
March 1, 2022 Primary Election Law Calendar

Note: For deadlines affecting all candidates, refer to our online [2022 Candidates' Guide Important Dates](#) calendar. Remember that under Section 41.007(d) of the Texas Election Code, no other elections may be conducted on primary or runoff primary election day.

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NOTE REGARDING CERTAIN STATUTES AND GOVERNMENTAL ACTIONS THAT RELATE TO THE FEDERAL CENSUS: Pursuant to HB 2025 (2021, R.S.), 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. The bill specifies that 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.

1. Note on Campaign Information

Under Title 15 of the Texas Election Code, candidates running for 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. Candidates filing for federal offices should contact the [Federal Elections Commission](#) toll-free at 1-800-424-9530 or visit their website.

2. Note on Statutory and Administrative Code References

Unless otherwise indicated, all references are to the Texas Election Code. The county election officer is either 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 & 31.091). The county voter registrar is either 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 & 31.071).

Any references to the Texas Administrative Code are cited to the relevant section of the "T.A.C."

3. Note on Web Posting Requirements

In the 2021 Regular Session, the 87th Legislature enacted SB 1116, which created additional requirements regarding information that a county must post on its website for elections held by a county or elections for any local political subdivision in which the county has contracted to provide election services. While these statutory web posting requirements do not specifically apply to primary elections, **we strongly recommend that you post this information for any primary election in which the county has contracted to provide election services.**

Not later than the 21st day before election day, a county that provides election services for a primary election should post the following information related to that upcoming primary election:

- The date of the election;
- The location of each polling place;
- Each candidate for an elected office on the ballot; and
- Each measure on the ballot. (Sec. 4.009).

In addition, a county that provides election services for a primary election should post the following information **as soon as practicable after the election**. This information should be accessible without having to make more than two selections or view more than two network locations after accessing the county's home page. The information on the website should include:

- the results of each election;
- the total number of votes cast;
- the total number of votes cast for each candidate or for or against each measure;
- the total number of votes cast by personal appearance on election day;
- the total number of votes cast by personal appearance or mail during the early voting period; and
- the total number of counted and uncounted provisional ballots cast. (Sec. 65.016).

4. Note on Notice of Elections

NOTE: There is no order of election in a primary election. The primary election occurs automatically as a matter of law on the primary election dates outlined in the Texas Election Code.

The county clerk must post a notice of election on or before the 21st day before the election. (Secs. 4.003(b), 172.1112). (**NOTE:** There is no requirement to publish notice of the primary or runoff primary elections in a newspaper, and the cost of any such publication will not be reimbursed with primary funds.) For the Tuesday, March 1, 2022 Primary Election, this notice must be posted on the county's website (or, if the county does not have a website, on the commissioners court bulletin board) on or before Tuesday, February 8, 2022. For the Tuesday, May 24, 2022 Runoff Primary Election, the notice must be posted on or before Tuesday, May 3, 2022.

This notice **must** include:

1. The type and date of the election;
2. The location of the main early voting polling place, **including the street address, room number, and building name. The notice must designate which location is the main early voting polling place;**
3. The location of each polling place, **including the street address, room number, and building name;**
4. The hours the polls will be open;
5. The regular dates and hours for early voting by personal appearance;
6. The dates and hours of any Saturday or Sunday early voting;

7. The early voting clerk's official mailing address or street address at which the clerk may receive delivery by common or contract carrier, if different, phone number, e-mail address, and the Internet website, if the early voting clerk has an Internet website;
8. We **recommend** that the information regarding branch early voting locations be included as part of your notice; and
9. Any other information required by law.

(Secs. 4.004, 83.010, 85.004, 85.007).

NOTE – NEW LAW: HB 3107 (2021, R.S.) amended Section 4.004 of the Code to require the notice of election to include the Internet website of the authority conducting the election. (Sec. 4.004(a)).

NOTE – NEW LAW: HB 3107 (2021, R.S.) amended Section 83.010 of the Code to require the election notice to state the early voting clerk's official mailing address or street address at which the clerk may receive delivery by common or contract carrier, if different, phone number, e-mail address, and the Internet website, if the early voting clerk has an Internet website. (Sec. 83.010).

NOTE – NEW LAW: HB 3107 (2021, R.S.) amended Section 85.004 of the Code to provide that an election notice must designate which location is the main early voting polling place. (Sec. 85.004).

NOTE – ANY notice of polling locations must include more detailed information regarding the polling locations including: the polling location's street address, any applicable suite or room number, and any applicable building name. (Sec. 1.021).

Note regarding branch early voting locations: The branch early voting locations are no longer a required part of the notice under the Texas Election Code. However, the early voting clerk must post a schedule stating the location of those branch early voting locations and the dates and hours that temporary branch voting will be conducted. That schedule must be posted on the county's website if the county has a website; otherwise, it must be posted on the commissioners court bulletin board. (Secs. 4.004, 85.067, 85.068).

Notice for Consolidated Precincts. If precincts are to be consolidated for the election, a notice of consolidated precincts must also be posted and may be included on the Notice of Election. (Secs. 4.003, 172.1112).

Notice of Changed Polling Place: If a different polling place is being used from the previous election held by the same authority, notice must be posted at the entrance of the previous polling place informing voters of the current polling place location, if possible, no later than the day before election day. (Sec. 43.062).

Notice of Nearest Polling Places in Countywide Election: EACH countywide polling place must post a notice, at that location, of the four nearest locations, by driving distance. (Sec. 43.007(o)). [Notice of Four Nearest Countywide Polling Place Locations \(PDF\)](#).

NOTE: The county must post a copy of the election notice on the county's website, if the county maintains a website. If the county does not maintain a website, then the county clerk will post a copy of the election notice on the bulletin board used for commissioners court meetings. (Sec. 4.003(b)).

NOTE: Notice of the early voting dates and hours must be posted continuously for 72 hours on the county's website before voting begins. If the county does not maintain a website, then the county clerk will post a copy of the election notice on the bulletin board used for commissioners court meetings. (Sec. 85.007).

NOTE: The county must post the notice of election and notice of consolidated precincts on the county's website if the county maintains a website. Under a prior version of the law, the notice was required to be posted on the party's website. (Sec. 172.1112).

5. Note on Regular Days and Hours for Voting at the Main Early Voting Location

NOTE – NEW LAW: SB 1 (2021, 2nd C.S.) amended Section 85.005 to modify the required days and hours for early voting by personal appearance at the main early voting location.

For elections in which the county is serving as the early voting clerk, early voting must be conducted at the main early voting location on each weekday that is not a legal state holiday for a period of at least **nine (9) hours**. Voting may not be conducted earlier than 6:00 AM or later than 10:00 PM.

6. Note on Extended Early Voting Hours and Weekend Early Voting

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 \(PDF\)](#). [Notice \(PDF\)](#) of Saturday or Sunday early voting must be posted for at least 72 hours immediately preceding the first hour that voting will be conducted.

NOTE: The election notice must be subsequently amended to include voting later ordered for ANY Saturday or Sunday and must be posted on the county's website, if maintained. (Sec. 85.007).

NOTE – NEW LAW: SB 1 (2021, 2nd C.S.) amended Sections 85.005 and 85.006 to modify the requirements relating to extended early voting hours and weekend early voting in a primary election.

In a county with a population of 55,000 or more:

- Voting in a primary election or general election for state and county officers shall be conducted at the main early voting location for at least 12 hours on each weekday of the last week of the early voting period. Voting may not be conducted earlier than 6:00 AM or later than 10:00 PM.
- Voting in a primary election or general election for state and county officers shall be conducted at the main early voting location on the last Saturday of the early voting period for at least 12 hours. Voting may not be conducted earlier than 6:00 AM or later than 10:00 PM.
- Voting in a primary election or general election for state and county officers shall be conducted at the main early voting location on the last Sunday of the early voting period for at least six hours. Voting may not be conducted earlier than 9:00 AM or later than 10:00 PM.

In a county with a population of less than 55,000:

- Voting in a primary election or general election for state and county officers shall be conducted at the main early voting location for at least 12 hours on each weekday of the last week of the early voting period if the early voting clerk receives a [written request \(PDF\)](#) submitted by at least 15 registered voters of the county requesting extended weekday hours. Voting may not be conducted earlier than 6:00 AM or later than 10:00 PM. The request must be submitted in time to enable compliance with Sec. 85.067. See [Notice of Extended Weekday Voting at Main Early Voting Location for County Elections \(PDF\)](#).
- On receipt of a written request submitted by at least 15 registered voters, voting shall be conducted at the main early voting location on the last Saturday of the early voting period for at least 12 hours. Voting may not be conducted earlier than 6:00 AM or later than 10:00 PM.
- On receipt of a written request submitted by at least 15 registered voters, voting shall be conducted at the main early voting location on the last Sunday of the early voting period for at least six hours. Voting may not be conducted earlier than 9:00 AM or later than 10:00 PM.

7. Note on Temporary Branch Locations

In a primary election, a certain number of temporary branch locations must be established depending on the population size of the county:

1. 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.

2. 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.
3. 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 by at least 15 registered voters of that precinct**.

The temporary polling place(s) must remain open for each weekday of the early voting period that the main early voting polling place will be open. The temporary branch polling place(s) must be open at least nine hours each day. (Secs. 85.062, 85.064).

NOTE – NEW LAW: SB 1 (2021, 2nd C.S.) amended Section 85.062 to provide that the location of temporary branch polling places in an election in which countywide polling places are used must be determined with the same methodology that is used for the location of countywide polling places.

NOTE – NEW LAW: HB 3107 (2021, R.S.) amended Section 85.064 and created Section 85.065 to modify the required dates and hours for temporary branch locations based on the population size of the county.

Note for Counties with a Population of 100,000 or More: Early voting at any temporary branch polling place **MUST** be conducted on the same days that voting is required to be conducted at the main early voting polling place under Section 85.005 of the Code and **MUST** remain open for at least eight hours each day. Early voting must be conducted for at least 12 hours on the last Saturday and at least 6 hours on the last Sunday of the early voting period at the mandatory temporary branch locations established under Section 85.062(d). (Secs. 85.005, 85.064).

NOTE – NEW LAW: HB 3107 (2021, R.S.) amended Section 85.068 of the Code to provide that if the early voting clerk is a county election officer, the clerk must post [notice \(PDF\)](#) for each election stating any dates and the hours that voting on Saturday or Sunday will be conducted under Sections 85.064(d) or 85.065(b). (Sec. 85.068).

Note for Counties with a Population of Less than 100,000: Early voting at any temporary branch polling place may be conducted on any days and during any hours of the period for early voting by personal appearance, as determined by the authority establishing the branch. However, 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 authority authorized under Section 85.006 of the Code to order early voting on a Saturday or Sunday may also order, in the manner prescribed by that section, early voting to be conducted on a Saturday or Sunday at any one or more of the temporary branch polling places. The schedules for conducting voting are not required to be uniform among the temporary branch polling places. (Sec. 85.065).

NOTE – NEW LAW: HB 3107 (2021, R.S.) amended Section 85.068 of the Code to provide that if the early voting clerk is a county election officer, the clerk must post [notice \(PDF\)](#) for each election stating any dates and the hours that voting on Saturday or Sunday will be conducted under Sections 85.064(d) or 85.065(b). (Sec. 85.068).

NOTE: There is no petition process to require weekend early voting at temporary branch locations in counties with a population of less than 100,000. However, the early voting clerk may voluntarily order weekend early voting at those temporary branch locations by written order if they choose to do so.

8. Note on Joint Primaries

In many Texas counties, the commissioners court, the county election officer, and the county chair of each political party holding a primary election in the county will sign a joint resolution agreeing to hold a joint primary. (Sec. 172.126(a)).

Joint primary elections are held in many Texas counties, with the political parties sharing election equipment, polling places, and a team of election workers in each polling place composed of an even number of workers from each political party. (Sec. 172.126; 1 T.A.C. Ch. 81, Subch. G).

The entries in this calendar are generally written in terms of primary elections being held separately rather than jointly. Unless indicated to the contrary, entries in this calendar are applicable whether a primary election is held separately or jointly. However, in a joint primary, the authority responsible for carrying out many of the activities associated with conducting an election will be the county election officer. (Sec. 172.126).

NOTE – NEW LAW: HB 3107 (2021, R.S.) amended Section 31.124 of the Code to provide that the mandatory meeting between the county election officer and the county chair of each political party holding primary elections in the county must now include a discussion of whether to hold a joint primary election in the county. (Sec. 31.124).

9. 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. That notice must be posted on the county's website if the county maintains a website; otherwise, it must be posted on the commissioners court bulletin board. (Sec. 129.023; [Tex. Sec'y of State Election Advisory No. 2019-23](#)). Additionally, for a primary election, the custodian must notify the county chair of the test 48 hours prior to the test. The L&A test must be conducted not later than 48 hours before voting begins on a voting system. (Sec. 129.023).

NOTE – NEW LAW: SB 1 (2021, 2nd C.S.) provides that if logic and accuracy testing is being conducted for a primary election, the general custodian of election records shall notify the county chair of the test at least 48 hours before the date of the test. The county chair must confirm receipt of the notice. (Sec. 129.023(b-1)).

NOTE – NEW LAW: SB 1 (2021, 2nd C.S.) requires the general custodian of election records to demonstrate, using a representative sample of voting system equipment, that the source code of the equipment has not been altered. (Sec. 129.023(c-1)).

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. Additionally, in a primary election, the custodian must notify the county chair 48 hours prior to the time 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. 2019-23](#)).

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. 2019-23](#)).

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. (See Chapters 127 and 129, Election Code.)

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. 2019-23](#). See Chapter 129, Subchapter B of the Election Code and [Tex. Sec'y of State Election Advisory No. 2019-23](#) for other types of testing such as functionality tests, logic and accuracy tests, tests for central accumulators, etc. Please see [Tex. Sec'y of State Election Advisory No. 2019-23](#) for additional information regarding voting system equipment access, security and preservation, and chain of custody.

10. Note on Conventions of Parties Holding Primary Elections

Precinct Conventions

Time and Place. Section 174.022 of the Texas Election Code provides that precinct conventions may be held at a time and place determined by rules adopted by the state executive committee of a political party. If precinct conventions are held on general primary election day, the hour set for convening the conventions may not be earlier than 7:00 PM or later than 9:00 PM, but a convention may not convene until the last voter has voted at the precinct polling place. If precinct conventions are held on a day other than general primary election day, the county executive committee must set the hour for convening or a time frame in which the convention must convene. (Secs. 174.021 & 174.022).

NOTE: Section 174.021(b) allows a political party to hold their precinct conventions during the county convention and at the same place as the county convention.

Notice Required: Section 174.023(a) requires the county chair to post a notice of the date, hour, and place for convening each precinct convention on the county or state party's Internet website or other Internet location easily found through a search engine. If the county party does not maintain an Internet website, the chair shall post the notice on the county commissioners court bulletin board. The notice must remain posted continuously for the 10 days immediately preceding the date of the convention. Because the convention times are not yet determined, this calendar does not show any deadlines for posting such notices. (Sec. 174.023(b)).

NOTE: The county chair is no longer required to deliver written notice to the county clerk of the date, time and place of each precinct convention by the 10th day before the date of the conventions.

County and Senatorial Conventions

Time and Place: Section 174.063(a) provides that the state executive committee by rule specifies the date the county and senatorial conventions will be held. Under Section 174.021 of the Texas Election Code, a political party may by rule allow a county to hold precinct conventions before or during the county convention on the same day and at the same place as the county convention.

NOTE: Section 174.021(b) allows a political party to hold their precinct conventions during the county convention and at the same place as the county convention.

Notice Required: Section 174.064(a) requires notice of the hour and date for convening each county convention to be posted electronically on the county or state party's Internet website or on the bulletin board used for posting notice of meetings of the commissioners court. The notice must remain posted continuously for the 10 days immediately preceding the date of the convention. Because the convention times are not yet determined, this calendar does not show any deadlines for posting such notices.

NOTE: The county chair is no longer required to deliver written notice to the county clerk of the date, time and place of each precinct convention by the 10th day before the date of the conventions.

State Conventions

Section 174.092(a) of the Texas Election Code provides that the biennial state convention must be convened on a date selected by the state executive committee. The state convention date is no longer limited to one in June or July. Section 174.092(b) of the Texas Election Code continues to provide that the state executive committee must set the date of the state convention not later than the date the state chair delivers to the county chairs the certification of names for placement on the primary election ballot. See entry at [Wednesday, December 22, 2021](#). Accordingly, this calendar does not show any deadline or time frame for holding the state convention. Notice of the date, hour, and place for convening the state convention must be posted by the state chair on the party's Internet website before the date of the party's precinct conventions under Section 174.093 of the Texas Election Code.

11. Note on Party Electoral Rules

Section 163.006(a) of the Texas Election Code provides that a rule on electoral affairs that is to become effective in a year in which the party will hold precinct conventions must be posted on the party's Internet website, as well as filed with Secretary of State, **not later than the 30th day before the date the party convenes its earliest precinct conventions**. It should be noted that the date of precinct conventions is no longer fixed by statute. (See [Note 10](#) above.) Accordingly, this calendar does not show any deadline for the posting or filing of such electoral rules.

12. Note on Accepting Voters with Certain Disabilities

An election officer may accept a person with a mobility problem that substantially impairs a person's ability to ambulate who is offering to vote before accepting others offering to vote at the polling place who arrived **before** the person. "Mobility problem that substantially impairs a person's ability to ambulate" has the meaning assigned by Section 681.001, Transportation Code. A person assisting an individual with a mobility problem may also, at the individual's request, be given voting order priority. [Notice](#) of the priority given to persons with a mobility problem that substantially impairs a person's ability to ambulate **shall** be posted:

1. at one or more locations in each polling place where it can be read by persons waiting to vote;
2. on the website of the Secretary of State; **and**
3. on each website relating to elections maintained by a county. (Sec. 63.0015).

NOTE – NEW LAW: SB 1 (2021, 2nd C.S.) provides that a qualified individual with a disability may request 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).

The voting order priority notice required under Section 63.0015 **must** read as follows:

"Pursuant to Section 63.0015, Election Code, an election officer may give voting order priority to individuals with a mobility problem that substantially impairs the person's ability to move around. A person assisting an individual with a mobility problem may also, at the individual's request, be given voting order priority. Disabilities and conditions that may qualify you for voting order priority include paralysis, lung disease, the use of portable oxygen, cardiac deficiency, severe limitation in the ability to walk due to arthritic, neurological, or orthopedic condition, wheelchair

confinement, arthritis, foot disorder, the inability to walk 200 feet without stopping to rest, or use of a brace, cane, crutch, or other assistive device.”

