all electronic voting system ballots to ascertain whether the ballots can be processed in the usual manner or if the ballots need to be duplicated to clearly reflect the voter's intent. (Sec. 127.125).

Note on Testing Tabulating Equipment: The second test of automatic tabulating equipment used for counting ballots at a central counting station must be conducted immediately before the counting of ballots with equipment begins. The third test must be conducted immediately after the counting is completed. (Secs. 127.093, 127.097 & 127.098).

Note on Precinct Election Returns: Precinct election returns are delivered to the appropriate authorities after completion. (Secs. 66.053(a), 127.065, 127.066 & 127.067).

Transfer of Provisional Ballots to Voter Registrar Election Night: The county voter registrar may take possession of the ballot box(es) or transfer case(s) containing the provisional ballots (or provisional ballot affidavits when DRE systems are used) on election night (instead of on the next business day) by informing the custodian of election records and posting a notice of such election night transfer no later than 24 hours before election day. Under this type of delivery, the voter registrar must go to the office of the custodian and pick up the ballot box(es) or transfer case(s) and associated forms. (Sec. 65.052; 1 T.A.C.§§ 81.172 – 81.174 & 81.176).

Wednesday, March 2, 2016 (1st business day after primary election day)

-Unless the county voter registrar has already taken possession of the provisional ballots prior to this date, the general custodian of election records must deliver the ballot box(es) or transfer case(es) containing the provisional ballots (or provisional ballot affidavits when DRE systems are used), along with the Summary

of Provisional Ballots and the List of Provisional Voters for each precinct to the voter registrar by this day. The general custodian of election records makes this delivery to the voter registrar during the voter registrar office's regular business hours. (Secs. 65.052, 65.053; 1 T.A.C. §§ 81.172 – 81.174 & 81.176).

> **NOTE:** For the primary election, if the voter registrar wants to take possession of the provisional ballots and forms on election night (Tuesday, March 1, 2016), the voter registrar must inform the custodian of the election records and post a notice of the election night transfer no later than 24 hours before election day. However, under this type of delivery, the voter registrar must go to the office of the custodian of election records and pick up the provisional ballots and forms. Also, note that the voter registrar may take possession of provisional ballots prior to election night if ballots are kept separate and may be provided without unlawful entry into ballot box. (1 T.A.C. §§ 81.172 – 81.174).

Monday, March 7, 2016 (6th day after primary election day)

-Last day to receive ballots from voters casting ballots from outside of the United States who placed their ballots in delivery before 7:00 p.m. on primary election day. (Sec. 86.007(d)(3)). (The deadline is extended to the next regular business day which is Monday, March 7, 2016 due to the 5th day falling on Sunday, March 6, 2016. (Sec. 86.007(d)(3)).

-Last day to post notice of the county chair and at least one member of the county executive committee's canvass of the returns for the primary election because canvass must take place on Thursday, March 10, 2016. This notice must be posted at least 72 hours before the scheduled time of the meeting. (Sec. 172.116, as amended by Senate Bill 1073, 2015 Legislative Session; Secs. 551.002, 551.041 & 551.043, Texas Government Code).

> **NOTE ON NEW LAW:** Section 172.116 (as amended by Senate Bill 1073, 2015 Legislative Session) provides that the canvass at the county level is to be conducted by the county chair and at least one member of the county executive committee who is chosen by the county executive committee, if available (rather than the canvass being conducted by the county executive committee).

-Deadline for provisional voter to (1) present acceptable identification to county voter registrar; or (2) execute an affidavit relative to "natural disaster" or "religious objection" in presence of county voter registrar. (Secs. 65.054 & 65.0541; 1 T.A.C. §§ 81.172-81.174 & 81.176).

-Deadline for county voter registrar to complete the review of provisional ballots. (1 T.A.C. §§ 81.172 – 81.174 & 81.176).

-Deadline for custodian of election records or presiding judge of the early voting ballot board to retrieve provisional ballots from county voter registrar. (1 T.A.C. §§ 81.172 – 81.174 & 81.176).

Tuesday, March 8, 2016 (7th day after primary election day; 2nd Tuesday in March)

-Precinct conventions held for parties nominating by convention. (Secs. 181.061(c) & 182.005).

Wednesday, March 9, 2016 (8th day after primary election day)

-Deadline (at least 24 consecutive hours before drawing) for county chair to post notice of drawing for place on runoff primary ballot for county and precinct offices to take place immediately after the canvass. Notice

must be posted on the bulletin board used for posting notice of meetings of the commissioners court and on the party's website, if the party maintains an Internet website. (Sec. 172.084(d), (e).

Thursday, March 10, 2016 (2nd Thursday after primary election day, 9th day after Primary Election Day)

-Last day for the early voting ballot board to reconvene (at any time after the last mail delivery on this date) to qualify and count any late ballots cast that were submitted from outside the United States, mailed by the close of polls on primary election day and received by Monday, March 7, 2016. The time the board reconvenes is set by the presiding judge of the early voting ballot board. (Secs. 86.007(d) & 87.125).

-Deadline for early voting ballot board to verify and count provisional ballots that were verified by the voter registrar. (Sec. 65.051(a)).

> **NOTE ON NEW LAW:** Section 87.125 (as amended by Senate Bill 1703, 2015 Legislative Session) provides that the early voting ballot board has until the ninth day after primary election day to reconvene (rather than the sixth day). Additionally, section 65.051(a) (as amended by Senate Bill 1703, 2015 Legislative Session) provides that the deadline for early voting ballot board to verify and count provisional ballots that were verified by the voter registrar is the ninth day after election day (rather than the seventh).

-Local canvass of the general primary election by county chair and at least one member of the county executive committee must be conducted on this date. (Sec. 172.116(b). as amended by Senate Bill 1073, 2015 Legislative Session).

> **NOTE ON NEW LAW:** Section 172.116 (as amended by Senate Bill 1073, 2015 Legislative Session) provides that the canvass at the county level is to be conducted by the county chair and at least one member of the county executive committee who is chosen by the county executive committee, if available (rather than the canvass being conducted by the county executive committee).

-Ballot drawing is conducted immediately following the local canvass for candidates involved in runoff primary election for county and precinct offices. (Sec. 52.094).

-Last day to post notice of state executive committee's meeting to canvass returns of primary election because state canvass must take place on Sunday, March 13, 2016. This notice must be posted at least 72 hours before the scheduled time of the meeting. (Sec. 172.116; Secs. 551.002, 551.041 & 551.043, Texas Government Code).

Friday, March 11, 2016 (10th day after primary election day; 24 hours after local canvass)

-Deadline for presiding judge of early voting ballot board to notify mail ballot voters of rejected ballots. (Sec. 87.0431).

> **NOTE:** Section 87.0431 requires notice to also be provided to email address of an overseas mail ballot voter if ballot was transmitted to the voter by email under Section 101.102.

-Deadline for county chair to submit canvassed returns for statewide and district offices to state party chair. (Secs. 67.007(d) & 172.119(b)).

NOTE: The state executive committee may adopt by rule an electronic submission system for delivery of county returns. (Sec. 172.119(b). Additionally, section 172.116(g) (as amended by Senate Bill 1073, 2015 Legislative Session) requires that the local canvass of precinct returns to be posted to the Secretary of State's website.

-Deadline for state chairs and county chairs to submit itemized estimate and request for state funds to cover runoff primary expenses. (Sec. 173.081(e)). Notice of consolidation of county precincts, if any, must accompany the itemized estimate. (Sec. 173.081(f)).

Saturday, March 12, 2016 (1st Saturday after 2nd Tuesday in March)

-County convention for minor parties that are nominating candidates for single-county district, county, or precinct offices. (Sec. 181.061(c)).

Sunday, March 13, 2016 (2nd Sunday after the primary election day)

-Deadline for state executive committee to conduct state canvass for all races with potential runoffs (races with three or more candidates). *See* entry under Wednesday, March 23, 2016. State chair must certify these candidates for statewide and district offices for placement on runoff primary election ballot to county chair as soon as practicable after canvass is completed. (Secs. 172.120(b)(1) & 172.121).

Monday, March 14, 2016 (1st day after state canvass of races with potential runoffs; 24 hours before ballot drawing; 71st day before runoff primary election)

-Recommended deadline following state canvass on Sunday, March 13, 2016 for state chair to certify candidates for statewide and district offices for placement on runoff primary ballot. (Sec. 172.121).

-Recommended day for county chair to post notice of drawing for place on runoff primary ballot for statewide and district candidates to take place after the canvass. (Sec. 172.084(d), (e). *See* entry at Sunday, March 13, 2016. Notice must be posted on the bulletin board used for posting notice of meetings of the commissioners court and, if the party maintains an Internet website, on the party's website.

Wednesday, March 16, 2016 (3rd day after state canvass of races with potential runoffs)

-5:00 p.m. — Last day runoff primary candidates may withdraw from ballot. (Sec. 172.059(a), as amended by Senate Bill 1703, 2015 Legislative Session).

NOTE ON NEW LAW: Section 172.059(a) (as amended by Senate Bill 1703, 2015 Legislative Session) provides that a primary runoff candidate has until the third day after the state canvass to withdraw from the ballot (rather than the eight day after general primary election day).

Thursday, March 17, 2016 (4th day after state canvass of races with potential runoffs; 68th day before runoff primary election)

-Recommended day for county primary committee to conduct ballot drawing at the county seat for place on runoff primary ballot for statewide and district candidates involved in runoff primary election after receiving certification from the state chair. (Sec. 172.084(c)).

-Recommended date for county chair to submit the runoff primary ballot format to primary committee for its approval immediately after drawing. *See* entry at Thursday, March 10, 2016.

-Recommended date for primary committee to approve runoff primary ballot format. (Sec. 172.083).

-Recommended date for county chair to order runoff primary election ballots. (Sec. 172.083).

Saturday, March 19, 2016 (2nd Saturday after 2nd Tuesday in March)

-Minor parties will make nominations at the district convention for multi-county district offices. (Sec. 181.061(b)).

Monday, March 21, 2016 (64th day before runoff primary election day, 11th day after local canvass)

-Deadline for the presiding judge of the early voting ballot board to notify provisional voters whether their ballots were counted and if not, the reason why they were not counted. (Sec. 65.059; 1 T.A.C. §§ 81.176(e)). (The deadline is extended to the next regular business day which is Monday, March 21, 2016 due to the 10th day falling on Sunday, March 20, 2016.) (Sec. 1.006).

Wednesday, March 23, 2016 (22nd day after primary election day)

-Deadline for state chair to conduct the state canvass for races with no potential runoff. (Sec. 172.120(b)(2), as amended by Senate Bill 1073, 2015 Legislative Session). *See* entry under Sunday, March 13, 2016.

> **NOTE ON NEW LAW:** Section 172.120 (as amended by Senate Bill 1073, 2015 Legislative Session) provides that the state chair conducts the canvass for state races (rather than the state executive committee conducting the canvass).

Friday, March 25, 2016 (60th day before runoff primary election day)

-Deadline for printers/vendors to register with the Secretary of State to print runoff primary ballots. (Sec. 51.013).

-Recommended last day to order any additional election supplies necessary for the runoff primary election.

-Recommended last day for the county chair of each political party, with the approval of their respective county executive committees, to appoint presiding and alternate judges for each precinct in which the primary election will be held in the county, presiding judges for the early voting ballot board and the central counting station, and personnel for the central counting station. (Secs. 32.006, 32.008, 87.002 & 127.002-127.005). Written notice of the appointments must be given to the judges in accordance with Section 32.009 of the Texas Election Code.

-Recommended last day for the county election officer to appoint presiding and alternate judges from the lists provided by each county chair and to appoint the election clerks in a joint primary election. (Sec. 172.126(c)). Written notice of the appointments must be given to the judges in accordance with Section 32.009 of the Texas Election Code.

NOTE: General eligibility requirements for election judges and clerks are found in Subchapter C, Chapter 32 of the Texas Election Code. General eligibility requirements for central counting station personnel are found in Sections 127.002-127.005 of the Texas Election Code. The presiding judge appoints the clerks, but not more than the maximum set by the political party, consistent with Secretary of State's primary finance rules; however, the alternate judge must serve as one of the clerks. (Secs. 32.032 & 32.033).

-Recommended date to order the lists of registered voters from the county voter registrar. (Sec. 18.006).

Wednesday, March 30, 2016 (20th day after local canvass of primary election)

-Deadline for county chair to deliver written notice (which may be given by electronic means or through an electronic submission system adopted by the state executive committee of the party) to the state chair and to the county election officer of the names of the persons elected as county chair and precinct chairs for the county. (Sec. 172.118).

Thursday, March 31, 2016 (30th day after primary election day)

-Deadline for county chair to deliver to Secretary of State precinct returns of primary election for statewide offices and the offices of U.S. senator, U.S. representative, state senator, and state representative, including precinct-by-precinct returns for early voting. Secretary of State shall create and maintain an electronic system for submission of the report. (Secs. 67.017 & 172.124, as amended by House Bill 1073, 2015 Legislative Session).

NOTE ON NEW LAW: Section 172.124 (as amended by Senate Bill 1073, 2015 Legislative Session) provides that the county clerk will prepare the report (rather than the county chair). However, the county chair will still submit the report to the Secretary of State.

