

November 3, 2015 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, or such political subdivisions, including counties, have special elections on this date for propositions. 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 2015

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JULY 2015

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AUGUST 2015

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SEPTEMBER 2015

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NOVEMBER 2015

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DECEMBER 2015

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JANUARY 2016

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FEBRUARY 2016

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1. 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.

2. Note on Submissions to the U.S. Department of Justice

On June 25, 2013, the United States Supreme Court issued its decision in Shelby County 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.

3. 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).

4. 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 polling places. (Secs. 42.002, 42.0621 & 43.004).

NOTE ON NEW LAW: Sections 42.002 and 42.0621, as amended by House Bill 2027 (2015), provides that districts created under Section 52, Article III or Section 59, Article XVI of the Texas Constitution and located in a county or adjacent to a county of more than 3.3 million people must use county election precincts on the November uniform election date. Therefore, all political subdivisions holding an election on the November uniform date must use county election precincts.

5. 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.

6 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).

7. Note on Joint Elections Generally

Many entities will have joint elections for the November 3, 2015 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.

8. 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 November 3, 2015 election, this notice must be posted on or before Tuesday, October 13, 2015. 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 13, 2015. (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 4, 2015 – Monday, October 26, 2015. (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 26, 2015. (Secs. 1.006, 4.003(a)(3)).

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.

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: Since the commissioners court does not order this election (the governor orders it), 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 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).

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)).

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

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

Note for All Political Subdivisions, Except Counties & Cities:

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

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

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 4, 2015. (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 5, 2015. (Secs. 1.006, 4.008(b)).

9. 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(b)). 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. (Sec. 85.006(d)).

Note for Counties: The county election officer may also order early voting on a Saturday or Sunday, and determine the hours for such Saturday or Sunday early voting. This must be done by written order. (Sec.

85.006(b), (c)). Notice of Saturday or Sunday early voting must be posted for at least 72 hours immediately preceding the first hour that voting will be conducted. (Sec. 85.007(b)).

Note for 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)).

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

10. 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).

11. 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.

12. Note on Testing Tabulating and Electronic Voting Equipment

Note on Ballot Testing:

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

Note on Logic and Accuracy Test:

We recommend establishing a date to perform the first test of your electronic voting equipment (L&A, or Logic and Accuracy Test) as soon as possible. We recommend that this test be performed on a date that allows time to correct programming and retest, if necessary. A notice of this test must be published by the custodian of the electronic voting equipment at least 48 hours before the date of the test. (Sec. 129.023;

[Tex. Sec’y of State Election Advisory No. 2014-06](#)). The L&A test must be conducted not later than 48 hours before voting begins on a voting system. (Sec. 129.023).

Note on Testing Tabulating Equipment:

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

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

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

For more information on testing tabulating equipment used at the central counting station, please see Chapter 127, Subchapter D of the Election Code and [Tex. Sec’y of State Election Advisory No. 2014-06](#). See Chapter 129, Subchapter B of the Election Code and [Tex. Sec’y of State Election Advisory No. 2014-06](#) for other types of testing such as functionality tests, logic and accuracy tests, tests for central accumulators, etc. Also see Tex. Sec’y of State Election Advisory Nos. 2011-17, 2011-18, and 2011-19 pertaining to voting system equipment access, security and preservation, and chain of custody.

Calendar of Events

June

Thursday, June 25, 2015 (30th day before Saturday, July 25, 2015, 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 25, 2015 (30th day before Monday, August 24, 2015, 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 a Place on the City of _____ General Election Ballot](#)
[Petition for a Place on the City General Election Ballot](#)

Schools: [Application for a Place on the _____ ISD General Election Ballot](#)

Other Political Subdivisions: [Application for Place on _____ General Election Ballot](#)

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 Election 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. (This guideline is based on the office-hour rule.) 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 2015

-Recommended time for the county commissioners court to decide whether to consolidate county election precincts for the November 3, 2015 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 location of the consolidated precinct polling place. (Sec. 42.008). 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(b)).

Wednesday, August 5, 2015 (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 21, 2015 (74th 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 24, 2015. (Sec. 145.094(a)(1)).