The **recommended** time to include the voting order priority notice on a county website is when the Notice of Election is also posted on the website. (Sec 85.007(d)). See [Note 4](#) regarding Notice of Elections.

13. Note Regarding Faxed or Emailed ABBMs and Faxed FPCAs

If an ABBM is faxed or emailed or if an FPCA is faxed, then the applicant **must** submit the ORIGINAL application BY MAIL to the early voting clerk so that the early voting clerk **receives the original no later than the 4th business day after receiving the emailed or faxed ABBM or faxed FPCA**. If the early voting clerk does not receive the original ABBM or FPCA by that deadline, then the emailed or faxed ABBM or faxed FPCA will be considered incomplete, and the early voting clerk may NOT send the applicant a ballot. The early voting clerk should retain a copy of the FPCA for their own records, but should send the FPCA submitted by the voter to the Voter Registrar for registration purposes. (Sec. 84.007).

If a voter faxes or emails the ABBM or faxes the FPCA, the date the early voting clerk receives the fax or email is considered the date of submission. Essentially, the faxed or emailed form serves as a place-holder for the voter. Therefore, a voter whose application was faxed or emailed by the 11th day before election day (the deadline), and whose original application is received on or before the 4th business day after that date, would still be entitled to receive a ballot for the election (if otherwise eligible). The early voting clerk will have to hold the faxed or emailed ABBM or faxed FPCA until the clerk receives the original, and would only send the voter a ballot if the original is received by the 4th business day after the faxed or emailed ABBM or faxed FPCA was received. See [Tex. Sec'y of State Election Advisory No. 2018-02](#).

The requirement to mail the original application does not apply to an **emailed** FPCA, but does apply to a faxed FPCA.

NOTE – NEW LAW: HB 3107 (2021, R.S.) amended Section 101.001 of the Code regarding FPCAs. Effective September 1, 2021, a member of the Texas National Guard or the National Guard of another state or a member of a reserve component of the armed forces of the United States serving on active duty under an order of the President of the United States or activated on state orders, or the spouse or dependent of a member, may submit an FPCA. (Sec. 101.001).

NOTE – NEW LAW: HB 3107 (2021, R.S.) amended Section 101.052 of the Code regarding FPCAs. Effective September 1, 2021, an FPCA may be submitted by in-person delivery by the voter in accordance with Section 84.008 of the Code or by common or contract carrier. (Sec. 101.052).

NOTE – NEW LAW: HB 3107 (2021, R.S.) amended Section 84.008 of the Code to provide that an applicant for a ballot to be voted by mail may submit the application by delivering it in person to the early voting clerk if the application is submitted not later than the deadline provided by Section 84.007(c) of the Code. This means that effective September 1, 2021, voters may now personally deliver their ABBM or FPCA to the early voting clerk not later than the close of regular business in the early voting clerk’s office or 12 noon, whichever is later, on the 11th day before election day (unless that day is a Saturday, Sunday, or legal state or national holiday, in which case the last day is the first preceding regular business day). (Sec. 84.008).

14. Note on Opportunity to Correct Defects in Mail Ballots

NEW LAW: Pursuant to SB 1 (2021, 2nd C.S.), effective December 2, 2021, the early voting ballot board, or signature verification committee (if one is appointed), will need to provide voters voting a ballot by mail the opportunity to correct certain defects in the voter’s carrier envelope containing the voter’s ballot.

Early Voting Ballot Board: Section 87.0411 provides a procedure by which a voter can correct certain defects in their carrier envelope containing their voted ballot. Not later than the second business day after an early voting ballot board discovers the defect and before the board decides whether to accept or reject

a timely delivered ballot under Section 87.041, the board shall: (1) determine if it would be possible for the voter to correct the defect and return the carrier envelope before the time the polls are required to close on election day; and (2) return the carrier envelope to the voter by mail, if the board determines that it would be possible for the voter to correct the defect and return the carrier envelope before the time the polls are required to close on election day. If the board determines that it would not be possible for the voter to correct the defect and return the carrier envelope before the time the polls are required to close on election day, the board may notify the voter of the defect by phone or email and inform the voter that the voter may cancel their mail ballot in accordance with Section 84.032 or come to the early voting clerk's office in person not later than the sixth day after election day to correct the defect. If the ballot board takes one of the actions described above, the board must take that action with respect to each ballot in the election that to which these options apply. Poll watchers are entitled to observe these activities by the early voting ballot board.

Signature Verification Committee (if appointed): Section 87.0271 provides a procedure by which a voter can correct certain defects in their carrier envelope containing their voted ballot. Not later than the second business day after a signature verification committee discovers the defect and before the committee decides whether to accept or reject a timely delivered ballot under Section 87.027, the committee shall: (1) determine if it would be possible for the voter to correct the defect and return the carrier envelope before the time the polls are required to close on election day; and (2) return the carrier envelope to the voter by mail, if the committee determines that it would be possible for the voter to correct the defect and return the carrier envelope before the time the polls are required to close on election day. If the committee determines that it would not be possible for the voter to correct the defect and return the carrier envelope before the time the polls are required to close on election day, the signature verification committee may notify the voter of the defect by phone or email and inform the voter that the voter may cancel their mail ballot in accordance with Section 84.032 or come to the early voting clerk's office in person not later than the sixth day after election day to correct the defect. If the signature verification committee takes one of the actions described above, the committee must take that action with respect to each ballot in the election that to which these options apply. Poll watchers are entitled to observe these activities by the signature verification committee.

The Secretary of State is authorized to prescribe any procedures necessary to implement Sections 87.0271 and 87.0411. (Secs. 87.0271(f), 87.0411(f)). The Secretary of State will issue such procedures prior to the March 2022 primary.

15. Note on Deadlines for Vacancies and Replacement Nominees for the General Election for State and County Officers (Primary Appendices)

While most public offices are filled at the expiration of the term for that office, vacancies will occasionally occur in the middle of a term of office. The Election Code outlines specific procedures that determine whether that office will be placed on the ballot in the following November general election for state and county officers, and if so, whether the party's nominees for that office will be selected through the primary election process or whether nominations will be made by the party executive committees.

In addition, certain candidacy issues during the primary election process may result in situations where the party's nominee for a public office becomes vacant before the November general election for state and county officers. The Election Code outlines specific rules for when and how those vacancies in nomination may be filled by a political party.

For more information on these rules and deadlines, please see our advisory on Deadlines for Vacancies and Replacement Nominees for the General Election for State and County Officers (Primary Calendar Appendices).

Calendar of events

September

Wednesday, September 1, 2021

Recommended date that the voter registrar forwards a list of voters who have indicated an interest in working as an election judge to the county chair. (Sec. 13.004(c-1)).

Tuesday, September 14, 2021 (90th day before regular filing deadline)

First day to file an [application \(PDF\)](#) for the office of precinct chair. (Sec. 172.023(b)). County chair must review each application within five days after the date the application is received. If the application is rejected, the chair must immediately deliver written notice of the reason for the rejection to the candidate. (Sec. 141.032).

NOTE – NEW LAW: SB 13 (2021, 2nd C.S.) provides that the election for the office of precinct chair in 2022 will be held on the same date as the runoff primary election. SB 13 further states that precinct chairs will be elected by plurality vote (rather than majority vote) in 2022. SB 13 also directs the Secretary of State to set the dates of the filing period for precinct chair elections. SB 13 takes effect on December 2, 2021. Before that date, the Texas Election Code's existing provisions regarding the opening of the precinct chair candidate filing period remain in place. Accordingly, the office of precinct chair will have a split filing period in accordance with Section 172.023 of the Texas Election Code and SB 13. Candidates for the office of precinct chair may file their application during the first filing period (September 14, 2021 – December 1, 2021) or during the second filing period (dates to be announced in a future advisory).

October

October 2021

Secretary of State must email each state and county chair that has provided an email address rules regarding primary election financing. The Secretary of State will also post these rules on the Secretary of State's website. (Sec. 173.010).

November

Saturday, November 13, 2021 (30th day before statutory regular filing deadline)

First day to file an [application for a place on the primary ballot \(PDF\)](#) for an office other than precinct chair. (Sec. 172.023(b)).

NOTE – NEW LAW: HB 4555 (2021, R.S.) amended Sections 141.031 and 141.039 of the Code by modifying the application requirements related to a candidate's final felony conviction status and what must be included on the candidate application form. Specifically, effective September 1, 2021, candidates will need to provide an indication on their candidate application that the candidate has either not been finally convicted of a felony, or if so convicted, has been pardoned or otherwise released from the resulting disabilities. A person who has been convicted of a felony will need to include with the application proof that the person has been pardoned or otherwise released from the resulting disabilities. The application form must include a statement informing candidates of the requirement to submit this information. Further, the official application form will need to include a statement informing candidates that knowingly providing false information on their application related to their final felony conviction status is a Class B misdemeanor. (Secs. 141.031, 141.039).

NOTE – NEW LAW: HB 3107 (2021, R.S.) amended Sections 143.004 and 144.003 of the Code to provide that candidate applications, other than those that must be accompanied by a filing fee, may be filed via email. The application must be a scanned copy of the candidate application and must be sent to the filing authority's designated email address for accepting applications. (Secs. 143.004, 144.003).

First day to file a [Declaration of Intent to Run as an Independent Candidate \(PDF\)](#) with appropriate filing authority. (Sec. 142.002).

Saturday, November 20, 2021 (30th day before write-in candidate filing deadline)

First day to file a Declaration of Write-in Candidacy for the Office of County and/or Precinct Chair as a write-in candidate for the office of precinct chair or county chair, if the county executive committee has decided to authorize write-in candidates. (Secs. 171.0231, 146.025).

Friday, November 26, 2021 (72 hours before meeting date of county election officer and county chairs)

Deadline to provide notice of meeting under Section 31.124, if the meeting is to be held on Monday, November 29, 2021, as recommended. The county election officer must deliver written notice of time and place of meeting between county election officer and county chair on or before this date. See entry under [Monday, November 29, 2021](#). Notice may be delivered by U.S. mail, electronic mail, or other method of written communication. (Sec. 31.124).

Monday, November 29, 2021

Recommended day by which the county election officer in each county should hold the mandatory meeting with the county chair of each political party to discuss for the primary election whether a joint primary election will be held and the plan for implementation of Subchapters A, B, C, and D of Chapter 87 concerning the establishment of the early voting ballot board, the delivery of materials to the early voting ballot board, the acceptance of mail ballots, the manual counting of early voting ballots. (Sec. 31.124).

NOTE – NEW LAW: HB 3107 (2021, R.S.) amended Section 31.124 to require that the mandatory meeting between the county election officer and the county chair include a discussion of whether to hold a joint primary election in the county.

Recommended date by which county chairs who wish to conduct a joint primary should meet with the county election officer to determine whether to enter into a joint resolution to conduct the primary, and if the determination is in the affirmative, to discuss potential consolidation or combination of election precincts, to determine the estimated number of election judges and clerks, members of the early voting ballot board, and central counting station personnel to be appointed from the parties, and to decide which voting system and ballot formats are to be used. (Sec. 172.126).

Recommended date by which county chairs should meet with the county election officer to discuss whether a contract for election services should be entered into, even if a joint primary will not be conducted. The terms of such a contract, potential consolidation or combination of election precincts, the estimated number of election judges and clerks, members of the early voting ballot board, and central counting station personnel that will be needed and how they will be obtained, and which voting system and ballot formats will be used should be discussed. (Secs. 31.092, 31.094 & 172.1113).

Recommended date by which county chairs should submit names of persons eligible to serve as deputy early voting clerks for the primary election. (Sec. 85.0091). The early voting clerk will select elections officers for the main and branch early voting polling places from lists provided by the county chair. However, the early voting clerk will set the actual deadline for the submission of those lists. This recommended deadline serves to provide adequate time for chairs to compile lists and the election officials to be notified.

December

Wednesday, December 1, 2021 (day before effective date of SB 13 and SB 1)

Last day to file application for a place on the ballot for the office of precinct chair during the first filing period. (Secs. 172.023, 41.0075).

NOTE – NEW LAW: SB 13 (2021, 2nd C.S.) provides that the election for the office of precinct chair in 2022 will be held on the same date as the runoff primary election. SB 13 further states that precinct

chairs will be elected by plurality vote (rather than majority vote) in 2022. SB 13 also directs the Secretary of State to set the dates of the filing period for precinct chair elections. SB 13 takes effect on December 2, 2021. Before that date, the Texas Election Code's existing provisions regarding the opening of the precinct chair candidate filing period remain in place. Accordingly, the office of precinct chair will have a split filing period in accordance with Section 172.023 of the Texas Election Code and SB 13. Candidates for the office of precinct chair may file their application during the first filing period (September 14, 2021 – December 1, 2021) or during the second filing period (dates to be announced in a future advisory).

Saturday, December 4, 2021 (day after 10th day before date of regular filing deadline)

If a vacancy for an unexpired term in an office of the state or county government occurs after the 10th day before the date of the regular filing deadline, but on or before the 5th day before the date of the regular filing deadline (on or after December 4 and on or before December 8), an application for the unexpired term is subject to an extended filing deadline. See entry at [Monday, December 20, 2021](#). (Sec. 202.004(a), (c)).

Wednesday, December 8, 2021 (5th day before regular filing deadline)

Last day a vacancy for an unexpired term in an office of the state or county government may occur and appear on the primary ballot. (Sec. 202.004(a)). An application for such a vacancy is subject to an extended filing deadline. See entry at [Monday, December 20, 2021](#). (Sec. 202.004(a), (c)).

Thursday, December 9, 2021

Recommended time frame in which the commissioners court should approve resolution to have a joint primary. See entry under [Monday, November 29, 2021](#). (Sec. 172.126(a)).

Sunday, December 12, 2021 (last day before regular filing deadline)

Deadline for the county chair (or secretary of the county executive committee) **to post on the political party's Internet website or in the location where a candidate files for a place on the ballot a [notice \(PDF\)](#)** containing the address at which the county chair and secretary of the county executive committee will be available to receive applications on the last day for filing an application. This deadline is not extended under Section 1.006. (Sec.172.022(b)).

NOTE: If the party secretary is accepting applications at a second location in addition to the county chair, the notice must include both locations.

Monday, December 13, 2021 (2nd Monday in December)

6:00 PM – Deadline for applications for a place on the general primary election ballot to be **received** by the state or county chair, as applicable to the office. (Secs. 172.022(a), 172.023(a)). Postmark by this deadline without actual receipt by the state or county chair is **not** sufficient. (Sec. 172.021(c)).

NOTE – NEW LAW: HB 4555 (2021, R.S.) amended Sections 141.031 and 141.039 of the Code by modifying the application requirements related to a candidate's final felony conviction status and what must be included on the candidate application form. Specifically, effective September 1, 2021, candidates will need to provide an indication on their candidate application that the candidate has either not been finally convicted of a felony, or if so convicted, has been pardoned or otherwise released from the resulting disabilities. A person who has been convicted of a felony will need to include with the application proof that the person has been pardoned or otherwise released from the resulting disabilities. The application form must include a statement informing candidates of the requirement to submit this information. Further, the official application form will need to include a statement informing candidates that knowingly providing false information on their application related to their final felony conviction status is a Class B misdemeanor. (Secs. 141.031, 141.039).

NOTE – NEW LAW: HB 3107 (2021, R.S.) amended Sections 143.004 and 144.003 of the Code to provide that candidate applications, other than those that must be accompanied by a filing fee, may be filed via email. The application must be a scanned copy of the candidate application and must be sent to the filing authority's designated email address for accepting applications. (Secs. 143.004, 144.003).

NOTE: This deadline is also applicable to applications for a place on the primary election ballot to fill a vacancy for an unexpired term in an office of the state or county government that occurred on or before the 10th day before the date of the regular filing deadline (December 3, 2021). (Sec. 202.004(b)).

6:00 PM – Deadline for minor party candidates to file applications to be nominated by convention. (Sec. 181.033(a)).

6:00 PM – Deadline for independent candidates to file declaration of independent candidacy with appropriate filing authority. (Sec. 142.002).

Deadline for each party chair to deliver lists of names of election judges and clerks, early voting ballot board members, and central counting station personnel (if applicable) to the county election officer if joint primary election is going to be conducted. (Sec. 172.126(c); 1 T.A.C. § 81.148).

Tuesday, December 14, 2021 (1st day after the regular filing deadline)

If a candidate withdraws, dies or is declared ineligible by this date, their name is omitted from the primary ballot. (Secs. 172.057 & 172.058(a)).

Monday, December 20, 2021 (7th day after regular filing deadline)

6:00 PM – Deadline for the state or county chair, as applicable, to **receive** applications for a place on the general primary election ballot for an unexpired term for a vacancy in an office of the state or county government that occurs after the 10th day (December 3, 2021) before the date of the regular filing deadline, but on or before the 5th day (December 8, 2021) before the date of the regular filing deadline. (Secs. 1.006 & 202.004(a), (c)). (The deadline is extended to the next regular business day which is Monday, December 20, 2021 due to the **5th day after the regular candidate filing deadline falling on Saturday, December 18, 2021. (Sec. 1.006.)**)

6:00 PM – Extended deadline for the state or county chair to receive an application for a place on the general primary election ballot for an office if a candidate who has made an application that complies with the applicable requirements (Sec. 172.054(b)):

- dies on or after the fifth day before the date of the regular filing deadline (December 8, 2021) and on or before the first day after the date of the regular filing deadline (December 14, 2021);
- holds the office for which the application was made and withdraws or is declared ineligible on the date of the regular filing deadline (December 13, 2021) or on the first day after the date of the regular filing deadline (December 14, 2021); or
- withdraws or is declared ineligible on the date of the regular filing deadline (December 13, 2021) or on the first day after the date of the regular filing deadline (December 14, 2021), and at the time of the withdrawal or declaration of ineligibility no other candidate has made an application that complies with the applicable requirements for the office sought by the withdrawn or ineligible candidate.

(The deadline is extended to the next regular business day which is Monday, December 20, 2021 due to the **5th day after the regular candidate filing deadline falling on Saturday, December 18, 2021. (Sec. 1.006.)**)

NOTE: An application filed by mail with the state chair in a situation where the deadline is extended due to death, withdrawal, or ineligibility of a candidate under the circumstances outlined above is not timely if received later than 5:00 PM on the extended deadline. (Sec. 172.054(b)).