April

Saturday, April 9, 2016 (45th day before runoff primary election day; 2nd Saturday in April)

-Deadline for early voting clerk to mail ballots to military and overseas voters. If the clerk cannot meet this 45th-day deadline, the clerk must notify Secretary of State within 24 hours. If a federal postcard application ("FPCA") is received after the 45th-day deadline, the ballot should be mailed not later than the 7th calendar day after the date the FPCA is received.

NOTE: The 45th-day deadline under Section 86.004(b) is not extended by Section 1.006 to the next business day. The ballots covered by Section 86.004(b) should be sent out on or before Saturday, April 9, 2016.

Reminder: In regards to mail ballots for other voters (not military or overseas), the early voting clerk must mail a ballot not later than the 7th day after the later of: (1) the date the early voting clerk has accepted a voter's application for a ballot by mail or (2) the date the ballots become available for

mailing. However, if the 7th day falls earlier than the 45th day before election day, the voter's mail ballot must be mailed no later than the 38th day before election day. (Sec. 86.004(a)).

-Recommended deadline for county chair of party holding a runoff primary election to procure from voter registrar a set of precinct lists of registered voters (also supplemental lists and correction lists, if necessary) to deliver to county election officer for use in conducting early voting by mail and in person in the party's runoff primary. (Secs. 18.001(d) & 18.002-18.004).

-State convention for minor party that is nominating candidates for statewide offices. (Sec. 181.061(a)).

Friday, April 22, 2016 (32nd day before runoff primary election day and 12th day before first day signature verification committee may convene)

-Recommended date for early voting clerk to issue order calling for appointment of signature verification committee for the runoff primary election, if the early voting clerk determines that a committee is to be appointed. (Sec. 87.027).

-If the signature verification committee will start meeting on Wednesday, May 4, 2016, recommended date early voting clerk should post copy of the order calling for appointment of the signature verification committee. (Saturday, April 23, and Sunday, April 24, 2016 are the 10th and 11th days before the first day the committee may meet.) The notice must remain posted continuously for at least 10 days before the first day the committee meets. (Sec. 87.027).

Monday, April 25, 2016 (29th day before runoff primary election day)

-Last day to register to vote or make a change of address effective for the Tuesday, March 1, 2016 primary election. (Secs. 13.143, 15.025).

> **NOTE:** A Federal Postcard Application (FPCA) also serves as an application for permanent registration under Texas law **unless the voter marked "outside the U.S. indefinitely" (2005) form or "do not intend to return" (2011 form)**. The early voting clerk should make a copy (for mailing ballots, keeping records, etc.), then should forward the original to the county voter registrar, as soon as practicable. (Sec. 101.055, 1 Tex. Admin. Code Sec. 81.40(a), (c)(2)).

Wednesday, April 27, 2016 (5th day after recommended date to order signature verification committee)

-If the early voting clerk issues order calling for appointment of signature verification committee, this is the deadline for the county chair to appoint the members to the committee. *See* entry under Friday, April 22, 2016. (Sec. 87.027).

May

Sunday, May 1, 2016 (61st day after primary election day)

-First day the general custodian of election records may (1) require a person who has possession of a key that operates the lock on a ballot box containing voted ballots to return the key to the custodian; and (2)

unlock the ballot box and transfer the voted ballots to another secure container for the remainder of the preservation period. (Sec. 66.058(b)). Please note that the custodian is not required by law to do this on Sunday, May 1, 2016; the custodian may choose to transfer the voted ballots to another secure container for the remainder of the preservation period on Monday, May 2, 2016 or a later date.

Tuesday, May 3, 2016 (21st day before runoff primary election day)

-Last day for county chair to post notice of the runoff primary election on the commissioners court bulletin board. (Secs. 4.003 & 172.1112).

Wednesday, May 4, 2016 (20th day before runoff primary election day)

-Last day for a person to apply for a full ballot by mail using an FPCA, if the person is not a registered voter but meets the requirements under Title 2 of the Texas Election Code. (Secs. 101.052(e) & 101.055(a)). (If the voter marks the FPCA form indicating "indefinitely" (older form) or "do not intend to return" (newer form), the voter receives a federal-only ballot.) Postmark with this date on the FPCA is proof that the applicant submitted the FPCA by this deadline. *See* entry below for FPCA without postmark at the 15th day before runoff primary election day, May 9, 2016. (Sec. 101.052(e), (i)).

-First day that the signature verification committee, if one is appointed, may begin operating. (Sec. 87.027).

Thursday, May 5, 2016 — Friday, May 13, 2016 (19th — 11th day before runoff primary election day)

-A person submitting an FPCA during this period who is not registered to vote is not entitled to receive a ballot for any non-federal election held on Tuesday, May 24, 2016. *See* entry below under Monday, May 9, 2016 (FPCA without a postmark). (Secs. 101.052(g) & 114.004(c)).

> **NOTE:** Section 84.007(c), as amended by Senate Bill 1703, 2015 Legislative Session, changed the deadline for filing an application for ballot by mail and an FPCA to the 11th day before election day.
>
> **NOTE:** Be sure to check the list of registered voters for permanent registration status. Also, state law authorizes an FPCA to also serve as an application for permanent registration; therefore, the person might be permanently-registered based on a prior FPCA. Even if the FPCA arrives too late for a particular election, the early voting clerk will still need to forward the original FPCA to the county voter registrar, after making a copy for the early voting clerk's use (mailing ballots, etc.) and records unless the voter marked "indefinitely" (older form) or "do not intend to return" (newer form), in which case, it will not serve as a permanent registration. (Sec. 101.055; 1 T.A.C. § 81.40).
>
> Overseas (non-military) voters marking the FPCA as "indefinitely" (older form) or "do not intend to return" (newer form) receive a federal ballot only regardless of the date filed. (*See* Chapter 114). A person submitting an FPCA during this period is entitled to receive a federal ballot only (no state, district, or county offices), if not already a permanent registered voter. (Sec. 101.052(f)).

Friday, May 6, 2016 (18th day before runoff primary election day)

-If a defective application to vote early by mail is received on or before this date, the early voting clerk must mail the applicant a new application with explanation of defects and instructions for submitting the new

application. For defective applications received after this date and before the end of early voting by personal appearance, the early voting clerk must mail only the notice of defect and a statement that the voter is not entitled to vote early by mail unless he or she submits a sufficient application by the deadline. (Sec. 86.008, as amended by Senate Bill 1073, 2015 Legislative Session).

Monday, May 9, 2016 (15th day before runoff primary election day)

-If an FPCA is received by this date without a postmark to prove mailing date, the early voting clerk will accept the FPCA and mail the applicant a full ballot if the applicant is not already a permanent registered voter, but meets the requirements under Title 2 of the Texas Election Code. (Sec. 101.052(i)).

-Deadline to notify election judges of duty to hold election (Writ of Election). Written notice must be given to the presiding judge of the duty to hold the election, purpose of election, the election date, location of the polling place, hours the polls are open, and the number of clerks to be appointed. (Sec. 4.007).

Wednesday, May 11, 2016 (13th day before runoff primary election day)

-Last day to publish notice of L&A test if test is to be conducted on Friday, May 13, 2016 because notice must be published 48 hours before test begins. (Sec. 129.023).

Thursday, May 12, 2016 (day before the last day to apply for a ballot by mail; 12th day before runoff primary election day)

-A voter who becomes sick or disabled on or after this date may vote a late ballot if the sickness or disability prevents the voter from appearing at the polling place without the likelihood of needing personal assistance or of injuring his or her health. (Sec. 102.001).

> **NOTE:** Section 84.007(c), as amended by Senate Bill 1703, 2015 Legislative Session, changed the deadline for filing an application for ballot by mail to the 11th day before election day. Because the date that the sickness or physical condition originates is keyed to the "day before the last day for submitting an application for ballot by mail," the date the sickness or physical condition originates has now become the 12th day before the primary election. *See* entry at Friday, May 13, 2016.

-First day in counties with a population of 100,000 or more that early voting ballot boards may be convened and have delivered to them by mail ballots to begin processing and qualifying mail ballots; however, the mail ballots may not be counted until the end of the period for early voting in person and results may not be released until the polls close on election day. (Secs. 87.0221, 87.0222, as amended by Senate Bill 383, 2015 Legislative Session, 87.023, 87.024, 87.0241 & 87.042). The early voting clerk shall continuously post notice for 24 hours preceding each delivery of voting materials that is to be made before the time for opening the polls on election day. (Sec. 87.0222).

Friday, May 13, 2016 (11th day before runoff primary election; last business day 48 hours before start of early voting in person)

-Last day for early voting clerk to receive applications for a ballot to be voted by mail. (Sec. 84.007(c), as amended by Senate Bill 1703, 2015 Legislative Session). All applications to vote by mail must be received by the early voting clerk before the close of regular business or 12 noon, whichever is later. Applications to

vote by mail must be submitted by mail, common or contract carrier, fax (if a fax machine is available in the office of the early voting clerk) or e-mail. (Sec. 84.007(c)).

> **NOTE ON NEW LAW:** Section 84.007(c) (as amended by Senate Bill 1703, 2015 Legislative Session) provides that an application for ballot by mail must be submitted no later than the eleventh day (rather than the ninth day) before election day. Additionally, section 84.007(b), as amended by House Bill 1927, 2015 Legislative Session, provides that applications for ballot by mail can now be submitted by a scanned application with an original signature via email. The early voting clerk will need to designate an e-mail address for the receipt of applications for ballot by mail.

-Last day to receive a FPCA from a voter. If the voter is not registered in the county, the voter is eligible for a ballot containing federal offices only. (Secs. 101.052(g) & 114.004(c)).

> **NOTE:** Section 84.007(c), as amended by Senate Bill 1703, 2015 Legislative Session, changed the deadline for filing both an application for ballot by mail and an FPCA to the eleventh day before election day.

-Recommended day to conduct public L&A test of a voting system that uses DRE voting machines (or an electronic voting system which is subject to L&A testing under advisories issued by Secretary of State) used in early voting. We highly recommend that this test be done on an earlier date to allow time for corrections to programming, if necessary. (*See* Note 6 prior to Calendar of Events.) The test shall be conducted not later than 48 hours before voting begins on such voting systems, assuming that the voting system will first be used for early voting in person. (Sec. 129.023).

Monday, May 16, 2016 — Friday, May 20, 2016 (8th — 4th day before runoff primary election day)

-In counties with a population of 100,000 or more, the early voting clerk must keep the main polling place open for 12 hours each day during early voting for the runoff primary election. Early voting must be conducted at permanent branch locations for 12 hours each day. Early voting must be conducted for 12 hours on each **weekday** of the last week at required **temporary branch locations** (created under Section 85.062(d) of the Texas Election Code) if a written request signed by 15 registered voters was filed by Wednesday, May 11, 2016. Please note there is a 5-day notice posting requirement if the early voting clerk received petition requesting these extended hours. (Secs. 85.005(c), 85.063, 85.064 & 85.067).

-In counties with a population of less than 100,000, the early voting clerk must keep the main polling place open for 12 hours each day for the primary election if 15 or more registered voters petition the county for the extended 12-hour schedule. (Secs. 85.005(c) & 85.067).

Monday, May 16, 2016 (8th day before runoff primary election day)

-First day to vote early in person. (Sec. 85.001).

> **NOTE:** The early voting period for the runoff primary election begins 10 days prior to election day, but because this day falls on a weekend (Saturday, May 14, 2016), it is extended to the next regular business day Monday, May 16, 2016. (Sec. 85.001(b), (c)).

> **NOTE:** About branch early voting in a primary election: The commissioners court:

1. in a county with a population of 400,000 or more, **must** establish one or more temporary polling places, other than the main early voting polling place, in each state representative district containing territory covered by the election. The temporary polling place(s) must remain open the same days as the main early voting polling place, but the commissioners court determines the hours during which voting is to be conducted, unless a written request signed by 15 registered voters requesting the same number of hours as the main polling place is timely filed with the commissioners court;

2. in a county with a population of 120,000 or more but less than 400,000, **must** establish one or more temporary polling places, other than the main early voting polling place, in each commissioners precinct containing territory covered by the election. The temporary polling place(s) must remain open the same days as the main early voting polling place, but the commissioners court determines the hours during which voting is to be conducted, unless a written request signed by 15 registered voters requesting the same number of hours as the main polling place is timely filed with the commissioners court; or

3. in a county with a population of 100,000 or more but less than 120,000, **must** establish one or more early voting polling places in each commissioners court precinct for which the commissioners court receives a **timely filed written request by at least 15 registered voters of that precinct**. The temporary polling place(s) must remain open the same days as the main early voting polling place, but the commissioners court determines the hours during which voting is to be conducted, unless a written request signed by 15 registered voters requesting the same number of hours as the main polling place is timely filed with the commissioners court. (Secs. 85.062; 85.064).

NOTE: If a county has a population under 100,000, the location, days, and hours of temporary branch locations may be established only by the commissioners court. **No petition process is available**. (Sec. 85.065).

