



Texas Secretary of State
ELECTIONS DIVISION



Election Contracts & Joint Election Agreements for Primary Elections



Three Types of Agreements

You may have your primary election in one of three ways:

- By contracting for election services with the county (Ch. 31);
- By holding a joint primary election (Sec. 172.126);
- By leasing an electronic voting system (Ch. 123).



Contracting vs. Joint Election

Contract for Election Services

A contract between the county executive committee of a political party holding a primary in the county and the county election officer for specific election services that the county election officer would perform in a countywide election.

Joint Primary Agreement

When two political parties, who are holding primary elections, jointly hold the election in common precincts. The joint election agreement must be by written joint resolution and approved by majority vote of full commissioners court and unanimously approved by the county elections officer and county chairs of participating parties.



Practical Considerations

Decide whether you have the time, manpower and expertise to conduct your own election.

- **Consider:** Equipment (obtaining, programming, testing); ordering ballots; hiring and training workers (election day, early voting ballot board, central counting); tabulating results and canvassing election; etc.



Practical Considerations

Deadline for entering into agreements?

- There is no statutory deadline.
- We **recommend** the county chairs meet with the county election officer to discuss establishment of early voting ballot board, delivery of materials to the early voting ballot board, acceptance of mail ballots, and manual counting, if any, of early voting ballots sooner rather than later.
- Notice of this meeting must be provided by county election officer to county chair 72 hours prior to the meeting. (Sec. 31.124)



Practical Considerations

Who is responsible for what?

- The County Election Officer is not responsible for reviewing:
 - Applications for a place on the ballot;
 - Petitions, such as signatures in lieu of filing fee.
- The County Chair is responsible for these tasks.



Practical Considerations – Election Workers

Election Day Workers

- Joint Primary – the election day judges and clerks are appointed by the county election officer through the list procedure;
- Separate Primary – the election day judges are appointed by the county chair, and the election clerks are appointed by the election day judges.



Practical Considerations – Election Workers

Early Voting – Deputy Early Voting Clerks

- Joint Primary – appointed by county election officer;
- Separate Primary – appointed through list procedure.



Practical Considerations – Election Workers

Early Voting Ballot Board

- Joint Primary – representatives from both parties may be appointed for the joint primary election. The county election officer will appoint the co-judges for the EVBB and the members of the EVBB through the list procedure;
- Separate Primary – each party will have a separate EVBB for each primary election. The presiding judge and alternate presiding judge of the EVBB are appointed by the county chair in a separate primary election, and the members of the EVBB are appointed by the presiding judge.



Practical Considerations – Election Workers

Signature Verification Committee – *if established*

- Joint Primary – the co-chairs and members of the SVC will be appointed through the list procedure;
- Separate Primary – each party will have a separate SVC for each primary election. The chair, vice-chair and members of the SVC are appointed by the county chair in a separate primary election. The number of members that serve on the SVC is set by the county election officer.



Practical Considerations – Election Workers

Central Count Station

- Joint Primary – made up of representatives from both parties may be appointed for the joint primary election. The county election officer will appoint the co-judges and clerks for the CCS through the list procedure;
- Separate Primary – a single CCS made up of representatives from both parties may be appointed for the two primary elections. The county chair of each political party holding a primary election will appoint a presiding judge for the CCS. The clerks are appointed by the presiding judges of the CCS and by the manager, and there is no list procedure for the appointment of clerks for the CCS in a separate primary election.



Who Appoints for Separate Primary Election?

Position	Appointer
Election Judge (Presiding and Alternate)	County Chair (32.006)
Election Clerks	Presiding Judge (32.031)
Early Voting Clerk	N/A - EVC is County Clerk/Elections Administrator (83.002)
Deputy Early Voting Clerks	County Clerk/Elections Administrator (85.0091)
Early Voting Ballot Board Judge (Presiding and Alternate)	County Chair (32.006 and 87.002(a))
Early Voting Ballot Board Member	Presiding Judge of Early Voting Ballot Board (87.002(a))
Signature Verification Committee Member	County Chair (87.027(b))
Central Counting Station Manager	County Executive Committee (127.001, 127.002)
Tabulation Supervisor	County Executive Committee (127.001, 127.003)
Assistants to the Tabulation Supervisor	Tabulation Supervisor, with approval of County Executive Committee (127.004)
Presiding Judge of Central Count	County Chair (32.006 and 127.005(a))
Clerk of Central Counting Station	Central Counting Station Manager or Presiding Judge of Central Count (127.006)



Who Appoints for Joint Primary?