6:00 PM – Deadline to file a declaration of write-in candidacy for county chair or precinct chair if authorized by the county executive committee. (Secs. 171.0231, 1.006).

Tuesday, December 21, 2021 (8th day after regular filing deadline)

Deadline for county and state chairs to electronically submit candidate information and status for posting on the Secretary of State's website.

Recommended deadline for each state chair to certify to Secretary of State for placement on the general primary election ballot the name of each candidate who files with the chair an application that complies with Section 172.021(b). (Sec. 172.028(a)).

Wednesday, December 22, 2021 (9th day after regular filing deadline)

Deadline for state chair to notify county chair in each county in which the candidate's name is to appear on the ballot that the certification of candidates has been posted by the Secretary of State. (Sec. 172.028(b)).

Date by which Secretary of State anticipates posting on Secretary of State's Internet website that is viewable by the public the certified list of candidates who filed, provided by each chair. (Sec. 172.028(a)).

Deadline for chair to post notice on the party's website 24 hours preceding the date, hour, and place of ballot drawing if ballot drawing is conducted on December 23, 2021. If the party does not maintain an Internet website, the party must post notice on the commissioners court bulletin board. All candidates who provide an email address on their filing form must be notified electronically of drawing. (Sec. 172.082(e)).

Deadline for state executive committee to set date, hour, and place for convening state convention. (Sec. 174.092(b)). (See [Note 10](#) prior to Calendar of Events.)

Thursday, December 23, 2021 (10th day after regular filing deadline)

Deadline for county chair or county chair's designee to conduct drawing for candidate order on ballot (unless committee provides by resolution that the county executive committee is to conduct drawing). (Sec. 172.082(c)).

NOTE: Section 172.082(b) allows the county chair to designate another individual to conduct the ballot drawing. To be eligible to act as the county chair's designee, the individual must be a member of the county executive committee. If no member of the county executive committee is available, then a resident of the county who is affiliated with the same political party may serve as the county chair's designee.

Wednesday, December 29, 2021 (62nd day before election day)

Recommended date for county chair to submit the ballot format to primary committee for its approval, if primary committee has been established. (Sec. 172.083).

Recommended date for primary committee to approve ballot format, if primary committee has been established.

Recommended date for county chair to order ballots.

Recommended last day to order election supplies (other than ballots).

Recommended date to order the lists of registered voters from the county voter registrar. (Sec. 18.006).

Friday, December 31, 2021 (60th day before primary election day; New Year's Eve)

Deadline for printers/vendors to register with the Secretary of State to print primary ballots. (Sec. 51.013).

Recommended last day for the county chair of each political party to appoint presiding and alternate judges for each precinct in which the primary election will be held in the county, presiding judge and alternate presiding judge for the early voting ballot board, presiding judge of the central counting station, and personnel for the central counting station. (Secs. 32.006, 32.008, 87.002 & 127.002-127.005). Written notice of the appointments must be given to the judges. (Sec. 32.009).

NOTE – NEW LAW: SB 1 (2021, 2nd C.S.) amended Section 87.002 to require the early voting ballot board to have an alternate judge. The alternate judge is appointed in the same manner as the presiding judge.

Recommended last day for the county election officer to appoint presiding and alternate judges from the lists provided by each county chair and to appoint the election clerks in a **joint primary** election. (Sec. 172.126(c)). Written notice of the appointments must be given to the judges. (Sec. 32.009).

NOTE: General eligibility requirements for election judges and clerks are found in Subchapter C, Chapter 32 of the Texas Election Code. General eligibility requirements for central counting station personnel are found in Sections 127.002-127.006 of the Texas Election Code. The presiding judge appoints the clerks, but not more than the maximum set by the political party, consistent with Secretary of State's primary finance rules; however, the alternate judge must serve as one of the clerks. (Secs. 32.031, 32.032, & 32.033; 1 T.A.C. § 81.117).

January

Saturday, January 1, 2022 (59th day before election day; New Year's Day)

First day for voters to submit a **regular application** for ballot by mail for an election in 2022. The application is considered submitted at the time of receipt. (Secs. 84.001(e), 84.007).

First day for voters to submit an **annual application** for ballot by mail for all elections in calendar year 2022. The voter must be 65 years of age or older on election day or disabled in order to submit an annual application. The application is considered submitted at the time of receipt. (Secs. 84.001(e), 84.007, 86.0015).

Monday, January 10, 2022 (50th day before election day)

Last day to publish notice for testing of automatic tabulation equipment testing and logic and accuracy testing (L&A testing) of a voting system if test will be completed by recommended deadline of Wednesday, January 12, 2022. Notice of the public tests must be published at least 48 hours before the test begins. The notice must be posted on the county's website if the county maintains a website. If the county does not maintain a website, the notice must be posted on the commissioners court bulletin board. Additionally, for a primary election, the custodian must notify the county chair of the test 48 hours prior to the test. The county chair must confirm receipt of the notice. (Secs. 127.093, 127.096, 129.022, 129.023).

Recommended deadline for county chair of party holding a primary election to procure from voter registrar a set of precinct lists of registered voters (also supplemental lists and correction lists, if necessary) to deliver to county election officer for use in conducting early voting by mail and in person in the party's general primary. (Secs. 18.001(d) & 18.002-18.004).

Deadline to challenge the filing of an application for a place on the ballot as to form, content, and procedure. (Sec. 172.0223).

Wednesday, January 12, 2022 (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 voting system. (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 9](#), above.

NOTE – NEW LAW: SB 1 (2021, 2nd C.S.) provides that if logic and accuracy testing is being conducted for a primary election, the general custodian of election records shall notify the county chair of the test at least 48 hours before the date of the test. The county chair must confirm receipt of the notice. (Sec. 129.023(b-1)).

NOTE – NEW LAW: SB 1 (2021, 2nd C.S.) requires the general custodian of election records to demonstrate, using a representative sample of voting system equipment, that the source code of the equipment has not been altered. (Sec. 129.023(c-1)).

Saturday, January 15, 2022 (45th day before primary election day)

Deadline to mail ballots to military or overseas voters who already submitted their ballot requests via a federal postcard application (FPCA) or via a standard application for ballot by mail (ABBM) and indicated that they are outside the United States. 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: HB 3107 (2021, R.S.) amended Section 101.052 of the Code regarding FPCAs. Effective September 1, 2021, an FPCA may be submitted by in-person delivery by the voter in accordance with Section 84.008 of the Code or by common or contract carrier. (Sec. 101.052).

NOTE – NEW LAW: HB 3107 (2021, R.S.) amended Section 101.001 of the Code regarding FPCAs. Effective September 1, 2021, a member of the Texas National Guard or the National Guard of another state or a member of a reserve component of the armed forces of the United States serving on active duty under an order of the President of the United States or activated on state orders, or the spouse or dependent of a member, may submit an FPCA. (Sec. 101.001).

NOTE: The 45th Day deadline under Section 86.004(b) is *not* extended by Section 1.006 to the next business day. The ballots covered by Section 86.004(b) should be sent out on or before Saturday, January 15, 2022.

Reminder Regarding FPCAs and Overseas ABBMs: If the early voting clerk receives an FPCA (from a military or non-military voter) or an ABBM from an overseas voter after the 45th day deadline, then the ballot **must** be mailed within seven days after the early voting clerk **receives** the FPCA or ABBM. (Secs. 86.004(b), 101.104).

Reminder: In regards to mail ballots for other voters (not military voters using an FPCA or overseas voters using an FPCA or ABBM), 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 37th day before election day, the voter's mail ballot must be mailed no later than the 30th day before election day. (Sec. 86.004(a)). This means that for every application that comes in before the 37th day before election day, the balloting materials must be mailed by the 30th day before election day. Any application that comes in after the 37th day before election day will follow the 7-day timeline in Sec. 86.004.

NOTE: Information on the early voting roster for both early voting in person and early voting by mail must be made available for public inspection and on the county's website if the county clerk or elections administrator is serving as the early voting clerk. The early voting roster shall be posted by 11:00 AM on the day after the information is entered on the roster (for early voting in person) or by 11:00 AM on the day after the early voting clerk receives a ballot voted by mail. (Sec. 87.121).

NOTE – NEW LAW: HB 1622 (2021, R.S.) amended Section 87.121 of the Code to provide that if an early voting clerk fails to post their early voting rosters in accordance with Section 87.121, a person registered to vote in the county where the early voting clerk is conducting early voting may file a complaint with the Secretary of State regarding the early voting clerk’s noncompliance. The Secretary of State by rule shall create and maintain a system for receiving and recording these complaints. (Sec. 87.121).

Monday, January 17, 2022 (43rd day before primary election day; MLK Day)

Tuesday, January 18, 2022 (42nd day before primary election day)

Deadline for state chairs and county chairs to submit itemized estimate and request for state funds to cover general primary expenses. (Sec. 173.081(c)(2)). Notice of consolidation of county election precincts, if any, must accompany the itemized estimate. (Sec. 173.081(f)). (The deadline is extended to the next regular business day, due to the **45th day before primary election day falling on Saturday, January 15, 2022 and due to the fact that Monday, January 17, 2022 is MLK Day, a legal holiday.** (Sec. 1.006).)

NOTE: The state chair (or the state chair’s designee) may submit this statement on behalf of the county chair if the county chair (1) requests the state chair to submit the statement on the county chair’s behalf, or (2) fails to submit the statement by the deadline. (Sec. 173.081(g)).

Friday, January 28, 2022 (32nd day before primary election day and 12th day before first day signature verification committee may convene)

Recommended date for early voting clerk to issue order calling for appointment of signature verification committee for the primary election, if the early voting clerk determines that a committee is to be appointed. (Sec. 87.027).

If the signature verification committee will start meeting on Wednesday, February 9, 2022, **recommended date** early voting clerk should post copy of the order calling for appointment of the signature verification committee. (Saturday, January 29, and Sunday, January 30, 2022 are the 10th and 11th days before the first day the committee may meet.) The notice must remain posted continuously for at least 10 days before the first day the committee meets. The notice must be posted on the county’s website if the county maintains a website. If the county does not maintain a website, the notice must be posted on the commissioners court bulletin board. (Sec. 87.027).

Monday, January 31, 2022 (29th day before primary election day)

Last day to register to vote or make a change of address effective for the Tuesday, March 1, 2022 primary 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 “my intent to return is uncertain” (2019 form), or “my return is uncertain” (2017 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 T.A.C. § 81.40(a), (c)(2)).

February

Wednesday, February 2, 2022 (5th day after recommended date to order signature verification committee)

If the early voting clerk issues order calling for appointment of signature verification committee, this is the deadline for the county chair to appoint the members to the committee. See entry under [Friday, January 28, 2022](#). (Sec. 87.027).

Tuesday, February 8, 2022 (21st day before primary election day)

Last day for county clerk to post notice of the general primary election on the county's website. The notice must also be posted on the party's website if the party maintains a website. If the party does not maintain a website, the notice must be posted on the commissioners court bulletin board. (Secs. 4.003 & 172.1112).

NOTE: Section 172.1112 requires the county to post the notice of election and notice of consolidated precincts on the county's website if the county maintains a website. Under the prior version of the law, the notice was required to be posted on the party's website.

NOTE: Section 172.1112 requires that the **county clerk**, rather than the county chair, post the notice of election for the primary election.

NOTE – NEW LAW: SB 1116 (2021, R.S.) created additional requirements regarding information that a county must post on its website for elections held by a county or elections for any local political subdivision in which the county has contracted to provide election services. While these statutory web posting requirements do not specifically apply to primary elections, **we strongly recommend that you post this information for any primary election in which the county has contracted to provide election services.** Accordingly, the following information should be posted on the county's website not later than the 21st day before election day:

- The date of the election;
- The location of each polling place;
- Each candidate for an elected office on the ballot; and
- Each measure on the ballot. (Sec. 4.009).

Wednesday, February 9, 2022 (20th day before primary election day; 5th day before the first day of early voting)

Deadline for a person who is not permanently registered to vote to submit a postmarked FPCA, in order to receive a full ballot by mail for the March 1, 2022 primary election. A person who is **not** permanently registered to vote and submits a postmarked FPCA after this date (20th day) and before the deadline to submit an application for ballot by mail, is not entitled to receive a ballot for any non-federal election. See Monday, February 14, 2022 [entry](#) for timeliness of an FPCA received without a postmark. (Secs. 101.052(e), 101.052(i)(2)).

NOTE – NEW LAW: HB 3107 (2021, R.S.) amended Section 101.052 of the Code regarding FPCAs. Effective September 1, 2021, an FPCA may be submitted by in-person delivery by the voter in accordance with Section 84.008 of the Code or by common or contract carrier. (Sec. 101.052)

NOTE – NEW LAW: HB 3107 (2021, R.S.) amended Section 101.001 of the Code regarding FPCAs. Effective September 1, 2021, a member of the Texas National Guard or the National Guard of another state or a member of a reserve component of the armed forces of the United States serving on active duty under an order of the President of the United States or activated on state orders, or the spouse or dependent of a member, may submit an FPCA. (Sec. 101.001)

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 "my intent to return is uncertain" (2019 form), or "my return is uncertain" (2017 form)**, in which case, it will not serve as a permanent registration. (Sec. 101.055; 1 T.A.C. § 81.40).

NOTE: Overseas (non-military) voters marking the FPCA **"my intent to return is uncertain"** (2019 form), or **"my return is uncertain"** (2017 form) receive a federal ballot **only** regardless of the date filed. (Chapter 114).

Last day to publish notice of L&A test if test will be held on Friday, February 11, 2022, if testing was not already completed by January 12, 2022. Notice of the public L&A Test must be published at least 48 hours before the test begins. The notice must be posted on the county's website if the county maintains a website. If the county does not maintain a website, the notice must be posted on the commissioners court bulletin board. Additionally, for a primary election, the custodian must notify the county chair of the test 48 hours prior to the test. The county chair is required to confirm receipt of the notice. (Secs. 129.001, 129.023). See [Note 9](#), above.

NOTE – NEW LAW: SB 1 (2021, 2nd C.S.) provides that if logic and accuracy testing is being conducted for a primary election, the general custodian of election records shall notify the county chair of the test at least 48 hours before the date of the test. The county chair must confirm receipt of the notice. (Sec. 129.023(b-1)).

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

NOTE – NEW LAW: SB 1 (2021, 2nd C.S.) added Section 87.0271 to provide a procedure by which a voter can correct certain defects in their carrier envelope containing their voted ballot. Not later than the second business day after a **signature verification committee** discovers the defect and before the committee decides whether to accept or reject a timely delivered ballot under Section 87.027, the committee shall: (1) determine if it would be possible for the voter to correct the defect and return the carrier envelope before the time the polls are required to close on election day; and (2) return the carrier envelope to the voter by mail, if the committee determines that it would be possible for the voter to correct the defect and return the carrier envelope before the time the polls are required to close on election day. If the committee determines that it would not be possible for the voter to correct the defect and return the carrier envelope before the time the polls are required to close on election day, the signature verification committee may notify the voter of the defect by phone or email and inform the voter that the voter may cancel their mail ballot in accordance with Section 84.032 or come to the early voting clerk's office in person not later than the sixth day after election day to correct the defect. If the signature verification committee takes one of the actions described above, the committee must take that action with respect to each ballot in the election that to which these options apply. (Sec. 87.0271). See [Note 14](#).

Last day to post branch early voting schedule, which should be posted continuously from the fifth day before the start of the early voting period until the last day of the early voting period. The schedule must include the location of each permanent and temporary branch early voting location, and the dates and hours that voting will be conducted at temporary branch locations. The schedule may also include the dates and hours of any weekend or extended early voting that will be conducted at permanent or temporary branch locations. (Sec. 85.067).

NOTE: This schedule may be amended after posting to include additional temporary branch locations or additional dates and hours at those locations. If any locations, dates, or hours are added, then the amended schedule must be posted at least five days before the start of voting at those additional locations or at least five days before the additional or extended hours at existing locations. (Sec. 85.067).

Thursday, February 10, 2022 — Friday, February 18, 2022 (19th — 11th day before primary election day)

A person submitting an FPCA during this period who is **not** registered to vote is not entitled to receive a full ballot for the March 1, 2022 primary election, meaning that a person submitting an FPCA during this period is entitled to receive a federal ballot only (no state, district, or county offices), if not already a permanent registered voter. (Secs. 101.052(f), 114.002, 114.004). See entry below under [Monday, February 14, 2022](#) (FPCA without a postmark). (Secs. 101.052(f) & 114.004(c)).

The early voting clerk is required to maintain a copy of this application since it may be used for other elections and forward the original to the voter registrar. (Secs. 84.007, 101.052(e), (f)).

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 "**my intent to return is uncertain**" (2019 form), or "**my return is uncertain**" (2017 form) in which case, it will not serve as a permanent registration. (Sec. 101.055, 1 T.A.C. § 81.40).

NOTE - Overseas (non-military) voters marking the FPCA "**my intent to return is uncertain**" (2019 form), or "**my return is uncertain**" (2017 form) receive a federal ballot **only** regardless of the date filed. (Chapter 114).

Friday, February 11, 2022 (18th day before primary election; last business day 48 hours before start of early voting in person)

Last day to conduct public L&A test of a voting system. We highly **recommend** that this test is done on an earlier date to allow time for corrections to programming, if necessary. (See Note 9, 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.

NOTE – NEW LAW: SB 1 (2021, 2nd C.S.) requires the general custodian of election records to demonstrate, using a representative sample of voting system equipment, that the source code of the equipment has not been altered. (Sec. 129.023(c-1)).

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 Rejected 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, February 18, 2022. (Secs. 84.007(c), 86.008).

NOTE – NEW LAW: SB 1 (2021, 2nd C.S.) amended Section 86.001 to provide that if the information required by Section 84.002(a)(1-a) included on the application does not identify the same voter identified on the applicant's voter registration application, the clerk shall reject the application. (Sec. 86.001(f)). If an application is rejected under Section 86.001(f), the clerk shall provide notice of the rejection. The notice must include information regarding the ability to correct or add the required information through the online ballot by mail tracker described in Section 86.015(c). (Sec. 86.001(f-1)). If the applicant corrects the application for ballot by mail online and that application subsequently identifies the same voter identified on the applicant's voter registration application, the clerk shall provide a ballot to the voter. (Sec. 86.001(f-2)).

Monday, February 14, 2022 (15th day before primary election day)

First day to vote early in person. (Sec. 85.001(a)).