NOTE: A temporary branch polling place that is "movable" may be established only with the approval of the county clerk. If a movable temporary branch polling place is established on the request of a political party, each political party, whose nominee for governor in the most recent gubernatorial general election received more than 10 percent of the total number of votes received by all candidates for governor in the 2010 election, is entitled to the establishment of such a polling place. The election officers serving a polling place covered by this subsection must be appointed from the list submitted by the county chairs to the early voting clerk. (Sec. 85.062(e)).

If early voting by personal appearance is required to be conducted for extended hours or for weekend hours, the county voter registrar's office is required to remain open for providing voter registration information during the extended hours or weekend hours that the main early voting polling place is open for voting. (Secs. 12.004(d), 85.005(c) & 85.006(e)).

If county election precincts are consolidated, county chair must post at the polling place used in the preceding general election for state and county officers a notice of consolidation and location of the polling place. For purposes of conducting a runoff primary election, the "preceding general election" is the preceding primary election. (Secs. 4.003(b) & 172.1112). (The deadline is extended to the next regular business day which is Monday, May 16, 2016 due to the 10th day falling on Saturday, May 14, 2016.) (Sec. 1.006).

Wednesday, May 18, 2016 (4th business day before runoff primary election day)

-Last day for Secretary of State to receive requests for state election inspectors for runoff primary election. (Sec. 34.001).

Thursday, May 19, 2016 (day before the last day of early voting in person; 5th day before runoff primary)

-A voter who will be absent from his county of residence due to a death of an immediate family member occurring on or after this day may apply for a late ballot. Application may be made after the last day of early voting in person, up to the close of business on the day before runoff primary election day. (Secs. 103.001 & 103.003). *See* entry under Saturday, May 21, 2016.

-If delivery of early voting ballots and materials will be made to the early voting ballot board between the end of the period for early voting by personal appearance and the opening of the polls on runoff primary election day (*see* Note in entry under May 24, 2016), notice must be posted of such delivery 24 hours in advance. (Secs. 87.0221, 87.0222, 87.023, 87.024 & 87.0241).

Friday, May 20, 2016 (4th day before runoff primary election day)

-Last day to vote early in person in the runoff primary election. (Sec. 85.001(b)).

-First day for voter registrar or elections administrator to return the list of registered voters used in first primary to the county chair if it is to be used for the runoff primary election. (Sec. 172.115(b)).

-Deadline to publish notice of the first test of the automatic tabulating equipment, if the test is to be conducted as recommended on Sunday, May 22, 2016. The notice must be published at least 48 hours before the test. (Secs. 127.093 & 127.096).

Saturday, May 21, 2016 (day after last day of early voting in person; 3rd day before runoff primary election day)

-First day to submit an application for and vote a late ballot because of a death in the immediate family that occurred on or after Thursday, May 19, 2016 ("the day before the last day for early voting by personal appearance"), and will require absence from the county on election day. May submit application through May 23, 2016, the day before runoff primary election day. (Secs. 103.001 & 103.003(b)).

-First day to submit an application for and vote a late ballot because of sickness or disability that arose on or after Thursday, May 12, 2016. May submit application through 5:00 p.m. on runoff primary election day. (Secs. 102.001 & 102.003).

-Counties with a population of 100,000 or more and using electronic voting equipment may begin counting ballots voted in person or by mail during the early voting period. (Sec. 87.0241(b)).

-Early voting ballot board in all counties may meet to process ballots but may not begin actually counting ballots unless the county has a population of 100,000 or more. (Sec. 87.0241).

-Last day to publish notice of the public L&A test of a voting system that uses DRE voting machines (or an electronic voting system which is subject to L&A testing under advisories issued by Secretary of State) used for the first time on election day, if test will be held on Monday, May 23, 2016. The last date to perform this test is Monday, May 23, 2016. Notice of the public L&A test must be published at least 48 hours before the test begins. (Secs. 1.006, 129.001 & 129.023).

Sunday, May 22, 2016 (2nd day before primary election day)

-Last day to conduct first test of automatic tabulating equipment, if not done already. Test must be conducted at least 48 hours before ballots will be counted. The notice of the test must be published at least 48 hours before the test. (Secs. 127.093 & 127.096).

Monday, May 23, 2016 (day before runoff primary election day; 75th day after minor party precinct conventions)

-Last day to submit an application for and vote a late ballot by personal appearance due to death in immediate family that occurred on or after Thursday, May 19, 2016. (Sec. 103.003).

-Last day to for early voting clerk to mark the precinct list of registered voters with a notation beside each name of voter who voted early, and deliver list to election judges. The early voting clerk must also deliver the precinct early voting list. (Sec. 87.122).

> **NOTE ON NEW LAW:** Section 87.122, as amended by House Bill 2366 (2015), requires the early voting clerk to notate those voters that have voted early on the precinct list of registered voters instead of the presiding election judge.

-Deadline for county chair to post notices of changed polling places. (Sec. 43.062).

-Deadline for minor party chairs to submit petitions and precinct convention lists to Secretary of State and to the appropriate county clerk (or other county election official) for placement on the ballot. (Secs. 1.006, 181.005(a), 181.006(b)(3), 182.003, 182.004).

Tuesday, May 24, 2016 (4th Tuesday in May) RUNOFF PRIMARY ELECTION DAY (Sec. 41.007(b)).

7:00 a.m. to 7:00 p.m.	Polls are open. (Sec. 41.031(a)). Voter registrar's and early voting clerk's offices are open. (Secs. 12.004(c), 83.002(2) & 83.011).
7:00 a.m. to 7:00 p.m.	Sick and disabled persons may vote at the main early voting polling place if voting machines are used at regular polling place(s) on election day and the voter has a sickness or condition that prevents the voter from voting in the regular manner without personal assistance or likelihood of injury. (Secs. 104.001 & 104.003). However, if the early voting ballots by mail are processed at a location other than the main early voting polling place, the early voting clerk may require the voting to be conducted at that location. (Sec. 104.003).

5:00 p.m. Deadline for receiving applications for late ballots to be voted by persons who became sick or disabled on or after Thursday, May 12, 2016 (12th day before runoff primary election day). (Secs. 84.007(c), 102.001 & 102.003(b)). *See* entries at Thursday, May 12, 2016 and Friday, May 13, 2016.

7:00 p.m. Deadline for receiving early voting ballots by mail and late ballots cast by voters who became sick or disabled on or after Thursday, May 12, 2016 (12th day before runoff election day). (Secs. 84.007(c), 86.007(a) & 102.006(c)). (See late ballot exception to the by-mail rule under entry for May 31, 2016). *See* entries at Thursday, May 12, 2016 and Friday, May 13, 2016.

7:00 p.m. County election officer begins transmitting results to Secretary of State and transmits continuously until results are final. (Sec. 68.034).

Note on Receipt of Mail Ballots: All marked early voting ballots sent by mail from inside the United States must arrive before the time the polls are required to close on election day. If the early voting clerk cannot determine whether a ballot arrived before the deadline, the ballot is considered to have arrived at the time the place at which the carrier envelopes are deposited was last inspected for removal of returned ballots. (Sec. 86.007(a)). The early voting clerk must check the mailbox for early voting mail ballots at least once after the time for regular mail delivery. (Sec. 86.007(b)). A marked ballot that is not timely returned may not be counted unless the ballot may be counted late, pursuant to Section 86.007(d), which applies to ballots mailed from outside of the United States.

Note on Delivery of Early Voting by Personal Appearance and Mail Ballots: The early voting clerk delivers the voted ballots, the key to the double-locked ballot box, etc., to the early voting ballot board at the time or times specified by the presiding judge of the early voting ballot board, during the hours on election day that the polls are open or as soon after the polls close as practicable. (Sec. 87.022). The custodian of the key to the second lock of the double-locked early voting ballot box delivers his or her key to the presiding judge of the early voting ballot board on request of the presiding judge. (Secs. 85.032(d) & 87.025). **The custodian is the sheriff for county elections, elections ordered by the governor, and a primary election** (or the county judge in a year when the office of sheriff is on the ballot); the **chief of police or city marshal for city elections**; and the constable of the justice precinct in which the political subdivision's main office is located (or the sheriff, if there is no constable), for other political subdivision elections. (Sec. 66.060).

Note on Manual Examination of Ballots Before Processing on Automatic Counting Equipment: The central counting station manager shall direct the manual examination of all electronic voting system ballots to ascertain whether the ballots can be processed in the usual manner or if the ballots need to be duplicated to clearly reflect the voter's intent. (Sec. 127.125).

Note on Testing Tabulating Equipment: The second test of automatic tabulating equipment used for counting ballots at a central counting station must be conducted immediately before the counting of ballots with equipment begins. The third test must be conducted immediately after the counting is completed. (Secs. 127.093, 127.097 & 127.098).

Note on Precinct Election Returns: Precinct election returns are delivered to the appropriate authorities after completion. (Secs. 66.053(a), 127.065, 127.066 & 127.067).

Transfer of Provisional Ballots to Voter Registrar Election Night: The county voter registrar may take possession of the ballot box(es) or transfer case(s) containing the provisional ballots (or provisional ballot affidavits when DRE systems are used) on election night (instead of on the next business day) by informing the custodian of election records and posting a notice of such election night transfer no later than 24 hours before election day. Under this type of delivery, the voter registrar must go to the office of the custodian and pick up the ballot box(es) or transfer case(s) and associated forms. (Sec. 65.052; 1 T.A.C.§§ 81.172 – 81.174 & 81.176).

Wednesday, May 25, 2016 (1st business day after runoff primary election day)

-Unless the county voter registrar has already taken possession of the provisional ballots prior to this date, the general custodian of election records must deliver the ballot box(es) or transfer case(es) containing the provisional ballots (or provisional ballot affidavits when DRE systems are used), along with the Summary of Provisional Ballots and the List of Provisional Voters for each precinct to the voter registrar by this day. The general custodian of election records makes this delivery to the voter registrar during the voter registrar office's regular business hours. (Secs. 65.052, 65.053; 1 T.A.C. §§ 81.172 – 81.174, 81.176).

NOTE: If the voter registrar wants to take possession of the provisional ballots and forms on election night (Tuesday, May 24, 2016), the voter registrar must inform the custodian of the election records and post a notice of the election night transfer no later than 24 hours before election day. However, under this type of delivery, the voter registrar must go to the office of the custodian of election records and pick up the provisional ballots and forms. Also, note that the voter registrar may take possession of provisional ballots prior to election night if ballots are kept separate and may be provided without unlawful entry into ballot box. (1 T.A.C. §§ 81.172 – 81.174).

Monday, May 30, 2016 (6th day after runoff primary election day)

-Last day to post notice of county executive committee's meeting to canvass returns of runoff primary election because canvass must take place on Thursday, June 2, 2016. This notice must be posted at least 72 hours before the scheduled time of the meeting. (Sec. 172.116; Secs. 551.002, 551.041 & 551.043, Texas Government Code).

Tuesday, May 31, 2016 (7th day after runoff primary election day)

-Last day to receive ballots from voters casting ballots from outside of the United States who placed their ballots in delivery before 7:00 p.m. on runoff primary election day. (Sec. 86.007(d)(3)). (The deadline is extended to the next regular business day which is Tuesday, May 31, 2016 due to the 5th day falling on Sunday, May 29, 2016 and Monday, May 30, 2016 is Memorial Day, a state legal holiday. (Secs. 86.007(d)(3), 1.006).

-Deadline for provisional voter to (1) present acceptable identification to county voter registrar; or (2) execute an affidavit relative to "natural disaster" or "religious objection" in presence of county voter registrar. (Secs. 65.054 & 65.0541; 1 T.A.C. §§ 81.172-81.174 & 81.176).

-Deadline for custodian of election records or presiding judge of the early voting ballot board to retrieve provisional ballots from county voter registrar. (1 T.A.C. §§ 81.172 – 81.174 & 81.176).

June

Thursday, June 2, 2016 (9th day after runoff primary election day; 2nd Thursday after runoff primary election day)

-Last day for the early voting ballot board to reconvene (at any time after the last mail delivery on this date) to qualify and count any late ballots cast that were submitted from outside the United States, mailed by the close of polls on primary election day and received by Tuesday, May 31, 2016. The time the board reconvenes is set by the presiding judge of the early voting ballot board. (Secs. 86.007(d) & 87.125).

-Deadline for early voting ballot board to verify and count provisional ballots that were verified by the voter registrar. (Sec. 65.051(a), as amended by Senate Bill 1703, 2015 Legislative Session).

> **NOTE ON NEW LAW:** Section 87.125 (as amended by Senate Bill 1703, 2015 Legislative Session) provides that the early voting ballot board has until the ninth day after primary election day to reconvene (rather than the sixth day). Additionally, section 65.051(a) (as amended by Senate Bill 1703, 2015 Legislative Session) provides that the deadline for early voting ballot board to verify and count provisional ballots that were verified by the voter registrar is the ninth day after election day (rather than the seventh).

-Local canvass of the runoff primary election by county chair and at least one member of the county executive committee must be conducted on this date. (Sec. 172.116(b). as amended by Senate Bill 1073, 2015 Legislative Session).

> **NOTE ON NEW LAW:** Section 172.116 (as amended by Senate Bill 1073, 2015 Legislative Session) provides that the canvass at the county level is to be conducted by the county chair and at least one member of the county executive committee who is chosen by the county executive committee, if available (rather than the canvass being conducted by the county executive committee).