Position	Appointer
Election Judges (Co-Judges)	County Clerk/Elections Administrator via "List Procedure" (172.126, 1 TAC § 81.147) Must have at least one co-judge from each party.
Election Clerks	County Clerk/Elections Administrator via "List Procedure" (172.126) Must have at least one clerk from each party.
Early Voting Clerk	N/A - EVC is County Clerk/Elections Administrator (83.002, 172.126)
Deputy Early Voting Clerks	County Clerk/Elections Administrator (83.032, 85.0091(b))
Early Voting Ballot Board Judges (Co-Judges)	County Clerk/Elections Administrator via "List Procedure" (172.126, 1 TAC § 81.148)
Early Voting Ballot Board Member	County Clerk/Elections Administrator via "List Procedure" (172.126, 1 TAC § 81.148)
Central Counting Station Manager	County Clerk/Elections Administrator (172.126)
Tabulation Supervisor	County Clerk/Elections Administrator (172.126)
Assistants to the Tabulation Supervisor	Tabulation Supervisor with approval of the County Clerk/Elections Administrator (172.126)
Presiding Judges of Central Count (Co-Judges)	County Clerk/Elections Administrator via "List Procedure" (172.126, 1 TAC § 81.148)
Clerk of Central Counting Station	County Clerk/Elections Administrator via "List Procedure" (172.126, 1 TAC § 81.148)



Three Types of Agreements

We will discuss three types of agreements:

- Contract for Election Services
- Joint Primary Election Agreement
- Lease of Election Equipment



What We'll Discuss

For each
type of
agreement:

- **Parties** to the contract;
- Whether there is a **duty to contract**;
- How to get **approval** for the agreement;
- **Contents** of the agreement; *and*
- How the agreement should handle **compensation**.



Texas Secretary of State

ELECTIONS DIVISION



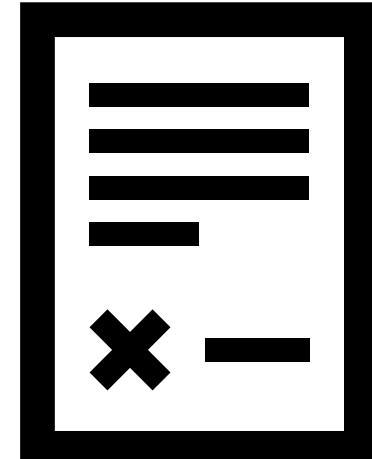
Contract for Election Services



Contract for Election Services

- A ***contract for election services*** is a contract between the county executive committee of a political party holding a primary in the county and the county election officer for specific election services that the county election officer would perform in a countywide election (equipment, ballot programming, etc.).

[Secs. 31.092, 31.093, 31.094]





Parties to the Contract

Contract for Election Services

The **county election officer**:

- County Elections Administrator
- County Clerk (or deputy)
- County Tax Assessor-Collector (or deputy)

The county executive committee of a **political party** located in the county.



No County Party Chair?

Who can execute a contract?

- County Party Executive Committee
- If no County Party Executive Committee, then the State Party



Duty to Contract

Contract for Election Services

- Sec. 31.093 requires all county election officers to contract with the parties for primary and primary runoff elections if requested.



Duty to Contract

Contract for Election Services

- The **county election officer**:
 - **Must** contract to 'furnish services requested' for the primary
 - *Except* they are not required to provide for the training of election judges and clerks.
 - **Must** offer to contract on the same terms with the county executive committee of each political party holding a primary election in the county.