NOTE: The early voting period for the general primary election begins 17 days prior to election day, but because the first day of the early voting period falls on a weekend (Saturday, February 12, 2022), it is extended to the next regular business day, Monday, February 14, 2022. (Sec. 85.001(c)).

In a primary election, a certain number of temporary branch locations must be established depending on the population size of the county:

1. 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.

2. 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.
3. 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 by at least 15 registered voters of that precinct**.

The temporary polling place(s) must remain open for each weekday of the early voting period that the main early voting polling place will be open. The temporary branch polling place(s) must be open at least eight hours each day. (Secs. 85.062, 85.064).

NOTE – NEW LAW: SB 1 (2021, 2nd C.S.) amended Section 85.062 to provide that the location of temporary branch polling places in an election in which countywide polling places are used must be determined with the same methodology that is used for the location of countywide polling places.

NOTE – NEW LAW: (SB 1, 2nd C.S.) amended Section 85.005 to provide that early voting in person must be conducted at the main early voting location on each weekday of the early voting period that is not a legal state holiday and for a period of at least **nine (9) hours**, except that voting may not be conducted earlier than 6:00 AM or later than 10:00 PM. (Sec. 85.005(a)).

NOTE – NEW LAW: Temporary Branch Locations: Effective September 1, 2021, the rules for temporary branch locations differ based on the population size of the county. See [Note 7](#) for additional information regarding temporary branch location days and hours.

NOTE – NEW LAW: SB 1 (2021, 2nd C.S.) amended Section 61.002 to provide that immediately before the opening of the polls on the first day of early voting and on election day, the presiding judge or alternate judge shall confirm that the public counters on each voting machine are set to zero and shall print the tape that shows that there are zero votes for each candidate or measure on the ballot. Each election judge and alternate judge shall sign the printed tapes. (Sec. 61.002).

If early voting by personal appearance is required to be conducted for extended hours or for weekend hours, the county voter registrar's office is required to remain open for providing voter registration information during the extended hours or weekend hours that the main early voting polling place is open for voting. (Secs. 12.004(d), 85.005(c) & 85.006(e)).

NOTE: The notice of precinct conventions must be posted continuously during the early voting period. Prior to opening the polls, the presiding judge of each precinct must post at each entrance to the building a notice of the time and place for convening the precinct, county, senatorial and state conventions. This notice must remain posted continuously during the early voting period and on election day. (Sec. 172.1111).

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 (unless the voter marks the FPCA form indicating **“my intent to return is uncertain”** (2019 form), **or “my return is uncertain”** (2017 form), in which case the voter receives a federal-only ballot). (Sec. 101.052(i)). See [Note](#) under entry for Wednesday, February 9, 2022.

Last day to notify election judges of duty to hold election ([Writ of Election](#)). 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).

NOTE – NEW LAW: *Recommended date* for a signature verification committee (if appointed) that has discovered a defect in a voter’s carrier envelope to return the voted ballot in the carrier envelope to the voter. (Sec. 87.0271).

NOTE: If the committee determines that it would not be possible for the voter to correct the defect and return the carrier envelope before the time the polls are required to close on election day, the signature verification committee may notify the voter of the defect by **phone or email** and inform the voter that the voter may cancel their mail ballot in accordance with Section 84.032 or come to the early voting clerk’s office in person not later than the sixth day after election day to correct the defect. (Sec. 87.0271). See [Note 14](#).

Tuesday, February 15, 2022 (14th day before primary election day)

Deadline to file a [petition \(PDF\)](#) to require the county early voting clerk in a county with a population less than 55,000 to conduct extended early voting on Saturday, February 19, 2022. [Notice of weekend voting \(PDF\)](#) must be posted beginning no later than Wednesday, February 16, 2022, and continuing through Friday, February 18, 2022. (Secs. 85.006(d), 85.007(c)).

Wednesday, February 16, 2022 (72 hours preceding first hour Saturday early voting will be conducted; 13th day before primary election day)

Deadline to post notice of Saturday early voting on county website. The notice must be posted continuously for at least 72 hours preceding the first hour that early voting on Saturday, February 19, 2022 will be conducted. (Sec. 85.007(b), (c)).

In counties with a population of 100,000 or more, deadline to post notice of Saturday early voting at any required temporary branch locations (created under Section 85.062(d) of the Texas Election Code). The notice must be posted continuously for at least 72 hours preceding the first hour that early voting on Saturday, February 19, 2022 will be conducted. (Secs. 85.006(e), 85.007(c), 85.062(d), 85.064(d), 85.068).

NOTE: There is no petition process to require a county with a population less than 100,000 to conduct weekend early voting at temporary branch locations. However, the early voting clerk may voluntarily order weekend early voting at temporary branch locations by written order if they choose to do so.

Deadline to file a [petition \(PDF\)](#) to require the county early voting clerk to conduct extended early voting on Sunday, February 20, 2022. [Notice of weekend voting \(PDF\)](#) must be posted beginning no later than Thursday, February 17, 2022, and continuing through Saturday, February 19, 2022. (Secs. 85.006(d), 85.007(c)).

Note for Counties with Population of Less than 55,000: Extended Early Voting Hours - Notice Requirement: Deadline for counties with populations of less than 55,000 to post the [Notice of Extended Hours \(PDF\)](#) for the general primary election if the early voting clerk received a timely **petition** for early voting to be conducted at the main early voting location for 12 hours on each weekday of the last week of the early voting period. The notice must be posted beginning no later than Wednesday, February 16, 2022, and continuing through Sunday, February 20, 2022. For additional information, see Note 6 regarding extended early voting hours.

NOTE – NEW LAW: SB 1 (2021, 2nd C.S.) modified the days and hours for extended early voting by personal appearance. In counties with a population of 55,000 or more, early voting in a primary election shall be conducted at the main early voting location for least 12 hours on each weekday of the last week of the early voting period. Voting may not be conducted earlier than 6:00 AM or later than 10:00 PM. (Sec. 85.005(c)).

Thursday, February 17, 2022 (72 hours preceding first hour Sunday early voting will be conducted; 12th day before primary election day)

Deadline to post notice of Sunday early voting on county website. The notice must be posted continuously for at least 72 hours preceding the first hour that early voting on Sunday, February 20, 2022 will be conducted. (Sec. 85.007(b), (c)).

In counties with a population of 100,000 or more, deadline to post notice of Sunday early voting at any required temporary branch locations (created under Section 85.062(d) of the Texas Election Code). The notice must be posted continuously for at least 72 hours preceding the first hour that early voting on Sunday, February 20, 2022 will be conducted (Secs. 85.006(e), 85.007(c), 85.062(d), 85.064(d)).

NOTE: There is no petition process to require a county with a population less than 100,000 to conduct weekend early voting at temporary branch locations. However, the early voting clerk may voluntarily order weekend early voting at temporary branch locations by written order if they choose to do so.

First day a voter who becomes sick or disabled on or after this date may submit an application for a late ballot if the sickness or physical condition 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). See [Application for Emergency Early Voting Ballot Due to Sickness or Physical Disability \(PDF\)](#). Applications may continue to be submitted until 5:00 PM on Election Day. (Sec. 102.003).

First day that counties with a population of 100,000 or more may convene their early voting ballot board and deliver ballot materials 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 a county with a population of 100,000 or more, 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: results may not be released until the polls close on election day.**

NOTE – NEW LAW: SB 1 (2021, 2nd C.S.) added Section 87.0411 to provide a procedure by which a voter can correct certain defects in their carrier envelope containing their voted ballot. Not later than the second business day after an **early voting ballot board** discovers the defect and before the board decides whether to accept or reject a timely delivered ballot under Section 87.041, the board shall: (1) determine if it would be possible for the voter to correct the defect and return the carrier envelope before the time the polls are required to close on election day; and (2) return the carrier envelope to the voter by mail, if the board determines that it would be possible for the voter to correct the defect and return the carrier envelope before the time the polls are required to close on election day. If the board determines that it would not be possible for the voter to correct the defect and return the carrier envelope before the time the polls are required to close on election day, the board may notify the voter of the defect by phone or email and inform the voter that the voter may cancel their mail ballot in accordance with Section 84.032 or come to the early voting clerk’s office in person not later than the sixth day after election day to correct the defect. If the ballot board takes one of the actions described above, the board must take that action with respect to each ballot in the election that to which these options apply. (Sec. 87.0411). See [Note 14](#).

Friday, February 18, 2022 (11th day before primary election day)

Last day for early voting clerk to receive applications for a ballot to be voted by mail. (Sec. 84.007(c)). 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. The early voting clerk’s designated e-mail address for the receipt of applications for ballot by mail must be posted on the Secretary of State’s website. (Sec. 84.007(c)).

Last day to receive an FPCA from a voter. If the voter is **not** registered in the county (or the voter marked **“my intent to return is uncertain”** (2019 form), or **“my return is uncertain”** (2017 form)), the voter is eligible for a ballot containing federal offices only. (Secs. 101.052(f) & 114.004(c)).

NOTE – NEW LAW: HB 3107 (2021, R.S.) amended Section 101.001 of the Code regarding FPCAs. Effective September 1, 2021, a member of the Texas National Guard or the National Guard of another state or a member of a reserve component of the armed forces of the United States serving on active duty under an order of the President of the United States or activated on state orders, or the spouse or dependent of a member, may submit an FPCA. (Sec. 101.001).

NOTE: If an ABBM is faxed or emailed or if an FPCA is faxed, then the applicant must submit the ORIGINAL application BY MAIL to the early voting clerk so that the early voting clerk **receives the original no later than the 4th business day after receiving the emailed or faxed ABBM or faxed FPCA**. If the early voting clerk does not receive the original ABBM or FPCA by that deadline, then the emailed or faxed ABBM or faxed FPCA will be considered incomplete, and the early voting clerk may NOT send the applicant a ballot. The requirement to mail the original application does not apply to an **emailed** FPCA. For additional information, please see [Note 13](#), above.

An applicant for a ballot to be voted by mail (ABBM or FPCA) may submit the application by delivering it in person to the early voting clerk if the application is submitted not later than the close of regular business in the clerk's office on Friday, February 18, 2022. (Sec. 84.008).

NOTE – NEW LAW: HB 3107 (2021, R.S.) amended Section 101.052 of the Code regarding FPCAs. Effective September 1, 2021, an FPCA may be submitted by in-person delivery by the voter in accordance with Section 84.008 of the Code or by common or contract carrier. (Sec. 101.052).

NOTE – NEW LAW: HB 3107 (2021, R.S.) amended Section 84.008 of the Code to provide that an applicant for a ballot to be voted by mail may submit the application by delivering it in person to the early voting clerk if the application is submitted not later than the deadline provided by Section 84.007(c) of the Code. This means that effective September 1, 2021, voters may now personally deliver their ABBM or FPCA to the early voting clerk not later than the close of regular business in the early voting clerk's office or 12 noon, whichever is later, on the 11th day before election day (unless that day is a Saturday, Sunday, or legal state or national holiday, in which case the last day is the first preceding regular business day).

Saturday, February 19, 2022 (10th day before primary election day)

In counties with a population of 55,000 or more, early voting must be conducted for at least 12 hours on the last Saturday of the early voting period at the main early voting polling place. In counties with a population less than 55,000, early voting must be conducted for this same number of hours at the main early voting polling place upon receipt of a petition submitted by at least 15 registered voters of the county. (Sec. 85.006(e)).

In counties with a population of 100,000 or more, early voting must be conducted for at least 12 hours on the last Saturday of the early voting period at any required temporary branch locations (created under Section 85.062(d) of the Texas Election Code). (Secs. 85.006(e), 85.062(d), 85.064(d)).

NOTE: There is no petition process to require a county with a population less than 100,000 to conduct weekend early voting at temporary branch locations. However, the early voting clerk may voluntarily order weekend early voting at temporary branch locations by written order if they choose to do so.

Sunday, February 20, 2022 (9th day before primary election day)

In counties with a population of 55,000 or more, early voting must be conducted for at least six hours on the last Sunday of the early voting period at the main early voting polling place. In counties with a population less than 55,000, early voting must be conducted for this same number of hours at the main early voting polling place upon receipt of a petition submitted by at least 15 registered voters of the county. (Sec. 85.006(e)).

In counties with a population of 100,000 or more, early voting must be conducted for at least six hours on the last Sunday of the early voting period at any required temporary branch locations (created under Section 85.062(d) of the Texas Election Code). (Secs. 85.006(e), 85.062(d), 85.064(d)).

NOTE: There is no petition process to require a county with a population less than 100,000 to conduct weekend early voting at temporary branch locations. However, the early voting clerk may voluntarily order weekend early voting at temporary branch locations by written order if they choose to do so.

Monday, February 21, 2022 (Presidents' Day; 8th day before primary election day)

Because Monday, February 21, 2022 is Presidents' Day, which is a legal holiday, early voting will not be conducted on this date. (Sec. 85.005).

Tuesday, February 22, 2022 — Friday, February 25, 2022 (7th day — 4th day before primary election day)

In counties with a population of 55,000 or more, the early voting clerk must keep the main early voting polling place open for at least 12 hours each day between February 22 and February 25, 2022. Early voting must be conducted at permanent branch locations for at least 12 hours each day. (Secs. 85.005(c) & 85.067).

In counties with a population of less than 55,000, the early voting clerk must keep the main early voting polling place open for at least 12 hours each weekday of the last week of the early voting period for the primary election if 15 or more registered voters petition the county for the extended 12-hour schedule. (Secs. 85.005(c) & 85.067).

Tuesday, February 22, 2022 (7th day before primary election day)

If county election precincts are consolidated, county clerk must post at the polling place used in the preceding general election for state and county officers a notice of consolidation and location of the polling place. For purposes of conducting a primary election, the "preceding general election" is the preceding primary election. (Secs. 4.003(b) & 172.1112). (The deadline is extended to the next regular business day which is Tuesday, February 22, 2022 due to the 10th day falling on Saturday, February 19, 2022 and due to the fact that Monday, February 21, 2022 is Presidents' Day, a legal holiday. (Sec. 1.006).)

NOTE: Section 172.1112 provides that the **county clerk** is required to post the notice of consolidation, if polling places are consolidated. The notice of consolidation should be posted on the county's website.

NOTE: Section 172.1112 requires the county to post the notice of election and notice of consolidated precincts on the county's website if the county maintains a website. Under the prior version of the law, the notice was required to be posted on the party's website.

Wednesday, February 23, 2022 (4th business day before primary election day)

Last day for Secretary of State to receive a [Request for Election Inspectors](#) for the general primary election. The request must be a written request by 15 or more registered voters of the county for which the inspector is requested. (Sec. 34.001).

Thursday, February 24, 2022 (day before the last day of early voting in person)

A voter is eligible to vote a late ballot if they will be out of the county of residence 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, February 26, 2022 (the day after early voting in person ends). (Secs. 103.001, 103.003(b)). An application may be submitted after the last day of the period for early voting by personal appearance and before the close of business on the day before election day. (Sec. 103.003).

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 Friday, February 25, 2022. 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).

NOTE: The Notice of Delivery of Early Voting Balloting Materials serves as notice of the convening of the early voting ballot board. This notice should be posted every time the early voting ballot board reconvenes.

Friday, February 25, 2022 (4th day before primary election day)

Last day to vote early in person. (Sec. 85.001(a)).

Last day to publish notice of public test of automatic tabulating equipment, if test will be held on Sunday, February 27, 2022, 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. Additionally, for a primary election, the custodian must notify the county chair of the test 48 hours prior to the test. (Sec. 127.096).

NOTE: Section 127.096 requires that for a primary election, the custodian of election records must give the county chair 48 hours of notice prior to the test. The county chair is required to confirm receipt of the notice.

After the polls close at the end of early voting, the ballot board and/or central counting station may convene to perform the following activities, depending on the population size of the county:

Counties with a population of 100,000 or more:

First day those counties may convene their early voting ballot board and/or central counting station and begin **counting** ballots; **however, the results may not be announced until after the polls close on election day.** (Secs. 87.0222, 87.0241).

NOTE - If a county with a population of 100,000 or more is convening their early voting ballot board and/or central counting station early to begin **counting** ballots, the test of the tabulation equipment will need to be completed at least 48 hours before the equipment is used to count ballots. (Secs. 87.0222, 87.0241, 127.096).

Counties with a population less than 100,000:

First day those counties 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). See [Notice of Delivery of Early Voting Balloting Materials \(PDF\)](#).

NOTE – NEW LAW: SB 1 (2021, 2nd C.S.) added Section 87.0411 to provide a procedure by which a voter can correct certain defects in their carrier envelope containing their voted ballot. Not later than the second business day after an **early voting ballot board** discovers the defect and before the board decides whether to accept or reject a timely delivered ballot under Section 87.041, the board shall: (1) determine if it would be possible for the voter to correct the defect and return the carrier envelope before the time the polls are required to close on election day; and (2) return the carrier envelope to the voter by mail, if the board determines that it would be possible for the voter to correct the defect and return the carrier envelope before the time the polls are required to close on election day. If the board determines that it would not be possible for the voter to correct the defect and return the carrier envelope before the time the polls are required to close on election day, the board may notify the voter of the defect by phone or email and inform the voter that the voter may cancel their mail ballot in accordance with Section 84.032 or come to the early voting clerk’s office in person not later than the sixth day after election day to correct the defect. If the ballot board

takes one of the actions described above, the board must take that action with respect to each ballot in the election that to which these options apply. (Sec. 87.0411). See [Note 14](#).

NOTE – NEW LAW: SB 1 (2021, 2nd C.S.) amended Section 127.1232 to provide that in counties with a population of 100,000 or more, the general custodian of election records shall implement a video surveillance system that retains a record of all areas containing voted ballots: (1) from the time the voted ballots are delivered to the central counting station until the canvass of the precinct election returns; and (2) from the time the voted ballots are delivered to the signature verification committee or early voting ballot board until the canvass of precinct election returns. Video from the surveillance system shall be made available to the public by live stream. The recorded video is considered an election record and shall be retained by the general custodian until the end of the calendar year in which an election is held or until an election contest filed in the county has been resolved, whichever is later. (Sec. 127.1232).

Saturday, February 26, 2022 (day after last day of early voting in person; 3rd day before primary election day)

First day to submit an [Application for Emergency Early Ballot Due to Death in Family](#) because of a death in the immediate family that occurred on or after Thursday, February 24, 2022 (“the day before the last day of the period for early voting by personal appearance”), and will require absence from the county of residence on election day. The application may be submitted through the close of business on Monday, February 28, 2022, the day before primary election day. (Secs. 103.001 & 103.003(b)).

