



Texas Secretary of State  
ELECTIONS DIVISION



# Canvassing and Post-Election Requirements



# Overview

Canvassing Elections

Reporting Results

Post Election Hand Count Audit

Preserving Records

Qualifying for Office

- Certificate of Elections
- Statement of Elected Officer
- Oath of Office
- Bond

**Note:** Unless otherwise indicated all statutory references are to the Texas Election Code



Texas Secretary of State  
ELECTIONS DIVISION



# Canvassing Elections



# Canvassing Elections

“Canvass” – name given to the official examination of the votes cast in an election

Unavoidable duty

Mandatory, ministerial duty



# Authority for Local Canvass

Political Subdivision's Governing Body – for an election ordered by an authority of a political subdivision (other than a county).

Commissioners Court – for an election ordered by the governor or by a county authority. § 67.002



# Time for Local Canvass

## Open Meeting

Each local canvassing authority shall convene to conduct the local canvass at the time set by the canvassing authority's presiding officer **not later than the 11th day** after Election Day

- Not earlier than the later of the third day after Election Day;
- The date on which the early voting ballot board has verified and counted all provisional ballots, if a provisional ballot has been cast in the election; or
- The date on which all timely received ballots cast from addresses outside of the United States are counted, if a ballot to be voted by mail in the election was provided to a person outside of the United States.



## Time for Local Canvass

**Earliest Day to Canvass:** As early as 3<sup>rd</sup> day after Election Day if no outstanding late domestic “next business day” (NBD) military, overseas, provisional ballots, or ballots contained in defective carrier envelopes corrected by voters.

**Latest Day to Canvass in November Odd Numbered Years and May Elections:** No later than the 11<sup>th</sup> day after Election Day.

**Latest Day to Canvass in November Even Numbered Year:** For an election held on the date of the general election for state and county officers, the local canvass may be set no later than the 14<sup>th</sup> day after Election Day. § 67.003(c)



## Time for Local Canvass

Tuesday, May 5,  
2026 (3<sup>rd</sup> day after  
Election Day)

through

Wednesday, May 13,  
2026 (11<sup>th</sup> day after  
Election Day)

- \*if no outstanding late domestic, military, overseas, provisional ballots, or ballots contained in defective carrier envelopes corrected by voters.



# Time for Local Canvass

## For May 2, 2026 Election:

- The ballot board must convene no later than **Monday, May 11, 2026** to qualify and count any late ballots from overseas or provisional ballots.

The canvass may be held as soon as overseas and all provisional ballots are properly processed.

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



# Canvass Meeting

**House Bill 1522** Effective September 1, 2025: Modified notice requirements for meetings conducted under the open meetings law.

Requires posting notice **at least three business days** before date of scheduled meeting.

New requirements for meetings where a governmental body will discuss or adopt a budget.

- Statutes Affected: Government Code § 551.043



# Canvass Meeting

Procedures for ordering, posting notice & conducting the canvass meeting should comply with Texas Open Meetings Act (Chapter 551, Texas Government Code)

The canvass is an open meeting

Two members of the authority constitute a quorum for purposes of canvassing an election § 67.004

Two or more members of the governing body may perform the Election-Code based duties of the presiding officer if the office is vacant or the presiding officer fails to perform the duty unless:

- a single member of the governing body designated by law to act in place of the presiding officer performs the duty; or
- TEC specifies that the duty is to be performed by another authority acting in place of the presiding officer. § 31.121



## Canvass Procedure

Open returns  
for each  
precinct &  
prepare  
tabulation

- Total # of votes in each precinct and sum of precinct totals:
  - Each candidate
  - Votes FOR or AGAINST each measure
- Total # of voters in each precinct who cast a ballot for a candidate or FOR or AGAINST a measure.



# Political Subdivisions Using Regular Paper Ballots

Presiding Officer will deliver the sealed precinct returns contained in Envelope #1\* and the early voting report prepared by the early voting clerk to the canvassing authority.

Authority will open the returns & prepare a tabulation.

The precinct returns may be compared with the corresponding tally lists contained in Envelope #1.

\*Depending on voting system might not be envelope.



## Political Subdivisions Using Electronic Voting System

Automatic tabulating equipment produces one set of election returns.

Canvassing authority has no tally lists to compare, but they still must prepare a tabulation of the precinct returns.



