



Contracting and Joint Elections

Webinar for CSOs May 2, 2026 Election

Presented 1/13/2026



Agenda

Three Ways to Conduct an Election

Election Agreements in General

Running an Election as a CSO

Contracting with the County

Joint Elections

Voting-Systems Equipment

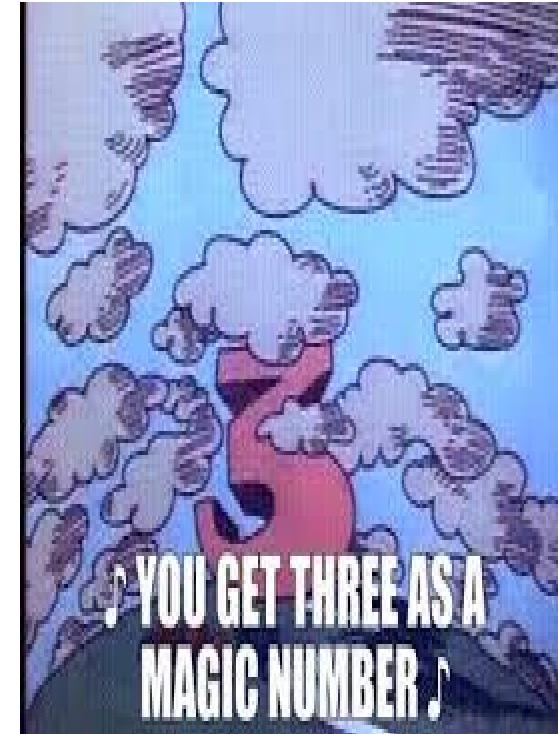
Considerations for Entities in Countywide Counties

Considerations for Entities in More Than One County



Three Ways to Have an Election

- A city, school district, or other political subdivision can have an election:
 - By itself;
 - By contracting for election services with the county (Ch. 31); or
 - By holding a joint election (Ch. 271).





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Elections Agreements/Contracts



Agreements that a Local Political Subdivision Could Sign

- We will discuss three types of agreements:
 - Election-services contract between county and other entity;
 - Joint-election agreement between your entity and other entities, including counties;
 - Lease for voting equipment
- We will discuss these contracts when we discuss the different ways of holding an election



Election Agreements in General

- For all these agreements, we'll discuss:
 - The parties to the contract;
 - Whether there is a duty to contract;
 - How to get approval for the agreement;
 - The contents of the agreement; and
 - How the agreement should handle compensation.



Considerations for all Agreements

- All three types of agreements discussed today must be **in writing**.
 - Secs. 31.099, 123.033, 172.126.
- There's **no standard** form or document for any of these agreements.
- Practice tip: ask other entities if you need a template.



Practical Considerations

- There is no statutory deadline to enter into these agreements
- But we suggest that local entities discuss this with their counties early in their election process so that your county has adequate notice and time to plan and allocate resources for the needs of the local entity's election
 - We suggest 4-6 months before election day



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Running Your Own Elections



Responsibilities of Local Political Subdivisions Going Solo

- Obtaining a list of registered voters for your election from the voter registrar of each county you are located in
- Preparing your ballot and programming your voting system equipment
- Obtaining your voting system equipment from the county or your vendor (at least one accessible device for most entities even if hand-marking)
 - Or using your own equipment, if you own equipment
- Selecting polling places and hiring and training election workers
- Sending, receiving, and reviewing ballots by mail
- Conducting election-day voting and early voting in person
- Tabulation and reporting of results



Practical Considerations

- The local entity must decide whether they have the time, personnel and expertise to conduct their own election.
- **Consider:**
 - Equipment (obtaining, programming, testing);
 - Preparing and ordering ballots;
 - Finding and setting up polling places;
 - Hiring and training workers (election day, early voting ballot board, central counting);
 - Publishing notice of election;
 - Conducting ballot by mail and in-person voting (election day and early voting);
 - Tabulating results.



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Contracting with a County



Contracting For Election Services

- You can also ask your county election office to contract to run your election for you
- This generally means your county will be responsible for running each part of your election, with some exceptions
 - You are still responsible for **candidate applications, Title 15 filings, and office hours**
- If you are located in multiple counties, you can contract with each county to run the part of your election that falls in each of those counties



Contract For Election Services

- A ***contract for election services*** is a contract between the political subdivision holding an election 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.).
- Governed by Chapter 31 of the Election Code



Parties to an Election-Services Contract

- The **county election officer**:
 - County Elections Administrator;
 - County Tax Assessor-Collector (or deputy); or
 - County Clerk (or deputy)
- The governing body of a political subdivision located wholly or partly in the county.

contracts with



When Is a County Required to Contract for Election Services?

- If the county election officer is a **County Clerk or County Tax Assessor-Collector**, then they do not have a duty to contract
- But they can choose to contract.

Sec. 31.093

If the CEO is a **County Elections Administrator**:

- They **must** contract to furnish services requested, except:
 - All services in an election on May uniform date in even-numbered year (e.g. May 2026, coming up.) 41.001(d)
 - Training of election judges and clerks **in any election**. Secs. 31.093,
- The county can choose to contract for these services, but does not have to



Duty to Contract

- What if the county election officer and the local political subdivision cannot agree on contract terms when there is a duty to contract?
 - The Election Code does not address this issue—got to work it out.