Sunday, February 27, 2022 (2nd day before primary 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 9](#), above).

Monday, February 28, 2022 (day before primary election day)

Last day 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 the list to election judges. The early voting clerk must also deliver the precinct early voting list. The list may be delivered electronically if the county will be using an electronic pollbook. (Sec. 87.122).

Last day to submit [Application for Emergency Early Ballot Due to Death in Family](#) and vote a late ballot by personal appearance due to death in immediate family that occurred on or after Thursday, February 24, 2022. (Sec. 103.003).

Deadline for county chair to post notices of changed polling places. The notice must be posted at the entrance of the polling place used in the last primary election and must provide the location of the new polling place. (Sec. 43.062).

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, February 28, 2022, 24 hours before election day. (1 T.A.C. § 81.174(d)(3)).

NOTE: Under this type of delivery, the county voter registrar **must** go to the office of the custodian of election records and pick up the provisional ballots and forms.

NOTE: The general custodian of election records (or the early voting clerk, if applicable) must also post a [Notice of Delivery of Provisional Ballots](#) at least 24 hours before delivery will occur. (1 T.A.C. § 81.174(b)(1)).

March

Tuesday, March 1, 2022, PRIMARY ELECTION DAY (Sec. 41.007(a), (c)).

Prior to opening the polls, the presiding judge of each precinct must post at each entrance to the building a notice of the time and place for convening the precinct, county, senatorial and state conventions. This notice must remain posted continuously during the early voting period and on election day. (Sec. 172.1111).

7:00 AM – 7:00 PM	<p>Polls are open. (Sec. 41.031(a)).</p> <p>Voter registrar's office is open. (Sec. 12.004(c)).</p> <p>Early voting clerk's office is open for early voting activities. 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. The identification procedure is the same as that used for personal appearance voting. (Secs. 63.0101, 83.011, 86.006).</p> <p>A voter may vote at the main early voting polling place if voting machines are used at regular polling place(s) on election day <u>and</u> the voter has a sickness or physical condition that prevents the voter from voting in the regular manner without personal assistance or a likelihood of injuring the voter's health. (Secs. 104.001 & 104.003). However, if the early voting ballots by mail are processed at a location other than the main early voting polling place, the early voting clerk may require the voting to be conducted at that location. (Sec. 104.003).</p>
5:00 PM	<p>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, February 17, 2022 (12th day before election day). (Sec. 102.003(b)). See entry at Thursday, February 17, 2022.</p>
7:00 PM	<p>Regular deadline for receiving early voting ballots by mail. BUT see entry for Thursday, March 3, 2022 on "late domestic ballots," and entry for Monday, March 7, 2022 on other "late" ballots.</p> <p>This is also the deadline to receive late ballots cast by voters who became sick or disabled on or after Thursday, February 17, 2022 (12th day before election day). (Secs. 86.007(a) & 102.006(c)). See entry at Thursday, February 17, 2022.</p>
7:00 PM	<p>County election officer begins transmitting results to Secretary of State and transmits continuously until results are final. (Sec. 68.034).</p>

NOTE – NEW LAW: SB 1 (2021, 2nd C.S.) amended Section 61.002 to provide that immediately before the opening of the polls on election day, the presiding judge or alternate judge shall confirm that the public counters on each voting machine are set to zero and shall print the tape that shows that there are zero votes for each candidate or measure on the ballot. Immediately after the closing of the polls on election day, the presiding judge or alternate judge shall print the tape to show the number of votes cast for each candidate or measure. Each election judge and alternate judge shall sign the printed tapes. (Sec. 61.002).

NOTE – NEW LAW: SB 1 (2021, 2nd C.S.) requires the presiding judge of the central counting station to provide and attest to a written reconciliation of votes and voters at the close of tabulation for election day and again after the central counting station meets for the last time to process late-arriving ballots by mail and provisional ballots. (Sec. 127.131).

NOTE: Receipt of Mail Ballots: All early voting ballots sent by mail from inside the United States that are received by 7:00 PM on election day, Tuesday, March 1, 2022, **must be counted on election night**. If the

carrier envelope does not bear a cancellation mark or a receipt mark, the ballot must arrive before the time the polls are required to close **on election day**. (Sec. 86.007(a)(1)). If the early voting clerk cannot determine whether a ballot arrived before that 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(b)). 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)).

NOTE: An early voting mail ballot that is not received by 7:00 pm on election day may not be counted unless the ballot may be counted late, which applies to late domestic ballots (Sec. 86.007(a)(2)), ballots mailed from outside the United States (Sec. 86.007(d)), and ballots from members of the armed forces and merchant marine of the United States, Texas National Guard or the National Guard of another state or members of the Reserves, as well as their spouses and dependents (Sec. 101.057). See [entry](#) for Thursday, March 3, 2022, and [entry](#) for Monday, March 7, 2022. See Tex. Sec'y of State Election [Advisory No. 2018-02](#).

Note on 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 on election day that 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) & 87.025). **The custodian is the sheriff for county elections, elections ordered by the governor, or a primary election** (or the county judge in a year when the office of sheriff is on the ballot). (Sec. 66.060).

NOTE: If ballots are to be delivered before election day, the early voting clerk must post [Notice of Delivery](#) at least 24 hours before each delivery at the main early voting polling place. (Secs. 87.021, 87.022).

Note on 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 on Testing 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).

After the polling place is officially closed and the last person has voted, the presiding judge may from time to time make an unofficial announcement of the total number of votes counted for each candidate and/or for or against each proposition in the order that they appear on the ballot. (Sec. 65.015(a)). The announcement shall be made at the entrance to the polling place. (Sec. 65.015(c)).

NOTE: The authority conducting the election may require or prohibit such announcements. (Sec. 65.015(b)). Unofficial election results must be released by the central counting station as soon as they are available after the polls close, but the presiding judge of the central counting station, in cooperation with the county election officer, may choose to withhold the release of vote totals until the last voter has voted. (Sec. 127.1311).

Note on Precinct Election Returns: Precinct election returns are delivered to the appropriate authorities after completion. (Secs. 66.053(a), 127.065, 127.066 & 127.067).

Transfer of Provisional Ballots to Voter Registrar on Election Night: The county voter registrar may take possession of the ballot box(es) or transfer case(s) containing the provisional ballots (or provisional ballot affidavits when DRE systems are used) on election night (instead of on the next business day) by informing the custodian of election records and posting a notice of such election night transfer no later than 24 hours before election day. Under this type of delivery, the voter registrar must go to the office of the

custodian and pick up the ballot box(es) or transfer case(s) and associated forms. (Sec. 65.052; 1 T.A.C. §§ 81.172 – 81.174 & 81.176).

NOTE – NEW LAW: SB 1116 (2021, R.S.) created additional requirements regarding information that a county must post on its website for elections held by a county or elections for any local political subdivision in which the county has contracted to provide election services. While these statutory web posting requirements do not specifically apply to primary elections, **we strongly recommend that you post this information for any primary election in which the county has contracted to provide election services.** Accordingly, the following information should be posted on the county's website **as soon as practicable after the election.** This information should be accessible without having to make more than two selections or view more than two network locations after accessing the county's home page. The information on the website should include:

1. the results of each election;
2. the total number of votes cast;
3. the total number of votes cast for each candidate or for or against each measure;
4. the total number of votes cast by personal appearance on election day;
5. the total number of votes cast by personal appearance or mail during the early voting period; and
6. the total number of counted and uncounted provisional ballots cast. (Sec. 65.016).

Wednesday, March 2, 2022 (Texas Independence Day)

Thursday, March 3, 2022 (1st business day after primary election day)

5:00 PM – Deadline to receive “**late domestic ballots**” mailed **within** the United States from **non-military voters and from any military voters** who submitted an **Application for Ballot by Mail** (“**ABBM**”) (not a Federal Postcard Application – “**FPCA**”), if the carrier envelope was placed for delivery by mail or common or contract carrier **AND** bears a cancellation mark of a postal service or a receipt mark of a common or contract carrier or a courier indicating a time not later than **7:00 PM** at the location of the election on election day, March 1, 2022. (Sec. 86.007(a)(2)). A late domestic ballot **cannot be counted** if it does **not** bear a cancellation mark or a receipt mark. (Sec. 86.007(c), (e), & (f)). The deadline is extended to the next regular business day which is Thursday, March 3, 2022 due to the 1st day after election day falling on a legal holiday, Texas Independence Day, March 2, 2022. (Sec. 86.007(d-1)).

NOTE: This deadline does not apply to ballots sent by non-military voters who are overseas but applied for a ballot using an ABBM; these voters have until the 5th day after primary election day to return their ballots (or the next business day if the 5th day falls on a weekend or legal state or federal holiday). This deadline also does not apply to ballots mailed (domestically or from overseas) by certain members of the military who applied for a ballot using an FPCA; those voters have until the 6th day after primary election day to return their ballots. See [entry](#) for March 7, 2022.

Unless the county voter registrar has already taken possession of the provisional ballots prior to this date, the general custodian of election records must deliver the ballot box(es) or transfer case(s) containing the provisional ballots (or provisional ballot affidavits when DRE systems are used), along with the Summary of Provisional Ballots and the List of Provisional Voters for each precinct to the voter registrar by this day. The general custodian of election records makes this delivery to the voter registrar during the voter registrar office's regular business hours. (Secs. 65.052, 65.053; 1 T.A.C. §§ 81.172 – 81.174 & 81.176).

NOTE: For the primary election, if the voter registrar wants to take possession of the provisional ballots and forms on election night (Tuesday, March 1, 2022), the voter registrar must inform the custodian of the election records and post a notice of the election night transfer no later than 24 hours before election day. However, under this type of delivery, the voter registrar **must** go to the office of the custodian of election records and pick up the provisional ballots and forms. Also, note that the voter registrar may take possession of provisional ballots prior to election night if ballots are kept separate and may be provided without unlawful entry into ballot box. (1 T.A.C. §§ 81.172 – 81.174).

Friday, March 4, 2022 (3rd day after primary election day)

Last day to begin the **partial manual count** for entities using electronic voting systems for the counting of ballots. This is the last day to **begin** manual recount of ballots in three precincts or one percent of precincts, whichever is greater. (Sec. 127.201(a), (g)). The count must be completed not later than the 21st day after election day. Results of the manual count must be delivered to the 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, but partial manual count must be completed for mail ballots. (Sec. 127.201(g)).

NOTE: For information on how to begin the partial manual count, please see [Tex. Sec'y of State Election Advisory No. 2018-30](#).

Monday, March 7, 2022 (6th day after primary election day)

Last day to receive ballots from **non-military and any military voters** casting ballots from outside of the United States, who submitted an **ABBM** (not an FPCA) **AND** who placed their ballots in delivery by 7:00 PM on primary election day, Tuesday, March 1, 2022, as evidenced by a postal service cancellation mark or a receipt mark of a common or contract carrier or a courier. (Sec. 86.007(d)). A late overseas ballot sent by a voter who applied for a ballot using an ABBM (not an FPCA) **cannot be counted** if it does **not** bear a cancellation mark or a receipt mark. (Sec. 86.007(c), (e), & (f)). The deadline is extended to the next regular business day which is Monday, March 7, 2022 due to the 5th day falling on a Sunday. (Sec. 86.007(d-1)).

NOTE: The delivery is considered timely if the carrier envelope or, if applicable, the envelope containing the carrier envelope is properly addressed with postage or handling charges prepaid **and** bears a cancellation mark of a recognized postal service or a receipt mark of a common or contract carrier or a courier indicating a time **by 7:00 PM** on primary election day.

Last day to receive ballots from **non-military voters** casting ballots from overseas, who submitted a **FPCA**, **AND** who placed their ballots in delivery by 7:00 PM on primary election day, Tuesday, March 1, 2022. (Sec. 86.007(d) & (e)). The deadline is extended to the next regular business day which is Monday, March 7, 2022 due to the 5th day falling on a Sunday. (Sec. 86.007(d-1)).

Last day to receive carrier envelopes mailed domestically (within the United States) OR overseas from voters who submitted a **FPCA AND** who are members of the armed forces of the United States, or the spouse or a dependent of a member of the armed forces, members of the merchant marines of the United States, or the spouse or a dependent of a member of the merchant marine, members of the Texas National Guard, or the spouse or a dependent of a member of the Texas National Guard, a member of the National Guard of another state, or the spouse or a dependent of a member of the National Guard of another state, or members of the Reserves, or the spouse or a dependent of a member of the Reserves. (Secs. 101.057 and 101.001).

NOTE - Section 101.057 provides that carrier envelopes mailed domestically or overseas from certain **military voters** (members of the armed forces of the United States, or the spouse or a dependent of a member of the armed forces, members of the merchant marines of the United States, or the spouse or a dependent of a member of the merchant marine, members of the Texas National Guard, or the spouse or a dependent of a member of the Texas National Guard, a member of the National Guard of another state, or the spouse or a dependent of a member of the National Guard of another state, or members of the Reserves, or the spouse or a dependent of a member of the Reserves) who submitted a **Federal Post Card Application (FPCA)** may arrive on or before the 6th day after election day. (Secs. 86.007, 101.057 and 101.001).

NOTE: The carrier envelope or, if applicable, the envelope containing the carrier envelope sent **by the military members listed above who applied to vote by mail using the FPCA does NOT need to bear a cancellation or receipt mark in order to be counted.**

Last day to post notice of the county chair (or county chair's designee) and at least one member of the county executive committee's canvass of the returns for the primary election because canvass must take

place on Thursday, March 10, 2022. This notice must be posted at least 72 hours before the scheduled time of the meeting. (Sec. 172.116; Secs. 551.002, 551.041 & 551.043, Texas Government Code).

NOTE: Section 172.116 provides that a county chair may designate another individual to conduct the local canvass on the county chair's behalf. That designee must be a member of the county executive committee. If no member of the county executive committee is available to act as the county chair's designee, then any individual who is a resident of the county and is affiliated with the same political party may act as the county chair's designee.

Deadline for ID related provisional voter to: (1) present acceptable photo identification to county voter registrar; or (2) if the voter does not possess and cannot reasonably obtain acceptable photo identification, follow the Reasonable Impediment Declaration procedure at the county voter registrar; or (3) execute an affidavit relative to "natural disaster" or "religious objection" in presence of county voter registrar, if applicable; or (4) qualify for the disability exemption, if applicable, with the county voter registrar. (Secs. 65.054, 65.0541).

Deadline for county voter registrar to complete the review of provisional ballots. (1 T.A.C. §§ 81.175 & 81.176).

NOTE – NEW LAW: SB 1 (2021, 2nd C.S.): Last day a voter may come to the early voting clerk's office in person to correct certain defects in their carrier envelope. (Secs. 87.0271, 87.0411). See [Note 14](#).

Tuesday, March 8, 2022 (7th day after primary election day; 2nd Tuesday in March)

Precinct conventions held for parties nominating by convention. (Secs. 181.061(c) & 182.005).

Deadline for custodian of election records or presiding judge of the early voting ballot board to retrieve provisional ballots from county voter registrar. (1 T.A.C. §§ 81.175 & 81.176).

Thursday, March 10, 2022 (2nd Thursday after primary election day, 9th day after Primary Election Day)

Last day for **early voting ballot board** to convene to qualify and count:

1. any late **domestic** ballots (from non-military and from any military voters who submitted an ABBM) that bear a cancellation mark or receipt mark indicating they were placed for delivery by mail or common or contract carrier not later than 7:00 PM on election day, March 1, 2022, and were received not later than 5:00 PM on the first business day after election day, Thursday, March 3, 2022. (Secs. 86.007(a) & (d-1), 87.125(a)).
2. any late ballots that were submitted from outside the United States by voters who applied for the ballot using an ABBM or by non-military voters who applied for the ballot using an FPCA, and which were received by the 5th day after election day, Monday, March 7, 2022. (Secs. 86.007(d) & (d-1), 87.125(a)).
3. any ballots received by the 6th day after election day, Monday, March 7, 2022, from voters who are members of the armed forces of the United States, or the spouse or a dependent of a member of the armed forces, members of the merchant marines of the United States, or the spouse or a dependent of a member of the merchant marine, members of the Texas National Guard, or the spouse or a dependent of a member of the Texas National Guard, a member of the National Guard of another state, or the spouse or a dependent of a member of the National Guard of another state, or members of the Reserves, or the spouse or a dependent of a member of the Reserves, and who applied for a ballot using an FPCA. (Secs. 101.057, 87.125(a)).
4. any provisional ballots that have been reviewed by the voter registrar. (Sec. 65.051(a)).

NOTE: Ballots that do not qualify under 1-3 above should be treated as ballots not timely returned and should not be delivered to the ballot board. (Sec. 86.007).

NOTE: If the early voting ballot board needs to meet after this date, it will require a court order to do so.

The time the board reconvenes is set by the presiding judge of the early voting ballot board. (Secs. 86.007(d), 87.125).

NOTE – NEW LAW: SB 1 (2021, 2nd C.S.) requires the presiding judge of the central counting station to provide and attest to a written reconciliation of votes and voters at the close of tabulation for election day and again after the central counting station meets for the last time to process late-arriving ballots by mail and provisional ballots. (Sec. 127.131).

Local canvass of the general primary election by county chair (or county chair's designee) and at least one member of the county executive committee must be conducted on this date. (Sec. 172.116(b)).

NOTE: Section 172.116 provides that a county chair may designate another individual to conduct the local canvass on the county chair's behalf. That designee must be a member of the county executive committee. If no member of the county executive committee is available to act as the county chair's designee, then any individual who is a resident of the county and is affiliated with the same political party may act as the county chair's designee.

NOTE: Section 172.084(a) requires that the order of candidates on the ballot for the runoff primary election be the same as the order of candidates on the ballot for the general primary election. Therefore, a second ballot drawing for ballot order for the runoff primary election is no longer required.

Last day to post notice of state executive committee's meeting to canvass returns of primary election because state canvass must take place on Sunday, March 13, 2022. This notice must be posted at least 72 hours before the scheduled time of the meeting. (Sec. 172.120; Secs. 551.002, 551.041 & 551.043, Texas Government Code).

Friday, March 11, 2022 (10th day after primary election day; 24 hours after local canvass)

The presiding judge of the EVBB shall mail a [Notice of Rejected Ballot \(PDF\)](#) to voters whose mail ballots were rejected no later than the 10th day after election day or as soon as practicable, depending on when the EVBB last convenes. (Sec. 87.0431).

