

# May 9, 2015 Election Law Calendar

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## Calendar of Events

DECEMBER 2014							JANUARY 2015							FEBRUARY 2015						
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
	1	2	3	4	5	6					1	2	3	1	2	3	4	5	6	7
7	8	9	10	11	12	13	4	5	6	7	8	9	10	8	<u>9</u>	10	11	12	13	14
14	15	16	17	18	19	20	11	12	13	14	15	16	17	15	16	17	18	19	20	21
21	22	23	24	25	26	27	18	19	20	21	22	23	24	22	23	<u>24</u>	25	26	<u>27</u>	<u>28</u>
28	<u>29</u>	30	31				<sup>25</sup> / <sub>31</sub>	26	27	<u>28</u>	28	29	30							

  

MARCH 2015							APRIL 2015							MAY 2015						
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
1	<u>2</u>	3	<u>4</u>	5	6	7				1	2	3	4						<u>1</u>	2
8	<u>9</u>	<u>10</u>	11	12	<u>13</u>	14	5	6	7	8	<u>9</u>	<u>10</u>	11	3	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>	<u>9</u>
15	16	<u>17</u>	18	<u>19</u>	<u>20</u>	21	12	13	14	15	16	17	18	10	<u>11</u>	<u>12</u>	13	<u>14</u>	<u>15</u>	<u>16</u>
22	23	24	<u>25</u>	26	27	28	19	<u>20</u>	21	<u>22</u>	23	<u>24</u>	25	<u>17</u>	18	<u>19</u>	<u>20</u>	21	22	23
29	<u>30</u>	31					26	<u>27</u>	28	<u>29</u>	30			<sup>24</sup> / <sub>31</sub>	25	26	27	28	29	30

  

JUNE 2015							JULY 2015							NOVEMBER 2015						
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
	<u>1</u>	2	3	4	5	6				1	2	3	4	1	2	3	4	5	6	7
7	<u>8</u>	9	10	11	12	13	5	6	7	8	<u>9</u>	10	11	8	9	<u>10</u>	11	12	13	14
14	15	16	17	<u>18</u>	19	20	12	13	14	15	16	17	18	15	16	17	18	19	20	21
21	22	23	24	25	26	27	19	20	21	22	23	24	25	22	23	24	25	26	27	28
28	29	30					26	27	28	29	30	31		29	30					

# NOTES

## 1. DOWNLOAD OUTLOOK or PDF VERSION OF CALENDAR

If you would like to download the outlook calendar version of this calendar, follow this link: May 2015 Election Law Calendar (Outlook). You may also download a PDF version of the May 2015 Election Law Calendar (pdf).

## 2. NOTE ON CAMPAIGN INFORMATION

Under Title 15 of the Election Code, candidates 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 St., 10th Floor, Austin, Texas 78701 (or call 512-463-5800 or visit their website at [www.ethics.state.tx.us](http://www.ethics.state.tx.us)).

## 3. NOTE ON SUBMISSIONS TO THE U.S. DEPARTMENT OF JUSTICE

On June 25, 2013, the United States Supreme Court issued its decision in *Shelby County v. Holder*, 133 S. Ct. 2612 (2013). That decision holds that Section 4 of the federal Voting Rights Act of 1965 is unconstitutional and its formula can no longer be used as a basis for subjecting jurisdictions to preclearance. Both the Attorney General of the United States and the Texas Attorney General have indicated that *Shelby* takes effect immediately. See, [Attorney General Eric Holder Delivers Remarks on the Supreme Court Decision in Shelby County v. Holder](#) and [Statement by Texas Attorney General Greg Abbott](#). Accordingly, unless and until there is a new law from the United States Congress signed by the President or other court order, the Texas Attorney General has advised the Secretary of State that it is no longer required to submit voting changes to the DOJ for preclearance. We suggest that Texas counties or other Texas political subdivisions discuss the effect of *Shelby* and the continuing applicability of other provisions of the federal Voting Rights Act with their legal counsel.

## 4. NOTE ON STATUTORY REFERENCES

Unless otherwise indicated, all references are to the Texas Election Code. The “county election officer” may refer to the county clerk, the county elections administrator, or the county tax-assessor collector, depending on the actions of county commissioners court. (Secs. 31.031, 31.071, 31.091). The “county voter registrar” may refer to the county clerk, the county elections administrator, or the county tax-assessor collector, depending on the actions of county commissioners court. (Secs. 12.031, 31.031, 31.071).

