

November 7, 2017 Election Law Calendar

The uniform election date in November of odd-numbered years is usually the date on which constitutional amendments passed by the Texas Legislature during its recently completed session are voted upon. Many local political subdivisions, such as cities and school districts, also have their regular general elections for members of their governing bodies or special elections to fill vacancies on this date. Political subdivisions, including counties, may also have measure (proposition) elections on this date. Therefore, this calendar is required to meet the needs of many diverse 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).

JUNE 2017

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SEPTEMBER 2017

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Notes

1. [Note on ID Procedures in Effect for the November 7, 2017 Election](#)
2. [Campaign Information](#)
3. [Submissions to the U.S. Department of Justice](#)
4. [Statutory References](#)
5. [Required Use of County Polling Places](#)
6. [Notice of Candidate Filing Periods](#)
7. [Joint Election Requirement for School Districts](#)
8. [Joint Elections Generally](#)
9. [Notice of Elections](#)
10. [Extended Early Voting Hours and Branch Locations](#)
11. [Notice of Previous Polling Place](#)
12. [Notice of Change of Polling Place](#)
13. [Testing Tabulating Equipment](#)
14. [Note on Accepting Voters with Certain Disabilities](#)
15. [Note on Early Voting at a Residential Care Facility](#)

1. Note on ID Procedures in Effect for the November 7, 2017 Election

On August 10, 2016, a federal district court entered an order changing the voter identification requirements for all elections held in Texas after August 10, 2016. This order is in effect for the November 7, 2017 election. **As a result, voters who possess an acceptable form of photo identification for voting listed below are still required to present it in order to vote in person in all Texas elections. The acceptable form of photo identification may be expired up to four years. Voters who do not possess an acceptable form of photo identification, and cannot reasonably obtain one, may present a supporting form of identification and execute a Reasonable Impediment Declaration, noting the voter's reasonable impediment to obtaining an acceptable form of photo identification, and stating that the voter is the same person on the presented supporting form of identification.** If a voter has continued access to their acceptable form of photo ID, but, for example, forgets to bring their acceptable form of approved photo ID to the polling place and/or left it, for example, at home or in their car, the voter still possesses the acceptable photo ID and must use it to vote (or vote provisionally).

This requirement is effective immediately.

Here is a list of the acceptable forms of photo ID:

- Texas Driver License issued by the Texas Department of Public Safety (DPS);
- Texas Election Identification Certificate issued by DPS;
- Texas Personal Identification Card issued by DPS;
- Texas License to Carry a Handgun issued by DPS;
- United States Military Identification Card containing the person's photograph;
- United States Citizenship Certificate containing the person's photograph;
- United States Passport.

With the exception of the U.S. citizenship certificate, the identification must be current or have expired no more than 4 years before being presented for voter qualification at the polling place.

Here is a list of the supporting forms of ID that can be presented if the voter does not possess an acceptable form of photo identification, and cannot reasonably obtain one:

- Valid voter registration certificate
- Certified birth certificate (must be an original)
- Copy of or original current utility bill
- Copy of or original bank statement
- Copy of or original government check
- Copy of or original paycheck
- Copy of or original government document with your name and an address (original required if it contains a photograph)

After presenting a supporting form of ID, the voter must execute a Reasonable Impediment Declaration.

Voters with a disability who do not have an acceptable form of photo ID may also apply with the county voter registrar for a permanent exemption. The application must contain written documentation from either the U.S. Social Security Administration evidencing he or she has been determined to have a disability, or from the U.S. Department of Veterans Affairs evidencing a disability rating of at least 50 percent. In addition, the applicant must state that he or she has no acceptable form of photo identification. Those who obtain a disability exemption will be allowed to vote by presenting a voter registration certificate reflecting the exemption, and will not need to execute a Reasonable Impediment Declaration.

If a voter (a) does not possess one of the acceptable forms of photo identification listed below, which is not expired for more than four years, and a voter can reasonably obtain one of these forms of identification or (b) possesses, but did not bring to the polling place, one of the seven forms of acceptable photo identification listed above, which is not expired for more than four years, or (c) does not possess one of the seven forms of acceptable photo identification, which is not expired for more than four years, could otherwise not obtain one due to a reasonable impediment, but did not bring a supporting form of identification to the polling place, the voter may cast a **provisional ballot** at the polls. However, in order to have the provisional ballot counted, the voter will be required to visit the voter registrar's office within six calendar days of the date of the election to either present one of the below forms of photo ID OR submit one of the temporary affidavits referenced below (e.g., religious objection or natural disaster) in the presence of the county voter registrar while attesting to the fact that he or she does not have any of the required photo IDs.

Voters who have a consistent religious objection to being photographed and voters who do not present any of acceptable photo identification as a result of certain natural disasters as declared by the President of the United States or the Texas Governor, may vote a provisional ballot, appear at the voter registrar's office within six (6) calendar days after election day, and sign an affidavit swearing to the religious objection or natural disaster, in order for the ballot to be counted.

2. Note on Campaign Information

Under Title 15 of the Texas Election Code, candidates running for an office must file campaign contribution and expenditure reports. For further information and all questions about such disclosure filings, campaign finance, and political advertising, please contact the Texas Ethics Commission at 201 E. 14th, 10th Floor, Austin, Texas 78701; call 512-463-5800; or access their website at: www.ethics.state.tx.us.

3. 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 v. Holder, 133 S. Ct. 2612 (2013). The Supreme Court's decision holds 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. Accordingly, unless and until there is new law from the United States Congress signed by the President or other court order, the Texas Attorney General has advised the Secretary of State that it is no longer required to submit voting changes to the DOJ for preclearance. We suggest that Texas counties or other Texas political subdivision discuss the effect of Shelby and the continuing applicability of other provisions of the Voting Rights Act with their legal counsel.

4. Note on Statutory References

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

5. 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. (Secs. 42.002, 42.0621 & 43.004). 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: In a special election for which use of county election precincts is required, the commissioners court may consolidate, on the recommendation of the county election board, two or more county election precincts into a single precinct if the polling place is located so it will adequately serve the voters of the consolidated precinct. If county election precincts are consolidated for a countywide election, at least one consolidated precinct must be situated wholly within each commissioners precinct. (Sec. 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. (Secs. 85.010; 85.002; 85.062(e)).

6. Note on Notice of Candidate Filing Periods

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 that an application for a place on the ballot for a special election may not be filed before the election is ordered.

7. 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.

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).

8. Note on Joint Elections Generally

Many entities will have joint elections for the November 7, 2017 election. Note that the entries in this calendar are generally written in terms of elections held individually rather than jointly. For example, cities are advised about conducting two 12-hour days for early voting. 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 12-hour days. On the other hand, depending on the plan, different entities may choose to do different things separately, i.e., 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.

9. Note on Notice of Elections

Political subdivisions other than cities and school districts may have specific statutory notice requirements. In the absence of specific statutory requirements, such political subdivisions must post a notice on or before the 21st day before the election. (Sec. 4.003(b)). For the Tuesday, November 7, 2017 election, this notice

must be posted on or before Tuesday, October 17, 2017. The general rule is that, additionally, notice must be given using one of the following methods:

- A. By posting a notice in each election precinct in which the election is to be held on or before the 21st day before the election, Tuesday, October 17, 2017. (Sec. 4.003(a)(2)).
- B. By publishing the notice at least once between the 30th day and the 10th day before the election, Sunday, October 8, 2017 – Monday, October 30, 2017. (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 30, 2017. (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 30, 2017.

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: 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.

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 Special Election for Counties](#)

Notice for Bond Elections: Entities holding bond elections must provide additional notice per Section 4.003(f) added by SB 637 (83rd Legislature, 2013, RS). 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 State Constitutional Amendment Election: The commissioners court does not order this election (the governor orders it), but your county must post notice of the election on the commissioners court bulletin board and must also provide notice under one of the methods authorized under A, B, or C above. (Secs. 4.002(1), 4.003(b)).

Note for Counties: Notice of an election **ordered by a commissioners court** must be published; the county may also give any additional notice. (Sec. 4.003(c)).

Note for Cities and School Districts: Cities and school districts 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 17, 2017. (Sec. 4.003(b)).

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

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 17, 2017) on the bulletin board used for posting notices of the meetings of the governing body of the political subdivision. (Sec. 4.003(b)).