Monday, August 24, 2015 (71st 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). The following applications may be provided to candidates:

Cities: [Application for a Place on the City of _____ General Election Ballot](#)
[Petition for a Place on the City General Election Ballot](#)

Schools: [Application for a Place on the _____ ISD General Election Ballot](#)

Other Political Subdivisions: [Application for Place on _____ General Election Ballot](#)

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

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

NOTE - NEW LAW: Senate Bill 1703 (2015) amended the filing deadline to be the 78th day before election day. However, the candidate filing deadline will be Monday, August 24, 2015 because the effective date of Senate Bill 1703 is September 1, 2015. (See, Sections 143.007, 144.005 and Section 11.055, Education Code, as amended.)

-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).

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)).

NOTE - NEW LAW: Senate Bill 1703 (2015) amended the filing deadline to be the 74th day before election day for write-in candidates for cities and other political subdivisions. However, the filing deadline for write-in declarations will be Monday, August 24, 2015 because the effective date of Senate Bill 1703 is September 1, 2015. (See, Sections 146.054, 144.006, as amended.)

NOTE: Senate Bill 100 (2011) amended the write-in declaration deadline for most local entities to be the same day as the regular filing deadline (for this uniform election date). As the laws were amended to apply to elections held on a uniform date other than the November even-numbered year election date, this means that the 71st day is the deadline for a write-in declaration for a special election. See, especially Sections 144.006, 146.054, as amended.

-Deadline for political subdivisions to order a general election to be held on Tuesday, November 3, 2015, 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 3, 2015, 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 [Note 8](#), 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.

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.

NOTE - NEW LAW: Senate Bill 1703 (2015) amended the ordering deadline to be the 78th day before election day. However, the ordering deadline will be Monday, August 24, 2015 because the effective date of Senate Bill 1703 is September 1, 2015. (*See*, Section 3.005, as amended.)

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

NOTE - City Offices with Four-Year Terms: If no candidate has filed for a city office with a four-year term, the filing deadline is extended to 5:00 p.m. on Tuesday, September 8, 2015. (Secs. 1.006, 143.008).

-First day to post [Notice of Drawing for Place on Ballot](#) if drawing is to be conducted on Thursday, August 27, 2015. 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 Thursday, August 27, 2015. (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)).

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

-*Recommended* date to order election supplies. (Subchapter A, Chapter 51).

-*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 19, 2015. (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.

Tuesday, August 25, 2015 (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 - NEW LAW: Senate Bill 1703 (2015) amended Section 201.054 to provide for a longer period of time to order a special election to be held on the November uniform date. As amended, Section 201.054 provides that if the special election 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.

Thursday, August 27, 2015 (68th day before election day; 3rd day after the filing deadline, Lyndon Baines Johnson Day, a State Holiday)

-Recommended date to conduct ballot position drawing. (Sec. 52.094).

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 [Note 12](#) prior to Calendar of Events). **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.**

*-Recommended first day that an election may be cancelled if all filing deadlines have passed and each candidate for an office listed on the ballot is unopposed. (Sec. 2.052). **This recommendation presumes a filing deadline of Monday, August 24, 2015 and a write-in deadline of Monday, August 24, 2015. 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 \(Not County\)](#)).

Saturday, August 29, 2015 (66th day before election day; 5th day after the filing deadline)

-5:00 p.m. - Last day for a candidate to withdraw, by submission of a [Certificate of Withdrawal](#) 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(a), 145.094(a)(2), 145.096(a)(2)).

NOTE - NEW LAW: Senate Bill 1703 (2015) will take effect September 1, 2015. It amended Section 145.096(a)(2) to be consistent with Sections 145.092(a) and 145.094(a)(2), and provides that a candidate's name shall appear on the ballot if the candidate withdraws or is declared ineligible after 5 p.m. of the fifth day after the filing deadline. While this currently conflicts with Sections 145.092(a)

and 145.094(a)(2), we have always viewed Section 145.094, amended in 2011 as prevailing over Section 145.096.

September

Tuesday, September 1, 2015 (63rd day before election day)

-Effective date of House Bill 1927 (2015), and first day to accept a regular application for ballot by mail for November 3, 2015 election.