## **5. NOTE ON MAY UNIFORM DATE (ODD-NUMBERED YEARS)**

With few exceptions, counties are not authorized to hold an election ordered by county authority on the May uniform election date in an **even-numbered year**. A county elections administrator may refuse to provide election services by contract for an election that is held on the May uniform election date in an even-numbered year. (Sec. 41.001(d), Senate Bill 100 (2011)). Thus, for **May 9, 2015** (odd-numbered year) we return to the general rules: counties are authorized to hold an election ordered by county authority in May 2015; and a county elections administrator may not refuse to provide election services by contract in May 2015.

## **6. NOTE ON JOINT ELECTION REQUIREMENT FOR SCHOOL DISTRICTS**

School districts conducting trustee elections must have joint polling places on election day with either (1) a city holding an election on the uniform election day (located wholly or partly within the school district's boundaries); (2) a public junior college district if it is having an election for members of its governing board in which the school district is wholly or partly located; (3) in limited circumstances, a hospital district; or (4) the county on the November uniform election day in even-numbered years. (Sec. 11.0581, Education Code).

## **7. NOTE ON JOINT ELECTIONS GENERALLY**

Many entities will have joint elections for the May 9, 2015 election. Note that the entries in this calendar are generally written in terms of elections held individually rather than jointly. However, we have long advised different entities who conduct early voting together to coordinate their early voting hours, which may result in entities other than cities also holding early voting on two twelve-hour days. On the other hand, depending on the plan, different entities may choose to do certain things separately, e.g., not holding early voting together. Not all joint election plans are alike. With a few exceptions, we do not discuss the impact of coordinating rules for a joint election, as we think this would make the calendar longer and confusing. We encourage joint election partners to read through the entire calendar, taking note of the rules affecting the partner entities and to address the differences within the agreement itself. If you have questions about how different rules apply to a particular joint election plan, please contact our office by phone or email. (Sec. 271.002).

## **8. NOTE ON NOTICE OF FILING PERIOD**

The authority with whom an application for a place on the ballot is filed must post a [Notice of Deadline to File Applications for Place on the Ballot](#), listing the filing period dates in a building in which the authority maintains an office. The notice must be posted not later than the 30th day before the first day to file. § 141.040. If you order a special election to fill a vacancy, the order must include the filing deadline; we recommend posting the notice of the filing period as soon as practicable after a special election is ordered.

For **political subdivisions that do not have a “first day” to file**, post the notice the 30th day before the last day on which a candidate may file the application (if the Election Code does not designate a first day on which the candidate may file the application). (Sec. 141.040, House Bill 2817 (2011)).

Senate Bill 910 (2013) amended Section 144.005 to provide a **“first day to file”** for political subdivisions that do not have a statutory first day to file. An application may not be filed earlier than the 30th day before the date of the filing deadline, even in the case of a conflicting statute outside of the Election Code. (Sec. 144.005, Senate Bill 910 (2013)).

## **9. NOTE ON NOTICE OF ELECTIONS**

Political subdivisions other than cities and school may have specific statutory notice requirements. In the absence of specific statutory requirements, such political subdivisions must post a notice on or before the 21st day before the election. (Sec. 4.003(b)). For the Saturday, May 9, 2015 election, this notice must be posted on or before Monday, April 20, 2015.\* The general rule is that notice must be given in one of the following manners:

- A. By **posting** a notice in a public place in each election precinct in which the election is to be held on or before the 21st day before the election, Monday, April 20, 2015. (Secs. 1.006, 4.003(a)(2)).
- B. By **publishing** the notice in a newspaper in the territory covered by the election at least once between the 30th day and the 10th day before the election, Thursday, April 9, 2015 – Wednesday, April 29, 2015. (Sec. 4.003(a)(1)).
- C. By **mailing** a copy of the notice to each registered voter of the territory covered by the election, not later than the 10th day before election day, Wednesday, April 29, 2015. (Sec. 4.003(a)(3)).

\*Since the 21st day before the election falls on a Saturday, the deadline is extended to the next business day.