Note for All Political Subdivisions:

The election notice shall be posted on the political subdivision's website, if the political subdivision maintains a website. For political subdivisions other than counties or cities, the original 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 for cities and counties**, the election notice must be subsequently amended to include voting ordered for **ANY** Saturday or Sunday and **must** be posted on the political subdivision's website, if maintained.

Note 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 8, 2017. (Sec. 4.008). 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, Monday, October 9, 2017. (Secs. 1.006, 4.008(b)).

10. Note of Extended Early Voting Hours and Branch Locations

Note for Cities: Cities must choose **two weekdays** for the main early voting polling place to be open for 12 hours during the regular early voting period. The city council must choose the two weekdays. (Sec. 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(c)). The city secretary **must** have early voting on 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. (Secs. 85.006(d); 85.007).

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); 85.006(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(c)). The county election officer **must** have early voting on Saturday or Sunday, *if a [written request](#)* is received from at least 15 registered voters of the county in time to comply with the posting requirement. (Secs. 85.006(d); 85.007).

Note for Cities and Counties: The election notice **must** be subsequently amended to include voting later ordered for **ANY** Saturday or Sunday and **must** be posted on the political subdivision's website, if maintained. (Sec. 85.007).

Note for All Political Subdivisions, Except Counties & Cities: Voting on **ANY** Saturday or Sunday must be included in the order and notice of election. The order and notice must include the dates and hours of Saturday or Sunday voting. (Secs. 85.006, 85.007). The political subdivision **must** have early voting on Saturday or Sunday, *if a [written request](#)* is received from at least 15 registered voters of the political subdivision in time to comply with the posting requirement. (Sec. 85.006(d)). **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 a special election ordered by the governor must be conducted at the main early voting location for at least 12 hours on each of the last two days of the early voting period. (Sec. 85.005(c)).

Note for Counties with Population of less than 100,000: Early voting 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 business office is regularly open for business. (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 special election ordered by the governor must be conducted at the main early voting location for at least 12 hours on each of the last two days of the early voting period. (Sec. 85.005(c)). The request must be submitted in time to enable compliance with Sec. 85.067.

11. Note on Notice of Previous Polling Place:

If a different polling place is being used from the previous election held by the same authority, a [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).

12. Note on 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 of the Texas Election Code, 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 posted 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.

13. Note on Testing Tabulating and Electronic Voting Equipment

Note on Ballot Testing:

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

Note on Logic and Accuracy Test:

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

Note on Testing Tabulating Equipment:

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

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

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

For more information on testing tabulating equipment used at the central counting station, please see Chapter 127, Subchapter D of the Election Code and [Tex. Sec'y of State Election Advisory No. 2014-06](#). See Chapter 129, Subchapter B of the Election Code and [Tex. Sec'y of State Election Advisory No. 2014-06](#) for other types of testing such as functionality tests, logic and accuracy tests, tests for central accumulators, etc.

14. Note on Accepting Voters with Certain Disabilities

Note for All Political Subdivisions: Accepting voters with certain disabilities:

NOTE – NEW LAW: Section 63.0013, as amended by House Bill 658 (2017) provides that an election officer may accept a person with a mobility problem that substantially impairs a person's ability to ambulate who is offering to vote before accepting others offering to vote at the polling place who arrived **before** the person. "Mobility problem that substantially impairs a person's ability to ambulate" has the meaning assigned by Section 681.001, Transportation Code. A person assisting an individual with a mobility problem may also, at the individual's request, be given voting order priority. Notice of the priority given to persons with a mobility problem that substantially impairs a person's ability to ambulate **shall** be posted:

- 1) at one or more locations in each polling place where it can be read by persons waiting to vote;
- 2) on the website of the Secretary of State **and**
- 3) on each website relating to elections maintained by a county

The notice required **must** read as follows:

"Pursuant to Section 63.0013, Election Code, an election officer may give voting order priority to individuals with a mobility problem that substantially impairs the person's ability to move around. A person assisting an individual with a mobility problem may also, at the individual's request, be given voting order priority. Disabilities and conditions that may qualify you for voting order priority include paralysis, lung disease, the use of portable oxygen, cardiac deficiency, severe limitation in the ability to walk due to arthritic, neurological, or orthopedic condition, wheelchair confinement, arthritis, foot disorder, the inability to walk 200 feet without stopping to rest, or use of a brace, cane, crutch, or other assistive device."

The **recommended** time to include this notice on a county website is when the Notice of Election is also posted on the website. Sec 85.007(d). See [Note](#) regarding Notice of Elections.

Cities, Schools, and Other Political Subdivisions: It is **strongly recommended** that the notice regarding accepting voters with certain disabilities also be posted on the subdivision's website, if one is maintained by the political subdivision.

15. Note on Early Voting at a Residential Care Facility

Note for All Political Subdivisions: Early Voting at a Residential Care Facility

“Residential care facility” as addressed below means a facility licensed and regulated under Chapter 242 or 247, Health and Safety Code, with more than 10 beds.

NOTE - NEW LAW: House Bill 658 (2017) amended Section 86.004 to provide that an application to vote early by mail on the grounds of **age or disability** requesting that the ballot be sent to the address of a residential care facility shall be held until the **earlier of:** 1) the date on which **five or more** applications for ballots to be voted by mail made by residents of the same facility who request that the ballots be sent to that facility have been received, in which case ballots may not be mailed to the voters and voting shall be conducted under Chapter 107; or 2) the last day on which an application for a ballot to be voted by mail may be received, after which the ballot shall promptly be mailed to the voter. Therefore, balloting materials **may not** be mailed to a voter at a residential care facility on the grounds of age or disability if **five or more applications** for ballots to be voted by mail are received from residents of the same facility. In that case, voting must be conducted under Chapter 107. If **five or more applications are not** received from residents of the same residential care facility on the grounds of age or disability, then the balloting materials for voting by mail shall be promptly mailed to the resident(s) **after** the last day on which an application for a ballot to be voted by mail may be received, which is the 11th day before election day, Friday, October 27, 2017. (See [October 27, 2017](#) note entry.)

NOTE –NEW LAW: Section 107.007 as amended by House Bill 658 (2017) provides that if early voting at a residential care facility is required under Chapter 107 for voters residing in a residential care facility who have applied to vote early by mail on the grounds of age or disability, the early voting clerk **shall** give notice that early voting will occur at the facility and appoint election judges for the purpose of conducting voting. Not later than 5 p.m. on the sixth business day before election day, Monday, October 30, 2017, the election judge shall, with the input of the administrator of the residential care facility, designate one or more times for voting to be conducted. Voting may be conducted not earlier than the 29th day before election day and not later than the fourth day preceding election day. The fourth day preceding election day is Friday, November 3, 2017. Notice of the time or times for conducting the election shall be posted at the residential care facility by the election judge and on the **county’s website** as soon as practicable after determining the time **and not later** than the fifth day before the first day on which voting will be conducted at the facility. (Sec. 107.007). See [note](#) for Monday, October 9, 2017 and [note](#) for Friday, October 27, 2017.

If a qualified voter residing at a residential care facility and seeking to vote at the facility is not able to cast a ballot during any time when voting is conducted at the facility, the election judges for the facility **shall** inform the early voting clerk **not later than the fourth day** before election day. The clerk **shall** mail the ballot to the voter **not later than the fourth day** before election day.

However, at any time during the year and regardless of whether five or more voters at a residential care facility have requested ballots to be voted by mail, the early voting clerk **may** post notice of the dates on which voting will be conducted at the facility for each election. If the early voting clerk posts notice under Section 107.007(f), the names of the election judges and the hours during which voting will be conducted **must** be posted at least **48 hours** before voting is conducted at the facility.

The early voting clerk shall maintain a public list of all residential care facilities in the clerk’s jurisdiction at which voting is conducted under Chapter 107. The list must be available **on the website**

of the authority conducting the election or posted at the location where public notices are posted in the county courthouse or authority public building, as applicable, and for each facility state:

- 1) the name of the facility
- 2) the address of the facility
- 3) the dates and times for voting at the facility; and
- 4) the names of the election judges for the facility

Cities, Schools, and Other Political Subdivisions: It is *strongly recommended* that the notice regarding early voting at a residential care facility also be posted on the subdivision's website, if one is maintained by the political subdivision.

