

# November 8, 2016 Election Law Calendar

The uniform election date in November of even-numbered years, by statute, is the general election date for federal, state, and county officers. Additionally, many local political subdivisions have their regular general election for members of their governing bodies in November of even-numbered years, or they may order special elections for this date to vote on propositions or to fill vacancies. Therefore, this calendar is required to meet the needs of many different governmental bodies. If there are questions about the applicability of something in this calendar to your specific election, do not hesitate to call the Elections Division of the Office of the Texas Secretary of State at 1-800-252-VOTE(8683).

[Downloadable Calendar for Windows](#)  
[Calendar of Events](#)

May 2016

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

June 2016

S	M	T	W	T	F	S
			1	2	3	4
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19	20	21	22	<u>23</u>	24	25
26	27	28	29	<u>30</u>		

July 2016

S	M	T	W	T	F	S
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<u>24</u>	25	26	27	28	29	30
<u>31</u>						

August 2016

S	M	T	W	T	F	S
	<u>1</u>	2	3	4	5	6
7	8	9	<u>10</u>	11	12	13
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28	<u>29</u>	30	31			

September 2016

S	M	T	W	T	F	S
				<u>1</u>	2	3
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25	<u>26</u>	27	28	29	30	

October 2016

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16	<u>17</u>	<u>18</u>	<u>19</u>	<u>20</u>	<u>21</u>	22
23	<u>24</u>	<u>25</u>	<u>26</u>	<u>27</u>	<u>28</u>	<u>29</u>
<u>30</u>	<u>31</u>					

November 2016

S	M	T	W	T	F	S
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<u>6</u>	<u>7</u>	<u>8</u>	<u>9</u>	10	<u>11</u>	12
<u>13</u>	<u>14</u>	<u>15</u>	<u>16</u>	17	<u>18</u>	19
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27	<u>28</u>	<u>29</u>	30			

December 2016

S	M	T	W	T	F	S
				1	<u>2</u>	3
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<u>18</u>	19	20	21	22	23	24
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January 2017

S	M	T	W	T	F	S
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22	23	24	25	26	27	28
29	30	31				

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# NOTES

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1. [Note on Campaign Information](#)
2. [Note on Submissions to the U.S. Department of Justice](#)
3. [Note on Statutory References](#)
4. [Note on Joint Election Requirement For School Districts](#)
5. [Note on Joint Elections Generally](#)
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11. [Note on Testing Tabulating Equipment](#)

## **NOTE ON CAMPAIGN INFORMATION**

Under Title 15 of the Election Code, candidates 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 St., 10th Floor, Austin, Texas 78701 (or call 512-463-5800 or visit their website at [www.ethics.state.tx.us](http://www.ethics.state.tx.us)).

## **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.

## **NOTE ON STATUTORY REFERENCES**

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

## **NOTE ON JOINT ELECTION REQUIREMENT FOR SCHOOL DISTRICTS**

School districts conducting trustee elections must have joint polling places on election day with either (1) a city holding an election on the uniform election day (located wholly or partly within the school district’s boundaries); (2) a public junior college district if it is having an election for

members of its governing board in which the school district is wholly or partly located; (3) in limited circumstances, a hospital district; or (4) the county on the November uniform election day in even-numbered years. (Sec. 11.0581, Education Code).

For purposes of this calendar, we will continue to use separate subheads for cities and school districts when their rules are different. However, many entities will be working out joint election agreements. (Sec. 11.0581, Texas Education Code; Sec. 271.002).

### **NOTE ON JOINT ELECTIONS GENERALLY**

Many entities will have joint elections for the November 8, 2016 election. Note that the entries in this calendar are generally written in terms of elections held individually rather than jointly. However, we have long advised different entities who conduct early voting together to coordinate their early voting hours, which may result in entities other than cities also holding early voting on two twelve-hour days. On the other hand, depending on the plan, different entities may choose to do certain things separately, e.g., not holding early voting together. Not all joint election plans are alike. With a few exceptions, we do not discuss the impact of coordinating rules for a joint election, as we think this would make the calendar longer and confusing. We encourage joint election partners to read through the entire calendar, taking note of the rules affecting the partner entities and to address the differences within the agreement itself. If you have questions about how different rules apply to a particular joint election plan, please contact our office by phone or email. (Sec. 271.002).

### **NOTE ON REQUIRED USE OF COUNTY POLLING PLACES**

**Political subdivisions holding an election on the November uniform election date MUST use county election precincts and the county polling places.** This is the case even when the county has adopted the countywide polling place system; in that case the entity must have a presence in every countywide location in the county, not just the locations physically within the territory of the political subdivision. (Secs. 42.002; 43.007(e)).

**NOTE:** As this election is being held on the date of the general election for state and county officers, no consolidation of county election precincts may occur. (Secs. 42.002(b); 42.008).

In an election held by a political subdivision other than a county on the November uniform election date, and in which the political subdivision is not holding a joint election with a county, or has not executed a contract with a county elections officer under which the political subdivision and the county share early voting polling places for the election, the political subdivision must designate as one of its own early voting sites one of the early voting sites established by the county (other than a movable site established under Section 85.062(e) of the Code) that is located in the political subdivision. If such a shared polling place is designated as the main early voting polling place by the political subdivision, it must be open for voting for all political subdivisions the polling place serves for at least the days and hours required of a main early voting polling place for the political subdivision making the designation. (Sec. 85.010; 85.002; 85.062(e)).

## **NOTE ON NOTICE OF CANDIDATE FILING PERIOD**

The authority with whom an application for a place on the ballot is filed must post a [Notice of Deadline to File Applications for Place on the Ballot](#), listing the filing period dates in a building in which the authority maintains an office. The notice must be posted not later than the 30th day before the first day to file. (Sec. 141.040). If you order a special election to fill a vacancy, the order must include the filing deadline; we recommend posting the notice of the filing period as soon as practicable after a special election is ordered.

## **NOTE ON NOTICE OF ELECTIONS**

Except as provided below, notice of an election must be given by any one or more of the following methods:

- A. By posting a notice in a public place in each election precinct in which the election is to be held on or before the 21st day before the election, Tuesday, October 18, 2016. (Sec. 4.003(a)(2)).
- B. By publishing the notice in a newspaper in the territory covered by the election at least once between the 30th day and the 10th day before the election, Sunday, October 9, 2016 - Monday, October 31, 2016. (Secs. 1.006; 4.003(a)(1)).\*
- C. By mailing a copy of the notice to each registered voter of the territory covered by the election, not later than the 10th day before election day, Monday, October 31, 2016. (Secs. 1.006; 4.003(a)(3)).\*

\* Since the 10th day before election day falls on a Saturday, the deadline is extended to the next regular business day, which is Monday, October 31, 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 - NEW LAW:** HB 1927 (2015) amended Section 84.007 to allow email transmission of a completed, scanned application for a ballot by mail containing an original signature and to require the early voting clerk to designate an email address for receipt of such applications. Therefore, ***we recommend that the notice of the election also include the email address at which the early voting clerk may receive applications*** for a ballot by mail. For more information on email submission of the ABBM, see [Tex. Sec'y of State Election Advisory No. 2015-08](#).

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

The following forms may be used:

-[Notice of General Election for Cities](#)

[-Notice of General Election for Other Political Subdivisions \(Including Schools\)](#)

[-Notice of General Election for Counties](#)

**Notice for Bond Elections:** Entities holding bond elections must provide additional notice per Section 4.003(f). A debt obligation order under Section 3.009 must be posted:

1. On election day and during early voting by personal appearance, in a prominent location at each polling place.
2. Not later than the 21st day before the election, in three public places in the boundaries of the political subdivision holding the election.
3. During the 21 days before the election, on the political subdivision's Internet website, prominently and together with the notice of the election and the contents of the proposition, if the political subdivision maintains an Internet website.

**Notice for Counties, School Districts, and Cities:** Counties, school districts, and cities are required to publish their notice in a newspaper in accordance with Section 4.003(a)(1) (See B, above) and may also give any additional notice. (Sec. 4.003(c)). Counties, school districts, and cities must also post notice on the governmental bulletin board used for posting notice of public meetings, no later than Tuesday, October 18, 2016. (Sec. 4.003(b)).

**Notice for Political Subdivisions other than Counties, School Districts, and Cities:** Political subdivisions other than counties, school districts, and cities may have specific statutory election notice requirements either in their enabling acts or in the Code governing them (such as the Water Code). In the absence of specific statutory requirements, such political subdivisions must post a copy of the notice on or before the 21st day before the election (i.e., Tuesday, October 18, 2016) on the bulletin board used for posting notices of the meetings of the governing body of the political subdivision. (Sec. 4.003(b)).

**Notice for Home Rule Charter Cities:** Home-rule cities MUST also give notice as provided in their charters.

**Note for Cities:** Cities must choose two weekdays to be open for 12 hours during the regular early voting period. The city council must choose the two weekdays. (Sec. 85.005(d)).

**Note for All Political Subdivisions, Except Counties & Cities:** The election notice shall be posted on the political subdivision's website, if the political subdivision maintains a website. The order and notice should include all days and hours for early voting by personal appearance including voting on ANY Saturday or Sunday. (Secs. 85.006 & 85.007).