### **The notice must include:**

1. The type and date of the election;
2. The location of each polling place;
3. The hours the polls will be open;
4. The location of the main early voting polling place;
5. The regular dates and hours for early voting by personal appearance;

6. The dates and hours of any Saturday or Sunday early voting, if any; and
7. The early voting clerk's mailing address.

**Note regarding branch early voting locations:** The branch early voting locations are no longer a required part of your notice under the Election Code. (Sec. 4.003).

**Notice for Counties, School Districts and Cities:** Counties, school districts, and cities are required to publish their notice in a newspaper in accordance with Section 4.003(a)(1) (*See B*, above) and may also give any additional notice. (Sec. 4.003(c)). Counties, school districts and cities must also post notice on the governmental bulletin board used for posting notice of public meetings, no later than Monday, April 20, 2015\*. (Secs. 1.006, 4.003(b)). \* Since the 21st day before the election falls on a Saturday, the deadline is extended to the next business day.

**Note for Home Rule Charter Cities:** Home-rule cities MUST also give notice as provided in their charters. (Sec. 4.003(d)).

## **10. NOTE OF EXTENDED EARLY VOTING HOURS AND BRANCH LOCATIONS**

**Note for Cities:** Cities must choose two weekdays for the main early voting polling place to be open for 12 hours during the regular early voting period. The city council must choose the two weekdays. (Sec. 85.005(d)). The city secretary may also order early voting on a Saturday or Sunday, and determine the hours for such Saturday or Sunday early voting. This must be done by written order. (Sec. 85.006(b), (c)). Notice of Saturday or Sunday early voting must be posted for at least 72 hours immediately preceding the first hour that voting will be conducted. (Sec. 85.007(b)). The city secretary must have early voting on Saturday or Sunday, *if* a written request is received from at least 15 registered voters of the city in time to comply with the posting requirement. (Sec. 85.005(d)).

**Note for Counties:** The county election officer may also order early voting on a Saturday or Sunday, and determine the hours for such Saturday or Sunday early voting. This must be done by written order. (Sec. 85.006(b), (c)). Notice of Saturday or Sunday early voting must be posted for at least 72 hours immediately preceding the first hour that voting will be conducted. (Sec. 85.007(b)).

**Note for All Political Subdivisions, Except Counties & Cities:** Voting on ANY Saturday or Sunday must be included in the order and notice of election. The order and notice must include the dates and hours of Saturday or Sunday voting. (Secs. 85.006, 85.007).

**Note for All Political Subdivision, Except Counties:** The governing body of a political subdivision must deliver notice of the election to the county clerk and voter registrar of each county

in which the political subdivision is located not later than the 60<sup>th</sup> day before election day, Tuesday, March 10, 2015. (Sec. 4.008). In the case of the governing body of a school district ordering a tax rollback election, notice of such election must be delivered to the county election officer of each county in which the school district is located not later than the 30th day before election day. (Sec. 4.008(b)).

**Note for Political Subdivisions, Except Counties and Cities:** The authority ordering an election may order early voting at the main early voting location to be conducted on one or more Saturdays or Sundays and at times of its discretion during the early voting period. If at least 15 registered voters of the territory submit a written request, the authority must order early voting at the main early voting location to be conducted on at least one Saturday, if a Saturday is requested and on at least one Sunday, if a Sunday is requested. The request must be submitted in time to be included in the order and notice of election. (Secs. 85.006, 85.007).

## **11. NOTE ON NOTICE OF POLLING PLACE CHANGE**

**Notice of Change of Previous Polling Place:** If a different polling place is 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. (Sec. 43.062).

## **12. 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. We recommend you test the equipment as soon as possible; 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. (Sec. 127.093). 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.

The automatic tabulating equipment may not be used to count ballots voted in the election until the test is successful.

For more information on testing tabulating equipment used at the central counting station, please see Chapter 127, Subchapter D of the Election Code and [Texas Secretary of State Election Advisory No. 2014-06](#).

For other types of testing, such as functionality tests, logic and accuracy tests, tests for central accumulators, etc., see Chapter 129, Subchapter B of the Election Code and [Texas Secretary of State Election Advisory No. 2012-03](#). Also see Texas Secretary of State Election Advisory Nos. [2011-17](#), [2011-18](#), and [2011-19](#) pertaining to voting system equipment access, security and preservation, and chain of custody.