Friday, June 3, 2016 (10th day after runoff primary election day; 24 hours after local canvass)

-Deadline for presiding judge of early voting ballot board to notify mail ballot voters of rejected ballots. (Sec. 87.0431).

> **NOTE:** Sec. 87.0431 requires notice to also be provided to email address of an overseas mail ballot voter if ballot was transmitted to the voter by email under Section 101.102 of the Texas Election Code.

-Deadline for county chair to submit canvassed returns for statewide and district offices to state party chair. The state executive committee may adopt by rule an electronic submission system for delivery of the county returns. (Secs. 67.007(d) & 172.119(b).

Saturday, June 11, 2016 (3rd Saturday after runoff primary election day)

-Deadline for state executive committee to conduct state canvass. (Sec. 172.120).

Monday, June 13, 2016 (11th day after local canvass; 20th day after runoff primary election day)

-Deadline for the presiding judge of the early voting ballot board to notify provisional voters whether their ballots were counted and if not, the reason why they were not counted. (Sec. 65.059; 1 T.A.C. §§ 81.172 – 81.174 & 81.176). (The deadline is extended to the next regular business day which is Monday, June 13, 2016 due to the 10th day falling on Sunday, June 12, 2016.) (Sec. 1.006).

-New party officers take office. (Sec. 171.022(c)).

Wednesday, June 22, 2016 (20th day after local canvass)

-Deadline for county chair to deliver notice of persons elected as party officers (county and precinct chairs, as applicable) following the runoff primary election to state chair and county election officer. The notice may be given by electronic means or through an electronic submission system adopted by the state executive committee of the party. (Sec. 172.118(a)).

Thursday, June 23, 2016 (30th day after runoff primary election day)

-Deadline for county chair to deliver to Secretary of State precinct returns of primary election for statewide offices and the offices of U.S. senator, U.S. representative, state senator, and state representative, including precinct-by-precinct returns for early voting. Secretary of State shall create and maintain an electronic system for submission of the report. (Secs. 67.017 & 172.124, as amended by House Bill 1073, 2015 Legislative Session).

> **NOTE ON NEW LAW:** Section 172.124 (as amended by Senate Bill 1073, 2015 Legislative Session) provides that the county clerk will prepare the report (rather than the county chair). However, the county chair will still submit the report to the Secretary of State.

-Deadline for county chair to file report of the actual expenses of the general primary election and runoff election (Final Cost Report) with Secretary of State. (Sec. 173.084). Any surplus remaining in a county primary fund account after payment of approved expenses must be remitted to Secretary of State after final payment from the fund but not later than July 1st. (Sec. 173.0851). The county chair is not entitled to final payment unless precinct-by-precinct returns have been received by Secretary of State.

July

Wednesday, July 13, 2016 (30th day after term of party office starts)

-Deadline by which former county chair must transfer party bank accounts and records to new county chair; it is a Class C misdemeanor if the former county chair fails to transfer the records. (Sec. 171.028).

Sunday, July 24, 2016 (61st day after runoff primary election day)

-First day the general custodian of election records may (1) require a person who has possession of a key that operates the lock on a ballot box containing voted ballots to return the key to the custodian; and (2) unlock the ballot box and transfer the voted ballots to another secure container for the remainder of the

preservation period. (Sec. 66.058(b)). Please note that the custodian is not required by law to do this on Sunday, July 24, 2016; the custodian may choose to transfer the voted ballots to another secure container for the remainder of the preservation period on Monday, July 25, 2016 or a later date.

2018

January 2018 (Twenty-two (22) months after 2016 primary election day)

-Contents of ballot box(es) may be destroyed if no contest or criminal investigation has arisen (Secs. 66.058 and 1.013; 42 U.S.C. 1974), and if no open records request has been filed (Tex. Att'y Gen. ORD-505 (1988)).

March 2018 (Twenty-two (22) months after 2016 runoff primary election day; two years after 2016 primary election day)

-Contents of ballot box(es) may be destroyed if no contest or criminal investigation has arisen (Secs. 66.058 and 1.013; 42 U.S.C. 1974) and if no open records request has been filed (Tex. Att'y Gen. ORD-505 (1988)).

-Candidate applications must be retained by the county chair for two years (24 months) after date of primary election. (Sec. 141.036).

2020

March 2020 (Four years after 2016 election day)

-Voter registrar must retain list of registered voters for the primary election for four years after election day. (Sec. 18.011(b)).

May 2020 (Four years after 2016 runoff primary election day)

-Voter registrar must retain list of registered voters for the runoff primary election for four years after election day. (Sec. 18.011(b)).

TEXAS SECRETARY OF STATE
CARLOS H. CASCOS

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Offices up for Election in 2016

Note: This is a preliminary list that is subject to change as we are notified about vacancies and newly-created offices. Also, visit our website for an unofficial list of candidates once filing is underway.

Collapse All | Expand All

Office	Term
U.S. President	4 yr. term
All 36 United States Representatives	2 yr. term
Railroad Commissioners	6 yr. term
3 members of the Supreme Court	6 yr. term
3 members of the Court of Criminal Appeals	6 yr. term
8 Members, State Board of Education	4 yr. term
16 State Senators	4 yr. term
All 150 State Representatives	2 yr. term
Chief Justice of Courts of Appeals	6 yr. term
Various Court of Appeals Justices	6 yr. term
Various District Judges, Criminal District Judges	4 yr. term
Family District Judges	4 yr. term
District Attorneys	4 yr. term
Sheriff	4 yr. term
County Court at Law	4 yr. term
County Attorneys	4 yr. term

Tax Assessor-Collector	4 yr. term
County Commissioners	4 yr. term
Justices of the Peace (Place 1 designation only)[a]	4 yr. term
Constable	4 yr. term

a. Generally, the office of Justice of the Peace in Place 1 for a county is up for election in 2016. However, we recommend that you contact your county election official to confirm the place number.

NOTE: Incumbent office holders appear where listed. This is not a list of current candidates or those who have filed a candidate application for the office.

NOTE: For many years, article XVI, Section 65 of the Texas Constitution set out which county offices would be up for election. This language (setting up the staggering scheme) was omitted in 1999 in "clean-up" legislation. Our office requested an attorney general opinion, expressing our concern about the omitted staggering scheme. The attorney general opined that because the staggering scheme was removed, any newly-created offices would be on the next ballot for the full four-year term. See Texas Attorney General Opinion Number JC-0519 (2002). You will need to check your county records to see if your county created new offices since the 1999 constitutional change.

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Qualifications for Office

Public Office Sought in 2016	U.S. Citizen	Texas Resident	District Resident	Registered to Vote in Area Elected From	Age	Practicing Lawyer or Judge	Source[d]	Term of Office
United States Representative	7 yrs.	Yes[a]	not req'd	-	25	-	I § 2	2 yrs.
Railroad Commissioner	Yes	12 mo[c]	-	Yes[c]	25[h]	-	§§ 81.01003, 81.01004	6 yrs.
Justice, Supreme Court	Yes	12 mo.[c]	-	Yes[c]	35[b]	10 yrs.[b]	V § 2	6 yrs.
Presiding Judge and Judge, Court of Criminal Appeals	Yes	12 mo.[c]	-	Yes[c]	35[b]	10 yrs.[b]	V § 4	6 yrs.
State Senator	Yes	5 yrs.[b]	12 mo.[b]	not req'd[i]	26[b]	-	III § 6	4 yrs.
State Representative	Yes	2 yrs.[b]	12 mo.[b]	not req'd[i]	21[b]	-	III § 7	2 yrs.
Member, State Board of Education	Yes	12 mo.[b]	12 mo.[b]	Yes[c]	26[b]	-	§ 7.103	4 yrs.
Chief Justice and Justice, Court of Appeals	Yes	12 mo.[c]	6 mo.[c]	Yes[c]	35[b]	10 yrs.[b]	V § 6	6 yrs.
District Judge	Yes	2 yrs.[b]	2 yrs.[b]	Yes[c]	25[h]	4 yrs.[b]	V § 7 §24.001	4 yrs.
Criminal District Judge	Yes	2 yrs.[b]	2 yrs.[b]	Yes[c]	25[h]	4 yrs.[b]	V § 7 §24.001	4 yrs.
District Attorney[e]	Yes	12 mo.[c]	6 mo.[c]	Yes[c]	18[h]	Yes	V §§ 21, 30 § 41.001	4 yrs.
Judge, County Court-at-Law[e]	Yes	2 yrs.[e]	6 mo.[c, e]	Yes[c]	25 [e, h]	4 yrs.[e]	V § 30 §25.0014	4 yrs.
Judge, County Criminal Court[e]	Yes	2 yrs.[e]	6 mo.[c, e]	Yes[c]	25[e, h]	4 yrs.[e]	V § 30 §25.0014	4 yrs.
Judge, County Probate Court[e]	Yes	2 yrs.[e]	6 mo.[c, e]	Yes[c]	25[e, h]	4 yrs.[e]	V § 30 §25.0014	4 yrs.
County Attorney	Yes	12 mo.[c]	6 mo.[c]	Yes[c]	18[h]	Yes	V § 21 § 41.001	4 yrs.
Sheriff [f]	Yes	12 mo.[c]	6 mo.[c]	Yes[c]	18[h]	-	V § 23 85.0011	4 yrs.
Tax Assessor-Collector	Yes	12 mo.[c]	6 mo.[c]	Yes[c]	18[h]	-	VIII § 14	4 yrs.
County Commissioner	Yes	12 mo.[c]	6 mo.[c]	Yes[c]	18[h]	-	V § 18	4 yrs.
Constable [g]	Yes	12 mo.[c]	6 mo.[c]	Yes[c]	18[h]	-	V § 18 § 86.0021	4 yrs.

Justice of the Peace (Place 1)	Yes	12 mo.[c]	6 mo.[c]	Yes[c]	18[h]	-	V § 18	4 yrs.

a. No duration specified.
b. Before date of general election.
c. As of December 14, 2015, if candidate for Democratic or Republican Party Nomination. As of the date of nomination, if other party nominee for statewide, multi-county district, single-county district, county or precinct office. As of June 23, 2016, if independent candidate. As of November 8, 2016, if declared write-in candidate.
d. Citations refer to article and section number of the U.S. Const. for U.S. Senator and U.S. Rep.; section number of the Tex. Educ. Code for Member, State Board of Education; section number of the Tex. Nat. Res. Code for Railroad Commission; section number of the Tex. Gov't Code for district judge, district and county attorney, and statutory county court; section number for Texas Loc. Gov't Code for sheriff and constable; and article and section number of the Tex. Const. for all others. Also see § 141.001 of the Tex. Elec. Code.
e. Statutory qualifications may vary; contact your local party chair or the Secretary of State.
f. Additional qualifications for sheriff: must have a high school diploma or high school equivalency degree and be eligible to be licensed under sections 1701.309, 1701.312, and 1701.502 of the Texas Occupations Code.
g. Additional qualifications for constable: must be either (1) eligible to be licensed under sections 1701.309, 1701.312, and 1701.502 of the Texas Occupations Code AND (a) has at least an associate's degree, (b) is a special investigator under Article 2.122(a), Code of Criminal Procedure, or (c) is an honorably retired peace officer or honorably retired federal criminal investigator who holds a certificate of proficiency issued under Section 1701.357, Texas Occupations Code OR (2) an active or inactive licensed peace officer under Chapter 1701 of the Texas Occupations Code.
h. On first day of term to be filled at election. Note: A candidate might need to be age 18 at an earlier date than the first day of the term to be filled at election if the candidate is required to be a registered voter. See offices requiring voter registration.
i. The offices of state senator and state representative must be qualified voters as defined by Tex. Const. Art. VI, Sec. 2. This definition does not include voter registration for purposes of constitutional eligibility requirements for office.

Special Note 1: Please be advised that due to the removal of the staggering schedule from Article XVI, Section 65 of the Texas Constitution, there are various local offices which may have been created by your county commissioners court or the Texas Legislature but are not listed in this guide. For further information on filing for county offices not listed, please contact the county clerk's/elections administrator's office or the office of the Secretary of State.

Special Note 2: Please be advised that executive and judicial officers elected in a statewide election, state appellate and district judges, members of the State Board of Education, and district or criminal district attorneys (among others) are subject to the provisions of Chapter 572 of the Texas Government Code Ann., which relates to personal financial disclosure, standards of conduct, and conflicts of interest issues. For further information on the applicability and requirements of Chapter 572, candidates should contact the Texas Ethics Commission.

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Important Dates for the Party Conventions, Primary Elections and General Election

Introductory Note Concerning Conventions of Parties Holding Primary Elections

Precinct Conventions

Time and Place: Precinct conventions may be held at a time and place determined by rules adopted by state executive committee of a political party. If precinct conventions are held on general primary election day, the hour set for convening conventions may not be earlier than 7:00 p.m. or later than 9:00 p.m., but a convention may not convene until the last voter has voted at the precinct polling place. If precinct conventions are held on a day other than general primary election day, county executive committee must set the hour for convening or a time frame in which the convention must convene. Tex. Elec. Code Ann. §§ 174.021 & 174.022.