NOTE: Section 87.0431 requires notice to also be provided to email address of an overseas mail ballot voter if ballot was transmitted to the voter by email under Section 101.102.

Deadline for state chairs and county chairs to submit itemized estimate and request for state funds to cover runoff primary expenses. (Sec. 173.081(e)). Notice of consolidation of county precincts, if any, must accompany the itemized estimate. (Sec. 173.081(f)).

Saturday, March 12, 2022 (1st Saturday after 2nd Tuesday in March)

County convention for minor parties that are nominating candidates for single-county district, county, or precinct offices. (Sec. 181.061(c)).

Sunday, March 13, 2022 (2nd Sunday after the primary election day)

Deadline for state executive committee to conduct state canvass for all races with potential runoffs (races with three or more candidates). See [entry](#) under Wednesday, March 23, 2022. State chair must certify these candidates for statewide and district offices for placement on runoff primary election ballot to county chair as soon as practicable after canvass is completed. The certification will be posted to the Secretary of State's website. (Secs. 172.120(b)(1) & 172.121).

NOTE: Section 172.121 requires the state chair to certify runoff candidates for state or district offices by posting the candidates and their respective outcomes to the Secretary of State's website.

NOTE: Section 172.084(a) requires that the order of candidates on the ballot for the runoff primary election be the same as the order of candidates on the ballot for the general primary election. Therefore, a second ballot drawing for ballot order for the runoff primary election is not required.

Wednesday, March 16, 2022 (3rd day after state canvass of races with potential runoffs; 15th day after general primary election day)

5:00 PM — Last day runoff primary candidates may withdraw from ballot. (Sec. 172.059(a)).

Election records from the general primary election must be available in an electronic format no later than this day, for a fee of not more than \$50.00. (Sec. 1.012(e)).

Thursday, March 17, 2022 (4th day after state canvass of races with potential runoffs; 68th day before runoff primary election day)

Recommended date for primary committee to approve runoff primary ballot format. (Sec. 172.083).

Recommended date for county chair to order runoff primary election ballots. (Sec. 172.083).

Monday, March 21, 2022 (64th day before runoff primary election day, 11th day after local canvass)

Deadline for the presiding judge of the early voting ballot board to notify provisional voters whether their ballots were counted and if not, the reason why they were not counted. (Sec. 65.059; 1 T.A.C. §§ 81.176(e)). (The deadline is extended to the next regular business day which is Monday, March 21, 2022 due to the **10th day falling on Sunday, March 20, 2022.** (Sec. 1.006).)

Wednesday, March 23, 2022 (22nd day after primary election day)

Deadline for state chair to conduct the state canvass for races with no potential runoff. (Sec. 172.120(b)(2)). (See entry under [Sunday, March 13, 2022](#)).

Friday, March 25, 2022 (60th day before runoff primary election)

Deadline for printers/vendors to register with the Secretary of State to print runoff primary ballots. (Sec. 51.013).

Recommended last day to order any additional election supplies necessary for the runoff primary election.

Recommended last day for the county chair of each political party to appoint presiding and alternate judges for each precinct in which the primary runoff election will be held in the county, presiding judge and alternate presiding judge for the early voting ballot board, presiding judge of the central counting station, and personnel for the central counting station, if judges have not been appointed for the primary runoff election. (Secs. 32.006, 32.008, 87.002 & 127.002-127.005). Written notice of the appointments must be given to the judges in accordance with Section 32.009 of the Texas Election Code.

NOTE – NEW LAW: SB 1 (2021, 2nd C.S.) amended Section 87.002 to require the early voting ballot board to have an alternate judge. The alternate judge is appointed in the same manner as the presiding judge.

Recommended last day for the county election officer to appoint presiding and alternate judges from the lists provided by each county chair and to appoint the election clerks in a **joint primary** election. (Sec. 172.126(c)). Written notice of the appointments must be given to the judges in accordance with Section 32.009 of the Texas Election Code.

NOTE: General eligibility requirements for election judges and clerks are found in Subchapter C, Chapter 32 of the Texas Election Code. General eligibility requirements for central counting station personnel are found in Sections 127.002-127.005 of the Texas Election Code. The presiding judge appoints the clerks, but not more than the maximum set by the political party, consistent with Secretary of State's primary finance rules; however, the alternate judge must serve as one of the clerks. (Secs. 32.032 & 32.033).

Recommended date to order the lists of registered voters from the county voter registrar. (Sec. 18.006).

Wednesday, March 30, 2022 (20th day after local canvass of primary election)

Deadline for county chair to post notice on the Secretary of State's website of the names of the persons elected as county chair for the county. (Sec. 172.118).

NOTE: Section 172.118 does not require the county chair to provide written notice to the state chair and county clerk of new party officers. Instead, the county chair will post this information on the Secretary of State's website.

Thursday, March 31, 2022 (30th day after primary election day)

Deadline for county clerk to deliver to Secretary of State precinct returns of primary election for all offices other than party offices, including precinct-by-precinct returns for early voting. The report must include early voting votes cast by mail and early voting votes cast by personal appearance. That delivery to SOS must be made through the electronic system for submission of the report. (Secs. 67.017 & 172.124).

NOTE: Sections 67.017 and 172.124 require this report to include all offices other than party offices in the precinct-by-precinct reports under this section. That report must include separate totals for early voting votes by mail and early voting votes by personal appearance.

April

Monday, April 4, 2022 (50th day before runoff primary election day)

Recommended deadline for county chair of party holding a runoff primary election to procure from voter registrar a set of precinct lists of registered voters (also supplemental lists and correction lists, if necessary) to deliver to county election officer for use in conducting early voting by mail and in person in the party's runoff primary. (Secs. 18.001(d) & 18.002-18.004).

Last day to publish notice for testing of automatic tabulation equipment testing and logic and accuracy testing (L&A testing) of a voting system if test will be completed by recommended deadline of Wednesday, April 6, 2022. Notice of the public tests must be published at least 48 hours before the test begins. The notice must be posted on the county's website if the county maintains a website. If the county does not maintain a website, the notice must be posted on the commissioners court bulletin board. Additionally, for a primary election, the custodian must notify the county chair of the test 48 hours prior to the test. The county chair must confirm receipt of the notice. (Secs. 127.093, 127.096, 129.022, 129.023).

NOTE – NEW LAW: SB 1 (2021, 2nd C.S.) provides that if logic and accuracy testing is being conducted for a primary election, the general custodian of election records shall notify the county chair of the test at least 48 hours before the date of the test. The county chair must confirm receipt of the notice. (Sec. 129.023(b-1)).

Wednesday, April 6, 2022 (48th day before runoff primary election day)

Recommended date to conduct the first test of the automatic tabulating equipment and for logic and accuracy (L&A test) test on voting system. (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 9](#), above.

NOTE – NEW LAW: SB 1 (2021, 2nd C.S.) requires the general custodian of election records to demonstrate, using a representative sample of voting system equipment, that the source code of the equipment has not been altered. (Sec. 129.023(c-1)).

Saturday, April 9, 2022 (45th day before runoff primary election day; 2nd Saturday in April)

Deadline to mail ballots to military or overseas voters who already submitted their ballot requests via a federal postcard application (FPCA) or via a standard application for ballot by mail (ABBM) and indicated that they are outside the United States. 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: HB 3107 (2021, R.S.) amended Section 101.052 of the Code regarding FPCAs. Effective September 1, 2021, an FPCA may be submitted by in-person delivery by the voter in accordance with Section 84.008 of the Code or by common or contract carrier. (Sec. 101.052)

NOTE – NEW LAW: HB 3107 (2021, R.S.) amended Section 101.001 of the Code regarding FPCAs. Effective September 1, 2021, a member of the Texas National Guard or the National Guard of another state or a member of a reserve component of the armed forces of the United States serving on active duty under an order of the President of the United States or activated on state orders, or the spouse or dependent of a member, may submit an FPCA. (Sec. 101.001).

NOTE: The 45th-day deadline under Section 86.004(b) is *not* extended by Section 1.006 to the next business day. The ballots covered by Section 86.004(b) should be sent out on or before Saturday, April 9, 2022.

Reminder Regarding FPCAs and Overseas ABBMs: If the early voting clerk receives an FPCA (from a military or non-military voter) or an ABBM from an overseas voter after the 45th day deadline, then the ballot **must** be mailed within seven days after the early voting clerk **receives** the FPCA or ABBM. (Secs. 86.004(b), 101.104).

Reminder: In regards to mail ballots for other voters (not military voters using an FPCA or overseas voters using an FPCA or ABBM), 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 37th day before election day, the voter's mail ballot must be mailed no later than the 30th day before election day. (Sec. 86.004(a)). This means that for every application that comes in before the 37th day before election day, the balloting materials must be mailed by the 30th day before election day. Any application that comes in after the 37th day before election day will follow the 7-day timeline in Sec. 86.004.

NOTE: Information on the early voting roster for both early voting in person and early voting by mail must be made available for public inspection and on the county's website if the county clerk or elections administrator is serving as the early voting clerk. The early voting roster shall be posted by 11:00 AM on the day after the information is entered on the roster (for early voting in person) or by 11:00 AM on the day after the early voting clerk receives a ballot voted by mail. If the entity does not maintain a website, the information must be on the bulletin board used for posting notices. (Sec. 87.121).

NOTE – NEW LAW: HB 1622 (2021, R.S.) amended Section 87.121 of the Code to provide that if an early voting clerk fails to post their early voting rosters in accordance with Section 87.121, a person registered to vote in the county where the early voting clerk is conducting early voting may file a complaint with the Secretary of State regarding the early voting clerk's noncompliance. The Secretary of State by rule shall create and maintain a system for receiving and recording these complaints. (Sec. 87.121).

State convention for minor party that is nominating candidates for statewide offices. (Sec. 181.061(a)).

Friday, April 15, 2022 (39th day before runoff primary election day; Good Friday)

Thursday, April 21, 2022 (33rd day before runoff primary election day; San Jacinto Day)

Friday, April 22, 2022 (32nd day before runoff primary election day and 12th day before first day signature verification committee may convene)

Recommended date for early voting clerk to issue order calling for appointment of signature verification committee for the runoff primary election, if the early voting clerk determines that a committee is to be appointed. (Sec. 87.027).

If the signature verification committee will start meeting on Wednesday, May 4, 2022, **recommended date** early voting clerk should post copy of the order calling for appointment of the signature verification committee. (Saturday, April 23, and Sunday, April 24, 2022 are the 10th and 11th days before the first day the committee may meet.) The notice must remain posted continuously for at least 10 days before the first day the committee meets. The notice must be posted on the county's website if the county maintains a website. If the county does not maintain a website, the notice must be posted on the commissioners court bulletin board. (Sec. 87.027).

Monday, April 25, 2022 (29th day before runoff primary election day)

Last day to register to vote or make a change of address effective for the Tuesday, May 24, 2022 primary runoff 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 "my intent to return is uncertain" (2019 form), or "my return is uncertain" (2017 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 T.A.C. § 81.40(a), (c)(2)).

Wednesday, April 27, 2022 (5th day after recommended date to order signature verification committee)

If the early voting clerk issues order calling for appointment of signature verification committee on the recommended date for issuing that order (Friday, April 22, 2022), this is the deadline for the county chair to appoint the members to the committee. See entry under [Friday, April 22, 2022](#). (Sec. 87.027).

May

Sunday, May 1, 2022 (61st day after primary election day)

First day the general custodian of election records may (1) require a person who has possession of a key that operates the lock on a ballot box containing voted ballots to return the key to the custodian; and (2) unlock the ballot box and transfer the voted ballots to another secure container for the remainder of the preservation period. (Sec. 66.058(b)). **Please note that the custodian is not required by law to do this on Sunday, May 1, 2022; the custodian may choose to transfer the voted ballots to another secure container for the remainder of the preservation period on Monday, May 2, 2022 or a later date.**

Tuesday, May 3, 2022 (21st day before runoff primary election day)

Last day for county clerk to post notice of the runoff primary election on the county's website. The notice must also be posted on the county's website if the county maintains a website. If the county does not maintain a website, the notice must be posted on the commissioners court bulletin board. (Secs. 4.003 & 172.1112).

NOTE: Section 172.1112 requires the county to post the notice of election and notice of consolidated precincts on the county's website if the county maintains a website. Under the prior version of the law, the notice was required to be posted on the party's website.

NOTE: Section 172.1112 requires that the county clerk, rather than the county chair, post the notice of election for the primary election.

NOTE – NEW LAW: SB 1116 (2021, R.S.) created additional requirements regarding information that a county must post on its website for elections held by a county or elections for any local political subdivision in which the county has contracted to provide election services. While these statutory web posting requirements do not specifically apply to primary elections, **we strongly recommend that you post this information for any primary election in which the county has contracted to provide election services.** Accordingly, the following information should be posted on the county's website not later than the 21st day before election day:

- The date of the election;
- The location of each polling place;
- Each candidate for an elected office on the ballot; and
- Each measure on the ballot. (Sec. 4.009).

Wednesday, May 4, 2022 (20th day before runoff primary election day)

Deadline for a person who is not permanently registered to vote to submit a postmarked FPCA, in order to receive a full ballot by mail for the May 24, 2022 primary runoff election. A person who is **not** permanently registered to vote and submits a postmarked FPCA after this date (20th day) and before the deadline to submit an application for ballot by mail, is not entitled to receive a ballot for any non-federal election. See Monday, May 9, 2022 [entry](#) for timeliness of an FPCA received without a postmark. (Secs. 101.052(e), 101.052(i)(2)).

NOTE – NEW LAW: HB 3107 (2021, R.S.) amended Section 101.052 of the Code regarding FPCAs. Effective September 1, 2021, an FPCA may be submitted by in-person delivery by the voter in accordance with Section 84.008 of the Code or by common or contract carrier. (Sec. 101.052).

NOTE – NEW LAW: HB 3107 (2021, R.S.) amended Section 101.001 of the Code regarding FPCAs. Effective September 1, 2021, a member of the Texas National Guard or the National Guard of another state or a member of a reserve component of the armed forces of the United States serving on active duty under an order of the President of the United States or activated on state orders, or the spouse or dependent of a member, may submit an FPCA. (Sec. 101.001).

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 "my intent to return is uncertain" (2019 form), or "my return is uncertain" (2017 form)**, in which case, it will not serve as a permanent registration. (Sec. 101.055; 1 T.A.C. § 81.40).

NOTE: Overseas (non-military) voters marking the FPCA **"my intent to return is uncertain" (2019 form), or "my return is uncertain" (2017 form)** receive a federal ballot **only** regardless of the date filed. (Chapter 114).

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

NOTE – NEW LAW: SB 1 (2021, 2nd C.S.) added Section 87.0271 to provide a procedure by which a voter can correct certain defects in their carrier envelope containing their voted ballot. Not later than the second business day after a **signature verification committee** discovers the defect and before the committee decides whether to accept or reject a timely delivered ballot under Section 87.027, the

committee shall: (1) determine if it would be possible for the voter to correct the defect and return the carrier envelope before the time the polls are required to close on election day; and (2) return the carrier envelope to the voter by mail, if the committee determines that it would be possible for the voter to correct the defect and return the carrier envelope before the time the polls are required to close on election day. If the committee determines that it would not be possible for the voter to correct the defect and return the carrier envelope before the time the polls are required to close on election day, the signature verification committee may notify the voter of the defect by phone or email and inform the voter that the voter may cancel their mail ballot in accordance with Section 84.032 or come to the early voting clerk's office in person not later than the sixth day after election day to correct the defect. If the signature verification committee takes one of the actions described above, the committee must take that action with respect to each ballot in the election that to which these options apply. (Sec. 87.0271). See [Note 14](#).

Thursday, May 5, 2022 — Friday, May 13, 2022 (19th — 11th day before runoff primary election day)

A person submitting an FPCA during this period who is **not** registered to vote is not entitled to receive a full ballot for the May 24, 2022 primary runoff election, meaning that a person submitting an FPCA during this period is entitled to receive a federal ballot only (no state, district, or county offices), if not already a permanent registered voter. (Secs. 101.052(f), 114.002, 114.004). See entry below under [Monday, May 9, 2022](#) (FPCA without a postmark). (Secs. 101.052(f) & 114.004(c)).

NOTE - The early voting clerk is required to maintain a copy of this application since it may be used for other elections and forward the original to the voter registrar. (Secs. 84.007; 101.052(e), (f)).

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 "**my intent to return is uncertain**" (2019 form), or "**my return is uncertain**" (2017 form (PDF)) in which case, it will not serve as a permanent registration. (Sec. 101.055; 1 T.A.C. § 81.40).

NOTE - Overseas (non-military) voters marking the FPCA "**my intent to return is uncertain**" (2019 form), or "**my return is uncertain**" (2017 form) receive a federal ballot **only** regardless of the date filed. (Chapter 114).

Friday, May 6, 2022 (18th day before runoff primary 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 Rejected 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, May 13, 2022. (Secs. 84.007(c), 86.008).

NOTE – NEW LAW: SB 1 (2021, 2nd C.S.) amended Section 86.001 to provide that if the information required by Section 84.002(a)(1-a) included on the application does not identify the same voter identified on the applicant's voter registration application, the clerk shall reject the application. (Sec. 86.001(f)). If an application is rejected under Section 86.001(f), the clerk shall provide notice of the rejection. The notice must include information regarding the ability to correct or add the required information through the online ballot by mail tracker described in Section 86.015(c). (Sec. 86.001(f-1)). If the applicant corrects the application for ballot by mail online and that application subsequently identifies the same voter identified on the applicant's voter registration application, the clerk shall provide a ballot to the voter. (Sec. 86.001(f-2)).

Monday, May 9, 2022 (15th day before runoff primary election day)

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 (unless the voter marks the FPCA form indicating “**my intent to return is uncertain**” ([2019 form](#)), or “**my return is uncertain**” ([2017 form](#)), in which case the voter receives a federal-only ballot). (Sec. 101.052(i)). See [Note](#) under entry for Wednesday, May 4, 2022.

Last day to notify election judges of duty to hold election ([Writ of Election](#)). 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, May 11, 2022 (13th day before runoff primary election day)

Last day to publish notice of L&A test if test is to be conducted on Friday, May 13, 2022, if testing has not already completed by Wednesday, April 6, 2022. Notice of the public L&A Test must be published at least 48 hours before the test begins. The notice must be posted on the county’s website. Additionally, for a primary election, the custodian must notify the county chair of the test 48 hours prior to the test. The county chair is required to confirm receipt of the notice. (Secs. 129.001, 129.023). See [Note 9](#), above.