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## CALENDAR OF EVENTS

### DECEMBER

**Monday, December 29, 2014 (131st day before election day; 30th day before Wednesday, January 28, 2015, first day to file an application for a place on the ballot)**

**Cities and Schools, including junior colleges:** Post [notice of the filing period dates](#) in a building in which the authority maintains an office. The notice must be posted not later than the 30th day before the first day to file. (Sec. 141.040).

**NOTE:** For political subdivisions that do not have a “first day” to file, post the notice the 30th day before the last day on which a candidate may file the application (if the Election Code does not designate a first day on which the candidate may file the application). (Sec. 141.040, House Bill 2817 (2011)). Also see, [Friday, February 27, 2015](#).

### JANUARY

**Wednesday, January 28, 2015 (101st day before election day; 30th day before Friday, February 27, 2015, regular filing deadline for a place on the ballot)**

First day to file an application for a place on the ballot. (Secs. 143.007, 144.005 Election Code, Secs. 11.055 and 130.082(g) Educ. Code).

**NEW LAW:** Senate Bill 910 (2013) amended § 144.005 to provide a “first day to file” for other political subdivisions. An application may not be filed earlier than the 30th day before the date of the filing deadline, even in the case of a conflicting statute outside of the Election Code.

**NOTE:** We are often asked how filing can begin if you have not yet ordered the general election. You do not need to order your general (regularly occurring) election in order for the filing period to begin.

## **FEBRUARY**

### **Monday, February 9, 2015 (89th day before election day)**

Last day for eligible political subdivisions to submit [notice of exemption](#) or an [application of undue burden status](#) to the Secretary of State for exemption from accessible voting system requirement. (Secs. 1.006, 61.013). The deadline falls on Sunday, February 8, 2015 and is extended to the next regular business day. For additional information, consult the most current advisory on this topic, [Voting Accessibility Issues](#).

### **Tuesday, February 24, 2015 (74th day before election day; day before 2nd day before filing deadline)**

If a candidate dies on or before this date, his or her name is not placed on the ballot, if the filing deadline is Friday, February 27, 2015. (Sec. 145.094(a)(1)).

### **Friday, February 27, 2015 (71st day before election day)**

5:00 p.m. - **Political Subdivisions Other Than Counties:** Last day for candidate in a political subdivision (other than a county) to file an application for a place on the ballot for **general** election for officers for most political subdivisions, except as otherwise provided by the Texas Election Code. (Secs. 143.007(c), 144.005(d); Sec. 11.055, Texas Education Code; Chapter 286, Texas Health & Safety Code).

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

For your future reference, please note that these deadlines are not the same for elections held on the November date in an even-numbered year.

5:00 p.m. - Deadline for write-in candidates to file [declarations of write-in candidacy](#) for regular officers for city, school district, library district, junior college district, hospital district, common school districts, Chapter 36 and 49 Water Code districts, and other political subdivision elections, unless otherwise provided by law. (Secs. 144.006(b)(2), 146.054(b)(2), 146.055, 146.083, Election Code; Secs. 11.056, 11.304, 130.0825, Education Code; Secs. 326.0431, 326.0432, Local Government Code; Sec. 285.131, Health and Safety Code; and Secs. 36.059, 49.101, 63.0945, Water Code).

**NOTE:** Senate Bill 100 (2011) amended the write-in declaration deadline for most local entities to be the same day as the regular filing deadline (for this uniform election date). As the laws were amended to apply to elections held on a uniform date other than the November even-numbered year election date, this means that the 68th day is the deadline for a write-in declaration for a special election. *See*, especially Sections 144.006, 146.054, as amended.

### **Deadline to Order General Election**

Last day for political subdivisions to order a general election to be held on Saturday, May 9, 2015, unless otherwise provided by the Election Code. (Sec. 3.005).

#### **The order must include:**

1. The date of the election;
2. The offices or measures to be voted on;
3. The location of the main early voting polling place;
4. (*Recommended*) Branch early voting polling places (see [Note 9](#), above);
5. The dates and hours for early voting (recommended for counties and cities, but required for all other entities). (Cities must include the two designated weekdays for which early voting will be held for 12 hours);
6. The dates and hours of any Saturday and Sunday early voting (if applicable, it is recommended that this information be included in the order for counties and cities, but it must be included for all other entities); and
7. The early voting clerk's official mailing address.