**NOTE - NEW LAW:** Section 85.007, as amended by House Bill 2721 (2015) requires that the election notice, which includes the days and hours of early voting be posted on the political subdivision's website, if the political subdivision maintains a website.

**Notice for All Political Subdivisions, Except Counties:** The governing body of a political subdivision must deliver notice of the election to the county election officer and voter registrar of each county in which the political subdivision is located not later than the 60th day before election day, Friday, September 9, 2016. (Sec. 4.008(a)). In the case of the governing body of a school district ordering a tax rollback election, notice of such election must be delivered to the county election officer of each county in which the school district is located not later than the 30th day before election day. (Sec. 4.008(b)).

## **NOTE ON EXTENDED EARLY VOTING HOURS AND BRANCH LOCATIONS**

**Note for Cities:** Cities must choose two weekdays to conduct extended early voting for 12 hours during the regular early voting period. The city council must choose the two weekdays. (Secs. 85.001(a) and 85.005(d)). The city secretary may also order early voting on a Saturday or Sunday, and determine the hours for such Saturday or Sunday early voting. This must be done by written order. (Sec. 85.006(b), (c)). Notice of Saturday or Sunday early voting must be posted for at least 72 hours immediately preceding the first hour that voting will be conducted. (Sec. 85.007(b)). The city secretary must have early voting on a Saturday or Sunday, if a written request is received from at least 15 registered voters of the city in time to comply with the posting requirement. (Sec. 85.006(d)).

**Note for Counties:** The county election officer may also order early voting on a Saturday or Sunday, and determine the hours for such Saturday or Sunday early voting. This must be done by written order. (Sec. 85.006(b), (c)). Notice of Saturday or Sunday early voting must be posted for at least 72 hours immediately preceding the first hour that voting will be conducted. (Sec. 85.007(b)).

**Note for Political Subdivisions, Except Counties and Cities:** The authority ordering an election may order early voting at the main early voting location to be conducted on one or more Saturdays or Sundays and at times of its discretion during the early voting period. If at least 15 registered voters of the territory submit a written request, the authority must order early voting at the main early voting location to be conducted on at least one Saturday if a Saturday is requested and on at least one Sunday if a Sunday is requested. The request must be submitted in time to be included in the order and notice of election. (Secs. 85.006; 85.007).

**Note for Counties with Population of 100,000 or more:** Early voting in the general election for state and county officers must be conducted at the main early voting location: (1) for at least 12 hours on each weekday of the last week of the early voting period, (2) for at least 12 hours on the last Saturday of the early voting period, and (3) for at least 5 hours on the last Sunday of the early voting period. (Secs. 85.005(c); 85.006(e)).

**Note for Counties with Population of less than 100,000:** Early voting in the general election for state and county officers must be conducted at the main early voting location on the weekdays of the early voting period and during the hours that the county clerk's main office's business hours. (Sec. 85.005(a)) However, upon receipt of a written request by at least 15 registered voters of the county for extended hours to the early voting clerk, early voting in a general election for state and county officers must be conducted at the main early voting location for at least 12 hours on each weekday of the last week of the early voting period. (Sec. 85.005(c)).

**Saturdays and Sundays:** Counties with a population under 100,000 are not required to conduct early voting on Saturday or Sunday, but the authority ordering the election may order early voting by personal appearance, or the county clerk may order weekend hours via written order. (Secs. 85.006(a); 85.006(b)) Also, if the early voting clerk receives a written request by at least 15 registered voters of the county, early voting in a general election for state and county officers must be conducted at the main early voting location for at (1) least 12 hours on the last Saturday

of the early voting period, and (2) for at least 5 hours on the last Sunday of the early voting period. (Secs. 85.005(c); 85.006(e)).

The request for extended weekday hours must be received before the fifth day before the start of early voting (Secs. 85.005(c) and 85.067(c)), and the request for Saturday and Sunday hours must be received in time for the early voting clerk to comply with the 72-hour posting requirement before the start of early voting. (Secs. 85.006(e) and 85.007(c)).

**NOTE - NEW LAW:** - Section 85.007, as amended by House Bill 2721 (2015) requires that the election notice, which includes the days and hours of early voting be posted on the political subdivision's website, if the political subdivision maintains a website.

**Note about branch early voting in the November General Election for state and county officers:**

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 other 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 and, to the extent possible, must be affiliated or aligned with different political parties.

**Note:** In a countywide election, the total number of permanent branch polling places and temporary branch polling places open for voting at the same time in a commissioners precinct may not exceed twice the number of permanent branch and temporary branch polling places open at that time in another commissioners precinct. (Sec. 85.062(f)).

### **NOTE ON NOTICE OF POLLING PLACE CHANGE**

**Notice of Change of Polling Place Location:** For elections ordered by the Governor or county judge only, if the location of the polling place changes after notice has been given under Section 4.003, and the county elections officer maintains a website to inform voters about elections, the notice of the change must be posted on the website. The notice on the website must be given not later than the earlier of 24 hours after the location was changed or 72 hours before the polls open on election day. (Sec. 43.061). If the county elections officer is conducting a legislative vacancy election, the candidates listed on the ballot are entitled to receive notice directly from the county judge.

**Notice of Previous 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. (Sec. 43.062).

### **NOTE ON TESTING TABULATING 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.

# Calendar of Events

General Election Day is November 8, 2016

## May

### **Thursday, May 12, 2016 (180th day before election day)**

-First day to accept applications for state write-in ballots for the November 8, 2016 election. (Sec. 105.002).

## June

### **Monday, June 13, 2016 (20th day after runoff primary election day)**

-First day of new term for political party county and precinct chairs elected in the March 1, 2016 Primary Election. (Sec. 171.022(c))

### **Thursday, June 23, 2016 (30th day before Saturday, July 23, 2016, “first day to file”; 30<sup>th</sup> day after Runoff Primary Election Day)**

-**Cities, Schools and Other Political Subdivisions:** [Deadline to post Notice of Deadline to File Applications for Place on the Ballot](#) in a public place in a building in which the authority maintains an office. The notice must be posted not later than the 30th day before the first day to file. (Sec. 141.040; Sec. 49.113 Water Code).

**NOTE - Water Districts:** The notice must be posted at the district’s administrative office or at the public place established by the district under Section 49.063 of the Water Code. (Sec. 49.113 Water Code).

**-5:00 p.m.** — Filing deadline for independent candidate’s [application for place on ballot](#) and [petition](#) for the November General Election for state and county officers. (Sec. 142.006).

### **Thursday, June 30, 2016 (last day “before July”)**

-In a county with a population of over 500,000, deadline for party chairs to submit to county commissioners court list of eligible persons for precinct presiding election and alternate presiding judges for appointments, as well as for presiding and alternate presiding judges of central counting station for appointments for the November General Election for state and county officers. (Secs. 32.002(a)(1), (c); 127.005(e)).

-Deadline for party chairs to submit to county election officer the list of eligible persons to serve as election officers for the main and any branch early voting location for the November General Election for state and county officers. (Sec. 85.009).

-Recommended date that party chairs in a county with a population of over 500,000 submit to the county election board a list of names of eligible persons to serve on the early voting ballot board for the November General Election for state and county officers. (Sec. 87.002(c), (d)). NOTE: This is not a deadline; just a recommendation.

**Note:** A signature verification committee may be appointed at a later date. (Sec. 87.027).

**-Political Subdivisions Other than Counties:** [See entry under August 29, 2016](#) for recommended date to appoint your presiding election judges.

## July

### July 2016 Term

-In a county with a population of over 500,000, county commissioners court makes appointments for presiding election and alternate presiding judges, as well as for presiding and alternate presiding judges of central counting station, from lists submitted by party chairs. (Secs. 32.002(a)(1), (c); 127.005(e)). [Notice of Appointment](#) must be given not later than 20 days after the appointment was made. (Sec. 32.009).

**Note:** A signature verification committee may be appointed at a later date. (Sec. 87.027).

-Recommended date that commissioners court (in a county with a population of over 500,000) appoint central counting station manager, tabulation supervisor, and assistants to the tabulation supervisor if it has established a central counting station. (Secs. 127.001; 127.002; 127.003; 127.004). NOTE: This is not a deadline; just a recommendation.

### Friday, July 1, 2016 – Saturday, October 1, 2016

-Recommended timeframe for the county election board in a county with a population of over 500,000 to appoint the members to the early voting ballot board for the November General Election for state and county officers. (Sec. 87.002(c), (d)). Section 87.002(c) of the Election Code does not provide a deadline for the county election board to make such appointments. NOTE: This is not a deadline; just a recommendation. October 1 is the recommended deadline because of various notice requirements.

### Saturday, July 23, 2016 (30th day before Monday, August 22, 2016)

-First day to file a [declaration of write-in candidacy](#) and accompanying filing fee or [petition](#) in lieu of filing fee with the county judge or Secretary of State, as applicable, for the November General Election for state and county officers. (Secs. 146.023; 146.0231; 146.0232; 146.025(a); 172.024; 172.025).