NOTE - NEW LAW: House Bill 1927 (2015), amended Section 84.007 to eliminate the “first date” that a regular application for ballot by mail may be submitted to the early voting clerk. Under the new law, the application may be submitted “at any time in the year of the election for which a ballot is requested” as long as it is submitted by the deadline for that election. Therefore, as the effective date of House Bill 1927 is September 1, 2015, any regular application may be received on or after this date for the November 3, 2015 election.

Reminder: Federal Postcard Applications (FPCAs) filed on or after January 1, 2015 are valid until December 31, 2015. Annual applications for ballot by mail filed on or after January 1, 2015 and before September 4, 2015 are valid through December 31, 2015. See [entry](#) at Friday, September 4, 2015 for a further information about annual applications submitted on or after September 4, 2015. (Secs. 86.0015, 101.052).

Wednesday, September 2, 2015 (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 25, 2015. (Sec. 201.054(a)(1)). (For more information about write-in declaration deadline, see Monday, August 24, 2015 [note entry](#). For more details about Section 201.054 and the two possible special election deadlines, see Tuesday, August 25, 2015 [note entry](#).)

Friday, September 4, 2015 (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).

-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).

Monday, September 7, 2015 (57th day before election day, Labor Day, a state and national holiday)

-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)). As Section 1.006 does not apply to this Section of law, the deadline does not move forward to Monday, September 8, 2015.

NOTE - NEW LAW: Senate Bill 1703 (2015) amended Section 145.092 to provide that a candidate must withdraw by the 57th day before election day for an election with a filing deadline of the 62nd day before election day.

Tuesday, September 8, 2015 (56th day before election day)

-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. (Secs. 1.006 and 143.008). (See August 24, 2015 [note entry](#)).

Monday, September 14, 2015 (50th day before election day; 20th day after August 24, 2015)

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

NOTE - NEW LAW: 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. However, as the effective date of Senate Bill 1703 is September 1, 2015, the deadline for November 3, 2015 will be Monday, September 14, 2015.

-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 notify election judges of their appointment if they were appointed, as recommended by Monday, August 24, 2015. (Secs. 1.006, 32.009(b)). Presiding and alternate judges must be given [Notice of Appointment](#) in writing, no later than the 20th day after the date of appointment. (Sec. 32.009(a)). If the appointment is for a single election only, the notice of appointment may be combined with the notice of the judge's duty to conduct the election ([Writ of Election](#)). (Secs. 4.007, 32.009(e)). 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 Monday, October 19, 2015 (15th day before election day). (Sec. 4.007).

-*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 to the early voting clerk of any political subdivision located within the county that is holding an election on November 3, 2015. 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 under Section 4.008, see [entry](#) at Friday, September 4, 2015. *See*

also, the note below, and the [entry](#) at Friday, October 23, 2015 for more information about delivery of a final list of voters. See [entry](#) at Thursday, October 22, 2015 and [entry](#) at Saturday, October 31, 2015 for more information on the delivery of copies/images of the applications.

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

-Last day to publish notice for testing of automatic tabulation equipment testing and logic and accuracy testing (L&A testing) of a voting system that uses direct recording electronic (DRE) voting machines and precinct scanners if test will be completed by recommended deadline of Friday, September 16, 2015. Notice of the public tests must be published at least 48 hours before the test begins. (Secs. 127.093, 129.001, 129.023). See [Note 12](#), above.

Monday, September 14, 2015 – Sunday, December 13, 2015 (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 16, 2015 (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 12](#), above.

Friday, September 18, 2015 (46th day before election day)

-Last day to order a special election to fill a vacancy (if authorized to fill vacancies by special election). 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).

NOTE - NEW LAW: Senate Bill 1703 (2015) amended Section 201.054 to provide for a longer period of time to order a special election to be held on the November uniform date. As amended, Section 201.054 provides that if the special election 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. Senate Bill 1703 (2015) also amended Section 201.052 to provide that the last day to order a special election to fill a vacancy is the 46th day before election day.

Saturday, September 19, 2015 (45th day before election day)

-Deadline to mail ballots to military or overseas voters who submitted their ballot request via a federal postcard application (FPCA) or via a standard application for ballot by mail and indicated that they are outside the United States. Ballots must be mailed by this date or the 7th day after the clerk receives the application. If the early voting clerk cannot meet this 45th-day deadline, the clerk must notify the Secretary of State within 24 hours. (Sec. 86.004(b)).