## Canvassing Procedure

Presiding  
officer  
shall  
deliver:

- Local election register:
  - Tabulation § 67.004(e)
- General custodian of election records:
  - the precinct returns, tally lists, and early voting precinct reports. § 67.004(f)



# Canvassing Procedure

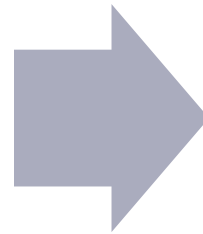
Section 67.004 provides that the presiding officer of the canvassing authority shall note the completion of the canvass in the minutes or in the recording required by Section 551.021 of the Government Code.



## Recount

If a recount is filed –  
does NOT halt the  
canvass meeting.

- Does halt issuance of certificate of election.



Canvassing authority  
must make a note on the  
canvass that a recount  
has been requested.



# Prohibited Activities At Canvass

May **NOT** open – Ballot Boxes

May **NOT** recount - Ballots

You should not compare the poll list with the return sheet



# Canvassing – The Practical Side

## Best Practices:

Consider creating a canvass folder or binder to store the canvassing materials and clearly identify all of the unofficial and official reports

## Include:

- List of Summary of Registered Voters by Precinct
- Summary/Cumulative Report
- Include a copy of the reports that were run on Election Night and the last day the Central Count reconvened
- Include a copy of both your Reconciliation Forms
- Include an audit log from the Central Count Computer before and after the election



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ELECTIONS DIVISION



# Post-Election Reports



## Precinct by Precinct Report

Presiding Officer of canvassing authority shall prepare a report of the precinct results as contained in the election register.

Report no longer required to be filed with SOS (non-county elections).



# Reconciliation Forms

The Texas Election Code now requires that the presiding judge of the central counting station attest to a written reconciliation of votes and voters 127.131(f):

- At the close of tabulation on election day
- **Again after counting late mail/provisional ballots (canvass)**

Use SOS form from Forms Manual

Post completed forms on your county website and your local website, if any

Only required if using a central counting station



# Texas Secretary of State

## ELECTIONS DIVISION



### Election Reconciliation - Official Totals

County \_\_\_\_\_ Election Name \_\_\_\_\_  
 Registered Voters \_\_\_\_\_ Election Date \_\_\_\_\_

1. Voters <small>(from election rosters and lists)</small>		2. Rejected ballots		3. Counted ballots <small>(from tabulation software)</small>	
A. Early voting in person voters				I. Early voting ballots counted	
B. Election day in person voters				J. Election day ballots counted	
C. Mail ballot voters		F. Mail ballots rejected		K. Mail ballots counted	
D. Provisional ballots submitted		G. Provisional ballots rejected		L. Provisional ballots counted	
E. Total voters (A+B+C+D)		H. Total ballots rejected (F+G)		M. Total ballots counted (I+J+K+L)	

4. Comparison of voters and counted ballots				
N. Difference between voters and ballots (E-H) _____	O. Difference as percentage of voters $(N \div (E-H) \times 100)$ _____ %			
P. Explanation for difference, if any	<table border="1" style="width: 100%;"><tr><td> </td></tr><tr><td> </td></tr><tr><td> </td></tr></table>			

5. Attestation		
Q. "I certify that the information contained in this document accurately reflects the official reconciliation of votes and voters from the above stated election"		
Presiding judge signature _____	Print name _____	Date _____

6. Mail ballots	
R. Mail ballots sent	
S. Mail ballots not returned by voter	
T. Mail ballots surrendered	

7. Provisional ballots	
U. Provisional ballots deemed incomplete	



## Reconciliation Forms (cont.)

The general custodian of election records must prepare a reconciliation of the total number of votes cast and the total number of voters accepted to vote by personal appearance at each polling place in the custodian's county during the early voting period and on election day, respectively.

- By the 30th day after election day (Monday, June 1, 2026),

Texas Election Code Sec. 66.005. The general custodian of election records must post the results on the county's website in the same location that the county provides information on election results.

- Form [12-3](#)



# Reporting Requirements

Texas Election Code sections 4.009 and 65.016 set out the web posting requirements related to election and candidate information.

A **county** that holds an election or provides election services for an election for a public entity must post certain information on their website.

A **city or independent school district** that holds an election and maintains an Internet website must also post certain information on its website related to election results even if the county is posting such information. Information should be posted as soon as practicable after the election and must be accessible without having to make more than two selections (“clicks”) or view more than two network locations after accessing the home page of the county, city or school district, whichever is applicable. §§ 4.009, 65.016



# Reporting Requirement Cont'd

## Required information on websites:

- 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.



# Posting Requirements: Web Posting

TEC section 65.016 set outs the web-posting requirements for election results.