**-Political Subdivisions Other Than Counties:** First day to file an application for a place on the ballot. (Secs. 143.007(a), 144.005(a) Election Code, Secs. 11.055 & 130.082(g) Educ. Code.) Sec. 144.005 provides a “first day to file” for other political subdivisions. An application may not be filed earlier than the 30<sup>th</sup> day before the date of the filing deadline, even in the case of a

conflicting statute outside of the Election Code. The following forms are available on the Secretary of State's website:

- [Application for Place on City/School/Other Political Subdivision Ballot](#)
- [Petition for Place on the City General Election Ballot](#)

**Note:** The Elections Division is often asked how filing can begin if you have not yet ordered the general election. You do not need to have ordered your general (regularly occurring) election in order for the filing period to begin.

**Note to Cities, School Districts, and other Political Subdivisions:** Most, if not all, of the candidate filing periods will occur during the summer break. The Elections Division recommends that you take steps to have someone available for a few hours most days during the candidate filing period to accept filings, and that you post a schedule on your website and on the bulletin board where notices of school board meetings are posted of the days and times when someone will be available to accept filings. The Elections Division strongly recommends having someone available at the place of business on the filing deadline, especially from 2:00 p.m. to 5:00 p.m., if you are otherwise closed. This guideline is based on the office-hour rule under Section 31.122, Election Code. Although a political subdivision may accept applications by mail and fax, without a person there at the office, the political subdivision will not be able to determine which applications were timely filed by 5:00 p.m.

### **Sunday, July 31, 2016 (last day “before August”)**

-In a county with a population of 500,000 or less, deadline for party chairs to submit to county commissioners court list of eligible persons for precinct presiding election and alternate presiding judges for appointments, as well as for presiding and alternate presiding judges of central counting station for appointments for the November General Election for state and county officers. (Secs. 32.002(a)(2), (c); 127.005(e)).

-Recommended date that party chairs in a county with a population of 500,000 or less submit to the county election board a list of names of eligible persons to serve on the early voting ballot board for the November General Election for state and county officers. (Sec. 87.002(c), (d)).  
NOTE: This is not a deadline; just a recommendation.

**Note:** A signature verification committee may be appointed at a later date. (Sec. 87.027).

-Recommended date that county election officials and local political subdivisions meet to discuss conducting elections at the same polling locations pursuant to Sections 42.002 & 42.0621, as well as any applicable joint election issues needed to be agreed upon. NOTE: This is not a deadline; just a recommendation.

## **August**

### **August 2016 Term**

-In a county with a population of 500,000 or less, county commissioners court makes appointments for presiding election and alternate presiding judges, as well as for presiding and alternate presiding judges of central counting station, from lists submitted by party chairs. (Secs.

32.002(a)(2), (c); 127.005(e)). [Notice of Appointment](#) must be given not later than 20 days after the appointment was made. (Sec. 32.009).

**Note:** A signature verification committee may be appointed at a later date. (Sec. 87.027).

-Recommended date that commissioners court (in a county with a population of 500,000 or less) appoint central counting station manager, tabulation supervisor, and assistants to the tabulation supervisor if it has established a central counting station. (Secs. 127.001; 127.002; 127.003; 127.004). NOTE: This is not a deadline; just a recommendation.

### **Monday, August 1, 2016 – Saturday, October 1, 2016**

-Recommended timeframe for the county election board in a county with a population of 500,000 or less to appoint the members to the early voting ballot board for the November General Election for state and county officers. (Sec. 87.002(c), (d)). Section 87.002(c) of the Election Code does not provide a deadline for the county election board to make such appointments. NOTE: This is not a deadline; just a recommendation. October 1 is the recommended deadline because of various notice requirements.

### **Wednesday, August 10, 2016 (90th day before election day)**

-Last day for eligible political subdivisions to submit a [notice of exemption](#) or an [application of undue burden status](#) to the Secretary of State for an exemption from the accessible voting system requirement. (Sec. 61.013). Please remember that the exemption is not available to a political subdivision holding its election jointly with another election in which a federal office appears on the ballot.

### **Friday, August 19, 2016 (81st day before election day, day before 2nd day before filing deadline)**

**-Political Subdivisions Other Than Counties:** If a candidate dies on or before this date, his or her name is not placed on the ballot, if the filing deadline is Monday, August 22, 2016. (Sec. 145.094(a)(1)).

### **Monday, August 22, 2016 (78th day before election day)**

**-Political Subdivisions Other Than Counties:** 5:00 p.m. — Deadline for a candidate in a political subdivision (other than a county) to file application for a place on the ballot for a general election, except as otherwise provided by the Election Code. (Secs. 143.007(c)(1) & 144.005(d)(1), Election Code; Sec.11.055(c), Education Code. See [Candidacy Filing outline](#) for more details.

The following application may be provided to candidates of any political subdivision (other than a county) conducting a general election:

- [Application for a Place on the \\_\\_\\_\\_\\_ General Election Ballot](#)
- [Petition for Place on the City General Election Ballot](#)

**NOTE:** A home-rule city's charter may **not** provide an alternate candidate filing deadline. (Secs. 143.005(a), 143.007).

**NOTE:** An application by mail is considered to be filed at the time of its receipt by the appropriate filing authority. (Secs. 143.007(b), 144.005(b)).

**-Political Subdivisions Other Than Counties:** Deadline for political subdivisions to order a general election to be held on Tuesday, November 8, 2016, unless otherwise provided by the Election Code. (Sec. 3.005(c)(1)). One of the following forms may be used:

[-Order of Election for Municipalities](#)

[-Order of Election for Other Political Subdivisions \(Including Schools\)](#)

**-Political Subdivisions Other Than Counties:** Deadline to order a special election to fill a vacancy (if authorized to fill vacancies by special election) to be held on the date of the November General Election for state and county officers. An application may not be filed before the special election is ordered, and in addition to the information stated below, the order must state the filing deadline. (Secs. 201.051(b); 201.054(c), (d)).

**-Counties:** 5:00 p.m. — Deadline to file as a write-in candidate for the November General Election for state and county officers. (Sec. 146.025(a)).

**-Counties:** Deadline for counties to order a general election or a special election on a measure to be held on Tuesday, November 8, 2016. (Sec. 3.005). The following form may be used:

[-Order of Election for the November General Election \(for County & Precinct Officers\)](#)

[-Order of Special Election for County-Ordered Measure Elections.](#)

The order must include (Secs. 3.006; 83.010; 85.004 & 85.007(a)):

1. The date of the election;
2. The offices or measures to be voted on;
3. The location of the main early voting polling place;
4. *(Recommended)* Branch early voting polling places;
5. The dates and hours for early voting (it is only recommended that this information be included in the order for counties and cities, but it is required to be included for all other entities). (Cities must include the two designated weekdays for which early voting will be held for 12 hours);
6. The dates and hours for any Saturday and Sunday early voting (if applicable, it is only recommended that this information be included in the order for counties and cities, but it is required to be included for all other entities); and
7. The early voting clerk's official mailing address (it is only recommended that this information be included in the order for counties and cities, but it is required to be included in the order for all other entities).

**NOTE - NEW LAW:** HB 1927 (2015) amended Section 84.007 to allow email transmission of a completed, scanned application for a ballot by mail containing an original signature and to require the early voting clerk to designate an email address for receipt of such applications. Therefore, we recommend that the order of the election also include the email address at which the early voting clerk may receive applications for a ballot by mail. For more information on email submission of the ABBM, see [Tex. Sec'y of State Election Advisory No. 2015-08.](#)

**NOTE - NEW LAW:** Section 85.007, as amended by House Bill 2721 (2015), requires that the election notice, which includes the days and hours of early voting be posted on the political subdivision's website, if the political subdivision maintains a website.

An order for a debt obligation (bond) election must include (Sec. 3.009):

1. the proposition language that will appear on the ballot;
2. the purpose for which the debt obligations are to be authorized;
3. the principal amount of the debt obligations to be authorized;
4. that taxes sufficient to pay the annual principal of and interest on the debt obligations may be imposed;
5. a statement of the estimated tax rate if the debt obligations are authorized or of the maximum interest rate of the debt obligations or any series of the debt obligations, based on the market conditions at the time of the election order;
6. the maximum maturity date of the debt obligations to be authorized or that the debt obligations may be issued to mature over a specified number of years not to exceed 40;
7. the aggregate amount of the outstanding principal of the political subdivision's debt obligations as of the beginning of the political subdivision's fiscal year in which the election is ordered;
8. the aggregate amount of the outstanding interest on debt obligations of the political subdivision as of the beginning of the political subdivision's fiscal year in which the election is ordered; and
9. the ad valorem debt service tax rate for the political subdivision at the time the election is ordered, expressed as an amount per \$100 valuation of taxable property.

**Thursday, August 25, 2016 (75th day before election day, 4th day before recommended ballot drawing date)**

**-Political Subdivisions Other Than Counties:** 5:00 p.m. — **Last day to file an application for a place on the ballot in a special election to fill a vacancy** to be held on the date of the November General Election for state and county officers. (Sec. 201.054(f)). **Note:** For future reference, please note that this deadline is not the same for elections held on the May uniform election date or on the November uniform election date in an odd-numbered year.