Calendar of Events

June

Thursday, June 22, 2017 (30th day before Saturday, July 22, 2017, first day to file an application for a place on the ballot)

-Cities, Schools, and Other Political Subdivisions: Post [Notice of Deadline to File Applications for Place on the Ballot](#) 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).

July

Saturday, July 22, 2017 (30th day before Monday, August 21, 2017, regular filing deadline for a place on the ballot)

-First day to file an application for a place on the ballot. (Secs. 143.007, 144.005 Election Code; Secs. 11.055 and 130.082(g) Educ. Code). The following applications may be provided to candidates:

Cities: [Application for Place on City/School/Other Political Subdivision Ballot \(PDF\)](#)
[Petition for a Place on the City General Election Ballot](#)

Schools: [Application for Place on City/School/Other Political Subdivision Ballot \(PDF\)](#)

Other Political Subdivisions: [Application for Place on City/School/Other Political Subdivision Ballot \(PDF\)](#)

NOTE: We are often asked how filing can begin if you have not yet ordered the general election. You do **not** need to order your **general** (regularly occurring) election in order for the filing period to begin.

NOTE - Cities, Schools, and Other Political Subdivisions: At least part of the candidate filing period will occur during the summer break for school districts. Additionally, there are political subdivisions that do not have office hours on all days of the business week (Monday through Friday) or do not have an office that is open for eight hours each day of the business week. The Elections Division recommends that political subdivisions take steps to have someone available for a few hours most days during the candidate filing period to accept filings, and that political subdivisions post a schedule on their websites and on the bulletin boards where notices of meetings are posted of the days and times when someone will be available to accept filings. The Elections Division also 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 of the 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.

August

August 2017

-Recommended time for the county commissioners court to decide whether to consolidate county election precincts for the November 7, 2017 state constitutional amendment election. The county may consolidate two or more precincts into a single precinct if it will be so located as to adequately serve the voters. At least one consolidated precinct must be wholly within each commissioners precinct. If a county consolidates county election precincts, they must provide a [Notice of Consolidated Precinct](#) at each polling place used in the preceding general election to inform voters of the precinct's consolidation and the location of the consolidated precinct polling place. This notice must be posted not later than the 10th day before election day and must remain posted continuously through election day. (Secs. 42.008; 4.003(b)). The county shall deliver to the Secretary of State notice of the consolidated precinct no later than the date of the election. (Sec. 4.003(e)).

Wednesday, August 9, 2017 (90th day before election day)

-Last day for eligible political subdivisions to submit [Notice of Exemption Under Section 61.013](#) or an [Application of Undue Burden Status](#) to the Secretary of State for exemption from the accessible voting system requirement. (Sec. 61.013). For additional information, consult the most current advisory on this topic, [Voting Accessibility Issues](#).

Friday, August 18, 2017 (81st day before election day; day before 2nd day before filing deadline)

-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 21, 2017. (Sec. 145.094(a)(1)).

Monday, August 21, 2017 (78th day before election day)

-5:00 p.m. - Political Subdivisions Other Than Counties: Last day for a candidate in a political subdivision (other than a county) to file an application for a place on the ballot for general election for officers for most political subdivisions, except as otherwise provided by the Texas Election Code. (Secs. 143.007(c), 144.005(d); Sec. 11.055, Education Code; Chapter 286, Health & Safety Code). See [Candidacy Filing outline](#) for more details. The following applications may be provided to candidates:

Cities, Schools and Other Political Subdivisions: [Application for a Place on the General Election Ballot \(PDF\)](#)

If your city allows for a petition, the following petition may be used: [Petition for a Place on the City General Election Ballot \(PDF\)](#)

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

NOTE - City Offices with Four-Year Terms: If no candidate has filed for a city office with a four-year term, the filing deadline is 5:00 p.m. of the 57th day before election day, Monday, September 11, 2017. (Sec. 143.008).

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)).

-Deadline for political subdivisions to order a general election to be held on Tuesday, November 7, 2017, unless otherwise provided by the Election Code. (Sec. 3.005). One of the following forms may be used:

-[Order of Election for Municipalities](#)

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

-Deadline for counties to order an election to be held on Tuesday, November 7, 2017, other than the constitutional amendment election, which is ordered by the governor. (Secs. 3.003, 3.005). The following form may be used: [Order of Special Election for County-Ordered Measure Elections](#).

The order must include:

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 (see [Notice of Elections](#) above);
5. The dates and hours for early voting (recommended for counties and cities, but required 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 of any Saturday and Sunday early voting (if applicable, it is recommended that this information be included in the order for counties and cities, but it must be included for all other entities); and
7. The early voting clerk's official mailing address.

NOTE: 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. 2015-10](#).

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.

Friday, August 25, 2017 (74th day before election day)

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: 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)).

First day to post [Notice of Drawing for Place on Ballot](#) if drawing is to be conducted on Tuesday, August 29, 2017. This notice must be posted for 72 hours immediately preceding the time of the drawing. (Sec. 52.094(c)).

For an election held by a political subdivision, other than a city, a notice of ballot position drawing must be **mailed** to candidates by this date if drawing is to be conducted on Tuesday, August 29, 2017. (Sec. 52.094(d)). Candidates who have not filed by this date should be given a copy of the notice at the time of filing.

For an election held at city expense, if a candidate gives the filing authority a written request, accompanied by a stamped, self-addressed envelope, the filing authority must mail the candidate a notice of ballot position drawing. (Sec. 52.094(d)).

Monday, August 28, 2017 (71st day before election day)

5:00 p.m. - Last day for a candidate to withdraw, by submission of a [Certificate of Withdrawal \(PDF\)](#) or a notarized letter. **If a candidate withdraws or is declared ineligible by this date, his or her name is omitted from the ballot.** (Secs. 145.092(f), 145.094(a)(4)). For special circumstances regarding withdrawal of a candidate before ballots are prepared, please contact the Elections Division of the Office of the Texas Secretary of State.

5:00 p.m. — Last day to **withdraw** as a **write-in** candidate in the general election ordered by a political subdivision other than a county. (Secs. 144.006(c), 146.054(c)). (Candidates may use the [Certificate of Withdrawal \(PDF\)](#)).

Recommended first day that an election may be cancelled if all filing deadlines have passed, each candidate for an office listed on the ballot is unopposed, and write-in votes may be counted only for names appearing on a list of write-in candidates. (Sec. 2.052). 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 presumes a filing deadline of Monday, August 21, 2017 and a write-in deadline of Friday, August 25, 2017. Special elections may have different deadlines, and may now be cancelled separately. For more information on cancellation of elections, please see the Secretary of State's Advisory - [Cancellation of Election for Local Political Subdivisions \(Not County\)](#).

NOTE - Political Subdivision Holding a Special Election to Fill a Vacancy: If you are having a special election fill a vacancy for an unexpired (partial) term, you must not cancel the special election until after

all deadlines to file for a special vacancy election has passed. (Reminder: The cancellation procedures allow general and special elections to be considered separate elections for cancellation purposes. If the elections are separated, note there are procedures related to listing unopposed candidates in the same relative order on the ballot. See Sec. 2.053, Election Code and the Secretary of State's Advisory - [Cancellation of Election for Local Political Subdivisions \(Not County\)](#)).

Political Subdivisions Other Than Counties: *Recommended* date to appoint **presiding and alternate judges**. 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, see Sections 32.005, 32.008, and 32.011. 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, 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. (Secs. 32.032, 32.033). 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 a [Notice of Appointment](#) not later than the 20th day after the appointment is made. (Sec. 32.009). If the appointment is for a single election, the notice may be combined with the [Writ of Election](#), which is required to be delivered to each presiding judge not later than the 15th day before the election, Monday, October 23, 2017. (Sec. 4.007, 32.009(e)). If the notices are combined, both must be delivered by the date required by the earlier notice.

NOTE - Water Districts: A water district is not required to provide a Notice of Appointment to a presiding judge, as required under Section 32.009, but must provide a [Writ of Election](#). (Sec. 4.007; Sec. 49.110, Water Code).

-Recommended date to appoint the **central counting station personnel**, if applicable. (Secs. 127.002, 127.003, 127.004, and 127.005). There is no statutory notice requirement for members of the central counting station, but good practice suggests that written notice be given to them.