- If a county contracts with a local entity to provide election services, **both** the county and the local entity must post.
- Information should be posted as soon as practicable after the election and must be accessible without having to make more than two selections (clicks) or view more than two network locations after accessing the home page.



# Reporting Requirements: Web Postings

## Required information on websites:

- 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.



# New Law: Bond Election Reporting

**House Bill 3526** effective September 1, 2025: Requires a local government to submit a report to the Bond Review Board that includes certain information not later than 20<sup>th</sup> day after election day.

Questions on reporting requirements?  
Contact the Bond Review Board:

- Website: <https://www.brb.texas.gov/>
- Phone: (512) 463-1741



## NEW LAW: HB 521 Curbside Voting and Assistant Procedures

Requires that curbside voters execute a form attesting that they are physically unable to enter the polling place

Please see our Advisory No. 2025-12 for a full description

See Form 7-66 Curbside Voter Statement

**Completed forms must be delivered to the Secretary of State as soon as practicable.**

Send the forms to [elections@sos.texas.gov](mailto:elections@sos.texas.gov).



## **NEW LAW: HB 521 Curbside Voting and Assistant Procedures**

When curbside voters are given transportation by another person, election officers must ask the person providing transportation whether they have assisted seven or more curbside voters during entire voting period (early voting and election day combined) by transporting them to vote curbside.

An updated version of Form 7-65 (Information of Person Who Provided Transportation to a Total of Seven or More Curbside Voters During Early Voting and Election Day) is in the [Election Forms Index](#).

**Completed forms must be delivered to the Secretary of State as soon as practicable.**



# NEW LAW HB 521: Assistance Reporting

Requires election officers to complete an assistance form when assisting a voter.

HB 521 provides that not later than the 30th day after the date of the election, the county election official shall report to the Secretary of State information regarding **any individuals, including election workers**, who assisted a total of seven or more voters during the early voting period and on election day. The information required:

- The name and address of the person assisting the voter;
  - The relationship to the voter of the person assisting the voter; and
  - Whether the person assisting the voter received or accepted any form of compensation or other benefit from a candidate, campaign, or political committee.
- See Form 7-67 Election Worker Assistance Sheet
- Submit these forms to [elections@sos.texas.gov](mailto:elections@sos.texas.gov).



Texas Secretary of State  
ELECTIONS DIVISION



# Post Election Hand Count Audit



# New Law: SB827 Post-Election Hand Count Audit

Renames Partial Manual Count to the Post-Election Hand Count Audit.

Requires hand count audit of early voting locations and election day locations to be conducted by polling location rather than by precinct.

- Still requires ballots by mail to be counted by precinct.

Count will be conducted in at least one percent of election day polling locations and early voting locations, or in three locations, whichever is greater.

For ballots by mail, count will be performed for at least one percent of the precincts in which a ballot by mail was cast, or in three precincts, whichever is greater.

Requires general custodian to designate members of the early voting ballot board to perform hand count audit.



# Post-Election Hand Count Audit

The Post-Election Hand Count Audit is required for all entities that automatically tabulate their ballots using an optical/digital scanner. Optical/digital scanners are either precinct ballot counters or central scanners. Therefore, entities that hand counted their ballots are not authorized to conduct the Post-Election Hand Count Audit.



## Post-Election Hand Count Audit

The general custodian of election records shall conduct a Post-Election Hand Count Audit of all the races in at least one percent of the early voting polling locations and one percent of the election day polling locations, or in three early voting polling locations and three election day polling locations, whichever is greater, in which an electronic voting system was used



## Selection of Polling Locations / Precincts - Random

The general custodian of election records shall select the precincts and polling places at random and shall begin the count not later than seventy-two (72) hours after the polls close. [Sec. 127.201(a)]

The General Custodian should follow the guidelines used to randomly select polling locations and precincts for the initial Post-Election Hand Count Audit.

These guidelines are discussed in more detail in the Post-Election Hand Count Audit Guide.



## Notice

General custodian shall post notice of the date, hour, and place of the count.



# Who May be Present?

The general custodian of election records;

- A member of the early voting ballot board designated by the general custodian of election records to perform the hand count;

- A person entitled to appoint watchers in the election;

- A watcher appointed to the hand count must satisfy the same eligibility requirements and must be appointed in the same manner as a watcher for other election locations.

- A state inspector;

- The county election officer, as defined by Section 31.091, as necessary to perform tasks related to the administration of the election; or

- A person whose presence has been authorized by the general custodian of election records in accordance with the Election Code.