[Sec. 31.093]



Duty to Contract

Contract for Election Services

- What if the county election officer and the party cannot agree on contract terms?
 - The Election Code does not address this issue
 - County election officer and party must agree on a proposed cost schedule under the contract
 - County election officer must be willing to perform the same services for both parties
 - County election officer is responsible for certain statutory duties in connection with the primary, regardless of whether a contract is agreed to with the party
 - County election officer is responsible for conducting early voting by statute, even if the party does not contract with the county



Approval of Contract

Contract for Election Services

Does **not** need to be submitted to the commissioners court for approval.

The parties will need to check their own laws/rules regarding contract approval.



Contents of Contract

Contract for Election Services

- The contract may provide for the county election officer to perform or to supervise the performance of **any or all** of the duties that the officer performs in a countywide election ordered by the commissioners court. This may include testing and programming of election equipment as well as reporting results to Secretary of State.



Contents of Contract

Contract for Election Services

- The contract may **not** change:
 - The filing authority for candidate applications;
 - The filing authority for Title 15 documents;
 - A political subdivision's requirement to maintain office hours under 31.122.
 - Not applicable to primary elections

[Sec. 31.096]



Contents of Contract

Contract for Election Services

- The contract may address the selection of election day polling places.
 - The county chair determines polling places for a separate primary election
 - County executive committee determines polling places for a consolidated precinct
 - The county election officer determines polling places for a joint primary election

[Secs. 43.003, 43.007, 172.126]



Contents of Contract

Contract for Election Services

- In order for countywide polling places to be used for either party's primary election (joint or separate), both parties must agree to the use of countywide polling places
 - If one party does not agree to the use of countywide polling places in the primary election, the other party may not use countywide polling places for their own primary
 - If the parties do not agree to the use of countywide polling places for the primary election, then both primary elections would be conducted by precinct-based voting

[Secs. 43.003, 43.007, 172.126]



Combination and Consolidation of Precincts (NEW LAW – SB 985)

- **Combination** is available in a general election, a special election, and now also in a primary election pursuant to SB 985
 - Can combine precincts if redistricting results in precincts with fewer than 3,000 registered voters and combining is necessary to avoid unreasonable expenditures. Maximum size: 5,000 registered voters
 - Counties that do not participate in the countywide polling place program may also combine precincts if a suitable polling location cannot be secured. Maximum size: 10,000 registered voters
- Who determines whether to combine:
 - General or special election - commissioners court
 - Separate primary - county executive committee of a political party
 - Joint primary – county election officer



Combination and Consolidation of Precincts

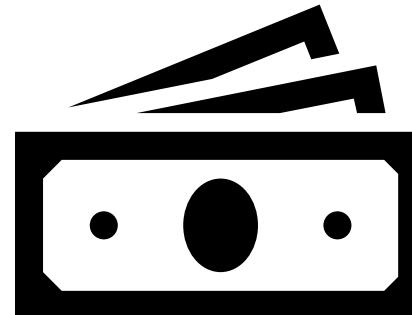
- **Consolidation** is available for primary elections or special elections to avoid additional expenditures
- Consolidated precinct must satisfy the same requirements as a single precinct
 - 42.005 - Precinct may not contain more than one commissioner precinct, JP precinct, state representative district, state senate district, or state board of education district
 - 42.006 - Precinct may not contain more than 5,000 registered voters
 - 42.007 - Precinct may not be both inside and outside of a city with a population of 10,000
 - This essentially means all precincts contained within a consolidated precinct must share the same ballot style
 - Precinct returns and check-in paperwork are prepared for the consolidated precinct as a whole
- Who determines whether to consolidate:
 - Special election – commissioners court
 - Separate primary – county executive committee
 - Joint primary – county election officer

See Election Advisory No. 2025-13 & [Sects. 42.005, 42.0051, 42.006, 42.007, 42.009, 172.126]



Compensation in Contract *Contract for Election Services*

- The contract must include an itemized list of estimated election expenses.
- Invoices for certain primary expenses must be submitted to SOS.
- SOS then directly pays these expenses.



[Sec. 31.093, Ch. 173, TAC 81 Subchapter F]



Compensation in Contract *Contract for Election Services*

- The **county election officer** cannot:
 - Charge for duties that must be performed by law.
 - Be personally paid for services under contract.
- The **county election officer** can:
 - Charge up to 10% of the total amount of the contract for general supervision of the election.