-Recommended date to appoint the **presiding judge of the early voting ballot board** or to designate the election workers of one election precinct to serve as the early voting ballot board. (Secs. 87.001, 87.002, and 87.004). There is no statutory notice requirement for members of the early voting ballot board, but good practice suggests that written notice be given to them.

For timeframes for appointment of various election workers for counties, see [Advisory 2017-04: http://www.sos.state.tx.us/elections/laws/advisory2017-04.shtml](#)

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.

Tuesday, August 29, 2017 (70th day before election day)

Last day to order a special election to fill a vacancy (if authorized to fill vacancies by special election) and have the filing deadline be the 62nd day before election day. (Secs. 201.054(a)(1)), 201.052). Please note that the Election Code requires the election to be ordered as soon as practicable after the vacancy occurs. (Sec. 201.051). The following form may be used: [Order of Special Election for Municipalities](#).

NOTE: Section 201.054 provides that if a special election to fill a vacancy is ordered (1) on or before the 70th day before election day, the candidate application must be filed by 5:00 p.m. on the 62nd day before election day, OR (2) after the 70th day but on or before the 46th day before election day, the candidate application must be filed by 5:00 p.m. on the 40th day before election day. This is the first of the two possible ordering times.

Recommended date to conduct ballot position drawing. (Sec. 52.094). You should also 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: After the ballot drawing has occurred, the Elections Division recommends that you proof and test your ballot programming as soon as possible and **prior to the deadline to mail a ballot** if the political subdivision will be using automatic tabulating equipment to count the mail ballots or if your mail ballots are printed from the same database used to program your precinct scanners and/or DREs (See [Testing Tabulating Equipment](#)). **The Elections Division also recommends that you provide candidates with copies of ballot proofs so that candidates may verify the correctness of their names, positions sought, and order of names on the ballot.**

Thursday, August 31, 2017 (68th day before election day)

Deadline for the Secretary of State to certify the state constitutional amendment election. (Sec. 274.003).

NOTE: Senate Bill 1703 (2015), amended Section 274.003 to provide that the Secretary of State shall certify the ballot not later than the 68th day before election day.

SEPTEMBER

Wednesday, September 6, 2017 (62nd day before election day)

5:00 p.m. - Last day to file application for a for a place on the ballot in a special election to fill a vacancy, if the special election is ordered on or before the 70th day before election day, Tuesday, August 29, 2017. (Sec. 201.054(a)(1)). For more details about Section 201.054 and the two possible special election deadlines, see [Tuesday, August 29, 2017](#).

5:00 p.m. - Deadline for write-in candidates to file [Declarations of Write-In Candidacy](#) for officers for city, school district, library district, junior college district, hospital district, and common school districts in a special election to fill a vacancy if the special election is ordered on or before the 70th day before election day, Tuesday, August 29, 2017. (Sec. 201.054(a)(1) and 201.054(g)).

NOTE –NEW LAW: Sec. 201.054(g) as amended by House Bill 2323 (2017) provides that a declaration of write-in candidacy for a special election must be filed not later than the filing deadline. The filing deadline to file an application for a place on the ballot in a special election to fill a vacancy, if the special election is ordered on or before the 70th day before election day, Tuesday, August 29, 2017, is Wednesday, September 6, 2017.

Friday, September 8, 2017 (60th day before election day)

-First day of period during which the Secretary of State must publish first statewide notice of state constitutional amendment election. The Secretary of State will publish this notice a second time on the same day of the next week after the first notice was published. (Art. XVII, Sec. 1, Texas Constitution).

Political Subdivisions Other Than Counties: Last day for the governing body of a political subdivision to deliver notice of the election to the county clerk/elections administrator 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 7, 2017. 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 27, 2017 for more information about delivery of a final list of voters. See [entry](#) at Thursday, October 26, 2017 and [entry](#) at Saturday, November 4, 2017 for more information on the delivery of copies/images of the applications.

NOTE: Section 86.0015 requires 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 contract for election services or joint election agreement. 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 before the ballots by mail are delivered to the early voting ballot board for qualifying and counting under Section 87.041.

Monday, September 11, 2017 (57th day before election day)

-5:00 p.m. – Last day for a candidate to file [Certificate of Withdrawal](#) in a special election, in which the filing deadline is the 62nd day before election day. If a candidate withdraws or is declared ineligible by this date, his or her name is omitted from the ballot. (Secs. 145.092(b) and (e) and 145.094(a)(3)).

-5:00 p.m. - City Offices with Four-Year Terms: Extended filing deadline in cities with four-year terms of office, when no candidate files for a particular office by the regular filing deadline of Monday, August 21, 2017. (Secs. 1.006 and 143.008). (See note entry for [Monday, August 21, 2017](#)).

Monday, September 18, 2017 (50th day before election day; 21st day after August 28, 2017)

Political Subdivisions Other Than Counties: Last day to notify election judges of their appointment if they were appointed, as recommended, on Monday, August 28, 2017. (Secs. 1.006, 32.009(b)). Presiding and alternate judges must be [notified \(PDF\)](#) 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 \(PDF\)](#)) 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 23, 2017.

-Last day of period during which the Secretary of State must publish first statewide notice of state constitutional amendment election. The Secretary of State will publish this notice a second time on the same day of the next week after the first notice was published. (Art. XVII, Sec. 1, Texas Constitution).

-Last day to publish notice for testing of automatic tabulation equipment testing and logic and accuracy testing (L&A testing) of a voting system that uses direct recording electronic (DRE) voting machines and precinct scanners if test will be completed by recommended deadline of Wednesday, September 20, 2017. Notice of the public tests must be published at least 48 hours before the test begins. (Secs. 127.093, 127.096, 129.001, 129.022, 129.023). [See Note 13](#), above.

Monday, September 18, 2017 - Sunday, December 17, 2017 (50th day before election day - 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).

NOTE - Counties: This office hour rule applies to the entity's general election or special election ordered by that authority; we recommend that the county maintain these office hours, because the county conducts the constitutional amendment election. The hours are clearly required if the county authority orders an additional county election.

NOTE - Special Elections: In the case of a special election, the office hour rule is triggered starting the third day after the special election is ordered. (Sec. 31.122).

Wednesday, September 20, 2017 (48th day before election day)

-Recommended date to conduct the first test of the automatic tabulating equipment and for logic and accuracy (L&A test) test on precinct scanners and DREs. (Secs. 127.093; 127.096; 129.022; 129.023). The SOS recommends you complete your first round of testing prior to mailing your mail ballots if those ballots

will be counted using automatic tabulation equipment. If you conduct your first round of testing by this date, you must publish notice of the test 48 hours prior to testing. [See Note 13](#) , above.

Friday, September 22, 2017 (46th day before election day)

-Last day to order a special election to fill a vacancy (if authorized to fill vacancies by special election). If the election was ordered after the 70th day before election day, the filing deadline will be the 40th day before election day. (Secs. 201.052 and 201.054(a)(2)). Please note that the Election Code requires the election to be ordered as soon as practicable after the vacancy occurs. (Sec. 201.051).

SEE NOTE under entry for [August 29, 2017](#).

-Deadline to challenge the filing of an application for a place on the ballot as to form, content, and procedure, if the ballots are mailed on the 45th day before election day, Saturday, September 23, 2017. This deadline **will change** if the ballots were mailed prior to the 45th day before election day. Sec. 141.034.

NOTE – NEW LAW: Section 141.034 as amended by Senate Bill 44 (2017) provides that an application for a place on the ballot may not be challenged for compliance with the applicable requirements as to form, content, and procedure after the day **before** any ballot to be voted early by mail is mailed to an address in the authority’s jurisdiction.

Saturday, September 23, 2017 (45th day before election day)

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: Section 86.004 provides that an application to vote early by mail on the grounds of age or disability requesting that the ballot be sent to the address of a residential care facility shall be held until the earlier of: 1) the date on which five or more applications for ballots to be voted by mail made by residents of the same facility who request that the ballots be sent to that facility have been received, in which case ballots may not be mailed to the voters and voting shall be conducted under Chapter 107; or 2) the last day on which an application for a ballot to be voted by mail may be received, after which the ballot shall promptly be mailed to the voter. Therefore, balloting materials **may not** be mailed to a voter at a residential care facility on the grounds of age or disability if **five or more** applications for ballots to be voted by mail are received from residents of the same facility. In that case, voting must be conducted under Chapter 107. If five or more applications **are not** received from residents of the same residential care facility on the grounds of age or disability, then the balloting materials for voting by mail shall be promptly mailed to the resident(s) after the last day on which an application for a ballot to be voted by mail may be received, which is the 11th day before election day, Friday, October 27, 2017. (See [October 27, 2017](#) note entry and [Note 15](#)).

