



# Early Voting in Person Changes

Texas Secretary of State – Elections  
Division



# Census (HB 2025)

- The population figures from the 2010 federal census will continue to apply with respect to a statute that applies to a political subdivision having a certain population according to the most recent federal census until September 1, 2023.
  - A statute does not apply to a political subdivision to which the statute did not apply under the 2010 federal census, regardless of whether the political subdivision has the population prescribed by the statute according to the 2020 federal census.
- Basically, for the time being, governmental entities will continue to operate under 2010 census numbers for statutes with a certain population threshold

[Gov't Code Sec. 2058.001]



# MAIN EARLY VOTING POLLING PLACE



# Early Voting Hours

Polling place hours at the main early voting location will depend on who is designated by statute as the early voting clerk:

- County Election Officer (Sec. 83.002)
- City Secretary (Sec. 83.005)
- Other (Sec. 83.006)

Early voting hours are also dependent on county size:

- Population over 55,000
- Population less than 55,000



# NEW LAW Regular Dates & Times of Early Voting

If the EV clerk is...	Where?	When?	Hours?
<b>City Secretary</b>	Main Early Voting Polling Place	Weekdays during Early Voting Period that is not a legal state holiday	<p>If 1,000 registered voters or greater = At least <b>9 hours</b> each weekday of EV period.</p> <p>If less than 1,000 registered voters = At least <b>4 hours</b> each weekday of EV period.</p>
<b>County Elections Officer</b>	Main Early Voting Polling Place	Weekdays during Early Voting Period that is not a legal state holiday	At least <b>9 hours</b> each day, but voting may not be conducted earlier than 6 a.m. or later than 10 p.m.
<b>Other EV clerk</b>	Main Early Voting Polling Place	Weekdays during early voting period that is not a legal state holiday	<p>If 1,000 registered voters or greater = At least <b>9 hours</b> each weekday of EV period.</p> <p>If less than 1,000 registered voters = At least <b>4 hours</b> each weekday of EV period.</p>

[Sec 85.005]



# Extended Hours – Weekdays

## Counties with a Population of 55,000 or More

- Primary election or the general election for state and county officers
  - The main early voting location must be open for **12 hours each weekday of the last week of early voting**
    - No earlier than 6 AM or later than 10 PM
- Special election ordered by the Governor (May 2022 Constitutional Amendment Election):
  - The main early voting location must be **open 12 hours for the last 2 days of early voting**
    - No earlier than 6 AM or later than 10 PM

[Sec. 85.005(c)]



# Extended Hours – Weekdays

## Counties with a Population of Less than 55,000

Extended weekday hours not required unless a petition is received:

- Petition is signed by at least 15 registered voters of the county
- If petition is received and valid, will have 55,000+ county extended hours
- Written request must be submitted in time to enable compliance with Section 85.067. There is a 5-day notice posting requirement if the early voting clerk receives a petition requesting these extended hours

[Sec. 85.005(c)]



# Extended Hours – Weekdays

## Elections order by a city, school, or other political subdivision:

- **NEW LAW:** Cities are no longer required to conduct early voting at the main early voting polling place for 12 hours on two weekdays
- If cities, schools, or other political subdivisions wish to conduct extended early voting at the main early voting polling place that information must be included in the original order and notice of election

[Sec. 85.005(c)]





# Extended Hours – Weekend

## Counties with a Population of 55,000 or More

- Required weekend early voting for the Primary election or the general election for state and county officers
  - 12 hours the last Saturday of early voting
    - No earlier than 6 AM or later than 10 PM
  - 6 hours the last Sunday of early voting
    - No earlier than 9 AM or later than 10 PM
- Special election ordered by the Governor (May 2022 Constitutional Amendment Election):
  - County Election Officer **may** order voting on a Saturday or Sunday at the main early voting location by written order
  - County Election Officer **must** order Saturday or Sunday early voting upon receipt of a petition submitted by at least 15 registered voters of the county requesting weekend hours

[Sec. 85.006(e)]



# Extended Hours – Weekends

## Counties with a Population of Less than 55,000

Extended weekend hours not required unless a petition is received:

- Petition is signed by at least 15 registered voters of the county
- If petition is received and valid, will have 55,000+ county extended hours
- Written request must be submitted in time to enable compliance with Section 85.007. There is a 5-day notice posting requirement if the early voting clerk receives a petition requesting these extended hours

[Sec. 85.006(e)]



# Extended Hours – Weekends

## Elections order by a city, school, or other political subdivision:

- For cities, schools, and other political subdivisions the authority ordering an election may order voting for a Saturday or Sunday (or both) at the main early voting location
  - **NEW LAW:** City secretaries no longer have the authority to order Saturday or Sunday early voting 72 hours immediately preceding the first hour that voting will be conducted.
  - Voting on **ANY** Saturday/ Sunday **MUST** be included in the **election order**. The order must include the dates and hours of Saturday and/or Sunday voting

[Sec. 85.005(c)]



# Voting after the time the polls close

- **NEW LAW:** A voter who has not voted before the scheduled time for closing a polling place during the early voting period is allowed to vote after that time if the voter is in line at the polling place by closing time.
  - Previously this procedure only applied to voting on election day