NOTE - NEW LAW: House Bill 2778 (2015) (effective September 1, 2015) amended Section 101.104 to provide that “any election in which the voter who registers under this chapter is eligible to vote” is a covered election. As Section 86.004 provides a 45th day deadline for any election covered under Section 101.104, there is no longer a distinction between elections with a federal office on the ballot or certain elections to fill a vacancy in the legislature, and all other elections. Therefore, all ballots for military and overseas voters that indicate that they are outside the United States must be mailed by this date or the seventh day after receipt of the application. Further, the language of Section 86.004 limits it applications to voters “outside the United States;” however, Section 86.004 was amended in 2011 to implement the federal Military and Overseas Voter Empowerment (Pub. L No. 111-84), which applies to all voters eligible to use a federal postcard application under Section 101.001. Therefore, we strongly recommend that ballots to all military and overseas voters be mailed by this date, or by the 7th day after the clerk receives the application.

Reminder: In regards to mail ballots for other voters (not military or overseas), the early voting clerk must mail a ballot not later than the 7th day after the later of: (1) the date the early voting clerk has accepted a voter’s application for a ballot by mail or (2) the date the ballots become available for mailing. However, if the 7th day falls earlier than the 45th day before election day, the voter’s mail ballot must be mailed no later than the 38th day before election day. (Sec. 86.004(a)).

Thursday, September 24, 2015 (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 18, 2015. (Sec. 201.054(a)(2)). (For more information about write-in declaration deadline, see Monday, August 24, 2015 [note entry](#). For more details about Section 201.054 and the two possible special election deadlines, see Tuesday, August 25, 2015 [note entry](#).)

Monday, September 28, 2015 (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, September 29, 2015 (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)).

October

Sunday, October 4, 2015 (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. Cities and School Districts are required to publish their notice. (Sec. 4.003(a)(1)). See [Note 8](#) prior to Calendar of Events for Notice requirements and other Notice Information.

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.

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 5, 2015 (29th day before election day)

-Last day to register to vote or make a change of address effective for the Tuesday, November 3, 2015 election. (Secs. 13.143, 15.025).

NOTE: A Federal Postcard Application (FPCA) also serves as an application for **permanent** registration under Texas law **unless the voter marked “outside the U.S. indefinitely” (2005) form or “do not intend to return” (2011 form)**. The early voting clerk should make a copy (for mailing ballots, keeping records, etc.), then should forward the original to the county voter registrar, as soon as practicable. (Sec. 101.055, 1 Tex. Admin. Code Sec. 81.40(a), (c)(2)).

-First day of period during which notice of election must be published if the 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)).

-*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).

-*Recommended* date for early voting clerk to issue order calling for appointment of signature verification committee. (Sec. 87.027). This form may be used to issue order: [Order Calling for Signature Verification Committee](#)

If the signature verification committee will start meeting on Wednesday, October 14, 2015, early voting clerk must post copy of the order calling for appointment of the signature verification committee on or before this date. The notice must remain posted continuously for at least 10 days before the first day the committee meets. (Sec. 87.027, 1.006).

Friday, October 9, 2015 (25th 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 Monday, October 5, 2015. (Secs. 51.002, 87.027). 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 13, 2015 (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)). Cities and school districts **must** publish their notice in the newspaper. A [Record of Posting Notice of Election](#) should be completed at the time of posting. (Sec. 4.005).

Wednesday, October 14, 2015 (20th day before election day)

-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 3, 2015. A person submitting who is **not** permanently registered to vote and submits a postmarked FPCA after this date (20th day) and before election day, is not entitled to receive a ballot for any non-federal election. See Monday, October 19, 2015 [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 **"outside the U.S. indefinitely" (2005 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 "as outside the U.S. indefinitely" (2005 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 16, 2015, if testing has not already completed by September 16, 2015. 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 12](#), above.

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

Friday, October 16, 2015 (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 Defective Application for Ballot by Mail](#) and a statement that the voter is not entitled to vote early by mail unless he or she submits a sufficient application by the deadline, which is Friday, October 23, 2015. (Secs. 84.007(c), 86.008).