NOTE: 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 applies to voters “outside the United States;” however, Section 86.004 was amended in 2011 to implement the federal Military and Overseas Voter Empowerment Act (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)).

Thursday, September 28, 2017 (40th day before election day)

-5:00 p.m. – Last day to file for a place on the ballot in a special election to fill a vacancy, if the special election is ordered after the 70th day before election day, but on or before the 46th day before election day, Friday, September 22, 2017. (Sec. 201.054(a)(2)). For more details about Section 201.054 and the two possible special election deadlines, see Tuesday, August 29, 2017 [note entry](#).)

5:00 p.m. - Deadline for write-in candidates to file [Declarations of Write-In Candidacy](#) for officers for city, school district, library district, junior college district, hospital district, and common school districts in a special election to fill a vacancy if the special election is ordered after the 70th day before election day, but on or before the 46th day before election day, Friday, September 22, 2017. (Sec. 201.054(a)(1) and 201.054(g)).

NOTE –NEW LAW: Sec. 201.054(g) as amended by House Bill 2323 (2017) provides that a declaration of write-in candidacy for a special election must be filed not later than the filing deadline. The filing deadline to file an application for a place on the ballot in a special election to fill a vacancy, if the special election is ordered after the 70th day before election day, but on or before the 46th day before election day, Friday, September 22, 2017, is Thursday, September 28, 2017.

October

Monday, October 2, 2017 (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 state constitutional amendment election. (Sec. 3.003(c)).

Tuesday, October 3, 2017 (35th day before election day)

-5:00 p.m. – Last day for a candidate to file a [Certificate of Withdrawal](#) in a special election, in which the filing deadline is the 40th day before election day. If a candidate withdraws or is declared ineligible by this date, his or her name is omitted from the ballot. (Secs. 145.092(a) and 145.094(a)(2)).

Wednesday, October 4, 2017 (34th day before election day)

-Last day to post notice of the time or times for conducting early voting in person at a residential care facility by the election judge and on the political subdivision's website. This is the last day to post notice if the early voting in person at a residential care facility will take place on Monday, October 9, 2017. (Sec. 107.007). See [note](#) for Monday, October 9, 2017 and [Note 15](#).

NOTE –NEW LAW: Section 107.007 as amended by House Bill 658 (2017) provides that if early voting at a residential care facility is required under Chapter 107 for voters residing in a residential care facility who have applied to vote early by mail on the grounds of age or disability, the early voting clerk **shall** give notice that early voting will occur at the facility and appoint election judges for the purpose of conducting voting. The election judge shall, with the input of the administrator of the residential care facility, designate one or more times for voting to be conducted. Voting may be conducted not earlier than the 29th day before election day and not later than the fourth day preceding election day. The fourth day preceding election day is Friday, November 3, 2017. Notice of the time or times for conducting the election shall be posted at the residential care facility by the election judge and on the county's website as soon as practicable after determining the time **and not later** than the fifth day before the first day on which voting will be conducted at the facility.

Friday, October 6, 2017 (32nd day before election day)

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

NOTE: If the signature verification committee will start meeting on Wednesday, October 18, 2017, the early voting clerk must post a copy of the [order \(PDF\)](#) calling for appointment of the signature verification committee on or before this date as 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 8, 2017 (30th day before election day)

-Last day for the county clerk to post a full copy of all amendments to be voted on at the state constitutional amendment election. (Art. XVII, Sec. 1, Texas Constitution).

-First day of period during which notice of the constitutional amendment election and other elections must be published in a newspaper of general circulation **if method of giving notice is not specified by a law outside the Texas Election Code**, and this method of giving notice is selected. 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(a)(1), (c) and (d)). This notice may be combined with the other notices you are required to publish. We recommend that the notice be posted on the political subdivisions website at this time also. See [Note on Notice of Elections](#).

Accepting voters with certain disabilities (See [Note 14](#)):

Counties: The *recommended* time to include this notice on a county website is when the notice of election is also posted on the website. (Secs. 63.0013 & 85.007(d)).

Cities, Schools, and Other Political Subdivisions: It is *strongly recommended* that the notice regarding accepting voters with certain disabilities also be posted on the subdivision's website, if one is maintained by the political subdivision.

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).

Monday, October 9, 2017 (29th day before election day)(Columbus Day)

-First day that early voting at a residential care facility may be conducted for voters residing in a residential care facility who applied to vote early by mail on the grounds of age or disability. (Sec. 107.007). See [Note 15](#) regarding early voting at a residential care facility.

-As soon as possible after conducting voting at a residential care facility, but not later than **18 hours** after leaving the facility, the election judges **shall** deliver the ballot bag or container to the early voting clerk. (Sec. 107.013).

NOTE – NEW LAW: Sec. 107.013 as amended by House Bill 658 (2017) provides that as soon as possible after conducting voting at a residential care facility, but not later than 18 hours after leaving the facility, the election judges **shall** deliver the ballot bag or container to the early voting clerk.

Tuesday, October 10, 2017 (28th day before election day) (first business day after Columbus Day, Monday, October 9, 2017)

-Last day to register to vote or make a change of address effective for the Tuesday, November 7, 2017 election. (Secs. 13.143, 15.025).

NOTE: A Federal Postcard Application (FPCA) [FPCA \(PDF\)](#) 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 7, 2017 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 of registered voters from the voter registrar for early voting by personal appearance. (Secs. 18.001, 18.002, 18.003, 18.004).

Wednesday, October 11, 2017 (27th day before election day)

-Recommended date for the county election board (or governing body of political subdivision, as appropriate) to appoint a signature verification committee (if one is ordered by the early voting clerk). See also entry under [Friday, October 6, 2017](#). (Secs. 51.002, 87.027). The members must be appointed not later than the fifth day after the order was issued by the early voting clerk. The appointing authority must post a notice of the appointment of committee members continuously until the last day the signature verification committee meets. This form may be used for the notice: [Notice of Appointment of Signature Verification Committee](#).

Tuesday, October 17, 2017 (21st day before election day)

-Last day to post notice of election on bulletin board used for posting notices of meetings of 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)). Elections ordered by a commissioners court, as well as 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).

Note for All Political Subdivisions:

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 for cities and counties**, the election notice **must** be subsequently amended to include voting later ordered for **ANY** Saturday or Sunday and **must** be posted on the political subdivision’s website, if maintained.

Note for Counties:

The *recommended* time to include the notice of accepting voters with certain disabilities on a county website is when the notice of election is also posted on the website. (Secs. 63.0013 & 85.007(d)). See [Note](#) regarding notice on accepting voters with certain disabilities.

Wednesday, October 18, 2017 (20th day before election day)

Last day to post [notice \(PDF\)](#) 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; 85.067(c) and (d)).

-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 7, 2017. 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 23, 2017](#) 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 **"my return is not certain" (2013 form) or "do not intend to return" (2011 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 "my return is not certain" (2013 form)–or "do not intend to return" (2011 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 20, 2017, if testing has was not already completed by September 20, 2017. 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 13](#), above.

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

Thursday, October 19, 2017 – Friday, October 27, 2017 (19th day before election – 11th day before election day)

A person submitting an [FPCA \(PDF\)](#) 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 7, 2017. See also [entry](#) below under [Monday, October 23, 2017](#) (FPCA without a postmark). (Secs. 84.007; 101.052(e), (f)). The early voting clerk is required to maintain a copy of this application since it may be used for other elections and forward the original to the voter registrar.

Friday, October 20, 2017 (18th day before election day)

-If a **defective application to vote early by mail** is received on or before this date, the early voting clerk must mail the applicant a new application with explanation of defects and instructions for submitting the new application. For defective applications received after this date and before the end of early voting by personal appearance, the early voting clerk must mail only the [Notice of Rejected 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 27, 2017. (Secs. 84.007(c), 86.008).