**-For an election held by political subdivision other than a county or city,** the authority conducting the ballot position drawing shall mail written notice of the date, hour, and place of the drawing to candidates by this date if the drawing is to be conducted on Monday, August 29, 2016, as recommended. (Sec. 52.094(c)). If a candidate in a special election files on this date, they should be given a copy of the notice at the time they file.

**-For an election held at county expense or a city election,** on receipt of a candidate's written request accompanied by a stamped, self-addressed envelope, the authority conducting the ballot position drawing shall mail written notice of the date, hour, and place of the drawing to the candidate. We recommend sending such notices by this date, if drawing is to be conducted on Monday, August 29, 2016, as recommended. (Sec. 52.094(d)).

## Friday, August 26, 2016 (74th day before election day)

**-Political Subdivisions Other Than Counties:** 5:00 p.m. — Deadline for write-in candidates to file Declarations of Write-In Candidacy for regular officers for city, school district, library district, junior college district, hospital district, common school districts, Chapter 36 and 49 Water Code districts, and other political subdivision elections, unless otherwise provided by law. (Secs. 144.006(b)(2), 146.054(b)(2), 146.055, 146.083, Election Code; Secs. 11.056, 11.304, 130.0825, Education Code; Secs. 326.0431, 326.0432, Local Government Code; Sec. 285.131, Health and Safety Code; and Secs. 36.059, 49.101, 63.0945, Water Code). [See Candidacy Filing outline for more details.](#)

**NOTE - NEW LAW:** Senate Bill 1703 (2015) amended the filing deadline to be the 74th day before election day for write-in candidates for cities and other political subdivisions. (See Sections 144.006(b) and 146.054(b), as amended.)

**-Political Subdivisions Other Than Counties:** If you plan on holding your ballot position drawing on Monday, August 29, 2016, then your [notice](#) of such drawing should be posted today. The notice must be posted for 72 hours immediately preceding the time of the drawing. (Sec. 52.094(c)).

**-Counties:** Deadline for a party nominee or independent candidate in the November General Election for state and county officers to withdraw from the election. (Secs. 145.032; 145.062).

**Note:** Withdrawal request submitted by mail must be received by appropriate authority by this date. (Sec. 145.001(c)). A withdrawal request must also be sworn, and candidates may use the [Certificate of Withdrawal](#). (Sec. 145.001(b)).

**-Counties:** Last day on which death, declaration of ineligibility, or withdrawal of a party nominee or an independent candidate for the November General Election for state and county officers causes an omission of the candidate's name from the ballot. (Secs. 145.035, 145.039, 145.064, 145.065).

If a vacancy occurs on or before this date in a state, district, or county office not regularly scheduled for election in 2016, due to death, resignation, or removal of the officeholder, the unexpired term of the office shall be placed on the November 8, 2016 election ballot. (Sec. 202.002(a)).

**Note:** If a vacancy in a state, district, or county office occurs after the 74th day before a November General Election day, an election for an unexpired term may not be held at that general election. The appointment to fill the vacancy continues until the next succeeding general election and until a successor has been elected and has qualified for the office. Also, depending on the effective date of the vacancy, the office may also be voted on in the next succeeding primary election. (Secs. 202.002(b); 202.004).

## Monday, August 29, 2016 (71st day before election day)

**-Political Subdivisions Other Than Counties:** The Elections Division recommends that you hold your ballot position drawing no later than today to determine the order of candidates' names on the ballot (Sec. 52.094) and that you certify today to the county election officer the offices, propositions (in all necessary languages), and candidates' names (including the order) as they are to appear on the ballot, if you are contracting to have the county conduct your election or if you are conducting a joint election with the county.

**Note:** Ballot position for the November General Election for state and county officers is determined by Sections 52.091 and 52.092, Election Code.

**-Political Subdivisions Other Than Counties:** 5:00 p.m. — Last day for a candidate in an election of a political subdivision (other than a county) to be declared ineligible or withdraw and have the candidate's name removed from the ballot. (Secs. 145.092(f); 145.094(a)(4); 145.096(a)(4)).

**-Political Subdivisions Other Than Counties:** Recommended date to appoint precinct presiding and alternate judges, the presiding judge of the early voting ballot board, and if a central counting station has been established, a presiding judge of the central counting station, a central counting station manager, a tabulation supervisor, central counting station clerks and, if necessary, assistants to the tabulation supervisor. Currently, the Election Code does not establish a deadline for appointing election officials; there is only a notification deadline. For further information concerning procedures for appointing judges and their alternates and central counting station personnel, see Sections 32.005; 32.008; 32.011; 87.002; 127.002; 127.003; 127.004; 127.005 and 127.006, Election Code. General eligibility requirements are found in Subchapter C, Chapter 32. In addition to appointing a judge and alternate judge for each election precinct pursuant to Sections 32.001 and 32.005, Election Code, the governing body must allow the judge to appoint no less than two clerks; however, the alternate judge must serve as one of the clerks as a matter of law. The presiding judge then appoints an additional clerk(s), but not more than the maximum set by the governing body. (Sec. 32.033). Presiding judges and their alternates must be given notice of their appointments not later than the 20th day after the appointment is made. (Sec. 32.009). This notice may be combined with the writ of election pursuant to Section 32.009, Election Code, which is required in accordance with Section 4.007, Election Code, to be delivered to each presiding judge not later than the 15th day before the election, Monday, October 24, 2016. If the notices are combined, both must be delivered by the date required in the earlier notice.

**Note:** If you are conducting a joint election with the county, please be advised that the Election Code places many requirements on the people who must be appointed by the county to work in the November General Election for state and county officers. See Sections 32.002 and 32.034, Election Code.

**-Political Subdivisions Other Than Counties:** Recommended first day that a general or special election may be cancelled if all filing deadlines have passed, each candidate for an office listed on the ballot is unopposed (except as discussed below), and write-in votes may be counted only for names appearing on a list of write-in candidates. (The Certification of Unopposed Candidates for Other Political Subdivisions may be used to certify candidates as unopposed.

Also, see our [Sample Order of Cancellation](#).) A special election of a political subdivision is considered to be a separate election with a separate ballot from a general election for officers of the same political subdivision held at the same time as the special election. Therefore, the fact that there may be a proposition on the ballot will not prevent a cancellation of an election for candidates who are unopposed. (Sec. 2.051(a)). If any members of the political subdivision's governing body are elected from territorial units, such as single member districts, an election may be cancelled in a particular territorial unit if each candidate for an office that is to appear on the ballot in that territorial unit is unopposed **and no** opposed at-large race is to appear on the ballot. An unopposed at-large race may be cancelled in an election regardless of whether an opposed race is to appear on the ballot in a particular territorial unit. (Sec. 2.051(b)). This recommended cancellation deadline considers a regular filing deadline of Monday, August 22, 2016, a special election filing deadline of Thursday, August 25, 2016, and a write-in deadline of August 26, 2016.

For additional information, consult the outline on [Cancellation of Election for Local Political Subdivisions](#)

**-Counties and Other Political Subdivisions:** 5:00 p.m. — Last day to withdraw as a write-in candidate in the general election for state and county officers, or an election ordered by a political subdivision other than a county. (Secs. 144.006(c), 146.0301, 146.054(c)). (Candidates may use the [Certificate of Withdrawal](#).)

**NOTE - NEW LAW:** Senate Bill 1703 (2015) provided a withdrawal deadline of the 71st day before election day for write-in candidates for cities and other political subdivisions. (See Sections 144.006(c) and 146.054(c), as amended.)

**-Counties:** 5:00 p.m. — Deadline for party chair to deliver replacement nominee or nominee to fill vacancy in an unexpired term to the appropriate officer (for a vacancy in an office that would not normally be on the 2016 ballot and that occurred after December 9, 2015 and before August 26, 2016). (Secs. 1.006; 145.036; 145.037(e); 171.022; 201.022; 202.006.) See [Texas Sec'y of State Advisory No. 2015-13](#) for further information on this deadline and related procedures.

-Recommended date to order the lists of registered voters from the county voter registrar. The list should include both the voters' residences and mailing addresses in order to conduct early voting by mail. (Sec. 18.006).

-Recommended date to order election supplies, other than ballots. (Sec. 51.003).

-Recommended date to confirm telephone number for the county voter registrar's office on election day.

## September

### Thursday, September 1, 2016 (68th day before election day)

-Deadline for Secretary of State (federal, state and district offices) and county judge (countywide and precinct offices) to certify names of independent and declared write-in candidates to county election officer for placement on the November 8, 2016 ballot. (Secs. 142.010; 146.029(c)).

-Deadline for Secretary of State to certify to county election officer names of party nominees for statewide and district offices for placement on November 8, 2016 ballot, and deadline for Secretary of State to post major party nominees for county and precinct offices. (Secs. 161.008, 172.117).

### **Friday, September 9, 2016 (60th day before election day)**

**-Political Subdivisions Other Than Counties:** Last day for the governing body of a political subdivision to deliver notice of the election to the county election officer and voter registrar of each county in which the political subdivision is wholly or partly located. (Sec. 4.008).