# Time for Post-Election Hand Count Audit

Tuesday May 5,  
2026 (72 hours  
after election day)

- Last day to begin the post-election hand count audit for entities using electronic voting systems for the counting of ballots. This is the last day to begin Post-Election Hand Count Audit of ballots in three precincts or one percent of precincts, whichever is greater. Sec. 127.201(a), (g)

Tuesday May 26,  
2026 (24<sup>th</sup> day  
after election day)

- Last Day to completed post-election hand count audit
- Extended to 24<sup>th</sup> day because 21<sup>st</sup> day is Saturday, May 23, 2026
- Note that this is also the date of the Primary Runoff



Texas Secretary of State  
ELECTIONS DIVISION



# Preserving Results



# Preservation of Results

Precinct election records shall be preserved by the authority to whom they are distributed for at least 22 months after election day. Section 66.058(a)



## Voted Ballot Security

During the preservation period, the voted ballots must be preserved securely in a locked ballot box inside a locked room for at least 60 days.

§ 66.058

- After 60 days may transfer voted ballots to another secure container for remainder of preservation period.



## Voted Ballot Security

The ballot box with voted ballots may only be opened to:

- complete the Post-Election Hand Count Audit , if required;
- comply with a court order;
- complete official request for a recount; or
- after 60-day locked box period transfer.

If one of these authorized entries is made into a ballot box during the preservation period the box or container shall be relocked or re-secured, and the box and key or secure container returned to the custodian. § 66.058



# Public Inspection of Voted Ballots after Election

Section 1.012 of the Election Code, requires that on the 61st day after election day, the general custodian of election records shall make the original voted ballots available for public inspection.



Images of voted ballots, if maintained, and cast vote records shall be made available for public inspection beginning on the first day after the final canvass of an election is completed.



The OAG has a hotline you can call for questions related to open government issues, including the Public Information Act. That number is (877) OPEN-TEX (673-6839).



## When Might you have a 2<sup>nd</sup> Election to Resolve a Tie?

Election requires a plurality vote. Sec. 2.002

- Single member District or At-Large by Place, candidate with most votes wins even if not >50%
- Pure at Large - top candidates win (e.g., if 3 offices are up for election, top 3 vote-getters win)

There is a tie based on the canvass, so that you cannot determine all of the winners, and

Tie not resolved by Sworn Withdrawal, Casting of Lots, or Automatic Recount.



## Resolving (Canvassed) Tie without a Second Election

### Candidates may agree to cast lots Sec. 2.002(f)

- Agreement must be in writing and filed with authority responsible for ordering election
- Presiding Officer of governing body supervises casting of lots

### One Candidate may Withdraw Sec. 2.002(g)

- Written Statement filed with authority responsible for ordering election
- On receipt of sworn withdrawal statement, remaining candidate is the winner and no casting of lots or second election is held



## Resolving (Canvassed) Tie without a Second Election, cont.

**IF** tie is not resolved through a withdrawal or a casting of lots, **THEN** there is an Automatic Recount. Sec. 2.002(i)

- Texas Election Code 2.002 sets out that if a recount does not resolve a tie, the tied candidates may (1) cast lots not later than the day before the date the authority must order the second election; or (2) withdraw from the election by sworn withdrawal not later than 5 p.m. of the day after the date the automatic recount is held.
- There is a clear second opportunity to withdraw or cast lots before the second election is held. Tex. Elec. Code § 2.002.



# Ordering the Second Election

Not later than the fifth day after the date the automatic recount is completed (or the final canvass following the automatic recount is completed, if applicable) the authority responsible for ordering the first election shall order the second election

The second election shall be held not earlier than the 20th day or later than the 45th day after the date the automatic recount (or the final canvass following the automatic recount) is completed

The order of the candidates' names on the second-election ballot is the relative order of names on the original ballot—there is no need to do a new drawing



Texas Secretary of State  
ELECTIONS DIVISION



# Qualifying For Office



## Qualifying for Office-Generally

Absent specific statutory language to the contrary, a winning candidate may qualify for office immediately once he/she receives the certificate of election.

- However, a candidate **may not** qualify for an office involved in a recount before completion of the recount, **unless** he/she received a certificate of election and qualified for the office ***before*** the recount petition involving that office was submitted.



## Certificate of Election

When is the  
certificate  
of election  
completed?

- *After* the completion of the canvass
- The presiding officer of the local canvassing authority prepares the certificate for each candidate who is elected to an office for which the official result is determined by that authority's canvass. § 67.016



## Certificate of Election

Who is the presiding officer of the canvassing authority?