-An applicant for a ballot to be voted by mail may submit the application by delivering it in person to the early voting clerk if the application is submitted not later than the close of regular business in the clerk's office on Friday, October 20, 2017. (Sec. 84.008).

-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 13](#), 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 23, 2017 (15th day before election day)

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

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

NOTE: The early voting period for elections held on the November uniform election date in odd-numbered years begins 17 days prior to election day, but because this day falls on a weekend (Saturday, October 21, 2017), it is extended to the next regular business day (Monday) under Section 85.001(c).

NOTE - Political Subdivisions Other than Cities and Counties: Early voting in person must be conducted 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 at least three (3) hours per day. (Sec. 85.005(b)).

NOTE - 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(a)). However, because cities and counties must have office hours for election-related business at least three (3) hours every business day for this type of election (see Monday, September 18, 2017 [note entry](#)), we harmonize these requirements with the result that, if a city or county is not regularly open for business on one or more weekdays, on those "closed" days, a city or 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).

NOTE - Cities: Cities **must** choose two (2) weekdays for the main early voting polling place location to be open for 12 hours during the regular early voting period. City council must choose the two weekdays. (Sec. 85.005(d)).

NOTE - 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.

NOTE - Joint Elections: If entities are 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.

-Deadline to receive an FPCA **without** a postmark. 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](#)). 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).

Wednesday, October 25, 2017 (13th day before election day)

-Cities and Counties – Weekend Early Voting Hours - Notice Requirement: Last day to post notice on bulletin board used for posting notice of city council or commissioners court, if early voting will be conducted on Saturday, October 28, 2017. (Sec. 85.007). Notice must be posted at least 72 hours before early voting begins on a Saturday or Sunday. Notice must also be posted to the political subdivision's website, if one is maintained.

Note for Cities and Counties Only: If the County Clerk or City Secretary on her/his own motion by written order orders early voting on Saturday or Sunday OR if the County Clerk or City Secretary 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)).

Thursday, October 26, 2017 (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).

-Cities and Counties – Weekend Early Voting Hours - Notice Requirement: Last day to post notice on bulletin board used for posting notice of city council or commissioners court, if early voting will be conducted on Sunday, October 29, 2017. (Sec. 85.007). Notice must be posted at least 72 hours before early voting begins on a Saturday or Sunday. Notice must also be posted to the political subdivision’s website, if one is maintained. See [entry](#) at Wednesday, October 25, 2017.

-First day that counties with a population of 100,000 or more, or entities that are having joint elections 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** entities that are having joint elections 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:** Results may not be released until the polls close on election day.

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. See [note](#) on House Bill 1927 (2015) for more information.

Friday, October 27, 2017 (11th day before election day)

-Last day to receive an [FPCA \(PDF\)](#) from a registered voter. If the voter is **not** registered in the county (and/or marked intent to return “not certain”), **the voter is still eligible for a ballot containing federal offices only.** In a local (non-federal) election, this means there is **no ballot** to send the voter. (Secs. 101.052(b), (f); 114.004(c)).

-Last day for early voting clerk to receive an application for a ballot 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)).

-First day to mail ballots to voters who are residents of a residential care facility and who submitted applications for ballots to be voted by mail on the grounds of age or disability (if you did not receive 5 such applications for ballots to be sent to a given facility by this date). The ballots may be mailed after the close of regular business or 12 noon, **whichever is later,** on Friday, October 27, 2017. (Sec. 84.007(c) and 86.004). (See [Note 15](#) regarding early voting at a residential care facility.)

NOTE - NEW LAW: House Bill 658 (2017) amended Section 86.004 to provide that an application to vote early by mail on the grounds of age or disability requesting that the ballot be sent to the address of a residential care facility, as defined by Chapter 107, shall be held until the **earlier of:** 1) the date on which five or more applications for ballots to be voted by mail made by residents of the

same facility who request that the ballots be sent to that facility have been received, in which case ballots may not be mailed to the voters and voting shall be conducted under Chapter 107; or 2) the last day on which an application for a ballot to be voted by mail may be received, after which the ballot shall promptly be mailed to the voter. Therefore, balloting materials **may not** be mailed to a voter at a residential care facility on the grounds of age or disability if five or more applications for ballots to be voted by mail are received from residents of the same facility. In that case, voting must be conducted under Chapter 107. If five or more applications **are not** received from residents of the same residential care facility on the grounds of age or disability, then the balloting materials for voting by mail shall be promptly mailed to the resident(s) **after** the last day on which an application for a ballot to be voted by mail may be received, which is the 11th day before election day, Friday, October 27, 2017.

-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 7, 2017, for which the county clerk/elections administrator is not the early voting clerk via a joint election agreement or contract for election services.

Saturday, October 28, 2017 (10th day before election day)

-Last day of period during which notice of election must be published if method of giving notice is **not** specified by a law outside the Election Code and **publication** is the selected method of giving notice. (Sec. 4.003(a)(1)). The notice of election 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. (Secs. 4.003(c) and (d)).

NOTE: The election notice shall be posted on the political subdivision's website, if the political subdivision maintains a website.

-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 Election Code** and this method of giving notice is selected. (Secs. 1.006, 4.003(a)(3)).

-Last day to post notice of the precinct's consolidation and the location of the polling place in the consolidated precinct for each precinct that is combined to form a consolidated precinct under section 42.008. This notice must be posted at the polling place used in the preceding general election **and** must remain posted continuously through election day. (Sec. 4.003(b)).

NOTE: The *recommended* time to include the notice of accepting voters with certain disabilities on a political subdivision's website is when the notice of election is also posted on the website. (Secs. 63.0013 & 85.007(d)). See [Note 14](#) regarding notice on accepting voters with certain disabilities.

Sunday, October 29, 2017 (9th day before election day)

-Last day to post notice of the time or times for conducting early voting in person at a residential care facility by the election judge and on the county's website. This is the last day to post notice if the early voting in person at a residential care facility will take place on Friday, November 3, 2017. (Sec. 107.007)

See [Note 15](#) and [note](#) for Friday, November 3, 2017.

5:00 p.m. - Deadline to have the election judge, with the input of the administrator of a residential care facility, designate one or more times for early voting at a residential care facility. Early voting at a residential care facility may be conducted under Chapter 107 for voters residing in a residential care facility who applied to vote early by mail on the grounds of age or disability. (Sec. 107.007) Voting may be conducted not later than the fourth day preceding election day. The fourth day preceding election day is Friday, November 3, 2017. See [Note 15](#) regarding early voting at a residential care facility.

NOVEMBER

Wednesday, November 1, 2017 (4th business day before election day; 6th day before election day)

5:00 p.m. – Deadline to submit a [Request for Election Inspectors](#) for election day, Tuesday, November 7, 2017 to the Secretary of State. (Sec. 34.001).

Thursday, November 2, 2017 (5th day before election day, day before last day of early voting)

-For the constitutional amendment election, early voting must be conducted for 12 hours on this day in counties with populations of 100,000 or more according to the 2010 Census. Early voting must be conducted for 12 hours on this day in counties with populations under 100,000 if the early voting clerk receives a [petition](#) **not later than** Monday, October 30, 2017. (Secs. 85.005(c), 85.067).

-A voter is eligible to vote a late ballot if they will be out of the county of residence on election day due to a death in the immediate family (related within 2nd degree of consanguinity or affinity) that occurs on or after this day. The voter may submit the [Application for Emergency Early Ballot Due to Death in Family](#) starting Saturday, November 4, 2017 (the day after early voting in person ends). (Secs. 103.001, 103.003(b)).

Friday, November 3, 2017 (4th day before election day)

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

-Last day that early voting at a residential care facility may be conducted for voters residing in a residential care facility who applied to vote early by mail on the grounds of age or disability. (Sec. 107.007). See [Note 15](#).

-As soon as possible after conducting voting at a residential care facility, but not later than **18 hours** after leaving the facility, the election judges **shall** deliver the ballot bag or container to the early voting clerk. (Sec. 107.013). See [Note 15](#).