-Recommended date for county clerk/county elections administrator to deliver an initial list of voters who have submitted annual applications for ballot by mail under Section 86.0015 and scans or photocopies of those applications to the early voting clerk of any political subdivision located within the county that is holding an election on November 8, 2016. The list should only include voters that reside in the political subdivision holding the election. The list should only be created and sent to those political subdivisions that have provided notice of the election to the county clerk/elections administrator. *See also*, the note below and the [entry](#) at Friday, October 28, 2016 for more information about delivery of a final list of voters. See [entry](#) at Thursday, October 27, 2016 and [entry](#) at Saturday, November 5, 2016 for more information on the delivery of copies/images of the applications.

**NOTE – NEW LAW:** House Bill 1927 (2015) amended Section 86.0015 to require the county clerk/elections administrator to provide a list of voters that have submitted an annual application for ballot by mail to all political subdivisions in their county holding an election. The law only applies to elections for which the county clerk/elections administrator is not the early voting clerk via a joint election agreement or contract for election services. The Election Division *strongly recommends* that the county and political subdivisions **discuss the frequency and method for which these lists should be transmitted** to ensure that ballots are sent out timely. Finally, the county clerk/elections administrator **must deliver either photocopies or scanned images of the applications (under Section 87.126) to the early voting clerk** of the political subdivision for qualifying and counting mail ballots under Section 87.041.

### **Monday, September 19, 2016 (50th day before election day; 21st day after August 29, 2016)**

**-Political Subdivisions Other Than Counties:** Last day to notify election judges of their appointment if they were appointed, as recommended, on Monday, August 29, 2016. (Secs. 1.006, 32.009(b)). Presiding and alternate judges must be [notified](#) of their appointment in writing, not later than the 20th day after the date the appointment is made. The notice of the judge's duty to conduct the election ([writ of election](#)) pursuant to Section 4.007 may be combined with the above notice, if the appointment is for a single election only. If the notices are **NOT** combined, then the notice of the judge's duty to conduct the election (writ of election) must be delivered not later than the 15th day before election day, Monday, October 24, 2016.

-Deadline to publish [notice](#) of the date, hour, and place of the public test if you are conducting the first test of the automated tabulating equipment and the logic and accuracy test on the

recommended date of Wednesday, September 21, 2016. Such notice must be published at least 48 hours before the testing begins. (Sec. 127.093; 127.096; 129.022; 129.023).

**Monday, September 19, 2016 - Sunday, December 18, 2016 (50th day before election day through 40th day after election day)**

**-Mandatory Office Hours:** Each county clerk, city secretary or secretary of a governing body (or the person performing duties of a secretary) must keep the office open for election duties for at least 3 hours each day, during regular office hours, on regular business days. (Sec. 31.122).

**Wednesday, September 21, 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.

**Saturday, September 24, 2016 (45th day before election day)**

-Deadline to Mail a Ballot to an Overseas Voter for the November General Election for State and County Officers: For voters requesting mail ballots with a standard application for ballot by mail or an FPCA who indicate that they are outside the United States, ballots must be mailed by this date or the 7th day after the clerk receives the application. If the early voting clerk cannot meet this 45th-day deadline, the clerk must notify the Secretary of State within 24 hours. (Sec. 86.004(b)).

**NOTE – NEW LAW:** House Bill 2778 (2015) amended Section 101.104 to provide that “any election in which the voter who registers under this chapter is eligible to vote” is a covered election. As Section 86.004 provides a 45th day deadline for any election covered under Section 101.104, there is no longer a distinction between elections with a federal office on the ballot or certain elections to fill a vacancy in the legislature, and all other elections. Therefore, all ballots for military and overseas voters that indicate that they are outside the United States must be mailed by this date or the seventh day after receipt of the application. Further, the language of Section 86.004 limits it applications to voters “outside the United States;” however, Section 86.004 was amended in 2011 to implement the federal Military and Overseas Voter Empowerment (Pub. L No. 111-84), which applies to all voters eligible to use a federal postcard application under Section 101.001. Therefore, we strongly recommend that ballots to all military and overseas voters be mailed by this date, or by the 7th day after the clerk receives the application.

**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)).

**Monday, September 26, 2016 (43rd day before election day, 28th day before early voting begins)\***

-Last day for county chairs to supplement list of names for early voting officer list. (Secs. 1.006; 85.009).

## **October**

**Monday, October 3, 2016 (36th day before election day)**

-Deadline for the Secretary of State to mail each county judge a copy of the Governor's proclamation ordering the November General Election for state and county officers. (Sec. 3.003(c)).

**-Counties:** Deadline to submit a petition signed by 15 registered voters to the early voting clerk requesting that a signature verification committee be created. A request submitted by mail is considered to be submitted at the time of its receipt by the early voting clerk. (Sec. 87.027(a-1)).

**Friday, October 7, 2016 (32nd day before election day)**

-Recommended date for early voting clerk to issue [order](#) calling for appointment of signature verification committee. (Sec. 87.027).

NOTE: If the signature verification committee will start meeting on Wednesday, October 19, 2016, early voting clerk must post copy of the [order](#) calling for appointment of the signature verification committee on or before this date as the the notice must remain posted continuously for at least 10 days before the first day the committee meets. (Sec. 1.006; 87.027(g)).

**Sunday, October 9, 2016 (30th day before election day)**

-First day of period during which notice of election must be published if another method of giving notice is not specified by a law outside the Election Code, and publication is the method of giving notice selected. (Sec. 4.003(a)(1)). The notice for elections ordered by a commissioners court or by an authority of a city or school district must be given by publication in a newspaper in addition to any other method specified by a law outside the Election Code. (Sec. 4.003(c) and (d)). This notice may be combined with the other notices you are required to publish. .

See Notice requirements in Introductory Notes prior to Calendar of Events in this advisory.

In addition to the notice in the newspaper, notice may also be given as follows:

- A. By posting a notice in a public place in each election precinct in which the election is to be held on or before the 21st day before the election, Tuesday, October 18, 2016. (Sec. 4.003(a)(2)).
- B. By mailing a copy of the notice to each registered voter of the territory covered by the election, not later than the 10th day before election day. (Sec. 4.003(a)(3)). Since the

10th day falls on a Saturday, the deadline is extended to the next regular business day, which is Monday, October 31, 2016. (Sec. 1.006).

**NOTE: Notice of Change of Polling Place Location:** For elections **ordered by the governor or county judge only**, if the location of the polling place changes after notice has been given under Section 4.003, and the county election officer maintains a website to inform voters about elections, the notice of the change must be posted on the website. The notice on the website must be given not later than the earlier of 24 hours after the location was changed or 72 hours before the polls open on election day. (Sec. 43.061). If the county election officer is conducting a legislative vacancy election, the candidates listed on the ballot are entitled to receive notice directly from the county judge.

**NOTE: Notice of Previous Polling Place:** If a different polling place is being used than at the previous election held by the same authority, [Notice of Previous Precinct](#) must be posted at the entrance of the previous polling place informing voters of the current polling place location, if possible. (Sec. 43.062).

-Last day to order an election under Section 26.08, Tax Code, to ratify a tax rate adopted by the governing body of a school district under Section 26.05(g) of that code. (Sec. 3.005(d)).

**NOTE:** A tax rate adopted by the governing body of a school district under Section 26.05(g) of the Tax Code is one based on an estimate of the taxable value of property in the district; the estimate is received before the receipt of the certified appraisal from the Texas Comptroller's Office. This 30-day deadline to order the election applies only to those tax rates adopted based on an estimate; contact our office for further information on ordering elections based on the certified appraisal figure.

-Last day for the governing body of a school district that orders an election under Section 26.08, Tax Code, to ratify an ad valorem tax rate adopted by the governing body under Section 26.05(g) of that code to deliver notice of the election to the county clerk of each county in which the school district is located (See **NOTE**, above). (Sec. 4.008(b))

## **Tuesday, October 11, 2016 (28th day before election day)\***

-Last day to register to vote for the Tuesday, November 8, 2016 election. (Sec. 13.143).

**NOTE:** An [FPCA](#) (Federal Postcard Application) also serves as an application for permanent registration under Texas law unless the voter marked "do not intend to return" (2011 form), or "my return is not certain" (2013 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)).

-Last day for a voter to make a change of address that will be effective for the November 8, 2016 election. A voter who submits a change of address after this date may still be eligible to return to his or her previous precinct to vote under "fail-safe" voting, if he or she still resides in the same county and the same local political subdivision, if applicable, conducting the election. (Secs. 15.025; 63.0011).

\*If the 30th day before the election falls on a weekend or holiday, a voter application or a notice of change in registration information is considered timely if it is submitted to the voter registrar on or before the next regular business day. (Secs. 13.143(e) and 15.025(d)).

-Recommended last day for early voting clerk to order supplemental and registration correction lists, if applicable, or order revised original list from the voter registrar for early voting by personal appearance. (Secs. 18.001; 18.002; 18.003; 18.004).

### **Wednesday, October 12, 2016 (27th day before election day)**

-Deadline for the county elections board to appoint a signature verification committee (if one was ordered not later than Friday, October 7, 2016 at the discretion of the county election officer and not required due to petition by 15 registered voters. The members must be appointed not later than the fifth day after the order was issued by the early voting clerk. The county elections board must post a notice of the appointment of committee members continuously until the last day the signature verification committee meets. (Sec. 87.027). This form may be used for the notice: [Notice of Appointment of Signature Verification Committee](#).