**Important Note - City Offices with Four-Year Terms:** If no candidate has filed for a city office with a four-year term, the filing deadline is extended to 5:00 p.m. on Friday, March 13, 2015 (57th day before election day). (Sec. 143.008).

**Important Note for Cities and Other Districts that do not have regularly scheduled business hours on a filing date or until a filing deadline:** If a candidate attempts to file at the correct place and no filing official is there, the candidate may have legal grounds to go to court in a mandamus action to compel the city or district to accept the application later. For School Districts, note that this is the case even if it is Spring Break. For this reason, the Elections Division strongly recommends having someone available at the place of business on a filing date and until the filing deadline, especially from 2:00 p.m. to 5:00 p.m. (This guideline is based on the office-hour rule that starts later.) Even if a city or district also accepts applications by mail and fax, if the city or district does not have someone there at 5:00 p.m., the city or district will have no reliable witness to say who has met the deadline.

**Note on Candidate's Application Filed by Mail:** An application by mail is considered to be filed at the time of its receipt by the appropriate filing authority. (Secs. 143.007(b), 144.005(b)).

*Recommended* date to order the lists of registered voters from the county voter registrar. The list should include both the voters' residences and mailing addresses in order to conduct early voting by mail. (Sec. 18.006).

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

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

*Recommended* date to appoint **presiding and alternate judges**. Currently, the Election Code does not establish a deadline for appointing election officials; there is only a notification deadline. For further information concerning procedures for appointing judges and their alternates, see Sections 32.005, 32.008, and 32.011. General eligibility requirements are found in Subchapter C, Chapter 32. In addition to appointing a judge and alternate judge for each election precinct pursuant to Sections 32.001 and 32.005, the governing body must allow the judge to appoint no less than two clerks; however, the alternate judge must serve as one of the clerks as a matter of law. (Secs. 32.032, 32.033). The presiding judge then appoints an additional clerk(s), but not more than the maximum set by the governing body. (Sec. 32.033). Presiding judges and their alternates must be given [notice of their appointments](#) not later than the 20th day after the appointment is made. (Sec. 32.009). If the appointment is for a single election, the notice may be combined with the [writ of election](#), which is required to be delivered to each presiding judge not later than the 15th day before the election, Friday, April 24, 2015. (Sec. 4.007, 32.009(e)). If the notices are combined, both must be delivered by the date required by the earlier notice.

*Recommended* date to appoint the **central counting station personnel**, if applicable. (Secs. 127.002, 127.003, 127.004, and 127.005). There is no statutory notice requirement for members of the central counting station, but good practice suggests that written notice be given to them

*Recommended* date to appoint the **presiding judge of the early voting ballot board** or to designate the election workers of one election precinct to serve as the early voting ballot board. (Secs. 87.001, 87.002, and 87.004). There is no statutory notice requirement for members of the early voting ballot board, but good practice suggests that written notice be given to them.

**Saturday, February 28, 2015 (70th day before election day)**

Last day to order a special election to fill a vacancy (if authorized to fill vacancies by special election) and have the filing deadline be the 62nd day before election day, extended to Monday, March 9, 2015. Please note that the Election Code requires the election to be ordered as soon as practicable after the vacancy occurs. (Sec. 201.051). We do not interpret the 70th day order date here as “moving” to the next business day, as this is not the last day to order a special election to fill a vacancy for this uniform election date.

**NOTE:** Section 201.054 (as amended by Senate Bill 910 (2013)) provides for two possible times to order a special election to be held on the May uniform date, each triggering a different filing deadline. If the special election is ordered (1) on or before the 70th day before election day, the candidate application must be filed by 5:00 p.m. on the 62nd day before election day or (2) on or after the 57th day but prior to the 70th day before election day, the candidate application must be filed by 5:00 p.m. on the 45th day before election day.).

**Ballot Position Drawing:** First day to post [notice of ballot position drawing](#) if drawing is to be conducted on Wednesday, March 4, 2015. This notice must be posted for 72 hours immediately preceding the time of the drawing. (Sec. 52.094(c)).