NOTE – NEW LAW: SB 1 (2021, 2nd C.S.) provides that if logic and accuracy testing is being conducted for a primary election, the general custodian of election records shall notify the county chair of the test at least 48 hours before the date of the test. The county chair must confirm receipt of the notice. (Sec. 129.023(b-1))

Thursday, May 12, 2022 (day before the last day to apply for a ballot by mail; 12th day before runoff primary election day)

First day a voter who becomes sick or disabled on or after this date may submit an application for a late ballot if the sickness or physical condition 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). See [Application for Emergency Early Voting Ballot Due to Sickness or Physical Disability \(PDF\)](#). Applications may continue to be submitted until 5:00 PM on Election Day. (Sec. 102.003).

First day that counties with a population of 100,000 or more may convene their early voting ballot board and deliver ballot materials 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 a county with a population of 100,000 or more, 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: results may not be released until the polls close on election day.**

NOTE – NEW LAW: SB 1 (2021, 2nd C.S.) added Section 87.0411 to provide a procedure by which a voter can correct certain defects in their carrier envelope containing their voted ballot. Not later than the second business day after an **early voting ballot board** discovers the defect and before the board decides whether to accept or reject a timely delivered ballot under Section 87.041, the board shall: (1) determine if it would be possible for the voter to correct the defect and return the carrier envelope before the time the polls are required to close on election day; and (2) return the carrier envelope to the voter by mail, if the board determines that it would be possible for the voter to correct the defect and return the carrier envelope before the time the polls are required to close on election day. If the board determines that it would not be possible for the voter to correct the defect and return the carrier envelope before the time the polls are required to close on election day, the board may notify the voter of the

defect by phone or email and inform the voter that the voter may cancel their mail ballot in accordance with Section 84.032 or come to the early voting clerk's office in person not later than the sixth day after election day to correct the defect. If the ballot board takes one of the actions described above, the board must take that action with respect to each ballot in the election that to which these options apply. (Sec. 87.0411). See [Note 14](#).

Friday, May 13, 2022 (11th day before runoff primary election; last business day 48 hours before start of early voting in person)

Last day for early voting clerk to receive applications for a ballot to be voted by mail. (Sec. 84.007(c)). 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. The early voting clerk's designated e-mail address for the receipt of applications for ballot by mail must be posted on the Secretary of State's website. (Sec. 84.007(c)).

Last day to receive a FPCA from a voter. If the voter is **not** registered in the county (or the voter marked **"my intent to return is uncertain"** (2019 form), or **"my return is uncertain"** (2017 form)), the voter is eligible for a ballot containing federal offices only. (Secs. 101.052(f) & 114.004(c)).

NOTE – NEW LAW: HB 3107 (2021, R.S.) amended Section 101.001 of the Code regarding FPCAs. Effective September 1, 2021, a member of the Texas National Guard or the National Guard of another state or a member of a reserve component of the armed forces of the United States serving on active duty under an order of the President of the United States or activated on state orders, or the spouse or dependent of a member, may submit an FPCA. (Sec. 101.001).

NOTE: If an ABBM is faxed or emailed or if an FPCA is faxed, then the applicant must submit the ORIGINAL application BY MAIL to the early voting clerk so that the early voting clerk **receives the original no later than the 4th business day after receiving the emailed or faxed ABBM or faxed FPCA**. If the early voting clerk does not receive the original ABBM or FPCA by that deadline, then the emailed or faxed ABBM or faxed FPCA will be considered incomplete, and the early voting clerk may NOT send the applicant a ballot. The requirement to mail the original application does not apply to an **emailed** FPCA. For additional information, please see [Note 13](#), above.

An applicant for a ballot to be voted by mail (ABBM or FPCA) may submit the application by delivering it in person to the early voting clerk if the application is submitted not later than the close of regular business in the clerk's office on Friday, May 13, 2022. (Sec. 84.008).

NOTE – NEW LAW: HB 3107 (2021, R.S.) amended Section 101.052 of the Code regarding FPCAs. Effective September 1, 2021, an FPCA may be submitted by in-person delivery by the voter in accordance with Section 84.008 of the Code or by common or contract carrier. (Sec. 101.052).

NOTE – NEW LAW: HB 3107 (2021, R.S.) amended Section 84.008 of the Code to provide that an applicant for a ballot to be voted by mail may submit the application by delivering it in person to the early voting clerk if the application is submitted not later than the deadline provided by Section 84.007(c) of the Code. This means that effective September 1, 2021, voters may now personally deliver their ABBM or FPCA to the early voting clerk not later than the close of regular business in the early voting clerk's office or 12 noon, whichever is later, on the 11th day before election day (unless that day is a Saturday, Sunday, or legal state or national holiday, in which case the last day is the first preceding regular business day).

Last day to conduct public L&A test of a voting system. We highly **recommend** that this test is done on an earlier date to allow time for corrections to programming, if necessary. (See Note 9, 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.

NOTE – NEW LAW: SB 1 (2021, 2nd C.S.) requires the general custodian of election records to demonstrate, using a representative sample of voting system equipment, that the source code of the equipment has not been altered. (Sec. 129.023(c-1)).

Monday, May 16, 2022 — Friday, May 20, 2022 (8th — 4th day before runoff primary election day)

In counties with a population of 55,000 or more, the early voting clerk must keep the main early voting polling place open for at least 12 hours each day between May 16, 2022 and May 20, 2022. Early voting must be conducted at permanent branch locations for at least 12 hours each day. (Secs. 85.005(c) & 85.067).

In counties with a population of less than 55,000, the early voting clerk must keep the main early voting polling place open for at least 12 hours each weekday of the last week of the early voting period for the runoff primary election if 15 or more registered voters petition the county for the extended 12-hour schedule. (Secs. 85.005(c) & 85.067).

Monday, May 16, 2022 (8th day before runoff primary election day)

First day to vote early in person. (Sec. 85.001(b)).

NOTE: The early voting period for the runoff primary election begins 10 days prior to election day, but because the first day of the early voting period falls on a weekend (Saturday, May 14, 2022), it is extended to the next regular business day, Monday, May 16, 2022. (Sec. 85.001(b), (c)).

In a primary election, a certain number of temporary branch locations must be established depending on the population size of the county:

1. 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.
2. 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.
3. 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 by at least 15 registered voters of that precinct**.

The temporary polling place(s) must remain open for each weekday of the early voting period that the main early voting polling place will be open. The temporary branch polling place(s) must be open at least eight hours each day. (Secs. 85.062, 85.064).

NOTE – NEW LAW: SB 1 (2021, 2nd C.S.) amended Section 85.062 to provide that the location of temporary branch polling places in an election in which countywide polling places are used must be determined with the same methodology that is used for the location of countywide polling places.

NOTE – NEW LAW: SB 1 (2021, 2nd C.S.) amended Section 85.005 to provide that early voting in person must be conducted at the main early voting location on each weekday of the early voting period that is not a legal state holiday and for a period of at least **nine (9) hours**, except that voting may not be conducted earlier than 6:00 AM or later than 10:00 PM. (Sec. 85.005(a)).

NOTE – NEW LAW: Temporary Branch Locations: Effective September 1, 2021, the rules for temporary branch locations differ based on the population size of the county. See [Note 7](#) for additional information regarding temporary branch location days and hours.

NOTE – NEW LAW: SB 1 (2021, 2nd C.S.) amended Section 61.002 to provide that immediately before the opening of the polls on the first day of early voting and on election day, the presiding judge or alternate judge shall confirm that the public counters on each voting machine are set to zero and shall print the tape that shows that there are zero votes for each candidate or measure on the ballot. Each election judge and alternate judge shall sign the printed tapes. (Sec. 61.002).

If early voting by personal appearance is required to be conducted for extended hours, the county voter registrar's office is required to remain open for providing voter registration information during the extended hours that the main early voting polling place is open for voting. (Secs. 12.004(d), 85.005(c) & 85.006(e)).

If county election precincts are consolidated, county clerk must post at the polling place used in the preceding general election for state and county officers a notice of consolidation and location of the polling place. For purposes of conducting a runoff primary election, the "preceding general election" is the **preceding primary election**. (Secs. 4.003(b) & 172.1112). (The deadline is extended to the next regular business day which is Monday, May 16, 2022 due to the 10th day falling on Saturday, May 14, 2022. (Sec. 1.006).)

NOTE: Section 172.1112 requires that the county clerk, rather than the county chair, post the notice of consolidation. The notice should be posted on the county's website if the county maintains a website. If the county does not maintain a website, then it should be posted on the commissioners court bulletin board.

NOTE: Section 172.1112 requires the county to post the notice of election and notice of consolidated precincts on the county's website if the county maintains a website. Under the prior version of the law, the notice was required to be posted on the party's website.

Wednesday, May 18, 2022 (4th business day before runoff primary election day)

Last day for Secretary of State to receive a [Request for Election Inspectors](#) for the runoff primary election. The request must be a written request by 15 or more registered voters of the county for which the inspector is requested. (Sec. 34.001).

Thursday, May 19, 2022 (day before the last day of early voting in person; 5th day before runoff primary)

A voter is eligible to vote a late ballot if they will be out of the county of residence 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, May 21, 2022 (the day after early voting in person ends). (Secs. 103.001, 103.003(b)). An application may be submitted after the last day of the period for early voting by personal appearance and before the close of business on the day before election day. (Sec. 103.003).

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 Friday, May 20, 2022. 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).

NOTE: The Notice of Delivery of Early Voting Balloting Materials serves as notice of the convening of the early voting ballot board. This notice should be posted every time the early voting ballot board reconvenes.

Friday, May 20, 2022 (4th day before runoff primary election day)

Last day to vote early in person in the runoff primary election. (Sec. 85.001(b)).

First day for voter registrar or elections administrator to return the list of registered voters used in first primary to the county chair if it is to be used for the runoff primary election. (Sec. 172.115(b)).

Deadline to publish notice of the first test of the automatic tabulating equipment, if the test is to be conducted as recommended on Sunday, May 22, 2022. The notice must be published at least 48 hours before the test. Additionally, for a primary election, the custodian must notify the county chair of the test 48 hours prior to the test. The county chair must confirm receipt of the notice. (Secs. 127.093 & 127.096).

After the polls close at the end of early voting, the ballot board and/or central counting station may convene to perform the following activities, depending on the population size of the county:

Counties with a population of 100,000 or more:

First day those counties may convene their early voting ballot board and/or central counting station and begin **counting** ballots; **however, the results may not be announced until after the polls close on election day.** (Secs. 87.0222, 87.0241).

NOTE - If a county with a population of 100,000 or more is convening their early voting ballot board and/or central counting station early to begin **counting** ballots, the test of the tabulation equipment will need to be completed at least 48 hours before the equipment is used to count ballots. (Secs. 87.0222, 87.0241, 127.096).

Counties with a population less than 100,000:

First day those 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). See [Notice of Delivery of Early Voting Balloting Materials \(PDF\)](#).

NOTE – NEW LAW: SB 1 (2021, 2nd C.S.) added Section 87.0411 to provide a procedure by which a voter can correct certain defects in their carrier envelope containing their voted ballot. Not later than the second business day after an **early voting ballot board** discovers the defect and before the board decides whether to accept or reject a timely delivered ballot under Section 87.041, the board shall: (1) determine if it would be possible for the voter to correct the defect and return the carrier envelope before the time the polls are required to close on election day; and (2) return the carrier envelope to the voter by mail, if the board determines that it would be possible for the voter to correct the defect and return the carrier envelope before the time the polls are required to close on election day. If the board determines that it would not be possible for the voter to correct the defect and return the carrier envelope before the time the polls are required to close on election day, the board may notify the voter of the defect by phone or email and inform the voter that the voter may cancel their mail ballot in accordance with Section 84.032 or come to the early voting clerk’s office in person not later than the sixth day after election day to correct the defect. If the ballot board takes one of the actions described above, the board must take that action with respect to each ballot in the election that to which these options apply. (Sec. 87.0411). See [Note 14](#).

NOTE – NEW LAW: SB 1 (2021, 2nd C.S.) amended Section 127.1232 to provide that in counties with a population of 100,000 or more, the general custodian of election records shall implement a video surveillance system that retains a record of all areas containing voted ballots: (1) from the time the voted ballots are delivered to the central counting station until the canvass of the precinct election returns; and (2) from the time the voted ballots are delivered to the signature verification committee or early voting ballot board until the canvass of precinct election returns. Video from the surveillance system shall be made available to the public by live stream. The recorded video is considered an election record and shall be retained by the general custodian until the end of the calendar year in which an election is held or until an election contest filed in the county has been resolved, whichever is later. (Sec. 127.1232).

Saturday, May 21, 2022 (day after last day of early voting in person; 3rd day before runoff primary election day)

First day to **submit an application for and vote** a late ballot because of a death in the immediate family that occurred on or after Thursday, May 19, 2022 (“the day before the last day of the period for early voting

by personal appearance”), and will require absence from the county of residence on election day. The application may be submitted through the close of business on May 23, 2022, the day before runoff primary election day. (Secs. 103.001 & 103.003(b)).

Last day to publish notice of the public L&A test of a voting system that will be used for the first time on election day, if test will be held on Monday, May 23, 2022. The last date to perform this test for voting systems that will be used for the first time on election day is Monday, May 23, 2022. Notice of the public L&A test must be published at least 48 hours before the test begins. The notice must be posted on the county’s website if the county maintains a website. If the county does not maintain a website, the notice must be posted on the commissioners court bulletin board. Additionally, for a primary election, the custodian must notify the county chair of the test 48 hours prior to the test. The county chair must confirm receipt of the notice. (Secs. 1.006, 129.001 & 129.023).

Sunday, May 22, 2022 (2nd day before primary election day)

Last day to conduct first test of automatic tabulating equipment, if not done already. The test must be conducted at least 48 hours before ballots will be counted. The notice of the test must be published at least 48 hours before the test. (Secs. 127.093 & 127.096).

Monday, May 23, 2022 (day before runoff primary election day)

Last day to submit an [Application for Emergency Early Ballot Due to Death in Family](#) and vote a late ballot by personal appearance due to death in immediate family that occurred on or after Thursday, May 19, 2022. (Sec. 103.003).

Last day 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 the list to election judges. The early voting clerk must also deliver the precinct early voting list. The list may be delivered electronically if the county will be using an electronic pollbook. (Sec. 87.122).

Deadline for county chair to post notices of changed polling places. The notice must be posted at the entrance of the polling place used in the last primary election and must provide the location of the new polling place. (Sec. 43.062).

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, May 23, 2022, 24 hours before election day. (1 T.A.C. § 81.174(d)(3)).

NOTE: Under this type of delivery, the county voter registrar **must** go to the office of the custodian of election records and pick up the provisional ballots and forms.

NOTE: The general custodian of election records (or the early voting clerk, if applicable) must also post a [Notice of Delivery of Provisional Ballots](#) at least 24 hours before delivery will occur. (1 T.A.C. § 81.174(b)(1)).

Deadline for minor party chairs to submit petitions and precinct convention lists to Secretary of State and to the appropriate county clerk (or other county election official) for placement on the ballot. (Secs. 181.005(a), 181.006(b)(3), 182.003, 182.004). (The deadline is extended to the next regular business day which is Monday, May 23, 2022 due to the 75th day after the precinct conventions falling on Sunday, May 22, 2022. (Sec. 1.006).)

Tuesday, May 24, 2022 (4th Tuesday in May) RUNOFF PRIMARY ELECTION DAY (Sec. 41.007(b)).

7:00 AM – 7:00 PM	<p>Polls are open. (Sec. 41.031(a)).</p> <p>Voter registrar’s office is open. (Sec. 12.004(c)).</p> <p>Early voting clerk’s office is open for early voting activities. 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. The identification procedure is the same as that used for personal appearance voting. (Secs. 63.0101, 83.011, 86.006).</p> <p>A voter may vote at the main early voting polling place if voting machines are used at regular polling place(s) on election day <u>and</u> the voter has a sickness or physical condition that prevents the voter from voting in the regular manner without personal assistance or a likelihood of injuring the voter’s health. (Secs. 104.001 & 104.003). However, if the early voting ballots by mail are processed at a location other than the main early voting polling place, the early voting clerk may require the voting to be conducted at that location. (Sec. 104.003).</p>
5:00 PM	<p>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, May 12, 2022 (12th day before election day). (Sec. 102.003(b)). See entry at Thursday, May 12, 2022.</p>
7:00 PM	<p>Regular deadline for receiving early voting ballots by mail. BUT see entry for Wednesday, May 25, 2022 on “late domestic ballots,” and entry for Tuesday, May 31, 2022 on other “late” ballots.</p> <p>This is also the deadline to receive late ballots cast by voters who became sick or disabled on or after Thursday, May 12, 2022 (12th day before election day). (Secs. 86.007(a) & 102.006(c)). See entry at Thursday, May 12, 2022.</p>
7:00 PM	<p>County election officer begins transmitting results to Secretary of State and transmits continuously until results are final. (Sec. 68.034).</p>

NOTE – NEW LAW: SB 1 (2021, 2nd C.S.) amended Section 61.002 to provide that immediately before the opening of the polls on election day, the presiding judge or alternate judge shall confirm that the public counters on each voting machine are set to zero and shall print the tape that shows that there are zero votes for each candidate or measure on the ballot. Immediately after the closing of the polls on election day, the presiding judge or alternate judge shall print the tape to show the number of votes cast for each candidate or measure. Each election judge and alternate judge shall sign the printed tapes. (Sec. 61.002).

NOTE – NEW LAW: SB 1 (2021, 2nd C.S.) requires the presiding judge of the central counting station to provide and attest to a written reconciliation of votes and voters at the close of tabulation for election day and again after the central counting station meets for the last time to process late-arriving ballots by mail and provisional ballots. (Sec. 127.131).

NOTE: Receipt of Mail Ballots: All early voting ballots sent by mail from inside the United States that are received by 7:00 PM on election day, Tuesday, May 24, 2022, **must be counted on election night**. If the carrier envelope does not bear a cancellation mark or a receipt mark, the ballot must arrive before the time the polls are required to close **on election day**. (Sec. 86.007(a)(1)). If the early voting clerk cannot determine whether a ballot arrived before that 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(b)). 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)).