Notice Required: County chair must post notice of date, hour, and place for convening precinct convention on county or state party's Internet website or other Internet location easily found through a search engine. If county party does not maintain an Internet website, chair shall post notice on the county commissioners court bulletin board. Notice must remain posted continuously for the 10 days immediately preceding the date of convention. Because convention times are not yet determined, this calendar does not show any deadlines for posting such notices. Not later than the 10th day before the date of precinct conventions, county chair must deliver to county election officer written notice, **either on paper or in electronic form**, of date, hour, and place for convening each precinct convention. Tex. Elec. Code Ann. § 174.023(a), (b).

County and Senatorial Conventions

Time and Place: State executive committee by rule must specify date county and senatorial conventions will be held. Political party may by rule allow a county to hold precinct conventions before county convention on same day and at same place as county convention. Tex. Elec. Code Ann. §§ 172.021 & 174.063(a).

Notice Required: Notice of hour and date for convening county convention must be posted electronically on county or state party's Internet website or on the bulletin board used for posting notice of meetings of the commissioners court. Notice must remain posted continuously for the 10 days immediately preceding the date of convention. Because convention times are not yet determined, this calendar does not show any deadlines for posting such notices. Not later than the 10th day before the date of county and senatorial convention, county chair must deliver to county election officer written notice, **either on paper or in electronic form**, of date, hour, and place for convening county and senatorial convention. Tex. Elec. Code Ann. §174.064(a), (b).

State Conventions

Biennial state convention must be convened on a date selected by state executive committee. State convention date is no longer limited to one in June or July. State executive committee must set date of state convention not later than date state chair delivers to county chairs certification of names for placement on the primary election ballot. *See* entry at December 21, 2015. Accordingly, this calendar does not show any deadline or time frame for holding state convention. Notice of date, hour, and place for convening state convention must be posted by state chair on party's Internet website before date of party's precinct conventions. Tex. Elec. Code Ann. §§ 174.092 & 174.093.

September 2015

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15th First day county chairs may accept applications for a place on the ballot for office of **precinct chair**. Tex. Elec. Code Ann. § 172.023(b).

November 2015

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14th First day Republican or Democratic Party candidate may file an application for a place on the primary ballot. Tex. Elec. Code Ann. § 172.023(b).

First day county chairs may accept applications for a place on the primary ballot for office of **county chair**. Tex. Elec. Code Ann. § 172.023(b).

First day independent candidates may file declaration of intent to run. Tex. Elec. Code Ann. §§ 142.002(b), 172.023.

21st First day to file declaration of write-in candidacy for county or precinct chair. Tex. Elec. Code Ann. §§ 146.025, 171.0231.

December 2015

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5th If a vacancy for an unexpired term in an office of state or county government occurs after the 10th day before the date of the regular filing deadline, but on or before the 5th day before the date of the regular filing deadline (on or after December 5 and on or before December 9), an application for the unexpired term is subject to an extended filing deadline. *See* entry at December 21, 2015. Tex. Elec. Code Ann. § 202.004(a), (c).

9th Last day a vacancy for an unexpired term may occur and appear on the primary ballot. Tex. Elec. Code Ann. § 202.004(a).

13th Deadline for county chair (or secretary of county executive committee) to post on political party's **Internet website or in the location where a candidate files for a place on the ballot** a notice containing the address(es) at which county chair and secretary will be available to receive applications on the last day for filing an application. Tex. Elec. Code Ann. § 172.022(b).

14th Last day Democratic or Republican Party candidate may file an application for a place on the primary ballot (6 p.m.). Tex. Elec. Code Ann. § 172.023(a).

NOTE: This deadline is also applicable to applications for a place on the primary election ballot to fill a vacancy for an unexpired term in an office of the state or county government that occurred on or before the 10th day before the date of the regular filing deadline. Tex. Elec. Code Ann. § 202.004(b). ***See* entry at December 21, 2015 for precinct and county chair write–in deadline and for Extended Deadlines.**

Last day county chairs may accept applications for a place on the ballot

for office of **county or precinct chair** (6 p.m.). Tex. Elec. Code Ann. § 172.023(a).

Last day independent candidates may file declaration of intent to run (6 p.m.). Tex. Elec. Code Ann. §§ 142.002, 172.023(a).

Last day minor party candidates may file applications to be nominated by convention (5 p.m.). Tex. Elec. Code Ann. § 181.033(a). A political party by rule may extend the filing deadline for applications for nomination for an office for which a candidate who has made application withdraws, dies, or is declared ineligible. Tex. Elec. Code Ann. § 181.033(b).

15th If a candidate withdraws, dies or is declared ineligible by this date, the name is omitted from the primary ballot. Tex. Elec. Code Ann. §§ 172.057(a) & 172.058(a), as amended by Senate Bill 1703, 2015 Legislative Session.

21st Last day candidates may file a declaration of write-in candidacy for **county or precinct chair** (6 p.m.). Tex. Elec. Code Ann. § 171.0231(d). (This deadline is extended by Tex. Elec. Code Ann. § 1.006 from the 5th day after the date of the regular filing deadline for the general primary election, which falls on Saturday, December 19.)

Deadline for state or county chair, as applicable, to **receive** applications for a place on the general primary election ballot for an unexpired term for a vacancy in an office of the state or county government that occurs after the 10th day (December 4, 2015) before the date of the regular filing deadline, but on or before the 5th day (December 9, 2015) before the date of the regular filing deadline (6 p.m.). Tex. Elec. Code Ann. § 202.004(a), (c). (This deadline is extended by Tex. Elec. Code Ann. § 1.006 from the 5th day after the date of the regular filing deadline for the general primary election, which falls on Saturday, December 19.)

Extended Deadline (6 p.m.) for state or county chair to receive an application for a place on the general primary election ballot for an office if a candidate who has made an application that complies with the applicable requirements:

- dies on or after the fifth day before the date of the regular filing deadline (December 9, 2015) and on or before the first day after the date of the regular filing deadline (December 15, 2015);
- holds the office for which the application was made and withdraws or is declared ineligible on the date of the regular filing deadline (December 14, 2015) or on the first day after the date of the regular filing deadline (December 15, 2015); or
- withdraws or is declared ineligible on the date of the regular filing deadline (December 14, 2015) or on the first day after the date of the regular filing deadline (December 15, 2015), and at the time of the withdrawal or declaration of ineligibility no other candidate has made an application that complies with the applicable requirements for the office sought by the withdrawn or ineligible candidate. Tex.

Elec. Code Ann. § 172.054(b).

(This deadline is extended by Tex. Elec. Code Ann. § 1.006 from the 5th day after the date of the regular filing deadline for the general primary election, which falls on Saturday, December 19.)

NOTE: An application filed by mail with state chair under this Extended Deadline provision is not timely if received later than 5:00 p.m. on the Extended Deadline.

Recommended deadline for state chair to certify to Secretary of State for placement on the general primary election ballot the name of each candidate who files with chair an application that complies with Section 172.021(b) of the Texas Election Code **on or before December 14, 2015**. Tex. Elec. Code Ann. § 172.028(a).

NOTE: The Texas Election Code does not provide a deadline for state chairs to make their certification. However, because a new law enacted by the 2015 Legislature requires state chairs to notify county chairs no later than the 9th day after the regular filing deadline that the list of district and statewide candidates for the primary has been posted on Secretary of State's website, it is reasonable to request state chairs to make the certification no later than December 21, 2015 so that the information can be posted to Secretary of State's website on or before December 23, 2015, the 9th day after the regular filing deadline. *See* entry at December 24, 2015 for certification of candidates who file with state chair an application that complies with Section 172.021(b) of the Texas Election Code **on or before the Extended Deadline of December 21, 2015**.

23rd Date by which Secretary of State anticipates posting on Secretary of State's Internet website that is viewable by the public certified list of candidates who filed **on or before December 14, 2015** provided by state chairs. Tex. Elec. Code Ann. § 172.028(a).

Deadline for state chair to notify county chair in each county in which the candidate's name is to appear on the ballot that certification of candidates who filed **on or before December 14, 2015** has been posted by Secretary of State. Tex. Elec. Code Ann. § 172.028(b). *See* entry at December 24, 2015 for supplemental notification of certification of candidates who filed with state chair **on or before the Extended Deadline of December 21, 2015.**

Deadline for state executive committee to set date, hour, and place for convening state convention. Tex. Elec. Code Ann. §§ 174.092 & 174.093, as amended by House Bill 3102, 2013 Legislative Session.

NOTE: Section 174.092(b) of the Texas Election Code provides that state executive committee must set date, hour, and place for convening state convention **not later than the date state chair delivers to county chairs certification** of names for placement on the general primary ballot. However, Section 172.028(a) of the Texas Election Code was amended by House Bill 3103, 2013 Legislative Session, to provide

that the state chair no longer certifies names of the district and statewide candidates for the primary ballot to county chairs. Instead, state chair certifies candidate names to Secretary of State and Secretary of State posts candidate names on his website. Section 172.028(b) of the Texas Election Code was amended by Senate Bill 1703, 2015 Legislative Session, to provide that state chair must **notify county chair in each county not later than the 9th day after the regular filing deadline** that certification has been posted by Secretary of State. Accordingly, the calendar continues to show the **9th day after the regular filing deadline** as the deadline for state executive committee to set the date, hour, and place for convening the state convention.

Deadline for chair to post notice on the commissioners court bulletin board 24 hours preceding date, hour, and place of ballot drawing if ballot drawing is conducted on December 24, 2015. If party maintains an Internet website, party must post notice on party's website. All candidates who provide an email address on their filing form must be notified electronically of drawing. Tex. Elec. Code Ann. § 172.082(e).

24th Deadline for county executive committee to conduct drawing for candidate order on ballot at the county seat (unless committee provides by resolution that primary committee is to conduct drawing). Tex. Elec. Code Ann. § 172.082(c), as amended by Senate Bill 1703, 2015 Legislative Session.

Recommended deadline for state chair to certify to Secretary of State for placement on the general primary election ballot the name of each candidate who files with chair an application that complies with Section 172.021(b) of the Texas Election Code **after December 14, 2015 and on or before December 21, 2015**. Tex. Elec. Code Ann. §§ 172.028(a), 172.029.

NOTE: The purpose of this recommendation is to ensure that candidates whose applications are filed in accordance with the Extended Deadlines under Section 202.004(a), (c) of the Texas Election Code, as amended by Senate Bill 904, 2013 Legislative Session, and Section 172.054(b) of the Texas Election Code, as amended by Senate Bills 904 and 910, 2013 Legislative Session, are added to the list of certified candidates previously submitted by state chair to Secretary of State. *See* entries at December 15, 2015 and December 28, 2015.

28th Date by which Secretary of State anticipates posting on Secretary of State's Internet website, that is viewable by the public, additions to the certified list of candidates provided by state chair that are the result of the additional candidates who filed **on or before December 21, 2015 in accordance with the Extended Deadlines**. Tex. Elec. Code Ann. §§ 172.028(a), 172.029.

Recommended date for state chair to notify county chair in each county in which the candidate's name is to appear on the ballot that certification of additional candidates who filed by the **Extended Deadline on or before**

December 21, 2015 has been posted by Secretary of State. Tex. Elec. Code Ann. § 172.028(b), as amended by House Bill 3103, 2013 Legislative Session). *See* entries at December 14, 2015 and December 21, 2015.

30th Recommended deadline for county chair and state chair to electronically submit certain candidate information (including information on candidates for county and precinct chair) to county election officer, state chair, and Secretary of State. Tex. Elec. Code Ann. § 172.029(c).

Recommended date for county chair to submit the ballot format to primary committee for its approval, for primary committee to approve ballot format, and for county chair to order ballots. Tex. Elec. Code Ann. §§ 86.004(b), 172.083.

January 2016

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1st First day for voters to submit application for ballot by mail for **March 1** primary election, or for **both** the **March 1** primary election and **May 24** runoff primary election. Tex. Elec. Code Ann. §§ 84.001(e), 84.007, as amended byHouse Bill 1927, 2015 Legislative Session. This bill has an effective date of September 1, 2015.

2nd Last day for party with state organization which intends to make nominations by convention to register with Secretary of State. Tex. Elec. Code Ann. § 181.0041.

16th Deadline for early voting clerk to mail ballots for the primary election to those overseas voters from whom the clerk has already received applications for ballots by mail or federal postcard applications ("FPCA"). Tex. Elec. Code Ann. § 86.004(b).

February 2016

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1st Last day citizens may register to vote in **March 1** primary election. Tex. Elec. Code Ann. § 13.143(a). (This deadline is extended by Tex. Elec. Code Ann. § § 13.143(e) from the 30th day before election day, which falls on Sunday, January 31.)

16th First day of early voting by personal appearance for **March 1** primary election. Tex. Elec. Code Ann. § 85.001(a), (c). (This date is extended by Tex. Elec. Code Ann. § 1.006 from the 13th, which is a Saturday, and as February 15, 2015 is President's Day)

19th Last day for early voting clerk to receive application for ballot by mail for **March 1** primary election. Tex. Elec. Code Ann. § 84.007(c).