- Municipal elections: Mayor
- County elections: County Judge
- Primary elections: County Chair
- All other political subdivisions elections: Board President



# Contents of Certificate of Election

**What does  
the Certificate  
of Election  
contain?**

- The candidate's name;
- The office to which the candidate is elected;
- A statement that the candidate has been elected to an unexpired term, if applicable;
- The date of election;
- Signature of the officer preparing the certificate;
- Any seal used by the officer preparing the certificate to authenticate documents that the officer executes or certifies. § 67.016



## Certificate of Election

**Note:** A sample certificate of election form is available online. Entities may also use this as a model to make their own.

- Form 23-1



***Recommendation.*** We recommend that the presiding officer issue the Certificate of Election at the canvass meeting.



## Certificate of Election

**Note:** In some political subdivisions, the newly-elected officers **may not** assume the duties of office until a certain date.

- Example, Section 22.006 of the Local Government Code states that a newly-elected municipal officer of a Type A city may exercise the duties of office beginning on the **fifth day** after the date of the election, excluding Sundays.
- **No** newly elected official may qualify for office before the official canvass of the election has been conducted (or would have been conducted, in the event of a cancelled election.)



## Certificate of Elections: Canceled Elections

Note that under Sec. 2.053(e), the Certificate of Election “shall be issued to each candidate in the same manner and at the same time as provided for a candidate elected at the election.”

So for cancelled elections, the first day candidates can receive the Certificate of Election and take office is the first possible canvass day, **Tuesday May 5, 2026** (with a few exceptions, such as Type-A cities)



## Statement of Officer

Before an elected (or appointed) officer may assume the duties of the office, the officer must first file a Statement of Officer with the official records of the governing body. Tex. Const. Art. XVI, § 1

**Note:** Statements of Officer are filed locally, **NOT** with the Secretary of State's office.



## Oath of Office

All elected or appointed officers, before they begin their duties shall take the Oath of Office. Tex. Const. Art. XVI, § 1



## Oath of Office

**Administering oath of office.** The Oath of Office must be administered by someone authorized to administer an oath under Texas law. The Oath may be administered by:

- A judge, clerk, or commissioner of a court of record;
- A justice of the peace, or clerk of a justice court;
- The secretary or clerk of a municipality in a matter pertaining to the official business of the municipality;
- A notary public;
- The secretary of state;
- The lieutenant governor;
- The speaker of the house of representatives;
- The governor;
- A member of the legislature or a retired legislator;
- A judge, retired judge, or clerk of municipal court.



## Oath of Office

**NOTE:** This is not an exhaustive list. See Chapter 602 of the Government Code for a complete list of other officials who may administer an oath.

**NOTE:** Special procedures apply to a newly elected director of a water district governed by Chapters 36 or 49 of the Texas Water Code. A duplicate original of the oath (but **not** the statement of elected/appointed officer) shall also be filed with the Secretary of State within 10 days after its execution and need not be filed before the new director begins to perform the duties of office. (Tex. Water Code § 36.055, 49.055).



## Type A Cities

In a Type A city, the office is vacant if the officer is not sworn in by the 30th day after election day. Thus, the date of swearing-in is critical for a Type A city official.

§22.007, Local Government Code



# Bond

If a bond is required, the bond **must** be executed before the officer assumes his or her duties.

**Water Districts:** Officers must execute a bond for \$10,000 payable to the district. (Water Code, § 49.055(c)).

**Type C municipalities:** Mayor and Commissioners must execute a bond for \$3,000 payable to the municipality. (Loc. Gov't Code, §. 24.024).

Section 22.072 of the Local Government Code states that **Type A cities** have authority to require a bond.



# Holdover

Until the new officers are qualified, the old members of the governing body “holdover” and continue to perform the duties of their office. Tex. Const. Art. XVI, § 17.



# Order of Events Following the Election

*We recommend  
that post-  
election  
procedures  
occur in the  
following  
sequence:*

- Election is canvassed at an open meeting.
- Certificate of Election is issued to newly-elected officers.
- Statement of Officer is completed (to be filed locally).
- Newly-elected officers may take the Oath of Office.
- After taking the Oath of Office, newly-sworn officers may assume the duties of their office.
- Reporting electronic returns to SOS, no longer necessary.



## Available Support



**WEBINARS**



**TRAINING**



**RESOURCES**

[elections@sos.texas.gov](mailto:elections@sos.texas.gov)

800-252-VOTE • 512-463-5650

[sos.texas.gov](http://sos.texas.gov)