NOTE - NEW LAW: Senate Bill 1703 (2015) amended Section 86.008 to provide that if a defective application is received on or before the 18th day before election day, the early voting clerk shall provide a new application. Previously, the deadline was set at the 12th day before election day.

-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 12](#), 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 19, 2015 (15th day before election day)

-First day to vote early in person. (Sec. 85.001(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 17, 2015), it is extended to the next regular business day (Monday) under Section 85.001(c). (Sec. 85.001).

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 14, 2015 [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. (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 21, 2015 (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 24, 2015. (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 - NEW LAW: Section 85.007, as amended by House Bill 2721 (2015), requires that the election notice, which includes the days and hours of early voting be posted on the political subdivision's website, if the political subdivision maintains a website.

Thursday, October 22, 2015 (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 25, 2015. (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 ON NEW LAW: Section 85.007, as amended by House Bill 2721 (2015), requires that the election notice, which includes the days and hours of early voting be posted on the political subdivision's website, if the political subdivision maintains a website.

-First day that counties with a population of 100,000 or more (or local subdivisions conducting a joint election with such a county) may convene their early voting ballot board and deliver by mail ballots to begin processing and qualifying mail ballots; however, the mail ballots may not be counted until (i) the polls open on election day, or (ii) in an election conducted by an authority of a county with a population of 100,000 or more or conducted jointly with such a county, the end of the period for early voting in person. (Secs. 87.0222, 87.0241). The early voting clerk shall continuously post notice for 24 hours preceding each delivery of voting materials that is to be made before the time for opening the polls on election day. (Sec. 87.0222).

NOTE - NEW LAW: Section 87.0222, as amended by Senate Bill 383 (2015), changed the first day that a county with a population of 100,000 or more may begin processing and qualifying mail ballots from the end of the ninth day before election day to the end of the ninth day before the last day for early voting by personal appearance.

NOTE - NEW LAW: 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 23, 2015 (11th day before election day)

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

-Last day 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)).

-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 3, 2015, for which the county clerk/elections administrator is not the early voting clerk via a joint election agreement or contract for election services. See [note](#) on House Bill 1927 (2015) for more information.

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

Monday, October 26, 2015 (8th 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)). Since the deadline (10th day before election day) falls on a Saturday, the deadline is extended to the next business day. (Sec. 1.006).

-Last day to mail a copy of the notice of election to each registered voter in the county **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)).

Wednesday, October 28, 2015 (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 3, 2015 to the Secretary of State. (Sec. 34.001).

Thursday, October 29, 2015 (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 26, 2015. (Secs. 85.005(c), 85.067).

-A voter is eligible to vote a late ballot if they will be out of the county 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, October 31, 2015 (the day after early voting in person ends). (Secs. 103.001, 103.003(b)).

Friday, October 30, 2015 (4th day before election day)

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

-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 26, 2015. (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, October 31, 2015. 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 1, 2015, and testing was not already completed. The public notice of the test of automatic tabulating equipment must be published at least 48 hours before the test begins. (Sec. 127.096).

Saturday, October 31, 2015 (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)

-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 - NEW LAW: 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, October 29, 2015, 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 22, 2015. (Secs. 102.001, 102.003).

November

Sunday, November 1, 2015 (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 12](#), above).

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)

Monday, November 2, 2015 (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).

NOTE - NEW LAW: Section 87.122, as amended by House Bill 2366 (2015), requires the early voting clerk to notate those voters that have voted early on the precinct list of registered voters instead of the presiding election judge.

-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 2, 2015, 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 3, 2015 - (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.

NOTE - NEW LAW: House Bill 1927 (2015) amended Section 86.006 to provide in-person delivery of a mail ballot to the early voting clerk on election day.

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 22, 2015. (Sec. 102.003(b)).

7:00 p.m. - Deadline for receiving **early voting ballots** by mail and late ballots cast by voters who became sick or disabled on or after, Thursday, October 22, 2015. (Secs. 86.007(a), 102.006(c)).

NOTE - Receipt of Mail Ballots: All marked early voting ballots sent by mail from inside the United States must arrive before the time the polls are required to close on election day. If the early voting clerk cannot determine whether a ballot arrived before the deadline, the ballot is considered to have arrived at the time the place at which the carrier envelopes are deposited was last inspected for removal of returned ballots. (Sec. 86.007(a)). The early voting clerk **must** check the mailbox for early voting mail ballots at least once after the time for regular mail delivery. (Sec. 86.007(b)). **A marked early voting mail ballot that is not timely returned may not be counted unless the ballot may be counted late, pursuant to Section 86.007(d), which applies to ballots mailed from outside the United States.**

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 - 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).