Last day for early voting clerk to receive an FPCA for **March 1** primary election. Tex. Elec. Code Ann. §§ 101.052(g), 114.004(c).

Note: Senate Bill 1703 amended Sections 101.052(b) and 101.052(g) of the Texas Election Code to make the deadline to submit an FPCA coincide with the date to submit an ABBM. House Bill 1927 amended section 84.007(c), changing the deadline to the 11th day before election day. As a result, both FPCAs and ABBMs must be received by the 11th day before election day.

26th Last day of early voting by personal appearance for **March 1** primary election. Tex. Elec. Code Ann. § 85.001(a).

March 2016

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1st Primary election day. Tex. Elec. Code Ann. § 41.007(a).

2nd First day independent candidates for offices **not** involved in runoff primary election may collect signatures for petitions in connection with applications. Tex. Elec. Code Ann. § 142.009.

7th Last day to post notice of county executive committee's meeting to canvass returns of primary election because canvass must take place on March 10, 2016. Notice must be posted at least 72 hours before scheduled time of meeting. Tex. Elec. Code Ann. § 172.116; Tex. Gov't Code Ann. §§ 551.002, 551.041 & 551.043.

8th Precinct conventions held to elect delegates to county or district conventions of minor parties. Tex. Elec. Code Ann. §§ 181.061(c), 182.005.

9th Deadline (at least 24 consecutive hours before drawing) for county chair to post notice of drawing for place on runoff primary ballot for **county** and **precinct** offices to take place immediately after the canvass. Notice must be posted on the party's website, if the party maintains an Internet website. If the party does not maintain a website, the notice must be posted on the bulletin board used for posting notice of meetings of the commissioners court and. Tex. Elec. Code Ann. § 172.084(d), (e).

10th Local canvass of the primary election by county chair and at least one member of the county executive committee, selected by the county executive committee, must be conducted on this date. Tex. Elec. Code Ann. § 172.116(b), as amended by Senate Bill 1073, 2015 Legislative Session.

Ballot drawing conducted immediately following local canvass for candidates involved in runoff primary election for **county** and **precinct** offices. Tex. Elec. Code Ann. §§ 52.094, 172.084.

Last day to post notice of state executive committee's meeting to canvass returns of primary election because state canvass must take place on March 13, 2016. Notice must be posted at least 72 hours before the scheduled time of the meeting. Tex. Elec. Code Ann. §

172.120; Tex. Gov't Code Ann. §§ 551.002, 551.041 & 551.043.

11th Deadline for county chair to submit canvassed returns for statewide and district offices to state party chair. Tex. Elec. Code Ann. §§ 67.007(d) & 172.119(b).

NOTE: State executive committee may adopt by rule an electronic submission system for delivery of county returns. Tex. Elec. Code Ann. § 172.119(b).

12th County convention for minor parties that are nominating candidates for single-county district, county, or precinct offices. Tex. Elec. Code Ann. §§ 181.061(c), 182.005.

13th Deadline for state executive committee to conduct state canvass for all races with potential runoffs (races with three or more candidates). *See* entry under March 23, 2016. State chair must certify these candidates for statewide and district offices for placement on runoff primary election ballot to county chair as soon as practicable after canvass is completed. Tex. Elec. Code Ann. §§172.120(b)(1) & 172.121.

Recommended day for county chair to post notice of drawing for place on runoff primary ballot for **statewide** and **district** candidates to take place after the canvass. Tex. Elec. Code Ann. § 172.084(d), (e). Notice must be posted on the bulletin board used for posting notice of meetings of the commissioners court and, if party maintains an Internet website, on party's website.

16th Last day runoff primary candidates may withdraw from ballot (5 p.m.), if the state canvass was held on March 13, 2015. Tex. Elec. Code Ann. § 172.059, as amended by Senate Bill 1703, 2015 Legislative Session.

Note: Senate Bill 1703 amended section 172.059 of the Texas Election Code to move the withdrawal deadline for runoff primary candidates to be the third day after the state canvass is conducted.

17th Recommended day for county primary committee to conduct ballot drawing at county seat for place on runoff primary ballot for statewide and district candidates involved in runoff primary election after receiving certification from state chair. Tex. Elec. Code Ann. § 172.084(c)).

Recommended date for county chair to submit the runoff primary ballot format to primary committee for its approval immediately after drawing, for primary committee to approve runoff primary ballot format, and for county chair to order runoff primary election ballots. *See* entry at March 13, 2016. Tex. Elec. Code Ann. § 172.083.

Recommended deadline if state canvass is held on March 13, 2016 for

state chair to certify candidates for statewide and district offices for placement on runoff primary ballot. Tex. Elec. Code Ann. § 172.121.

19th District convention for minor parties nominating candidates for multi-county district offices. Tex. Elec. Code Ann. § 181.061(b).

23rd Deadline for state executive committee to conduct state canvass for races with no potential runoff. Tex. Elec. Code Ann. § 172.120(b)(2). *See* entry under March 13, 2016.

30th Deadline for county chair to deliver county executive committee's primary election canvass tabulation to general custodian of election records (county election officer). Tex. Elec. Code Ann. §§ 66.058 & 172.116(e).

NOTE: This will not include offices to be placed on the runoff primary election.

Deadline for county chair to deliver written notice (which may be given by electronic means or through an electronic submission system adopted by state executive committee of party) to state chair and to county election officer of the names of the persons elected as county chair and precinct chairs for the county. Tex. Elec. Code Ann. § 172.118.

April 2016

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4th Deadline for state chair to deliver state executive committee's primary election canvass tabulation to Secretary of State. Tex. Elec. Code Ann. §§ 66.058, 172.120(f)). (The deadline is extended by Tex. Elec. Code Ann. § 1.006 to the next regular business day due to the 20th day after the state canvass falling on Saturday, April 2, 2016.)

9th Deadline for early voting clerk to mail ballots for the runoff primary election to those overseas voters from whom the clerk has already received applications for ballots by mail or FPCAs. Tex. Elec. Code Ann.

§ 86.004(b).

State convention for minor party that is nominating candidates for statewide offices. Tex. Elec. Code Ann. § 181.061(a).

25th Last day to register to vote in **May 24 runoff** primary election. Tex. Elec. Code Ann. § 13.143(a). (This deadline is extended by Tex. Elec. Code Ann. § 13.143(e) from the 30th day before election day, which falls on Sunday, April 24.)

May 2016

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13th Last day for early voting clerk to receive application for ballot by mail for **May 24 runoff** primary election. Tex. Elec. Code Ann. § 84.007(c).

Last day for early voting clerk to receive an FPCA for **May 24 runoff** primary election. Tex. Elec. Code Ann. §§ 101.052(g), 114.004(c).

16th First day of early voting by personal appearance for **May 24 runoff** primary election. Tex. Elec. Code Ann. § 85.001(b), (c).

20th Last day of early voting by personal appearance for **May 24 runoff** primary election. Tex. Elec. Code Ann. § 85.001(a).

23rd Last day minor party chairs may submit petitions and precinct convention lists to Secretary of State and to the appropriate county clerk (or other county election official) for placement on the November general election ballot. Tex. Elec. Code Ann. §§ 181.005(a), 181.006(b)(3), 181.061(c), 182.003 & 182.004. (This deadline is extended by Tex. Elec. Code Ann. § 1.006 because the 75th day after the precinct conventions falls on Sunday, May 22.)

24th Runoff primary election day. Tex. Elec. Code Ann. § 41.007(b).

25th First day independent candidates for offices involved in runoff election may collect signatures for applications. Tex. Elec. Code Ann. § 142.009.

30th Last day to post notice of meeting to canvass returns of runoff primary election because canvass must take place on June 2, 2016. Notice must be posted at least 72 hours before scheduled time of meeting. Tex. Elec. Code Ann. § 172.116; Tex. Gov't Code Ann. §§ 551.002, 551.041 & 551.043.

June 2016

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2nd Local canvass of the runoff primary election by county chair and at least one member of the county executive committee, selected by the county executive committee, must be conducted on this date. Tex. Elec. Code Ann. § 172.116(b), as amended by Senate Bill 1073, 2015 Legislative Session.

3rd Deadline for county chair to submit canvassed returns for statewide and district offices to state party chair. Tex. Elec. Code Ann. § 67.007(d) & 172.119(b).

NOTE: State executive committee may adopt by rule an electronic submission system for delivery of county returns. Tex. Elec. Code Ann. § 172.119(b).

8th Last day to post notice of state executive committee's meeting to canvass returns of runoff primary election if state canvass takes place on June 14, 2016. Notice must be posted at least 72 hours before the scheduled time of the meeting. Tex. Elec. Code Ann. § 172.120; Tex. Gov't Code Ann. §§ 551.002, 551.041 & 551.043.

11th Deadline for state executive committee to conduct state canvass. Tex. Elec. Code Ann. §§172.120(b-1).

13th New party officers take office. Tex. Elec. Code Ann. § 171.022(c).

22nd Deadline for county chair to deliver county executive committee's tabulation of precinct election returns to general custodian of election records (county election officer). Tex. Elec. Code Ann. §§ 66.058 & 172.116(e).

Deadline for county chair to deliver certification of nominees elected in the runoff primary election for county and precinct offices for places on the November general election ballot to authority preparing the ballot (county election officer). Tex. Elec. Code Ann. § 172.117(b).

Deadline for county chair to deliver written notice (which may be given by electronic means or through an electronic submission system adopted by state executive committee of party) to state chair and to county election officer of the names of the persons elected as county chair and precinct chairs for the county. Tex. Elec. Code Ann. § 172.118.

23rd Last day independent candidates may file applications and petitions (5 p.m.). Tex. Elec. Code Ann. § 142.006.

July 2016

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1st Deadline for state chair to deliver state executive committee's tabulation of runoff primary election to Secretary of State and to certify list of candidates for statewide and district offices who received the necessary votes for nomination at the runoff primary election to Secretary of State, if state executive committee canvassed on June 11, 2016. Tex. Elec. Code Ann. §§ 172.120(f), 172.122).

13th Deadline by which former county chair must transfer party bank accounts and records to new county chair; it is a **Class C misdemeanor** if the former county chair fails to transfer the records. Tex. Elec. Code Ann. § 171.028.

23rd First day candidates may file declaration of write-in candidacy for November 8 general election. Tex. Elec. Code Ann. § 146.025.

August 2016

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22nd Last day to order November 8 general election. Tex. Elec. Code Ann. §§ 3.003, 3.005.

Last day candidates may file declaration of write-in candidacy for November 8 general election (5 p.m.). Tex. Elec. Code Ann. § 146.025.

26th Last day candidates may withdraw from or be declared ineligible for general election. Tex. Elec. Code Ann. §§ 145.032, 145.035.

October 2016

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11th Last day citizens may register to vote in November 8 general election. Tex. Elec. Code Ann. § 13.143(a). (This deadline is extended by Tex. Elec. Code Ann. § 13.143(e) from the 30th day before election day, which falls on Sunday, October 9, to the next business day after Columbus Day, which is Monday, October 10.)

24th First day of early voting by personal appearance for November 8 general election. Tex. Elec. Code Ann. §§ 85.001(a).

28th Last day for early voting clerk to receive application for ballot by mail for November 8 general election. Tex. Elec. Code Ann. § 84.007(c), as amended by Senate Bill 1927, 2015 Legislative Session.

Last day for early voting clerk to receive FPCA for November 8 general election. Tex. Elec. Code Ann. §§ 101.052(g), 114.004(c) as amended by Senate Bill 1927, 2015 Legislative Session.

November 2016

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20	21	22	23	24	25	26
27	28	29	30			

4th Last day of early voting by personal appearance for November 8 general election. Tex. Elec. Code Ann. § 85.001(a).

8th General election day. Tex. Elec. Code Ann. § 41.002.

TEXAS SECRETARY OF STATE
CARLOS H. CASCOS

Don't have a photo ID for voting? Election Identification Certificates are available from DPS offices.

Security Notice: To enhance security our agency has discontinued support for internet security protocol TLS 1.0 and will end support for TLS 1.1 on Sept. 1. Learn more about this security update. You may need to update your browser to use this site. For questions, please consult your internet browser provider.

Note - Navigational menus along with other non-content related elements have been removed for your convenience. Thank you for visiting us online.

Republican or Democratic Party Nominees

In order to become the Republican or Democratic Party nominee for a particular office, you must file an application (PDF) for a place on the ballot with the county or state party chair, as appropriate (see chart). Tex. Elec. Code Ann. § 172.022. The application must be filed between November 14, 2015 and by 6:00p.m. on December 14, 2015. Tex. Elec. Code Ann. § 172.023. The application for a place on the primary ballot must be accompanied by either a filing fee or a nominating petition (PDF) signed by a certain number of qualified voters.

See Tex. Elec. Code Ann. **§ 162.015** for more details about how primary voting or candidacy affects (or does not affect) candidacy in the general election.