NOTE: An early voting mail ballot that is not received by 7:00 pm on election day may not be counted unless the ballot may be counted late, which applies to late domestic ballots (Sec. 86.007(a)(2)), ballots mailed from outside the United States (Sec. 86.007(d)), and ballots from members of the armed forces and merchant marine of the United States, Texas National Guard or the National Guard of another state or members of the Reserves, as well as their spouses and dependents (Sec. 101.057). See [entry](#) for Wednesday, May 25, 2022, and [entry](#) for Tuesday, May 31, 2022. See Tex. Sec'y of State Election [Advisory No. 2018-02](#).

Note on 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 on election day that 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) & 87.025). **The custodian is the sheriff for county elections, elections ordered by the governor, and a primary election** (or the county judge in a year when the office of sheriff is on the ballot). (Sec. 66.060).

NOTE: If ballots are to be delivered before election day, the early voting clerk must post [Notice of Delivery](#) at least 24 hours before each delivery at the main early voting polling place. (Secs. 87.021, 87.022).

Note on 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 on Testing 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).

After the polling place is officially closed and the last person has voted, the presiding judge may from time to time make an unofficial announcement of the total number of votes counted for each candidate and/or for or against each proposition in the order that they appear on the ballot. (Sec. 65.015(a)). The announcement shall be made at the entrance to the polling place. (Sec. 65.015(c)).

NOTE: The authority conducting the election may require or prohibit such announcements. (Sec. 65.015(b)) Unofficial election results must be released by the central counting station as soon as they are available after the polls close, but the presiding judge of the central counting station, in cooperation with the county election officer, may choose to withhold the release of vote totals until the last voter has voted. (Sec. 127.1311).

Note on Precinct Election Returns: Precinct election returns are delivered to the appropriate authorities after completion. (Secs. 66.053(a), 127.065, 127.066 & 127.067).

Transfer of Provisional Ballots to Voter Registrar on Election Night: The county voter registrar may take possession of the ballot box(es) or transfer case(s) containing the provisional ballots (or provisional ballot affidavits when DRE systems are used) on election night (instead of on the next business day) by informing the custodian of election records and posting a notice of such election night transfer no later than 24 hours before election day. Under this type of delivery, the voter registrar must go to the office of the custodian and pick up the ballot box(es) or transfer case(s) and associated forms. (Sec. 65.052; 1 T.A.C. §§ 81.172 – 81.174 & 81.176).

NOTE – NEW LAW: SB 1116 (2021, R.S.) created additional requirements regarding information that a county must post on its website for elections held by a county or elections for any local political subdivision in which the county has contracted to provide election services. While these statutory web posting requirements do not specifically apply to primary elections, **we strongly recommend that you post this information for any primary election in which the county has contracted to provide election**

services. Accordingly, the following information should be posted on the county's website **as soon as practicable after the election.** This information should be accessible without having to make more than two selections or view more than two network locations after accessing the county's home page. The information on the website should include:

1. the results of each election;
2. the total number of votes cast;
3. the total number of votes cast for each candidate or for or against each measure;
4. the total number of votes cast by personal appearance on election day;
5. the total number of votes cast by personal appearance or mail during the early voting period; and
6. the total number of counted and uncounted provisional ballots cast. (Sec. 65.016).

Wednesday, May 25, 2022 (1st business day after runoff primary election day)

5:00 PM – Deadline to receive “**late domestic ballots**” mailed **within** the United States from **non-military voters and from any military voters** who submitted an **Application for Ballot by Mail** (“ABBM”) (not a Federal Postcard Application – “FPCA”), if the carrier envelope was placed for delivery by mail or common or contract carrier **AND** bears a cancellation mark of a postal service or a receipt mark of a common or contract carrier or a courier indicating a time not later than **7:00 PM** at the location of the election on runoff primary election day, May 24, 2022. (Sec. 86.007(a)(2)). A late domestic ballot **cannot be counted** if it does **not** bear a cancellation mark or a receipt mark. (Sec. 86.007(c), (e), & (f)).

NOTE: This deadline does not apply to ballots sent by non-military voters who are overseas but applied for a ballot using an ABBM; these voters have until the 5th day after election day to return their ballots (or the next business day if the 5th day falls on a weekend or legal state or federal holiday). This deadline also does not apply to ballots mailed (domestically or from overseas) by certain members of the military who applied for a ballot using an FPCA; those voters have until the 6th day after election day to return their ballots. See [entry](#) for May 31, 2022.

Unless the county voter registrar has already taken possession of the provisional ballots prior to this date, the general custodian of election records must deliver the ballot box(es) or transfer case(s) containing the provisional ballots (or provisional ballot affidavits when DRE systems are used), along with the Summary of Provisional Ballots and the List of Provisional Voters for each precinct to the voter registrar by this day. The general custodian of election records makes this delivery to the voter registrar during the voter registrar office's regular business hours. (Secs. 65.052, 65.053; 1 T.A.C. §§ 81.172 – 81.174, 81.176).

NOTE: If the voter registrar wants to take possession of the provisional ballots and forms on election night (Tuesday, May 24, 2022), the voter registrar must inform the custodian of the election records and post a notice of the election night transfer no later than 24 hours before election day. However, under this type of delivery, the voter registrar **must** go to the office of the custodian of election records and pick up the provisional ballots and forms. Also, note that the voter registrar may take possession of provisional ballots prior to election night if ballots are kept separate and may be provided without unlawful entry into ballot box. (1 T.A.C. §§ 81.172 – 81.174).

Friday, May 27, 2022 (3rd day after primary election day)

Last day to begin the **partial manual count** for entities using electronic voting systems for the counting of ballots. This is the last day to **begin** manual recount of ballots in three precincts or one percent of precincts, whichever is greater. (Sec. 127.201(a), (g)). The count must be completed not later than the 21st day after election day. Results of the manual count must be delivered to the 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, but partial manual count must be completed for mail ballots. (Sec. 127.201(g)).

NOTE: For information on how to begin the partial manual count, please see [Tex. Sec'y of State Election Advisory No. 2018-30](#).

Monday, May 30, 2022 (Memorial Day)

Tuesday, May 31, 2022 (7th day after runoff primary election day)

Last day to receive ballots from **non-military and any military voters** casting ballots from outside of the United States, who submitted an **ABBM** (not an FPCA) **AND** who placed their ballots in delivery by 7:00 PM on runoff primary election day, Tuesday, May 24, 2022, as evidenced by a postal service cancellation mark or a receipt mark of a common or contract carrier or a courier. (Sec. 86.007(d)). A late overseas ballot sent by a voter who applied for a ballot using an ABBM (not an FPCA) **cannot be counted** if it does **not** bear a cancellation mark or a receipt mark. (Sec. 86.007(c), (e), & (f)). The deadline is extended to the next regular business day which is Tuesday, May 31, 2022, due to the **5th day falling on Sunday, May 29, 2022 and due to the fact that Monday, May 30, 2022 is Memorial Day, a legal holiday. (Sec. 86.007(d-1)).**

NOTE: The delivery is considered timely if the carrier envelope or, if applicable, the envelope containing the carrier envelope is properly addressed with postage or handling charges prepaid **and** bears a cancellation mark of a recognized postal service or a receipt mark of a common or contract carrier or a courier indicating a time **by 7:00 PM** on runoff primary election day.

Last day to receive ballots from **non-military voters** casting ballots from overseas, who submitted a **FPCA**, **AND** who placed their ballots in delivery by 7:00 PM on runoff primary election day, Tuesday, May 24, 2022. (Sec. 86.007(d) & (e)). The deadline is extended to the next regular business day which is Tuesday, May 31, 2022 due to the **5th day falling on Sunday, May 29, 2022 and due to the fact that Monday, May 30, 2022 is Memorial Day, a legal holiday. (Sec. 86.007(d-1)).**

Last day to receive carrier envelopes mailed domestically (within the United States) OR overseas from voters who submitted a **FPCA AND** who are members of the armed forces of the United States, or the spouse or a dependent of a member of the armed forces, members of the merchant marines of the United States, or the spouse or a dependent of a member of the merchant marine, members of the Texas National Guard, or the spouse or a dependent of a member of the Texas National Guard, a member of the National Guard of another state, or the spouse or a dependent of a member of the National Guard of another state, or members of the Reserves, or the spouse or a dependent of a member of the Reserves. (Secs. 101.057 and 101.001). The deadline is extended to the next regular business day which is Tuesday, May 31, 2022 due to the **6th day falling on Monday, May 30, 2022, Memorial Day, a legal holiday. (Sec. 86.007(d-1)).**

NOTE - Section 101.057 provides that carrier envelopes mailed domestically or overseas from certain **military voters** (members of the armed forces of the United States, or the spouse or a dependent of a member of the armed forces, members of the merchant marines of the United States, or the spouse or a dependent of a member of the merchant marine, members of the Texas National Guard, or the spouse or a dependent of a member of the Texas National Guard, a member of the National Guard of another state, or the spouse or a dependent of a member of the National Guard of another state, or members of the Reserves, or the spouse or a dependent of a member of the Reserves) who submitted a **Federal Post Card Application (FPCA)** may arrive on or before the 6th day after election day. (Secs. 86.007, 101.057 and 101.001).

NOTE: The carrier envelope or, if applicable, the envelope containing the carrier envelope sent by the military members listed above who applied to vote by mail using the FPCA does NOT need to bear a cancellation or receipt mark in order to be counted.

Last day to post notice of county chair (or county chair's designee) and at least one member of county executive committee's canvass of the returns for the runoff primary election because canvass must take place on Thursday, June 2, 2022. This notice must be posted at least 72 hours before the scheduled time of the meeting. (Sec. 172.116; Secs. 551.002, 551.041 & 551.043, Texas Government Code).

NOTE: Section 172.116 provides that a county chair may designate another individual to conduct the local canvass on the county chair's behalf. That designee must be a member of the county executive committee. If no member of the county executive committee is available to act as the county chair's

designee, then any individual who is a resident of the county and is affiliated with the same political party may act as the county chair's designee.

Deadline for ID related provisional voter to: (1) present acceptable photo identification to county voter registrar; or (2) if the voter does not possess and cannot reasonably obtain acceptable photo identification, follow the Reasonable Impediment Declaration procedure at the county voter registrar; or (3) execute an affidavit relative to "natural disaster" or "religious objection" in presence of county voter registrar, if applicable; or (4) qualify for the disability exemption, if applicable, with the county voter registrar. (Secs. 65.054, 65.0541).

Deadline for county voter registrar to complete the review of provisional ballots. (1 T.A.C. §§ 81.175 & 81.176).

Deadline for custodian of election records or presiding judge of the early voting ballot board to retrieve provisional ballots from county voter registrar. (1 T.A.C. §§ 81.172 – 81.175 & 81.176).

NOTE – NEW LAW: SB 1 (2021, 2nd C.S.): Last day a voter may come to the early voting clerk's office in person to correct certain defects in their carrier envelope. (Secs. 87.0271, 87.0411). See [Note 14](#).

June

Thursday, June 2, 2022 (9th day after runoff primary election day; 2nd Thursday after runoff primary election day)

Last day for **early voting ballot board** to convene to qualify and count:

1. any late **domestic** ballots (from non-military and from any military voters who submitted an ABBM) that bear a cancellation mark or receipt mark indicating they were placed for delivery by mail or common or contract carrier not later than 7:00 PM on election day, May 24, 2022, and were received not later than 5:00 PM on the first business day after election day, Wednesday, May 25, 2022. (Secs. 86.007(a), 87.125(a)).
2. any late ballots that were submitted from outside the United States by voters who applied for the ballot using an ABBM or by non-military voters who applied for the ballot using an FPCA, and which were received by the 5th day after election day, Tuesday, May 31, 2022. (Secs. 86.007(d) & (d-1), 87.125(a)).
3. any ballots received by the 6th day after election day, Tuesday, May 31, 2022, from voters who are members of the armed forces of the United States, or the spouse or a dependent of a member of the armed forces, members of the merchant marines of the United States, or the spouse or a dependent of a member of the merchant marine, members of the Texas National Guard, or the spouse or a dependent of a member of the Texas National Guard, a member of the National Guard of another state, or the spouse or a dependent of a member of the National Guard of another state, or members of the Reserves, or the spouse or a dependent of a member of the Reserves, and who applied for a ballot using an FPCA. (Secs. 101.057, 87.125(a)).
4. any provisional ballots that have been reviewed by the voter registrar. (Secs. 65.051(a)).

NOTE: Ballots that do not qualify under 1-3 above should be treated as ballots not timely returned and should not be delivered to the ballot board. (Sec. 86.007).

NOTE: If the early voting ballot board needs to meet after this date, it will require a court order to do so.

The time the board reconvenes is set by the presiding judge of the early voting ballot board. (Secs. 86.007(d), 87.125).

NOTE – NEW LAW: SB 1 (2021, 2nd C.S.) requires the presiding judge of the central counting station to provide and attest to a written reconciliation of votes and voters at the close of tabulation for election day and again after the central counting station meets for the last time to process late-arriving ballots by mail and provisional ballots. (Sec. 127.131).

Local canvass of the runoff primary election by county chair (or county chair's designee) and at least one member of the county executive committee must be conducted on this date. (Sec. 172.116(b)).

NOTE: Section 172.116 provides that a county chair may designate another individual to conduct the local canvass on the county chair's behalf. That designee must be a member of the county executive committee. If no member of the county executive committee is available to act as the county chair's designee, then any individual who is a resident of the county and is affiliated with the same political party may act as the county chair's designee.

Friday, June 3, 2022 (10th day after runoff primary election day; 24 hours after local canvass)

The presiding judge of the EVBB shall mail a [Notice of Rejected Ballot \(PDF\)](#) to voters whose mail ballots were rejected no later than the 10th day after election day or as soon as practicable, depending on when the EVBB last convenes. (Sec. 87.0431).

NOTE: Sec. 87.0431 requires notice to also be provided to email address of an overseas mail ballot voter if ballot was transmitted to the voter by email under Section 101.102.

Wednesday, June 8, 2022 (15th day after runoff primary election day)

Election records from the runoff primary election must be available in an electronic format no later than this day, for a fee of not more than \$50.00. (Sec. 1.012(e)).

Saturday, June 11, 2022 (3rd Saturday after runoff primary election day)

Deadline for state executive committee to conduct **state canvass**. (Sec. 172.120).

Monday, June 13, 2022 (11th day after local canvass; 20th day after runoff primary election day)

Deadline for the presiding judge of the early voting ballot board to notify provisional voters whether their ballots were counted and if not, the reason why they were not counted. (Sec. 65.059; 1 T.A.C. § 81.176). (The deadline is extended to the next regular business day which is Monday, June 13, 2022 due to the **10th day falling on Sunday, June 12, 2022**. (Sec. 1.006).)

New party officers take office. (Sec. 171.022(c)).

Wednesday, June 22, 2022 (20th day after local canvass)

Deadline for county chair to post notice to the Secretary of State's website of the names of the persons elected as county chair and precinct chairs for the county. The notice must include (1) each party officer's address, (2) each precinct chair's precinct number, and (3) each precinct officer's phone number and email address, if supplied by the officer. (Sec. 172.118).

Thursday, June 23, 2022 (30th day after runoff primary election day)

Deadline for county clerk to deliver to Secretary of State precinct returns of primary election for all offices other than party offices, including precinct-by-precinct returns for early voting. The report must include early voting votes cast by mail and early voting votes cast by personal appearance. That delivery to SOS must be made through the electronic system for submission of the report. (Secs. 67.017 & 172.124).

NOTE: Sections 67.017 and 172.124 require this report to include all offices other than party offices in the precinct-by-precinct reports under this section. That report must include separate totals for early voting votes by mail and early voting votes by personal appearance.

July

Wednesday, July 13, 2022 (30th day after term of party office starts)

Deadline by which former county chair must transfer party bank accounts and records to new county chair; it is a **Class C misdemeanor** if the former county chair fails to transfer the records. (Sec. 171.028).

Sunday, July 24, 2022 (61st day after runoff primary election day)

First day the general custodian of election records may (1) require a person who has possession of a key that operates the lock on a ballot box containing voted ballots to return the key to the custodian; and (2) unlock the ballot box and transfer the voted ballots to another secure container for the remainder of the preservation period. (Sec. 66.058(b)). **Please note that the custodian is not required by law to do this on Sunday, July 24, 2022; the custodian may choose to transfer the voted ballots to another secure container for the remainder of the preservation period on Monday, July 25, 2022 or a later date.**

August

Wednesday, August 31, 2022

Deadline for county chair to file report of the actual expenses of the general primary election and runoff primary election (Final Cost Report) with the Secretary of State. (Sec. 173.084). Any surplus remaining in a county primary fund account after payment of approved expenses must be remitted to the Secretary of State on request. (Sec. 173.0851). The county chair is not entitled to final payment unless precinct-by-precinct returns have been received by the Secretary of State.

2023

January

January 1, 2023 (1st day after end of calendar year 2022)

NOTE – NEW LAW: SB 1 (2021, 2nd C.S.) amended Section 127.1232 to provide that in counties with a population of 100,000 or more, the general custodian of election records shall implement a video surveillance system that retains a record of all areas containing voted ballots: (1) from the time the voted ballots are delivered to the central counting station until the canvass of the precinct election returns; and (2) from the time the voted ballots are delivered to the signature verification committee or early voting ballot board until the canvass of precinct election returns. Video from the surveillance system shall be made available to the public by live stream. The recorded video is considered an election record and shall be retained by the general custodian until the end of the calendar year in which an election is held or until an election contest filed in the county has been resolved, whichever is later. (Sec. 127.1232).

2024

January 2024 (Twenty-two (22) months after 2022 primary election day)

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 \(1988\)](#)).

All election records must be preserved for 22 months from election day, even when there is no federal office on the ballot. (Sec. 66.058).

Notable Exceptions:

Permanent Records: Election results must be permanently maintained in the election register. (Sec. 67.006).

Electronic Voting Systems: See advisories on our website for preservation procedures for electronic voting systems. (See [Tex. Sec'y of State Election Advisory No. 2019-23.](#))

March 2024 (Twenty-two (22) months after 2022 runoff primary election day; two years after 2022 primary election day)

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 \(1988\)](#)).

All election records must be preserved for 22 months from election day, even when there is no federal office on the ballot. (Sec. 66.058).

Notable Exceptions:

Permanent Records: Election results must be permanently maintained in the election register. (Sec. 67.006).

Electronic Voting Systems: See advisories on our website for preservation procedures for electronic voting systems. (See [Tex. Sec'y of State Election Advisory No. 2019-23.](#))

Candidate applications must be retained by the county chair for two years (24 months) after date of primary election. (Sec. 141.036).