-Precinct election returns are delivered to the appropriate authorities after completion. (Sec. 66.053(a)).

Wednesday, November 4, 2015 (1st business day after election day)

-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.

Friday, November 6, 2015 (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)). Results of manual count must be mailed 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)).

Sunday, November 8, 2015 (5th day after election day)

-Last day to post notice of governing authority's meeting to canvass returns of election if canvass is to take place on Wednesday, November 11, 2015 (8th day after election). This notice must be posted at least 72 hours before the scheduled time of the meeting. (Secs. 551.002, 551.041, 551.043, Texas Government Code).

Monday, November 9, 2015 (6th day after election day)

-Last day to receive carrier envelopes placed in the mail by 7:00 p.m. on election day, Tuesday, November 3, 2015, from voters who are voting outside the United States. (The deadline is extended to the next regular business day which is Monday, November 9, 2015 due to the 5th day falling on a Sunday.) (Sec. 86.007(d)(3)).

-Deadline for provisional voter to: (1) present acceptable identification to county voter registrar, (2) execute an affidavit relating to natural disaster or religious objection in presence of county, (3) apply for and receive a disability exemption with the voter registrar, or (4) present official document to the voter registrar to verify their identity. (Secs. 65.054(b), 65.0541(a); 1 Tex. Admin. Code Sec. 81.71).

-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), but see **NOTE**, below.

NOTE: Council members may take office anytime following the canvass. Section 22.006 of the Texas Local Government Code states that a newly-elected municipal officer of a Type A city may

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

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 10, 2015 (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)).

Wednesday, November 11, 2015 (8th day after election day, Veterans Day holiday)

-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 ballots cast from addresses outside the United States, if a ballot by mail was provided to a person outside of the United States. (Sec. 67.003). Notice of canvass must be posted at least 72 hours continuously before the canvass is conducted.

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)).

-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 9, 2015.

Thursday, November 12, 2015 (9th day after election day)

-Last day for early voting ballot board to convene to qualify and count any late ballots that were submitted from outside the United States and received by Monday, November 9, 2015. (Sec. 87.125(a)).

-Last day for early voting ballot board to convene to qualify and count any provisional ballots that have been reviewed by the voter registrar. (Secs. 65.051(a)).

NOTE - NEW LAW: Senate Bill 1703 (2015), amended Sections 65.051 and 87.125 to provide a deadline of the ninth day for the early voting ballot board to convene and count any overseas or provisional ballots.

Friday, November 13, 2015 (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 16, 2015 (13th day after election day)

-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)).

Wednesday, November 18, 2015 (15th day after election day)

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

Monday, November 23, 2015 (20th day after election day; 10th day after first canvass date)

-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 Wednesday, November 11, 2015, 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. (The statutory deadline falls on Saturday, November 21, 2015, and is extended to this day under Section 1.006.) (65.059; 1 Tex. Admin. Code Sec. 81.176(e)).

Tuesday, November 24, 2015 (21st day after election day)

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

Monday, November 30, 2015 (27th day after election day; 10th day after canvass deadline)

-Last day for the presiding judge of the early voting ballot board to mail notices of the disposition of provisional ballots to provisional voters if the local canvass was held on Monday, November 16, 2015, 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.

(Because the 10th day after the last day of the local canvass falls on Thursday, November 26, 2015, Thanksgiving Day, the deadline is extended to Monday, November 30, 2015.) (Sec. 1.006).

December

Thursday, December 3, 2015 (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 13, 2015 (40th day after election day)

-Last day of the period for mandatory office hours. See [entry](#) for Monday, September 14, 2015. (Sec. 31.122).

January

Sunday, January 3, 2016 (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)).

2016 and 2017

Wednesday, May 4, 2016 (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 Texas Secretary of State Election Advisory Nos. [2011-17](#), [2011-18](#), and [2011-19](#)).

November 3, 2017 (Two Years after November 2015 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).