Democratic or Republican Party Nominee

Public Office Sought in 2016	File App. with Party Chair		Filing Fee	Nominating Petition in Lieu of Filing Fee	
	State	County		%Signatures [b]	Number of Signatures [g]
United States Representative	x [a]	-	$3,125	2%	500
Railroad Commissioner	x	-	$3,750	-	5000
Chief Justice & Justice, Supreme Court	x	-	$3,750	-	5000
Judge, Court of Criminal Appeals	x	-	$3,750	-	5000
State Senator	x [a]	-	$1,250	2%	500
State Representative	x [a]	-	$750	2%	500
Member, State Board of Education	x [a]	-	$300	2%	500
Chief Justice and Justice, Court of Appeals [b]	x [a]	-	$2,500 / $1,875 [d]	2%	500
District Judge	x [a]	-	$2,500 / $1,500 [e]	2%	500

Criminal District Judge	x [a]	-	$2,500 / $1,500 [e]	2%	500
Family District Judge	x [a]	-	$2,500 / $1,500 [e]	2%	500
District Attorney	x [a]	-	$1,250	2%	500
Judge, County Court-at-Law	-	x	$2,500 / $1,500 [e]	2%	500
Judge, County Criminal Court	-	x	$2,500 / $1,500 [e]	2%	500
Judge, County Probate Court	-	x	$2,500 / $1,500 [e]	2%	500
County Attorney	-	x	$1,250 / $750 [f]		
County Tax Assessor-Collector	-	x	$1,250 / $750 [c]	2%	500
County Commissioner	-	x	$1,250 / $750 [c]	2%	500
County Sherriff	-	x	$1,250 / $750 [c]	2%	500
Justice of the Peace (Place 1 designation only)	-	x	$1,000 / $375 [c]	2%	500
Constable	-	x	$1,000 / $375 [c]	2%	500
Source: Texas Election Code Section	§172.022		§172.024	§172.025	

a. File with county chair if district is composed of only one county.
b. Percentage of all votes for all gubernatorial candidates cast in the applicable territory in the 2014 general election. If number is less than 50, a larger percentage may be required. Consult Secretary of State for further information.
c. Pay higher fee if county has at least 200,000 inhabitants according to 2010 Census.
d. Pay higher fee in Courts of Appeals Districts 1, 2, 3, 4, 5, and 14. Tex. Elec. Code Ann. § 172.024(7), (8).
e. Pay higher fee in Bexar, Dallas, Harris, and Tarrant Counties. Tex. Elec. Code Ann. § 172.024(10), (12).
f. Pay higher fee if county attorney performs the duties of a district attorney.
g. The minimum number of signatures that must appear on candidate's petition for statewide office is 5000. The minimum number of signatures that must appear on candidate's petition for district, county, or precinct office is the lesser of (1) 500, or (2) 2% of the total vote received in the district, county, or precinct, as applicable, by all gubernatorial candidates in the 2014 general election, subject to (c) above. Tex. Elec. Code Ann. § 172.025.

BALLOT TITLES AND SPANISH TRANSLATIONS FOR COUNTY & PRECINCT OFFICES

If an office is to appear on the ballot for an unexpired term, the words "unexpired term" shall be printed next to the office title. The Spanish translation for unexpired term is "Duración restante del Cargo". The generic sample ballot provided by the Secretary of State will have ballot translations for state and district offices.

County Judge
(Juez del Condado)

Judge, County Court at Law
(Juez, Corte de Ley del Condado)

Judge, County Criminal Court
(Juez, Corte Criminal del Condado)

Judge, County Probate Court
(Juez, Corte Testamentaria del Condado)

County Attorney
(Procurador del Condado)

District Clerk
(Secretario del Distrito)

District and County Clerk
(Secretario del Distrito y Condado)

County Clerk
(Secretario del Condado)

Sheriff
(Sherife)

Sheriff and Tax Assessor-Collector
(Sherife y Asesor-Colector de Impuestos)

County Tax Assessor-Collector
(Asesor-Colector de Impuestos del Condado)

County Treasurer
(Tesorero del Condado)

County School Superintendent
(Superintendente Escolar del Condado)

County Surveyor
(Agrimensor del Condado)

County Commissioner, Precinct No. 1
(Comisionado del Condado, Precinto Núm. 1)

County Commissioner, Precinct No. 2,
(Comisionado del Condado, Precinto Núm. 2)

County Commissioner, Precinct No. 3
(Comisionado del Condado, Precinto Núm. 3)

County Commissioner, Precinct No. 4,
Comisionado del Condado, Precinto Núm. 4)

Justice of the Peace, Precinct No._____, Place 1
(Juez de Paz, Precinto Núm._____, Lugar Núm. 1)

Justice of the Peace, Precinct No._____, Place 2,
(Juez de Paz, Precinto Núm._____, Lugar Núm. 2)

Justice of the Peace, Precinct No._____,
(Juez de Paz, Precinto Núm._____)

Constable, Precinct No._____
(Condestable, Precinto Núm._____)

Public Weigher
(Pesador Público)

BALLOTS

NOTE: For counties that use ballot on demand for early voting and/or voting by mail and direct recording electronic voting machines ("DREs") for voting in person, the minimum number of ballots and the packaging of the ballots are not applicable. However, those counties using ballot on demand must keep a record of how many ballots were produced, and how they were used. For DREs, the number of persons who signed the signature roster should equal the public count on the DRE.

NOTE: The Secretary of State is authorized to prescribe the form and content of a ballot for an election using a voting system to conform to the formatting requirements of the system. As you are aware, the format applicable to "paper" ballots with party nominees under Section 52.065 of the Texas Election Code ("TEC") is not the same as that used in voting system ballots. [TEC, §§ 52.075, 124.062]

I. AUTHORITY RESPONSIBLE FOR PREPARING BALLOT [TEC, § 52.002]

Except as otherwise provided by law:

A. County election officer (county clerk, county elections administrator or county tax assessor collector, as applicable), for an election ordered by governor or county authority.

B. County chair of the political party holding the primary, for a primary election.

C. City secretary, for an election ordered by a city authority.

D. Secretary of the political subdivision's governing body, or, if none, the governing body's presiding officer, for an election ordered by an authority of a political subdivision other than a county or city.

E. It is important to carefully proof the ballot. The Elections Division recommends that candidates be provided with copies of ballot proofs so that they may verify the correctness of their names, positions sought, and order of names on the ballot.

II. DEADLINE TO PREPARE THE BALLOT

A. There is no specific statutory deadline by which the official ballot must be finalized.

B. However, ballots must be prepared, finalized, and tested (if they are programmed for use with an electronic voting system) in time for mail ballots to be mailed in compliance with Section 86.004 of the Texas Election Code and the federal Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) and the federal Military and Overseas Voter Empowerment Act (MOVE), if applicable, and in time

for the start of early voting in person. Please see the Secretary of State's current online election law calendar for further details on deadlines relating to mail ballots, the time period for early voting in person, and recommended deadlines relating to ballot programming and testing.

III. DRAWING FOR PLACE ON BALLOT [TEC, § 52.094 & §§ 172.082 & 172.084]

A. Authority responsible for having official ballot prepared must conduct a drawing to determine the order of names on the ballot when there is more than one candidate for the same office to appear on the ballot. Exception: In the primary and runoff primary elections, the county executive committee conducts the drawing, unless it provides by resolution that the drawing be conducted by the primary committee.

B. Authority responsible for conducting the drawing must post in the authority's office a notice of the date, hour, and place of the drawing. The notice must remain posted continuously for 72 hours immediately preceding the drawing.

Exception: For a runoff election or an election held to resolve a tie vote, the notice must remain posted for 24 hours immediately preceding the scheduled time of the drawing.

Exception: For the primary and runoff primary elections, the drawing must be held at the county seat and the notice must be posted on the bulletin board used for posting notice of meetings of the commissioners court and on the party's Internet website, if it has one, for at least 24 consecutive hours immediately preceding the beginning of the drawing.

C. For an election not held at county expense or by a political subdivision other than a city, a notice of the drawing must be mailed to candidates. For an election held at county expense or a city election, if a candidate gives the filing authority a written request, accompanied by a stamped, self-addressed envelope, the filing authority must mail the candidate a notice of the drawing. In the primary and runoff primary election, all candidates who provide an email address on their application forms must be notified of the drawing electronically.

IV. BALLOT CERTIFICATION

A. The Secretary of State conducts the drawing to determine the order of the constitutional amendment propositions on the ballot. [TEC, § 274.002] No later than the 68th day before the election date, the Secretary of State shall certify to the county election officer the wording of the constitutional amendments and the number of each proposition. [TEC, § 274.003]

B. In accordance with a deadline prescribed by rule by the Secretary of State, the state chairs and the county chairs will submit electronically to the Secretary of State the names of candidates who file on or before December 14, 2015, as well as those who file in accordance with the applicable extended deadline of December 21, 2015, for precinct, county, district, and statewide offices that will appear on the primary ballot

so that such names may be posted on the Secretary of State's website. [TEC, §§ 172.028 & 172.029]

V. MINIMUM NUMBER OF BALLOTS [TEC, § 51.005]

A. Formula for calculating number of ballots to be ordered:
A x B* + C = D

Legend:
A = percentage of voter turnout in a precinct
B* = current number of registered voters in precinct
C = 25% of A x B
D = minimum number of ballots to be ordered

*REGISTERED VOTERS WHO APPEAR ON THE LIST WITH A "S" DESIGNATION DO NOT HAVE TO BE INCLUDED IN THE TOTAL NUMBER OF REGISTERED VOTERS IN THE PRECINCT.

B. Use figures from last like election (November Election 2014 or 2014 Primary/Runoff Primary Election, as applicable) to perform calculations.

Example: Precinct 1 had 10% voter turnout. There are currently 595 registered voters. 20 registered voters are designated with an "S" in precinct 1.

595 - 20 = 575
10% x 575 = 57 x 25% = 14
(The 20 registered voters with an "S" designation.)

Therefore:
57 + 14 = 71 (minimum number of ballots to be ordered for precinct 1)

C. Please note: This is a formula for the minimum number of ballots to be ordered. Local issues and circumstances may require that more ballots be ordered.

VI. MINIMUM NUMBER OF BALLOTS IN LOCAL OPTION ELECTION [TEC, § 501.104]

A. If election is conducted using printed ballots, the city secretary or the county election officer (county clerk, county elections administrator or county tax assessor collector, as applicable), as appropriate, must furnish the presiding judge of each election precinct with at least the number of ballots equal to the number of registered voters in the precinct plus 10% of that number of voters.

VII. GENERAL PRINTING AND FORMAT REQUIREMENTS

A. Printed on white or light-colored paper, but may not be the same color as sample ballots, with black ink or some other color as approved by Secretary of State to clearly distinguish ballot styles in case of a joint election (paper ballots). [TEC, § 52.061]

B. Sample ballots printed on yellow paper. Sample ballots are required to be posted in each polling place. [TEC, § 52.008]

C. Numbered consecutively beginning with 1. (Do not start with number 1 for each ballot style or each precinct.) [TEC, § 52.062]

NOTE: For emergency ballots, you must number them consecutively beginning with the last total number of ballots ordered for the entire election, not the last number for that precinct.

D. There is no minimum requirement for ballot size or type. However, all type must be in uniform size and type. [TEC, § 52.061]

E. Ballots must be bilingual.

F. Designation of the nature of the election and date of the election must be printed at the top of the ballot. "OFFICIAL BALLOT" must be printed in large letters on the ballot immediately below the designation and date of the election. [TEC, §§ 52.063 & 52.064]

G. If an office to be filed for an unexpired term is to be voted on at a general or primary election, "unexpired term" shall be printed on the ballot following the office title. [TEC, § 52.069]

H. For the order of races on the primary ballot and the general election ballot, please see Section 52.092 of the Texas Election Code. For an election at which offices of a political subdivision other than a county are to be voted on, the authority ordering the election determines the order of the offices on the ballot. [TEC, § 52.093]

I. Except as otherwise provided by law (see BALLOT CERTIFICATION above concerning constitutional amendment election), the authority ordering an election in which more than one measure is to be voted on shall determine the order in which the propositions are to appear on the ballot. [TEC, § 52.095]

J. For "voting squares" and mandatory instructions, please see Sections 52.070, 52.071 & 124.063 of the Texas Election Code.

K. Except as otherwise provided by law, authority ordering the election must prescribe the wording of a proposition that is to appear on the ballot. Propositions must be printed on the ballot in the form of a single statement and may appear on the ballot only once. [TEC, § 52.072(a), (b)]

NOTE: Many statutes authorizing a proposition or measure election specify the ballot wording. Section 52.072(e) of the Texas Election Code contains additional requirements relative to ballot language for bond and tax elections.

1. In an election in which an office and a measure are to be voted on, the proposition appears on the ballot after the listing of offices. Exception: If an

election of officers is contingent on the adoption of a proposition appearing on the same ballot, the proposition shall appear on the ballot before the listing of offices. [TEC, § 52.072(c), (d)]

2. On a ballot on which a proposition is to appear, "FOR" and, below it, "AGAINST" shall be printed to the left of the proposition. The authority responsible for prescribing the wording of the proposition may substitute "YES" and "NO" on the ballot for "FOR" and "AGAINST," if the authority considers those words more appropriate. [TEC, § 52.073(a), (e)] For instructions relative to propositions, see Sections 52.073 and 124.063 of the Texas Election Code.