Primary Runoff *Contract for Election Services*

- Don't forget to include the primary runoff election in your contract negotiations!



Texas Secretary of State
ELECTIONS DIVISION



Joint Primary Election Agreement



Joint Primary Agreement

- A *joint primary election agreement* is when two political parties who are holding primary elections jointly hold the election in common precincts.

[Sec. 172.126]





Parties to the Contract

Joint Election Agreement

The joint election agreement must be made by written, joint resolution and approved by:

1. A majority vote of the full commissioners court, and
2. The county elections officer, and
3. By the county chairs of each political party required to nominate candidates by primary election.

[Sec. 172.126]



Contents of Contract

Joint Primary Election Agreement

- **Polling places:**
 - Regular county polling places for general election for state and county officers.
 - Precincts may be consolidated by the county election officer, but county election officer shall position polling places to accommodate the needs of all parties (i.e. precinct conventions).

[Sec. 172.126]



Contents of Contract

Joint Primary Election Agreement

- **Election officers:**
 - One set of election officers conduct the joint primary at each polling location.
 - Parties provide lists of judges/clerks to the county election officer no later than the 2nd Monday in December (December 8, 2025). The county election officer will appoint a judge from each party to serve as co-judge for each election precinct.
 - Judges from all parties in the primary serve as co-judges.

[Sec. 172.126]



Contents of Contract

Joint Primary Election Agreement

- If the total number of election workers is odd, then the county election officer shall appoint an additional member from the party whose candidate for governor received the highest number of votes in the precinct in the most recent gubernatorial election
 - For consolidated precincts, then the highest number of votes is determined by adding together the total votes from the consolidated precincts

[Sec. 172.126, 1 Tex. Admin. Code 81.149]



Joint Primaries – Election Workers

Estimated Turnout Per Joint-Polling Location	Paper Ballot/Optical Scan (primary voting method)*	Electronic Voting System (primary voting method)*
200 or fewer	4	4
201-400	6	5
401-700	7	6
701-1,100	9	7
1,101 or more	13	9

*Includes two co-judges and two alternate judges who serve as clerks
[1 Tex. Admin. Code 81.149]



Contents of Contract

Joint Primary Election Agreement

- **Ballots:**
 - The county election officer determines the ballot format and voting system for each precinct and provides the supplies/equipment.
 - Separate ballot boxes for each party must be maintained, except a joint ballot box may be used if voters are depositing ballots directly into automatic tabulating equipment.

[Sec. 172.126]



Contents of Contract

Joint Primary Election Agreement

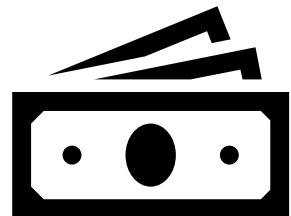
- **Lists and records:**
 - The list of registered voters and voter registration certificates should be stamped to show the affiliation of each voter, if applicable.
 - A separate list of registered voters shall be used for each party's primary.

[Sec. 172.126]



Compensation in Contract *Joint Primary Election Agreement*

- The joint primary resolution must include an itemized list of estimated election expenses.
- The county may only use funds for expenses **directly attributable** to the contract.
 - Counties may request to SOS that primary expenses incurred be paid directly to the county elections officer rather than the county chair.
 - Any advance funds over the actual expenses must be **refunded** to the chair.



[Sec. 172.126, Ch. 173, TAC 81 Subchapter G]



Contracting vs. Joint Election

	Contract for Services	Joint Primary Election Agreement
Parties	County, Party	County and Both Parties
Approval	<ul style="list-style-type: none">County election officer and county executive committee.	<ul style="list-style-type: none">Majority of full commissioner's court and unanimous approval of county elections officer and participating county chairs
Duty of County to Contract	<ul style="list-style-type: none">All county election officials are required to contract for election services in a primary if requested	<ul style="list-style-type: none">No duty to have a joint primary election



Texas Secretary of State

ELECTIONS DIVISION



Available Support



WEBINARS



TRAINING



RESOURCES

elections@sos.texas.gov

800-252-VOTE • 512-463-5650

sos.texas.gov