### **Friday, October 14, 2016 (25th day before election day)**

**-Counties:** Deadline for Democratic and Republican County Chairs to submit to the precinct presiding judges for each election day precinct, a list containing at least two persons who are eligible to serve as election clerks, in order to secure appointment of clerks affiliated or aligned with their respective parties. (Sec. 32.034(b)). The “mailbox rule” applies to this deadline; therefore as long as the list is postmarked by this date, the list is considered timely. Due to the close proximity to the election, you may want to encourage the chairs to submit the lists earlier.

### **Monday, October 17, 2016 (22nd day before election day)**

-Deadline for county elections board to appoint signature verification committee, if a valid petition requesting one to be created was presented to the early voting clerk by the deadline, Saturday, October 3, 2016. (Sec. 87.027(a-1), (c), 1.006)

### **Tuesday, October 18, 2016 (21st day before election day)**

-Last day to post notice of election on bulletin board used for posting notices of meetings of the commissioners court or appropriate governing body. (Sec. 4.003(b)). A [Record of Posting Notice of Election](#) should be completed at the time of posting. (Sec. 4.005).

-Last day to post notice of election in each election precinct, if the method of giving notice is **not** specified by a law outside the Election Code and notice is given by this method in lieu of publication (extended deadline). (Sec. 4.003(a)(2)). Cities and school districts **must** publish their notice in the newspaper. A [Record of Posting Notice of Election](#) should be completed at the time of posting. (Sec. 4.005).

### **Wednesday, October 19, 2016 (20th day before election day; 5th day before the first day of early voting in person)**

-Last day to petition for temporary branch polling place(s) in a county with a population of 100,000 to 120,000, if the voting at those branch locations is to begin on the first day of early voting, October 24, 2016. (Secs. 85.062(d)(3); 85.067).

-Last day to post [notice](#) of places, days, and hours for voting at branch early voting polling place if voting is to begin at that location on the first day of early voting in person. The schedule may be amended after the beginning of early voting by personal appearance to include notice of additional branch locations, but any amendment must be made and posted not later than the fifth day before voting begins at the additional temporary branch. (Secs. 85.062(d)(3); 85.067(c)).

-Deadline for a person who is not permanently registered to vote, to submit a postmarked FPCA, in order to receive a ballot for any non-federal election held on November 8, 2016. A person submitting who is **not** permanently registered to vote and submits a postmarked FPCA after this date (20th day) and before the deadline to submit an application for ballot by mail, is not entitled to receive a ballot for any non-federal election. See Monday, October 24, 2016 [entry](#) for timeliness of an FPCA received without a postmark (extended deadline). (Sec. 101.052(e)).

**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 your early voting clerk's use (mailing ballots, etc.) and records unless the voter marked **“do not intend to return” (2011 form) or “my return is not certain” (2013 form)** in which case, it will not serve as a permanent registration. (Sec. 101.055; 1 Tex. Admin. Code Sec. 81.40).

**NOTE: Overseas (non-military) voters** marking the FPCA “do not intend to return” (2011 form) or “my return is not certain” (2013 form) receive a federal ballot **only** regardless of the date filed. (Chapter 114). In a local (non-federal) election, this means there is no ballot to send the voter.

-Last day to publish notice of L&A test for DRE voting machines or precinct scanners if test will be held on Friday, October 21, 2016, if testing has not already been completed by September 21, 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 11](#), above.

-First day that a signature verification committee may begin operating. (Sec. 87.027(f)).

### **Thursday, October 20, 2016 – Friday, October 28, 2016 (19th day before election day - 11th day before 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, November 8, 2016. See also [entry](#) below under Monday, October 24, 2016 (FPCA without a postmark). (Secs. 84.007; 101.052(e), (f)). The early voting clerk is required to maintain this application since it may be used for other elections.

### **Friday, October 21, 2016 (18th day before election day; at least 48 hours before early voting begins)**

-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 Defective Application for Ballot by Mail](#) 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, which is Friday, October 28, 2016. (Secs. 84.007(c), 86.008).

-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 11](#), 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.

### **Monday, October 24, 2016 (15th day before election day)**

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

**Note:** Voting by limited ballot must be done during the early voting period (or by mail). (Sec. 112.002(a)).

**Political subdivisions other than cities and counties:** Early voting in person must be conducted for at least eight (8) hours each weekday that is not a legal state holiday unless the political subdivision has fewer than 1,000 registered voters, in which case early voting in person must be conducted for at least three (3) hours per day. (Sec. 85.005).

**Cities and counties:** Early voting in person must be conducted on the weekdays of the early voting period and during the hours that the county clerk's or city secretary's main business office is regularly open for business. (Sec. 85.005). However, because cities and counties must have office hours for election-related business at least three hours every business day for this type of election (see [note](#) at 50th day before election entry, Monday, September 19, 2016), we harmonize these requirements with the result that, if a city or county is not regularly open for business on one or more week days, on those "closed" days a city or a county must conduct early voting for at least three (3) hours a day at the main early voting location (except for a city's two 12-hour days, when it must be open for the full 12 hours).

**Joint elections:** If conducting early voting by personal appearance jointly, we recommend a unified schedule covering all requirements; i.e., no entity's requirements should be neglected or subtracted as a result of a joint agreement.

**Note for Cities:** Cities must choose **two weekdays** for the main early voting polling location to be open for 12 hours during the regular early voting period. The city council must choose the two weekdays. (Sec. 85.005(d)).

**Note to Independent School Districts:** Despite the change in state law that allows an ISD to be closed on school holidays during the mandatory office hours period, you are

**required to be open** during the entire early voting period except on legal state and national holidays.

-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 even if the applicant is not a permanently registered voter but meets the requirements under Title 2 of the Election Code (*unless the voter marks the FPCA form indicating the voter “does not intend to return” (2011 form), or “my return is not certain” (2013 form), in which case the voter receives a federal-only ballot.* (Sec. 101.052(i)).

-Last day to notify election judges of duty to hold election ([Writ of Election](#) and [Writ of Election – General Election for State and County Officers](#)). Notice must be given by the 15th day before the election or the 7th day after the day the election is ordered, whichever is later. The Writ of Election must be given to each presiding judge and include:

1. The judge’s duty to hold the election;
2. The type and date of election;
3. The polling place location at which the judge will serve;
4. The polling place hours; and
5. The maximum number of clerks the judge may appoint. (Sec. 4.007).

### **Tuesday, October 25, 2016 (14th day before election day)**

-Deadline to file a [petition](#) in the November General Election for state and county officers to require the early voting clerk of a county with a population **under 100,000** to conduct extended early voting for **12 hours on the last Saturday** of the early voting period, October 29, 2016. (Secs. 85.006(e); 85.007).

### **Wednesday, October 26, 2016 (13th day before election day)**

-Deadline to file a [petition](#) in the November General Election for state and county officers to require the early voting clerk of a county with a population of **100,000 or more** to conduct extended early voting for 12 hours on each weekday of the last week (Monday, October 31, 2016 through Friday, November 4, 2016) at all required **temporary branch locations** created under Section 85.062(d) of the Code. [Notice of extended hours](#) must be posted beginning no later than Wednesday, October 26, 2016 and continuing through Friday, November 4, 2016. (Secs. 85.064(b); 85.067).

-Deadline to file a [petition](#) in the November General Election for state and county officers to require the early voting clerk of a county with a population **under 100,000** to conduct extended early voting at the **main early voting polling place** for 12 hours on each weekday of the last week of the early voting period (Monday, October 31, 2016 through Friday, November 4, 2016). [Notice of extended hours](#) must be posted beginning no later than Wednesday, October 26, 2016 and continuing through Friday, October 28, 2016. (Secs. 85.005(c); 85.067).

-Deadline to file a [petition](#) in the November General Election for state and county officers to require the early voting clerk of a county with a population **under 100,000** to conduct extended early voting for **5 hours on Sunday**, October 30, 2016. (Sec. 85.006(e)).

**-Counties and Cities Only:** Last day to post notice on bulletin board for posting notice of meetings for the commissioners court and city council if early voting will be conducted on Saturday, October 29, 2016. (Sec. 85.007). Notice must be posted at least 72 hours before early voting begins on a Saturday or Sunday.

**Note for all Political Subdivisions, except Counties and Cities:** Voting on ANY Saturday or Sunday ordered by the governing body on its own motion (i.e., not petitioned for by 15 registered voters) must be included in the order and notice of election. (Secs. 85.006 & 85.007(a)). If the County Clerk or City Secretary on her own motion by written order orders early voting on Saturday or Sunday OR if the County Clerk, City Secretary, or governing body of a political subdivision orders Saturday or Sunday voting after being petitioned to do so by at least 15 registered voters, such voting need not be included in the regular order or notice of the election. (Secs. 85.006(b), (d) and 85.007(b), (c)).

**NOTE:** Section 85.007, as amended by House Bill 2721 (2015), requires that the election notice, which includes the days and hours of early voting be posted on the political subdivision's website, if the political subdivision maintains a website.

**Thursday, October 27, 2016 (12th day before election day; day before the last day to apply for a ballot by mail)**

-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).