Approval of Contract

- A Contract for election services does **not** need to be submitted to the commissioners court for approval.
- But the political subdivision will need to check its own laws/rules regarding contract approval to see what is required on its end.

Sec. 31.092



Contents of 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, **except** for duties listed on next slide.
- This may include testing and programming of election equipment as well as tabulating and reporting results.
- And contracting for the county to be the custodian of voted ballots.
- Sec. 31.094



Duties that Cannot be Contracted to County

- The county may **not** serve as or fill in for:
 - The filing authority for candidate applications;
 - The filing authority for Title 15 documents (campaign funding);
 - Or, a political subdivision's requirement to maintain office hours under 31.122.

Sec. 31.096



Compensation in Contract

- The contract must include a **cost schedule** that is agreed to by both parties.
- The county may only use funds for expenses **directly attributable** to the contract.
- Any funds paid over the actual expenses must be **refunded** to the political subdivision.

Optical Ballots and Programming Expenses	\$ 1,127.85
Rental Fee for ExpressVote and Vote Tabulator (voting equipment) Staff Time and Mileage, Early Voting Clerks, Election Judges & Clerks, and Ballot Board	\$ 4,653.56
Election Kits & other precinct supplies	\$ 200.00
SUBTOTAL	\$ 5,981.41
10% ADMINISTRATIVE FEE	<u>\$ 598.14</u>
TOTAL	<u>\$ 6,579.55</u>



Compensation in Contract

- The county election officer **may not**:
 - Charge for duties that must be performed by law (meaning duties it must undertake even if not contracting).
 - Be personally paid for services under contract.
- The county election officer **may**:
 - Charge up to 10% of the total amount of the contract for general supervision of the election.



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Joint Elections



Joint Elections

If one or more entities are holding an election at the same time as your election, then you can choose to hold a joint election with those entities if you share some of the same territory

The other entity (or entities) could be a county, or another local entity, or some combination of the two

In a joint election, the entities agree to run their election together (typically with one entity performing the majority of the duties)

The costs are split between the entities based on the terms of the agreement



Joint Election Agreement

- The joint election agreement must be approved by the governing bodies of **all** participating political subdivisions.
 - For example Commissioners Court, City Council, ISD Board etc.
 - The terms of a joint-election agreement must be stated in the **order, resolution**, or other **official action** adopted by the approving governing body.
- Governed by Chapter 271 of the Election Code



Which Entities Can Hold Joint Elections?

- Two or more political subdivisions, can enter into a joint election agreement if the election:
 - Is held on the **same day**.
 - Is held in **all or part of same county**.
 - Applies to elections ordered by governor (statewide) as well as those ordered by local entities and counties.
 - This agreement can be between a local entity and a county, multiple entities and a county, or multiple entities
- The joint election may only apply to precincts that can be served by **common polling places**.

Sec. 271.002



Duty to Hold Elections Jointly

- Texas election law does not usually require a county or local entity to hold a joint election, with a few exceptions
- However, **other Codes and sources of law *may*** require a joint election (for example, the Education Code, see next slide).



ISDs Must Hold Joint Elections

- **School districts** must operate elections jointly with either a:
 - **City** in the district electing governing members;
 - **County** electing state and county officers;
 - **Public junior college district** that is electing board members, if school is in district; or
 - **Hospital district** electing board members, if the school district:
 - is wholly or partly located in a county with a population of less than 50,000 that is adjacent to a county with a population of more than three million; and
 - held its election for trustees jointly with the election for the members of the governing body of the hospital district before May 2007.

Education Code Section 11.0581



Contents of Joint Election Agreement

- **Polling places:**
 - A county polling place can be used as common polling place.
 - An entity may use a common polling place located **outside their own territory** if adequately and conveniently serves affected voters and facilitates orderly election.
- **Election officers:**
 - If they are eligible to serve as election workers for **one** entity, they can serve **all** participating entities.

Secs. 271.003, 271.005



Contents of Joint Election Contract

- **Early voting:** Decide whether doing it jointly.
 - If jointly:
 - Appoint one early voting clerk as “joint early voting” clerk.
 - Must keep normal early voting locations and hours.
 - The “regular” early voting clerks must **receive** applications for ballots by mail and FPCAS.
 - Other mail voting procedures can be done by **either**:
 - The entity’s regular early voting clerk; or
 - The joint early voting clerk.



Contents of Contract

- **Early voting:** Decide whether doing it jointly.
 - **If not** jointly:
 - Normal early voting laws apply.
 - Except that early voting by different entities may be co-located at common polling places.

Sec. 271.006



Contents of Joint Election Agreement

- **Ballots:**
 - Can have a joint ballot.
 - But have separate ballots available to avoid ineligible voting or facilitate provisional voting.
- **Form and records:**
 - Can combine in any manner convenient and adequate to record and report results of election.

Secs. 271.007, 271.008, 271.009



Compensation in Contract

- The expenses of a joint election are allocated as provided by the joint election agreement. Sec. 271.004.
- So basically, parties can agree to their own terms.