# PERMANENT BRANCH LOCATIONS



# Permanent Branch Locations

- Branch offices that are regularly maintained for conducting general clerical functions of the county clerk/elections administrator are required to serve as permanent branch early voting locations.
- Used only in countywide election in which the **county clerk is the EV clerk** under Sec. 83.002.
- Days and Hours: These polling locations keep the hours and days as the main early voting polling place. (Sec. 85.063)
- **Exception to Use of Permanent Branches:**
  - Governing body may establish a temporary branch polling location to be used instead of a permanent branch location. (Sec. 85.061)



# TEMPORARY BRANCH LOCATIONS



# Required Use of Temporary Branch Locations

- Counties conducting a primary election, general election for state and county officers, or a special election to fill a legislative vacancy **MUST** establish temporary branch polling places as follows:
  - in a county with a population of 400,000 or more, the commissioners court must establish one or more temporary polling places, other than the main early voting polling place, in each state representative district containing territory covered by the election.
  - in a county with a population of 120,000 or more but less than 400,000, the commissioners court must establish one or more temporary polling places, other than the main early voting polling place, in each commissioners precinct containing territory covered by the election.
  - in a county with a population of 100,000 or more but less than 120,000, **the early voting clerk** must establish one or more early voting polling places in each commissioners precinct for which the early voting clerk receives a timely filed written request submitted by at least 15 registered voters of that precinct. The written request must be received in time to enable compliance with Section 85.067 of the Code.
    - **NEW LAW:** makes the early voting clerk the authority responsible for establishing temporary branch polling places





# Temporary Branch Locations

## Location:

1. In territory served by Early Voting Clerk;
2. **Inside any building;**
  - May not be located in a movable structure in the general election for state and county officers, general primary election, or runoff primary election
3. Cannot be in a candidate's (or relative to candidate's) home

**MUST** be “fixed at one place” for duration of period voting is required to be conducted. [Sec. 85.062(c)]



# Temporary Branch Locations – Counties, and Entities in Counties, with a Population of 100,000 or More

- Entity may establish one or more temporary early voting polling places.
- Established by:
  - County Clerk/Elections Administrator as EV Clerk → Commissioners Court
  - Any other Early Voting Clerk → Governing Body of Political Subdivision. (Sec. 85.062(a)(2))
- An entity may add additional branch locations during the early voting period, however, once the branch location is open it must remain open all the same weekdays as the main early voting location for at least 8 hours a day (3 hours if an exception applies)
  - Must still meet the 5 day notice requirement for the additional branches [85.067]
  - It is NOT possible to remove branch locations at any time



# Temporary Branch Locations - Counties, and Entities in Counties, with a Population of 100,000 or More

Hours:

- **For counties and cities:** Early voting at any temporary branch polling location **must** be conducted on the same **weekdays** as the main early voting location and must remain open for at least eight hours each day it is open.

[Sec. 85.064]



# Temporary Branch Locations – Counties, and Entities in Counties, with a Population of less than 100,000

- **NEW LAW:** HB 3107 (2021) - Voting at a temporary branch polling place must be conducted on at least **two** consecutive business days and for at least **eight** consecutive hours on each of those days
  - The schedules for conducting voting are not required to be uniform among the temporary branch polling places.
- If the early voting clerk is a county election officer or city secretary, the early voting clerk must post notice for each election stating any dates and the hours that voting will be conducted

[Sec. 85.065]



# ACCESSIBILITY



# Accessibility

- *Remember* – like an election day polling place, early voting location **must** be accessible for the elderly and persons with physical disabilities

[Sec. 43.034(c), Ch. 469, Tex. Gov't. Code]



# Reasonable Accommodation or Modification

- **NEW LAW:** a provision of the Election Code may not be interpreted to prohibit or limit the right of a qualified individual with a disability from requesting a reasonable accommodation or modification to any election standard, practice, or procedure mandated by law or rule that the individual is entitled to request under federal or state law.

[Sec. 1.022]



# CURBSIDE VOTING FOR VOTERS WITH DISABILITIES





# Curbside Voting

- Must be available at all early voting and election day polling places
- Available to a voter who is physically unable to enter the polling place without personal assistance or likelihood of injuring the voter's health
  - A voter may NOT cast a vote from inside a motor vehicle unless they meet the requirements for curbside voting
- A poll watcher is authorized to observe any activity related to curbside voting, except a poll watcher may not observe a voter marking their ballot



# Curbside Voting – Multiple Voters

- **NEW LAW:** a person who simultaneously assists seven or more voters that are curbside voting by providing transportation **MUST** complete and sign a form
  - Form 7-59: Information of Person that Provided Transportation to Seven or More Voters for Curbside Voting
- Does **NOT** apply if the person assisting is related to each voter within the second degree by affinity (marriage) or the third degree by consanguinity (blood)

[Sec. 64.009]



# Additional Resources

- Election Law Calendars
  - [March 1, 2022 Primary Election Law Calendar](#)
  - [May 7, 2022 Election Law Calendar](#)
- [Election Forms Index](#)
- [Conducting Your Elections Page](#)
- [Election Advisory 2022-07](#) : Changes to Early Voting by Personal Appearance – House Bill 2025, House Bill 3107, and Senate Bill 1



# Any Questions?

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