**-Counties and Cities Only:** Last day to post notice on bulletin board for posting notice of meetings of the commissioners court or city council, if early voting will be conducted on Sunday, October 30, 2016. (Sec. 85.007). Notice must be posted at least 72 hours before early voting begins on a Saturday or Sunday. See [entry](#) at Tuesday, October 25, 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:** 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 beginning on the ninth day before the last day for early voting by personal appearance.

**NOTE:** The county clerk/elections administrator must ensure that photocopies or scanned images of annual applications for ballot by mail have been delivered to the early voting clerk of every political subdivision holding an election before the ballots by mail are delivered to the early voting ballot board.

### **Friday, October 28, 2016 (11th day before election day)**

-Last day to receive an FPCA from a registered voter. (Sec. 101.052(b), (f)).

-Last day for early voting clerk to receive application for a ballot to be voted by mail. 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 by electronic submission of a scanned application with an original signature. (Sec. 84.007(b) and (c)).

-Last day for county clerk/elections administrator to deliver final list of voters that have submitted an annual application for ballot by mail to political subdivisions located within the county holding an election on November 8, 2016, for which the county clerk/elections administrator is not the early voting clerk via a joint election agreement or contract for election services.

**NOTE:** Section 84.007, as amended by House Bill 1927 (2015), changed the deadline for applications for ballots by mail. Applications for ballot by mail must be received by the early voting clerk on the **eleventh day** before election day. Also, House Bill 1927 amended the delivery methods to include an **email with a scanned version of an original application**. Section 101.052, as amended by Senate Bill 1703 (2015), amended the deadline for an FPCA to be the same as an application for ballot by mail.

### **Saturday, October 29, 2016 (10th day before election day; last Saturday of early voting period)**

-In counties with populations of 100,000 or more, early voting must be conducted in the November General Election for state and county officers for at least 12 hours on last Saturday of the early voting period. (Sec. 85.006(e)). For counties under 100,000, voting on Saturday is only required if a proper [petition](#) was received in a timely manner. [See entry under October 26, 2016.](#)

### **Sunday, October 30, 2016 (9th day before election day; last Sunday of early voting period)**

-In counties with populations of 100,000 or more, early voting must be conducted in the November General Election for state and county officers for at least 5 hours on last Sunday of the early voting period. (Sec. 85.006(e)). For counties under 100,000, voting on Sunday is only required if a proper [petition](#) was received in a timely manner. [See entry under October 26, 2016.](#)

### **Monday, October 31, 2016 (8th day before election day)**

-Last day of period during which notice of the November General Election for state and county officers and other elections ordered by a county or a city or school district must be published in a

newspaper of general circulation. (Sec. 4.003(a)(1)). Since the statutory deadline falls on a Saturday, the deadline is extended to the next business day. (Sec. 1.006).

-Last day to mail a copy of the notice of election to each registered voter of the territory that is covered by the election and is in the jurisdiction of the authority responsible for giving the notice if method of giving notice is not specified by a law outside the Texas Election Code and this method of giving notice is selected. Since the statutory deadline falls on a Saturday, the deadline is extended to the next business day. (Secs. 1.006, 4.003(a)(3)).

### **Monday, October 31 – Friday, November 4, 2016 (last week of early voting by personal appearance)**

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 for the November General Election for state and county officers. 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 a required temporary branch locations (created under Section 85.062(d) of the Code) if a written request signed by 15 registered voters was filed by Wednesday, October 26, 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).

## **November**

### **Wednesday, November 2, 2016 (6th day and 4th business day before election day)**

-5:00 p.m. — Requests for election inspectors for Tuesday, November 8, 2016 elections must be received by the Secretary of State on or before this date. (Sec. 34.001).

### **Thursday, November 3, 2016 (5th day before election day; day before the last day to vote early in person)**

-A voter who has a death in the immediate family (related within 2nd degree by consanguinity or affinity) that occurs on or after this day may vote a late ballot starting Saturday, November 5, 2016 (the day after early voting in person ends). (Secs. 103.001; 103.003).

### **Friday, November 4, 2016 (4th day before election day)**

-Last day to vote early by personal appearance. (Sec. 85.001(a)).

-Early voting clerk must post Notice of Delivery of Early Voting Balloting Materials to the early voting ballot board if materials are to be delivered to the board on Saturday, November 5, 2016. Notice must be posted continuously for 24 hours preceding each delivery to the board. (Secs. 87.0221, 87.0222, 87.023, 87.024, 87.0241).

-Last day to publish notice of public test of automatic tabulating equipment, if test will be held on Sunday, November 6, 2016, 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, November 5, 2016 (3rd day before 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, November 3, 2016, and will require absence from the county on election day, November 8, 2016. (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, October 27, 2016. (Secs. 102.001; 102.003).

-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 begin **counting** ballots; however, the results may not be announced until after the polls close. (Secs. 87.0222, 87.0241)

**NOTE:** If a county with a population of 100,000 or more (or a local subdivision conducting a joint election with such a county) is convening their early voting ballot board early to begin **counting** ballots, and will be using automatic tabulating equipment, the test will need to be completed at least 48 hours before the equipment is used to count ballots. (Secs. 87.0222, 87.0241, 127.096)

-First day that all other counties and political subdivisions may convene their early voting ballot board for **processing** and **qualifying** mail ballots, but cannot begin counting the ballots until the polls open on election day. 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. (Secs. 87.0221, 87.023, 87.024, 87.0241).

**NOTE:** The county clerk/elections administrator must ensure that photocopies or electronic recordings of annual applications for ballot by mail have been delivered to the early voting clerk of every political subdivision holding an election before the ballots by mail are delivered to the early voting ballot board.

### **Sunday, November 6, 2016 (2 days before 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 11](#), above).

### **Monday, November 7, 2016 (1 day before election day)**

-Last day to submit an [Application for Emergency Early Ballot Due to Death in Family](#). The application must be submitted by the close of business on this day. (Sec. 103.003(b)).

-Last day 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:** 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.

**-Delivery of Provisional Ballots and Forms:** If the voter registrar wants to take possession of the provisional ballots and forms on election night, the voter registrar must inform the custodian of the election records and post a [Notice of Election Night Transfer](#) no later than Monday, November 7, 2016, 24 hours before election day. (1 Tex. Admin. Code. Secs. 81.174(d)(3)). However, under this type of delivery, the county voter registrar **must** go to the custodian of election records office and pick up the provisional ballots and forms.

**NOTE:** The general custodian of election records (or the early voting clerk, if applicable) must post a Notice of Delivery of Provisional Ballots at least 24 hours before delivery will occur. (1 T.A.C. 81.174(b)(1))

## **Tuesday, November 8, 2016 - Election Day**

- 7:00 a.m. to 7:00 p.m. — Polls open. (Sec. 41.031).
- 7:00 a.m. to 7:00 p.m. — Voter registrar's office is open. (Sec. 12.004(c)).
- 7:00 a.m. to 7:00 p.m. — Early voting clerk's office is open for early voting activities. (Sec. 83.011). A voter may deliver a marked ballot by mail to the early voting clerk's office while the polls are open on election day. The voter must provide an acceptable form of identification under Section 63.0101 upon delivery.
- 7:00 a.m. to 7:00 p.m. — Sick and disabled persons may vote at the main early voting polling place if electronic voting systems are used 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. (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, October 27, 2016. (Sec. 102.003(b)).
- 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, October 27, 2016. (Secs. 86.007(a), 102.006(c)).

**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. (Sec. 86.007(a)). 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. 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; 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 Delivery of Early Voting Ballots to Early Voting Ballot Board Before Election Day:** Early voting ballots may be delivered to the early voting ballot board at any time after early voting by personal appearance ends. Mail ballots may be qualified and processed (signatures verified, carrier envelopes opened, and the secrecy envelope containing the ballot placed in a secure location), but they may not be counted until election day. (Secs. 87.0221; 87.0222; 87.023; 87.024; 87.0241).

**Exception:** Counties with a population of 100,000 or more or entities contracting or having joint elections with counties with a population of 100,000 or more may process the mail ballots (i.e., qualify, and accept or reject, but not count) as early as the 8th day before the end of the early voting period; in such an election, votes may be counted no earlier than the end of the period for early voting by personal appearance; the results may not be released until the polls close on election day. (Secs. 87.0221; 87.0222; 87.023; 87.024; 87.0241(b); 87.042). If ballots are to be delivered before election day, that is after the end of the early-voting-in-person period but before the polls open on election day, the early voting clerk must post notice at least 24 hours before each delivery at the main early voting polling place. (Secs. 87.0221(b); 87.023(b); 87.024(b)).

**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(c) and (d); 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).

**Wednesday, November 9, 2016 (1st day and 1st business day after election day)**

-The general custodian of election records must deliver the ballot box(es) or transfer case(s) containing the provisional ballots, along with the Summary of Provisional Ballots and the List of Provisional Voters to the county voter registrar by this day. The general custodian of election records makes this delivery to the county voter registrar during the county voter registrar office's regular business hours. (Secs. 65.052; 65.053; 1 Tex. Admin. Code Secs. 81.172 – 81.174).