Contracting vs. Joint Election

	Contract for Services	Joint Election Agreement
Parties	County, Political Subdivision	Two or more political subdivisions (including county)
Approval	<ul style="list-style-type: none">County election officer and subdivision governing body.	<ul style="list-style-type: none">Both governing bodies.
Duty	<ul style="list-style-type: none">Yes, if elections administrator, except in May of even-numbered year.	<ul style="list-style-type: none">Education Code requires school districts to have joint elections.



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Voting System Equipment



Accessible Voting System

- All entities, including those that run their own elections, must provide at least one accessible voting device at each polling place under Section 61.012 of the Texas Election Code, with limited exceptions
- Entities can still use hand-marked, hand-counted ballots as their main method of voting, but must provide at least one accessible device
- Entities located in counties with a population of 20,000 or less may receive an exemption.



Accessible Voting System Exemptions

- Entities located in counties with a population of 20,000 or less may receive an exemption. The specific exemption depends on the county population, **not** the entity population.
- Monday, February 2, 2026 is the deadline for political subdivisions to submit [Form 16-1 Notice of Exemption Under Section 61.013 \(PDF\)](#) or [16-2 Application of Undue Burden Status \(PDF\)](#) 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, [Advisory 2025-06](#).



Lease of Voting System Equipment

- A political subdivision may lease election equipment from the county or may purchase or lease the equipment from any other source. (Sec. 123.032)
 - “Other source” typically means a voting-system vendor.
 - Could also be another local entity or a county other than the one the local entity is situated in.
- Governed by Chapter 123 of the Election Code



Approval of Contract

- Before the governing body may **enter into** a contract for voting system equipment from a source **other than** the county, the contract **must be approved** by the SOS.
 - The local entity doesn't need approval for a contract with the county because that equipment has already been approved by SOS
- Ensures the system and equipment comply with important requirements.

Sec. 123.035



Approval of Contract

- The governing body of a political subdivision must adopt the election equipment for use by **resolution, order, or other official action**.
- Must do so **regardless** of whether the equipment is being obtained by sale or lease.

Sec. 123.032



County's Duty to Contract For Lease

- A county is required to lease voting system equipment if the political subdivision requests it and is located at least in part in the county.
- But, the Commissioner's Court may impose **reasonable restrictions** for:
 - Ensuring the **availability** of the equipment for an election for which the county adopted it.
 - **Protecting** the equipment from misuse or damage.

Sec. 123.032



Contents of Contract

- If leasing from a county, the terms of the lease must be **mutually agreed to**.
- We also **strongly** recommend the lease explicitly address:
 - Who will program and pay for programming
 - Who will test and pay for testing
 - Who will tabulate votes and accumulate vote totals

Sec. 123.032



Compensation in Contract

- The county may charge the subdivision a fee for leasing the equipment.
- The fee may not exceed 10% of the purchase price of the equipment for each day of use.

Sec. 123.032



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Contracting for May Elections vs. November Elections



Election-Day Polling Place Rules

- In May elections, local entities generally have the ability to draw their own precinct lines and select their own polling place locations
- In November elections, the local entity **must** use the county's election precincts and must use the county's polling places that correspond to those precincts that include the entity's voters
- If the county uses the countywide polling place program, this means that a local entity located wholly or partly in that county **must use every single one of the county's polling places on election day**



Early Voting Polling Place Rules

- In May elections, local entities generally have the ability to decide where to place each of their early voting locations
- In November elections, the local entity **must** use at least one of the county's early voting locations contained in their territory, if any.
- In November, if the entity wants to use location other than an eligible county polling place, then each eligible county polling place located in the political subdivision must be designated as an early voting polling place by the political subdivision.

Section 85.010



Upcoming election

- The next election for local political subdivisions is the May 2, 2026 general, so local subdivisions may use their own election precincts and polling places.
- But if you happen to hold a November 3, 2026 elections, such as a VATRE or bond election etc., then the November rules apply. This means you must be in every county.
- This is a frequent source of confusion for entities that are regularly on May election cycles.



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Entities in More Than One County



General Considerations

- If you are located in more than one county, then you will need to make specific plans to address your voters **in all counties**.
 - This will always require you to get a list of registered voters from each county.
 - If the county is not running your election, you will also need to get a list of Annual ABBM/FPCA voters from each county that is not running your election.
 - **If you are holding a November election, this will also require you to set up polling locations in every county you are located in, and if one or more of those counties is countywide, every polling place in that county!**
 - If you are contracting with multiple counties, have a plan to aggregate your election results from each county.



Closing Reminders

- All agreements or contracts must be reviewed by your entity's legal counsel.
- All agreements must be in writing to define the key terms, responsibilities, and deadlines.
- Our office cannot review contracts or agreements for you, but we can advise you on the statutory requirements for these agreements that we've discussed in this presentation.
- Start the contracting process early, and be sure to talk to every county you are located in about your plan for each part of your election.



Available Support



WEBINARS



TRAINING



RESOURCES

elections@sos.texas.gov

800-252-VOTE • 512-463-5650

sos.texas.gov