VIII. PACKAGING REQUIREMENTS

A. Ballots must be sealed showing the precinct for which they were prepared and show the serial numbers of the ballots for the particular precinct. [TEC, § 51.006]

B. Record of the serial numbers of ballots for each precinct must be kept on the record of ballot distribution form. [TEC, § 51.007]

IX. CORRECTING BALLOTS [TEC, §§ 52.006-52.0064]

A. Stickers.

B. Line out or otherwise obscure.

NOTE: Practically speaking, if the ballots are to be tabulated by using a scanner, the use of stickers may cause the ballots to jam in the machine, and the lining out on ballots may cause the scanner to incorrectly read the marking. Accordingly, before using either of these methods, if the method of tabulating is by using a scanner, the vendor's instructions should be checked to see if these methods are advisable.

C. Reprint.

1. Notify Secretary of State within 24 hours of decision.

2. Post notice of ballot destruction at least 72 hours before destruction.

3. Person responsible for having ballots prepared and (i) the sheriff in an election ordered by the governor or a primary election or (ii) the authority responsible for ordering the election in any other election must be present during destruction.

a. Make record of ballots destroyed.

b. Order new ballots beginning with ballot #1, regardless of whether any ballots have been previously mailed.

c. Mail corrected ballots to voters who have been mailed a ballot if time permits and the correction would affect the choice of the voter.

X. NAME OF CANDIDATE ON BALLOT [TEC, §§ 52.031-52.034]

A. A candidate's name shall be printed on the ballot with the given name or initials first, followed by a nickname, if any, followed by the surname (last name), in accordance with Subchapter B of Chapter 52 of the Texas Election Code. [TEC, 52.031(a)] However, the person preparing the ballot must print the name of candidate on the ballot as certified by the authority.

B. A candidate may use one or more of the following in combination with his or her surname [TEC, § 52.031(b)]:

1. given name or initials of given name; or

2. a contraction or familiar form of a given name by which the candidate is known.

3. A suffix such as "Sr.," "Jr.," or "2nd" may be used in combination with a candidate's name. [TEC, 52.031(d)]

C. Nickname Rules [TEC, 52.031(c)]

1. A nickname of one unhyphenated word of not more than 10 letters by which the candidate has been commonly known for at least three years preceding the election may be used in combination with a candidate's name.

2. A nickname may be used only if the candidate executes an affidavit and files it with the application for place on ballot that the nickname complies with section 52.031(c) of the Election Code. The Secretary of State has included the nickname affidavit in the prescribed candidate application.

3. The nickname may be set off with ( ) or " ".

4. The nickname may not have any political, economic, social or religious connotation or constitute a slogan.

D. Other Rules

1. Titles or designation of office, status, or position are generally prohibited. For example, our office advises against the use of "incumbent," "Judge," "Dr.," "M.D.," "D.D.S.," "Doc," "Ph.D." [TEC, § 52.033]

2. A married woman or widow may use in combination with her surname, if the same as her husband's surname, the given name or initials of her husband with the prefix "Mrs." [TEC, § 52.031(e)]

Examples:

Married:	Mrs.	John	Doe
	(husband's	given name)	surname)
Married but separated:	Mrs.	Jim	Smith
	(husband's	given name)	surname)

As long as divorce is not final, she may use her husband's given name and surname. Once divorce is final, name on ballot will have to be Sue Smith, or whatever legally authorized surname she decides to use, which may also be husband's given name.

3. Two candidates with same or similar names may use a title or description of not more than four words to distinguish themselves. [TEC, 52.032]

   Example: William "Tom" Landry - Car Salesman
   Tom Landry - Former Dallas Cowboys Coach

4. Candidate's name may not appear on ballot more than once on the ballot except as a candidate for (i) two or more offices that are permitted by law to be held by the same person, or (ii) the office of president or vice-president of the United States and another office. [TEC, § 52.034]

If there is a dispute as to the name nickname vs. given name, please contact the Elections Division for further guidance.

PROCESSING THE PROVISIONAL VOTER: A "HOW TO" GUIDE

During the process of qualifying voters you will run across some voters who do not fit neatly into the situations that allow them to vote a regular ballot. Such voters are eligible to vote a provisional ballot under Texas law. The following is an overview of how you should process such voters, when you should offer a provisional ballot, what forms need to accompany the provisional voting process and other helpful tips to guide you through this process.

Law and administrative rules:

Election Code Secs. 13.002, 63.011, 63.0101, 65.054(b), 65.0541
1 Tex. Admin Code Secs. (Proposed)

1. **When to Offer a Provisional Ballot.** Upon determining the status of a voter who appears ineligible to vote or who has not presented an acceptable form of identification, the presiding judge or clerk must inform the voter of his or her right to cast a provisional ballot. If you encounter a voter who fits into one of the following categories, he/she is eligible to vote a provisional ballot and should be offered the option to vote one:

- A voter who does not provide an acceptable form of identification.
- A voter who claims to be properly registered and eligible to vote at the election precinct where the voter presents himself or herself to vote, but whose name does not appear on the precinct list of registered voters or who does not present a voter registration certificate indicating that the voter is currently registered as described in Section 63.006 of the Code.
- A voter whose name on acceptable form of identification does not to exactly match or is not substantially similar to the name as it appears on the election precinct list of registered voters.
- A voter whose photo on the acceptable form of identification is determined to not to be that of the voter.
- A voter who has applied for a ballot by mail, but has not yet cancelled the mail ballot application with the early voting clerk at the main early voting location or cancelled the mail application and returned the ballot to be voted by mail to the election judge at the voter's election day precinct polling place.
- A voter who votes during the polling hours that are extended by a state or federal court order.
- A voter who is registered to vote but attempting to vote in a precinct other than the one in which the voter is registered.
- A voter who is on the election precinct list of registered voters, but whose registered residence address is outside the political subdivision in which the voter is presenting himself or herself to vote.
- A voter has applied for or currently has a disability exemption to the photo ID requirements, but does not have or otherwise fails to present the voter's voter registration certificate indicating such exemption.

NOTE: A voter who is on list as having been provided a ballot by mail may vote provisionally at polling place in lieu of cancelling at main early voting place when voter does not have mail

ballot in his/her possession. Voter must sign affidavit that he/she has not voted by mail and is registered to vote in the precinct. Election Code Sec. 63.011(a-1).

2. **The Process after Identifying a Provisional Voter/ Forms to Complete.** Once you have properly identified that an individual qualifies to vote a provisional ballot, proceed with the following steps to continue processing the individual.

- Each category of provisional voter listed above must complete the Provisional Voter Affidavit Envelope prior to casting the provisional ballot.
- After the provisional voter has properly completed the Provisional Voter Affidavit Envelope, the election judge/clerk will enter the voter's name on the List of Provisional Voters, add the name to the poll list and check the column labeled "provisional" on the combination form.
- The provisional voter will then sign the signature roster.
- The election judge will check the box concerning if the voter presented proper identification.
- The presiding judge will then check the reason for which the voter voted provisionally on the back of the Provisional Voter Affidavit Envelope. After checking the applicable reason for voting provisionally, the presiding judge will sign and date the Provisional Voter Affidavit Envelope where indicated.
- The presiding judge will then direct the voter to choose a provisional ballot from the stack of provisional ballots (or direct the voter to a DRE system designated for electronic provisional voting) and allow the voter to cast their provisional ballot in secrecy.
- Once the voter has voted the provisional ballot, the voter will place his/her own ballot in the white secrecy envelope and seal it inside the Provisional Voter Affidavit Envelope. If a DRE system was used for casting a provisional ballot, the voter will only have to execute the provisional voter affidavit.
- The presiding judge will provide the voter with the "Notice to Provisional Voter/Polling Place ID Receipt" form which explains that the voter will receive notice in the mail informing him/her whether the ballot was counted and the reason the ballot was not counted, if applicable. If the voter failed to present a valid form of identification at the polling place, the Notice form details the process for the voter to go to the voter registrar's office, present the Polling Place ID Receipt, and submit identification on or before the 6th calendar day after election day in order for his or her provisional ballot to be counted. The Notice form includes a map to the voter registrar's office.
- The voter will deposit the sealed Provisional Voter Affidavit Envelope into ballot box 1 (or other designated secured container) and exit the polling place.

3. **When to Tell the Voter His/Her Provisional Ballot Will Not Be Counted.** The individual should be informed immediately that their ballot will not be counted under the following circumstances:

1) if the individual is registered in a different precinct;

2) if the individual fails to present proof of identification at the polling place and then fails to present identification (or complete an appropriate affidavit) with the voter registrar on or before the sixth day after election day.

- Please note that in all other instances the election judge or clerk should not inform the voter whether his/her ballot will be counted as a final determination will be made by the Early Voting Ballot Board.

4. **Preparing Provisional Ballots for Delivery to Voter Registrar.** The Provisional Ballot Affidavit Envelopes (or Provisional Ballot Affidavits if a DRE system was used) along with the List of Provisional Voters for each precinct are delivered to the custodian of election records. The custodian reviews the number of Provisional Ballot Affidavit Envelopes against the precinct List of Provisional Voters to verify that the numbers match. The custodian prepares a Summary of Provisional Ballots numbering the Provisional Ballot Affidavit Envelopes by precinct. The custodian places the voted Provisional Ballot Affidavit Envelopes from each precinct with the precinct List of Provisional Voters and the Summary of Provisional Voters in a sealed ballot box or transfer case for delivery to the Voter Registrar.

5. **Delivery to Voter Registrar**. Custodian will deliver the provisional ballot box or transfer case containing the Provisional Ballot Affidavit Envelopes, along with the Summary of Provisional Ballots and the List of Provisional Voters for each precinct to the voter registrar.

> **Note:** Under the administrative rules, the provisional ballots are delivered by the custodian to the Voter Registrar on the next business day after the election. If the Voter Registrar wishes to take possession of the provisional ballots on election night, the Voter Registrar must inform the custodian and post notice no later than 24 hours before Election Day. If the Voter Registrar makes this determination, the Voter Registrar must go to the Custodian's office and take possession on election night.

6. **Examination**. Voter Registrar must complete their examination of provisional ballot affidavits within 6 business days after Election Day, and makes a copy of the provisional ballot affidavits to use to register provisional voters who are not registered or to update existing voter registration information for provisional voters who are registered. The Voter Registrar must sign and date his or her review of each Provisional Ballot Affidavit Envelope. Poll Watchers are not entitled to be present during the Voter Registrar's review. The SOS recommends that the Voter Registrar complete their review in "batches" and deliver ballots to the Early Voting Ballot Board on a rolling basis.

> **Note:** For purposes of voter registration, the copied Provisional Ballot Affidavit Envelope serves as an original voter registration application or change form; the effective date will be calculated as thirty days from the Election Date for which the Provisional Ballot Affidavit Envelope was submitted.

7. **Post-Election Submission of Identification to Voter Registrar.** On or before the sixth day after election day, a voter who fails to submit an acceptable form of identification before voting provisionally at the polling place may correct the defect by presenting identification in person at the voter registrar's office. The voter initiates the process by either presenting the Notice to Provisional Voters/Polling Place ID Receipt he or she was given at the polling place or completing a new Notice

to Provisional Voters/Polling Place ID Receipt at the Registrar's office. In addition to presenting identification, a voter (if eligible) may complete one of the two curing affidavits set out in Section 65.054(b)(2)(B) (consistent religious objection to photographs) or (C) (identification unavailable due to declared natural disaster). A disabled voter may also apply for and receive a disability exemption under Section 13.002(i) and receive documentation evidencing receipt of the exemption.

Upon the voter submitting the identification (or completing an affidavit or applying for and receiving a disability exemption) the voter registrar marks the voter's provisional ballot affidavit envelope. The registrar also marks the List of Provisional Voters.

8. **Return of the Provisional Ballots**. Voter Registrar places the provisional ballot affidavit envelopes in a ballot box or other secured container, and delivers the locked, sealed ballot box for delivery to the Early Voting Ballot Board meeting or General Custodian of the election records, as designated by the General Custodian.

9. **Security**. At all stages of this procedure, a ballot and seal certificate must be maintained to indicate the serial number(s) of the seal(s) used to seal the ballot box(es) and to indicate the number of provisional ballots contained in the box(es).

10. **Review of Provisional Ballots**. The early voting ballot board reviews both the election judge and the voter registrar notation on each Provisional Ballot Affidavit Envelope to determine whether or not the ballot should be counted. The presiding judge of the ballot board indicates on both Provisional Ballot Affidavit Envelope and the precinct List of Provisional Voters whether the ballot was counted. The ballots to be counted are removed from their envelopes (or the appropriate method for DRE systems for counting the ballot) and tabulated by the board by precinct in the normal manner. The ballot board must check to make sure a voter's initial mail ballot was not accidently counted if the voter voted provisionally. The Notice of Provisional Voter/Polling Place ID form, if applicable, isattached to and retained with the Voter's provisional ballot affidavit envelope. The counted ballots are relocked and resealed before being returned to the custodian of election records, along with the precinct Lists of Provisional Voters. The custodian prepares an amended unofficial return upon receipt of the ballot board's results. The Early Voting Ballot Board presiding judge shall send notices to provisional voter concerning the disposition of their ballots no later than the 10th day after the canvass.

Outlines/chair/2013/processingtheprovisionalvoter

NOTES