-Last day to mail a ballot to a qualified voter(s) residing at a residential care facility who sought to vote at the facility but was unable to cast a ballot during any time when voting was conducted at the facility. The election judges for the facility shall inform the early voting clerk not later than the fourth day before election

day. The clerk shall mail the ballot to the voter **not later than the fourth day** before election day. (Sec. 107.014). See [Note 15](#).

NOTE - NEW LAW: Section 107.014 as amended by House Bill 658 (2017) provides that if a qualified voter residing at a residential care facility and seeking to vote at the facility under Chapter 107 is not able to cast a ballot during any time when voting is conducted at the facility, the election judges for the facility shall inform the early voting clerk not later than the fourth day before election day. The clerk shall mail the ballot to the voter not later than the fourth day before election day.

-For the constitutional amendment election, early voting must be conducted for 12 hours on this day in counties with populations of 100,000 or more according to the 2010 Census. Early voting must be conducted for 12 hours on this day in counties with populations under 100,000 if the early voting clerk receives a [petition](#) not later than Monday, October 30, 2017. (Sec. 85.005(c), 85.067).

-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 4, 2017. 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 5, 2017, 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 4, 2017 (3rd day before election day)

-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. See [note](#) on House Bill 1927 (2015) for more information.

-First day to submit an [Application for Emergency Early Ballot Due to Death in Family](#) to vote a late ballot because of a death in the immediate family that occurred on or after Thursday, November 2, 2017, and will require absence from the county on election day. (Secs. 103.001, 103.003(b)).

-First day submit an [Application for Emergency Early Voting Ballot Due to Sickness or Physical Disability](#) that arose on or after Thursday, October 26, 2017. (Secs. 102.001, 102.003).

Sunday, November 5, 2017 (2nd day 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 13](#), above).

Monday, November 6, 2017 (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 to for early voting clerk to mark the precinct list of registered voters with a notation beside each name of voter who voted early, and deliver list to election judges. The early voting clerk must also deliver the precinct early voting list. (Sec. 87.122).

-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 6, 2017, 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 7, 2017 - (Election Day)

7:00 a.m. – 7:00 p.m. - Polls open. (Sec. 41.031).

Voter registrar's office is open. (Sec. 12.004(c)).

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.

Sick and disabled persons may vote at the main early voting polling place if **electronic voting systems** are used at regular polling place(s) on election day **and** the voter has a sickness or condition that prevents the voter from voting in the regular manner without personal assistance or likelihood of injury. (Sec. 104.003).

5:00 p.m. -

Deadline for receiving [Application for Emergency Early Voting Ballot Due to Sickness or Physical Disability](#) for late ballots to be voted by persons who became sick or disabled **on or after** Thursday, October 26, 2017. (Sec. 102.003(b)).

7:00 p.m. -

Regular deadline for receiving **early voting ballots** by mail. **BUT see [entry for Wednesday, November 8, 2017 on "late domestic ballots," and \[entry for Monday, November 13, 2017 on other "late" ballots.\]\(#\)](#)**

This is also the deadline to receive late ballots cast by voters who became sick or disabled **on or after**, Thursday, October 26, 2017. (Secs. 86.007(a), 102.006(c)).

NOTE - Receipt of Mail Ballots: All early voting ballots sent by mail from inside the United States that are received by 7:00 p.m. on election day, November 7, 2017, **must be counted on election night.** If the carrier envelope does not bear a cancellation mark or a receipt mark, the ballot must arrive before the time the polls are required to close on election day. If the early voting clerk cannot determine whether a ballot arrived before the deadline, the ballot is considered to have arrived at the time the place at which the carrier envelopes are deposited was last inspected for removal of returned ballots. (Sec. 86.007(b)). 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)).

NEW LAW: An early voting mail ballot that is not received by 7:00 pm on election day may not be counted unless the ballot may be counted late, per HB 1151 (2017, RS), which applies to ballots mailed from outside the United States (Sec. 86.007(d)), late domestic ballots (Sec. 86.007(a)(2)), and ballots from members of the armed forces and merchant marine of the United States, their spouses and dependents (Sec. 101.057). See [entry for Wednesday, November 8, 2017,](#) and [entry for Monday, November 13, 2017.](#)

NOTE - 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 the polls are open or as soon after the polls close as practicable. (Secs. 87.021, 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) and 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). If ballots are to be delivered before election day, the early voting clerk must post notice at least 24 hours before each delivery at the main early voting polling place.

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

NOTE - Precinct Election Returns: Precinct election returns are delivered to the appropriate authorities after completion. (Secs. 66.053(a); 127.065; 127.066; 127.067).

-Last day to post notice of governing authority's meeting to canvass returns of election if canvass is to take place on Friday, November 10, 2017 (3rd day after election). (Sec. 67.003(b)). 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).

NOTE – NEW LAW: House Bill 929 (2017) amended Section 67.003(b) to provide that except as provided by Subsection 67.003(c), each local canvassing authority shall convene to conduct the local

canvass at the time set by the canvassing authority's presiding officer not later than the 11th day after election day and not earlier than the later of:

- 1) the **third day after election day**;
- 2) the date on which the early voting ballot board has verified and counted all provisional ballots, if a provisional ballot has been cast in the election; or
- 3) the date on which all timely received ballots cast from addresses outside of the United States are counted, if a ballot to be voted by mail in the election as provided to a person outside of the United States.

Wednesday, November 8, 2017 (1st business day after election day)

5:00 p.m. – Deadline to receive “**late domestic ballots**” mailed **within** the United States from **non-military voters and from any military voters** who submitted an **Application for Ballot by Mail** (“ABBM”) (not a Federal Postcard Application – “FPCA”), if the carrier envelope was placed for delivery by mail or common or contract carrier **AND** bears a cancellation mark of a postal service or a receipt mark of a common or contract carrier or a courier indicating a time not later than **7:00 p.m.** at the location of the election on election day, November 7, 2017. (Secs. 86.007, 101.057 and 101.001). A late domestic ballot **cannot be counted** if it does **not** bear a cancellation mark or a receipt mark

NOTE – NEW LAW: House Bill 1151 (2017) amended Section 86.007 to provide that a marked ballot voted by mail that a voter received due to submitting an ABBM may arrive at the address on the carrier envelope not later than 5:00 p.m. on the day **after** election day, if the carrier envelope was placed for delivery by mail or common or contract carrier from **within** the United States **and** bears a cancellation mark of a postal service or a receipt mark of a common or contract carrier or a courier from **not later than 7:00 p.m.** at the location of the election on election day.

NOTE: This deadline does **not** apply to ballots sent by non-military voters who are overseas but applied for a ballot using an ABBM; these voters have until the 5th day after election day to return their ballots (or the next business day if the 5th day falls on a weekend or legal state or federal holiday). This deadline also does **not** apply to ballots mailed (domestically or from overseas) by certain members of the military who applied for a ballot using an FPCA; those voters have until the 6th day after election day to return their ballots. See [entry](#) for November 13, 2017.

-The general custodian of election records must deliver the ballot box(es) or transfer cases(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. (Secs. 65.052; 1 Tex. Admin. Code Secs. 81.174(d)(1)).

NOTE - 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 7, 2017), 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 10, 2017 (3rd day after election day)

-Last day to begin the **partial manual count** for districts using electronic voting systems. This is the last day to **begin** manual recount of ballots in three precincts or one percent of precincts, whichever is greater, unless requirement has been waived or unless the voting system uses DRE voting machines. (Sec. 127.201(a), (g)). The count must be completed not later than the 21st day after election day. Results of manual count must be delivered to Secretary of State not later than the 3rd day after the manual count is completed. (Sec. 127.201(e)). No partial manual count needs to be done of ballots cast on DRE voting machines. (Sec. 127.201(g)).

-The first possible day to conduct the official local canvass of returns by the 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 mailed domestic ballots cast from addresses within the United States, and all timely received mailed ballots cast from addresses outside the United States. (Secs. 67.003 and 86.007). Notice of canvass must be posted at least 72 hours continuously before the canvass is conducted. See [note](#) for Tuesday, November 7, 2017.

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). 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 13, 2017.

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).

NOTE: Officially-canvassed returns for the state constitutional amendment election must be delivered by the county election officer to the Secretary of State within 24 hours of the canvass. (Sec. 67.007(d)).

