

# March 1, 2016 Primary Calendar

**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	<u>10</u>	11	12
13	14	15	16	17	18	19
20	21	<u>22</u>	23	24	25	26
27	28	29	30			

## OCTOBER 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	31

## NOVEMBER 2015

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

## DECEMBER 2015

S	M	T	W	T	F	S
		1	2	3	4	<u>5</u>
6	7	8	<u>9</u>	10	11	12
<u>13</u>	<u>14</u>	<u>15</u>	16	17	18	19
20	<u>21</u>	<u>22</u>	<u>23</u>	<u>24</u>	25	26
27	28	29	<u>30</u>	31		

## JANUARY 2016

S	M	T	W	T	F	S
					<u>1</u>	2
3	<u>4</u>	5	6	7	8	9
10	<u>11</u>	12	<u>13</u>	14	15	<u>16</u>
17	18	<u>19</u>	20	21	22	23
24	25	26	27	28	<u>29</u>	30
31						

## FEBRUARY 2016

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

## MARCH 2016

S	M	T	W	T	F	S
		<u>1</u>	<u>2</u>	3	4	5
6	<u>7</u>	<u>8</u>	<u>9</u>	<u>10</u>	<u>11</u>	<u>12</u>
<u>13</u>	<u>14</u>	15	<u>16</u>	<u>17</u>	18	<u>19</u>
20	<u>21</u>	22	<u>23</u>	24	<u>25</u>	26
27	28	29	<u>30</u>	<u>31</u>		

## APRIL 2016

S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	<u>9</u>
10	11	12	13	14	15	16
17	18	19	20	21	<u>22</u>	23
24	<u>25</u>	26	<u>27</u>	28	29	30
31						

## MAY 2016

S	M	T	W	T	F	S
<u>1</u>	2	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	7
8	<u>9</u>	10	<u>11</u>	<u>12</u>	<u>13</u>	14
15	<u>16</u>	17	<u>18</u>	<u>19</u>	<u>20</u>	<u>21</u>
<u>22</u>	<u>23</u>	<u>24</u>	<u>25</u>	26	27	28
29	<u>30</u>	<u>31</u>				

## JUNE 2016

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

## JULY 2016

S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	<u>13</u>	14	15	16
17	18	19	20	21	22	23
<u>24</u>	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](http://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](http://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 provide 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, 2015 (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 not already been 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)).