**Note for Political Subdivisions Located in More than One County:** A political subdivision will have to make delivery of the provisional ballots and forms to the county voter registrar in each county in which the political subdivision is located. (1 Tex. Admin. Code Secs. 81.172 – 81.174).

**NOTE:** If the county voter registrar wants to take possession of the provisional ballots and forms on election night (Tuesday, November 8, 2016), the county voter registrar must inform the custodian of the election records and post a notice of the transfer no later than 24 hours before election day. However, under this type of delivery, the county voter registrar must go to the custodian of election records office and pick up the provisional ballots and forms. Also, note that the county 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 Tex. Admin. Code Secs. 81.172 – 81.174).

**Friday, November 11, 2016 (3rd day after election day)**

-For districts using electronic voting systems, **except for a voting system that uses DREs**, a partial manual count of ballots in three precincts or one percent of precincts, whichever is greater, must be started no later than 72 hours after the polls close on election day, unless requirement has been waived by the Secretary of State. (Sec. 127.201(a), (g)). The count must be completed not later than the 21st day after election day. Results of partial manual count must be delivered to Secretary of State not later than the 3rd day after the manual count is completed. (Sec. 127.201(a), (e))

**Sunday, November 13, 2016 (5th day after election day)**

-Last day to post notice of governing authority's meeting to canvass returns of election if canvass is to take place on Wednesday, November 16, 2016 (8th day after election). This notice must be posted at least 72 hours before the scheduled time of the meeting. (Secs. 551.002; 551.041; 551.043, Texas Government Code).

**Monday, November 14, 2016 (6th day after election day)**

-Deadline for provisional voter to (1) present acceptable identification to county voter registrar, (2) execute an affidavit relating to natural disaster or religious objection in presence of county, or

(3) apply for and receive a disability exemption with the voter registrar. (Secs. 65.054(b); 65.0541(a)).

-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 election day. (Sec. 86.007(e)). Ballots from voters outside of the United States should arrive not later than the 5th day after the election; however, because the 5th day falls on a Sunday, the deadline is extended to the next regular business day which is Monday, November 14, 2016. (Sec. 86.007(d)(3)).

-Section 22.006, Local Government Code, provides that newly-elected officers of Type A general law city may qualify and assume duties of office on this day, **but see NOTE**, below.

**NOTE:** Council members may take office anytime following the canvass. Section 22.006 of the Texas Local Government Code states that a newly-elected municipal officer of a Type A city may exercise the duties of office beginning on the fifth day after the date of the election, excluding Sundays. However, no newly elected official may qualify for office before the official canvass of the election has been conducted (or would have been conducted, in the event of a cancelled election). Section 22.036 of the Texas Local Government Code further requires that the newly-elected governing body of the municipality “meet at the usual meeting place and shall be installed.”

### **Tuesday, November 15, 2016 (7th day after election day)**

-Deadline for Voter Registrar to complete the review of provisional ballots. (1 Tex. Admin Code Secs. 81.172 – 81.175).

-Deadline for custodian of election records or presiding judge of the early voting ballot board to retrieve provisional ballots from county voter registrar. (1 Tex. Admin. Code Secs. 81.172 – 81.176).

### **Wednesday, November 16, 2016 (8th day after election day)**

-First day of the period to conduct the official local canvass of returns by governing authority of the political subdivision. However, the canvass may not be conducted until the early voting ballot board has verified and counted all provisional ballots, if a provisional ballot has been cast in the election, AND counted all timely received ballots cast from addresses outside the United States, if a ballot by mail was provided to a person outside of the United States. (Sec. 67.003).. Note: If a recount petition has been filed and a winning candidate’s race is involved in the recount, the certificate of election cannot be issued for that race until the recount has been completed. (Secs. 67.016; 212.0331).

**Cities, Schools, and Other Political Subdivisions:** First day that newly-elected local officers may qualify and assume the duties of their offices. Please note that the canvass must have been completed before an officer can assume office. (Sec. 67.016). Note: this does not apply to candidates for full terms in the November General Election for federal, state, and county offices.

If a political subdivision was able to CANCEL its election, this is the first day its elected officials can take the oath of office and be issued a certificate of election. (Secs. 2.053(e); 67.003; 67.016).

**NOTE:** This does not apply to officers of a Type A general law city, see [entry](#) at Monday, November 14, 2016.

**Friday, November 18, 2016 (10th day after election day)**

-Last day for the presiding judge of the early voting ballot board to mail notices of rejected mail ballots to voters. (Sec. 87.0431).

**Monday, November 21, 2016 (13th day after election day)**

-Last day for early voting ballot board in an election held on the date of the general election for state and county officers (i.e., all elections held on November 8, 2016) to convene to qualify and count any provisional ballots that have been reviewed by the county voter registrar. (Sec. 65.051(a-1)).

-Last day for early voting ballot board to convene to qualify and count any late ballots that were submitted from outside the United States and received by Monday, November 14, 2016. (Sec. 87.125).

**NOTE - NEW LAW:** Senate Bill 1703 (2015) amended Section 87.125 to provide that for elections held on the date of the general election for state and county officers, the early voting ballot board has until the 13th day after election day to verify and late ballots that were submitted from outside the United States.

**Tuesday, November 22, 2016 (14th day after election day)**

-Last day for official canvass of returns by governing authority of political subdivision. (Sec. 67.003(c)). Note: If a recount petition has been filed and a winning candidate's race is involved in the recount, the certificate of election cannot be issued for that race until the recount has been completed. (Secs. 67.016; 212.0331).

**Saturday, November 26, 2016 (18th day after election day)**

-First day that Governor may conduct the state canvass of the November General Election for state and county officers. (Sec. 67.012).

**Monday, November 28, 2016 (12th day after the local canvass if canvass held on the first possible day)**

-Last day for the presiding judge of the early voting ballot board to mail notices of the disposition of provisional ballots to provisional voters if the local canvass was held on Wednesday, November 16, 2016, the first day of the canvass period. (1 Tex. Admin. Code Secs. 81.172 – 81.176). Such notices must be delivered to provisional voters by the presiding judge no later than the 10th day after the local canvass. Because the 10th day falls on a Saturday, the deadline is extended to the next business day. (Sec. 1.006)

**Tuesday, November 29, 2016 (21st day after election day)**

-Last day to complete manual count. (Sec. 127.201(a)).

## December

### **Friday, December 2, 2016 (10th day after last day of canvass period)**

-Early voting ballot board shall mail notice of outcome of provisional ballot to voters no later than the 10th day after the actual canvass date. (1 Tex. Admin. Code Secs. 81.172 – 81.174). See [entry](#) under November 28, 2016.

### **Thursday, December 8, 2016 (30th day after election day)**

-Last day to file electronic precinct by precinct returns with Secretary of State. (Sec. 67.017).

### **Monday, December 12, 2016 (34th day after election day)**

-Last day for the Governor to conduct the state canvass for the November General Election for state and county. Since the actual deadline (the 33rd day) falls on a Sunday, the deadline is moved to the next business day. (Secs. 1.006; 67.012).

### **Sunday, December 18, 2016 (40th day after election day)**

-Last day of the period for mandatory office hours. See [entry](#) for Monday, September 19, 2016. (Sec. 31.122).

## January

### **Sunday, January 8, 2017 (61st day after election day)**

-First day that contents of ballot box(es) may be transferred from locked ballot box to separate container for the remainder of the preservation period. (Sec. 66.058(b)).

## 2017

### **Tuesday, May 9, 2017 (day after 6 months after November 2016 election day)**

**-Political Subdivisions with No Federal Office on the Ballot:** Contents of ballot box(es) may be destroyed **if** no contest or criminal investigation has arisen (Secs. 1.013 & 66.058), and **if** no open records request has been filed (Tex. Att’y Gen. ORD-505 (1988)). In elections that do not contain a federal office, records must be kept for 6 months (instead of the 22 months applicable to federal election records) from election day. (Sec. 66.058).

-Election results must be **permanently** maintained in the election register. (Sec. 67.006).

**NOTE:** We recommend that the early voting clerk maintain an FPCA as an election record until at least 6 months after a non-federal election in which the FPCA generated a ballot. The county voter registrar should maintain the original FPCA (except those marked indefinitely away, which are not forwarded to the registrar) for the preservation period for voter registration applications.

## **2018**

### **Monday, September 10, 2018 (day after 22 months after November 2016 election day)**

Contents of ballot box(es) may be destroyed if no contest or criminal investigation has arisen (Secs. 1.013; 66.058), and if no open records request has been filed (Op. Tex. Att’y Gen. No. ORD-505 (1988)). Voter registrar may destroy lists of registered voters marked during early voting and on election day. (Secs. 63.001(e); 66.0241; 66.051(d); 66.058). Election results must be permanently maintained in the election register. (Secs. 1.006; 67.006).

### **Friday, November 9, 2018 (day after two years after November 2016 election day)**

**Note on Retention of Candidate Application:** Candidate applications must be retained by the governing body for **two years (24 months)** after date of election. (Sec. 141.036).

## **2020**

### **Monday, November 9, 2020 (day after four years after November 2016 day)**

**Note on Retention of Voter Registration List:** County voter registrar must maintain **copy** of each voter list prepared for each presidential election for 4 years (48 months) after election day. (Sec. 18.011).