Monday, November 13, 2017 (first business day after 5th day after election day; 6th day after election day)

-Last day to receive ballots from **non-military and any military voters** casting ballots from outside of the United States, who submitted an **ABBM**, (not an FPCA) **AND** who placed their ballots in delivery by 7:00 p.m. on election day, Tuesday, November 7, 2017, as evidenced by a postal service cancellation mark or a receipt mark of a common or contract carrier or a courier (Secs. 86.007, 101.057 and 101.001). A late overseas ballot sent by a voter who applied for a ballot using an ABBM (not an FPCA) **cannot be counted**

if it does **not** bear a cancellation mark or a receipt mark. The deadline is extended to the next regular business day which is Monday, November 13, 2017 due to the 5th day falling on a Sunday. (Sec. 86.007(d-1)).

NOTE – NEW LAW: House Bill 1151 (2017) amended Section 86.007 to provide that a marked ballot voted by mail from **outside** of the United States by a voter who received the ballot due to submitting an ABBM is considered timely if it is received at the address on the carrier envelope not later than **the fifth day** after the date of the election. Further, the delivery is considered timely if the carrier envelope or, if applicable, the envelope containing the carrier envelope is properly addressed with postage or handling charges prepaid **and** bears a cancellation mark of a recognized postal service or a receipt mark of a common or contract carrier or a courier indicating a time **by 7:00 p.m.** on election day.

-Last day to receive ballots from **non-military voters** casting ballots from overseas, who submitted a **FPCA, AND** who placed their ballots in delivery by 7:00 p.m. on election day, Tuesday, November 7, 2017. (Sec. 86.007(d) and (e)). The deadline is extended to the next regular business day which is Monday, November 13, 2017 due to the 5th day falling on a Sunday. (Sec. 86.007(d-1)). See [NOTE](#) on House Bill 929 (2017, RS), below.

-Last day to receive carrier envelopes mailed domestically (within the United States) OR overseas from voters who submitted a **FPCA AND** who are **members of the armed forces of the United States, or the spouse or a dependent of a member of the armed forces, members of the merchant marines of the United States, or the spouse or a dependent of a member of the merchant marine.** (Secs. 101.057 and 101.001).

NOTE – NEW LAW: House Bill 929 (2017, RS) amended Section 101.057 to provide that carrier envelopes mailed domestically or overseas from certain **military voters** (members of the armed forces of the United States, or the spouse or a dependent of a member of the armed forces, members of the merchant marines of the United States, or the spouse or a dependent of a member of the merchant marine) who submitted a **Federal Post Card Application (FPCA)** may arrive on or before the 6th day after election day. (Secs. 86.007, 101.057 and 101.001).

NOTE: The carrier envelope or, if applicable, the envelope containing the carrier envelope sent by the military members listed above who applied to vote by mail using the FPCA does NOT need to bear a cancellation or receipt mark in order to be counted.

-Deadline for ID-related provisional voter to: (1) present an acceptable form of photo identification to county voter registrar, (2) execute an affidavit relating to natural disaster or religious objection in presence of county, or (3) apply for/qualify for a disability exemption with the voter registrar, in order for the provisional voter's ballot to count. The "acceptable form of photo identification" for this procedure is one of the seven listed in the "acceptable forms of photo ID" in [Note 1](#). With the exception of the U.S. citizenship certificate (which does not expire), the identification must be current or have expired no more than four years before being presented. The forms of supporting identification listed in the "list of the supporting forms of ID that can be presented if the voter does not possess an acceptable form of photo identification, and cannot obtain one due to a reasonable impediment" in Note 1 do not apply for this procedure. (Secs. 65.054(b), 65.0541(a); 1 Tex. Admin. Code Sec. 81.71; August 10, 2016 Court Order).

-Deadline for voter registrar to complete the review of provisional ballots. (1 Tex. Admin. Code Sec. 81.175(a)(1)).

-First day that newly-elected officers of Type A general law city may qualify and assume duties of office (per Sec. 22.006, Local Government Code).

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 and 212.0331).

Tuesday, November 14, 2017 (7th day after election day)

-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 Sec. 81.176(b)(3)).

Thursday, November 16, 2017 (9th day after election day)

-Last day for early voting ballot board to convene to qualify and count:

- 1) any late domestic ballots (non-military) that bear a cancellation mark or receipt mark indicating they were placed for delivery by mail or common or contract carrier not later than 7:00 p.m. on election day, November 7, 2017, and were received not later than 5:00 p.m. on [Wednesday, November 8, 2017](#). (Secs. 86.007(a) and 87.125(a)).
- 2) any late ballots that were submitted from outside the United States by voters who applied for the ballot using an ABBM or by non-military voters who applied for the ballot using an FPCA, and which were received by [Monday, November 13, 2017](#). (Secs. 87.125(a) and 86.007(d)).
- 3) any ballots received by [Monday, November 13, 2017](#), from voters who are members of the armed forces of the United States, or the spouse or a dependent of a member of the armed forces, members of the merchant marines of the United States, or the spouse or a dependent of a member of the merchant marine and who applied for a ballot using an FPCA. (Secs. 101.057 and 87.125(a)).
- 4) any provisional ballots that have been reviewed by the voter registrar. (Secs. 65.051(a)).

NOTE: Ballots that do not qualify under 1-3 above should be treated as ballots not timely returned and should not be delivered to the ballot board

Friday, November 17, 2017 (10th day after election day)

-Last day for the presiding judge of the early voting ballot board to mail [Notice of Rejected Ballot](#) to voters whose mail ballots were rejected. (Sec. 87.0431).

Monday, November 20, 2017 (13th day after election day; 10th day after first canvass date)

-Last day for official canvass of returns by governing authority of political subdivision. Because the last day falls on a Saturday, the deadline is extended. (Secs. 1.006, 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).

NOTE: Officially-canvassed returns for the state constitutional amendment election must be delivered by the county election officer to the Secretary of State within 24 hours of the canvass. (Sec. 67.007(d)).

-Last day for the presiding judge of the early voting ballot board to mail [Notice of Outcome to Provisional Voter](#) to provisional voters if the local canvass was held on Friday, November 10, 2017, the first day of the canvass period. Such notices must be delivered to provisional voters by the presiding judge no later than the 10th day after the local canvass (Sec. 65.059; 1 Tex. Admin. Code Sec. 81.176(e)).

Wednesday, November 22, 2017 (15th day after election day)

-First day that Governor may conduct the state canvass of the state constitutional amendment election. (Sec. 67.012).

Tuesday, November 28, 2017 (21st day after election day)

-Last day to complete the partial manual count, if not waived. (Sec. 127.201(a)).

Thursday, November 30, 2017 (23rd day after election day; 10th day after canvass deadline)

-Last day for the presiding judge of the early voting ballot board to mail notice of the disposition of provisional ballots to provisional voters if the local canvass was held on Monday, November 20, 2017, the last day of the canvass period. (65.059; 1 Tex. Admin. Code Sec. 81.176(e)). Such notices must be delivered to provisional voters by the presiding judge no later than the 10th day after the local canvass.

December

Thursday, December 7, 2017 (30th day after election day)

-Last day for governor to conduct the state canvass for the state constitutional amendment election. (Sec. 67.012).

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

Sunday, December 17, 2017 (40th day after election day)

-Last day of the period for mandatory office hours. See [entry](#) for Monday, September 18, 2017. (Sec. 31.122).

January

Sunday, January 7, 2018 (61st day after election day)

-First day that ballot box(es) may be unlocked and its voted ballots may be transferred to another secure container for the remainder of the preservation period. (Sec. 66.058(b)).

2018 and 2019

Tuesday, May 8, 2018 (day after 6 months following election)

-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 \(1988\)](#)). Generally, non-federal election records must be preserved for 6 months (instead of 22 months) from election day. (Sec. 66.058).

Notable Exceptions:

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

NOTE - Electronic Voting Systems: See advisories on our website for preservation procedures for electronic voting systems. (See [Election Advisory No. 2012-03](#). See [Electronic Voting System Procedures](#)).

November 8, 2019 (day after two Years after November 2017 election day)

NOTE - Retention of Voter Registration List: County voter registrar must maintain **copy** of each voter list prepared for each countywide election for 2 years (24 months) after election day. (Sec. 18.011).

NOTE - Retention of Candidate Applications: Candidate applications must be retained by the governing body for **two** years after date of election. (Sec. 141.036).