

# Q&A with the Elections Division

## February 14, 2024



# Important Dates

- **Wednesday, February 14, 2024**
  - First day the Signature Verification Committee, if appointed, can begin meeting.
  - NOTE: The EVBB has no statutory first day and may already be meeting!
- **Saturday, February 17, 2024**
  - Last day to conduct the public L&A test of a Voting System (Sec. 129.023)
- **Tuesday, February 20, 2024**
  - First day of Early Voting!



# Custodian of Keys for the Primary Election

- Section 66.060 of the Code designates that the following individual will act as the custodian of keys for the following types of elections:
  - For an election ordered by the governor or a county authority or for a primary election, **the sheriff**, for elections in which the sheriff is not on the ballot.
  - If the sheriff is on the ballot, then the **county judge**.
  - If the sheriff and county judge are both on the ballot, then the county auditor, or if the county does not have a county auditor, then a designated member of the commissioners court who is not on the ballot and who is appointed for that role by the commissioners court.



# Custodian of Keys for the Primary Election

- Due to the high volume of polling locations in many elections, it is impracticable for the custodian to personally retain the keys to all locations for early voting and election day.
- The custodian may **designate** certain individuals to assist them with this statutory obligation
  - Designees should be employed by custodian or authorized to perform duties under the direction of the named custodian.



# Custodian of Keys for the Primary Election

- The Secretary of State's Office has defined the authorized designees for each type of custodian. These designations are based on provisions outlined in Sections 1.007 and 66.060 of the Texas Election Code.
- **Sheriff as Custodian**
  - Sheriff's Deputies
- **County Judge as Custodian**
  - Employees or Deputies of the County Judge
  - If the County Judge does not have the staff that can assist with this function, the county judge may designate the county auditor or members of the county auditor's staff if the county has a designated county auditor. If the county does not have a county auditor, the County Judge may designate certain members of the commissioners court, if they are not on the ballot for that election.
- **Constable as Custodian**
  - Constable's Deputies
- **Chief of Police or City Marshall**
  - Police Deputies or Employees of the Police Department



# Custodian of Keys for the Primary Election

- Designation of additional individual(s) should be in writing and made separately for each election and maintained with election records.
- The designee should be trained on any specific chain of custody procedures related to maintaining the keys and on any required actions they designee may have to perform.
- The named custodian does not have to be present when their designee is performing these actions, provided that the official custodian of keys has been provided notice of these actions and the actions are being performed under their direction or order.
- The Secretary of State also recommends that any time an action is performed in accordance with the requirements outlined in Section 66.060, the designee should document their actions and/or provide a report of their actions to the official custodian of keys.



# Office Hours for Voter Registrars

- The VR office shall remain open for voter registration activities during the hours the polls are required to be open for voting on election day in a primary election (12.004(b))
- The VR office shall remain open for extended hours or weekend hours during the extended or weekend hours required for the Primary election. (12.004(c)).



# Signature/Initials on the Back of the Ballot

- Early Voting Clerk to Initial Ballots for Early Voting (Sec. 85.0311)
- Presiding Judge to Sign back of Ballots on Election Day (Sec. 62.008)
  - Because both parties' co-judges have the authority of a presiding election judge with respect to that polling place, either party's co-judge could sign the ballots issued at that polling place for either party's primary. However, the parties could also agree to have each party's co-judge be responsible for signing the back of the ballots issued for their own party's primary election.



# Party Offices and CAD Elections

- The County Appraisal District (CAD) board member positions are not county government positions.
- A party officer (County Chair or Precinct Chair) may run for these officer positions.
- Section 161.005 of the Texas Election Code does not apply to these elections, therefore there is no conflict.



## County Chairs

- County Chair can be present at the L&A Test and First Test of Automatic Tabulating Equipment [Secs. 127.096, 129.023]
- The County Chair of a party conducting primary election may be in the polling place during the voting period as necessary to perform administrative functions related to the conduct of the election. [Sec. 172.1113]
- The County Chair may also be in the Central Counting Station while it is convened. [Sec. 31.091]



## Primary Notices

- **Notice of Election** must be posted on the county's website no later than the 21<sup>st</sup> day before election day.
- **Notice of Party Convention** must be posted at the polling place [Sec. 172.1111]
- Parties may prepare a **Notice of Convention** ("hand out") to be given to each voter who participates in the party's primary at the time the voter is accepted for voting [Sec. 172.1114]



# SOS Availability during Early Voting

- General Rule
  - SOS Staff is available for assistance 8:00 am to 5:00 pm Monday through Friday on regular business days.
- Primary Election Extended Hours
  - Monday, February 19, 2024 (President's Day)
    - While our office is normally closed, we will have some limited phone and email support.
  - Saturday, February 24, 2024
    - SOS Staff available 8:00 am – 5:00 pm
  - Sunday February 25, 2024
    - SOS Staff available 12:00 pm – 5:00 pm
  - Election Day
    - SOS Staff available beginning at 6:00 AM – ENR Activities



# Questions?

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