For an election held by a political subdivision, other than a city, a notice of ballot position drawing must be mailed to candidates by this date if drawing is to be conducted on Wednesday, March 4, 2015. (Sec. 52.094(d)). Candidates who have not filed by this date should be given a copy of the notice at the time of filing.

For an election held at city expense, if a candidate gives the filing authority a written request, accompanied by a stamped, self-addressed envelope, the filing authority must mail the candidate a notice of ballot position drawing. (Sec. 52.094(d)).

## **MARCH**

**Monday, March 2, 2015 (68th day before election day; 3rd day after the filing deadline)**

*Recommended* first day that an election may be cancelled IF all filing deadlines have passed and each candidate for an office listed on the ballot is unopposed. (Sec. 2.052). This recommendation presumes a filing deadline of Friday, February 27, 2015 and a write-in deadline of Friday, February 27, 2015. Special elections may have different deadlines, and may now be cancelled separately. For more information on cancellation of elections, please see the Secretary of State’s Advisory - [Cancellation of Election for Local Political Subdivisions \(Not County\)](#).

**Note for a Political Subdivision Holding a Special Election to Fill a Vacancy:** If you are having a special election fill a vacancy for an unexpired (partial) term, you must not cancel the special election until after all deadlines to file for a special vacancy election has passed. (Reminder: The cancellation procedures allow general and special elections to be considered separate elections for cancellation purposes. If the elections are separated, note there are procedures related to listing unopposed candidates in the same relative order on the ballot. *See*, Sec. 2.053, Election Code and the Secretary of State’s Advisory - [Cancellation of Election for Local Political Subdivisions \(Not County\)](#)).

**Wednesday, March 4, 2015 (66th day before election day; 5th day after the filing deadline)**

5:00 p.m. - Last day for a candidate to withdraw, by submission of a [certificate of withdrawal](#) or notarized letter, in an election for which the filing deadline is the 71st day before election day. **If a candidate withdraws or is declared ineligible by this date, his or her name is omitted from the ballot.** (Secs. 145.092(a), 145.094(a)(2)).

**NEW LAW:** The new general rule for withdrawal deadlines for city, school district, and other local elections is 5:00 p.m. of the fifth day after the regular filing deadline, pursuant to Section 145.092, as amended. (Senate Bill 904 (2013)). In the 2013 session, Section 145.096(a) (deceased or ineligible candidate’s name to appear on ballot) was amended by Senate Bill 910 to provide a general rule of the “third day” after the filing deadline for a declaration of ineligibility to result in removing a name from the ballot. The intent was to be consistent with the rules at Section 145.092 (deadline to withdraw) and 145.094 (withdrawn, deceased or ineligible candidate’s name omitted from ballot). In the same session, as noted above, Section 145.092 was amended by Senate Bill 904 to provide for the “**fifth day**” after the deadline. (Sec. 145.092(a)). Section 145.094(a) incorporates the Section 145.092 deadline by reference. To give effect to the overall intent for the section to be consistent, we view the “fifth day” rule at Sections 145.092 and 145.094, as prevailing.

*Recommended* date to conduct ballot position drawing, after withdrawal deadline. (Sec. 52.094).

**Monday, March 9, 2015 (61st day before election day, extended from 62nd day)**

5:00 p.m. - Last day to file for a place on the ballot in a special election to fill a vacancy, IF the special election is ordered on or after the 70th day before election day, Saturday, February 28, 2015. (Sec. 201.054(a)(1)). This deadline is extended to the next regular business day because the 62nd day before election day falls on Sunday, March 8, 2015. (Sec. 1.006). (For more information about write-in declaration deadline, see Friday, February 27, 2015 [note entry](#). For more details about Section 201.054 and the two possible special election deadlines, see Saturday, February 28, 2015 [note entry](#)).

**Proofing and Testing:** The Elections Division recommends that you proof and test your ballot programming as soon as possible and **prior to the deadline to mail a ballot** if the county will be using automatic tabulating equipment to count the mail ballots or if your mail ballots are printed from the same database used to program your precinct scanners and/or DREs (See [Note 12](#) prior to Calendar of Events). **The Elections Division also recommends that you provide candidates with copies of ballot proofs so that candidates may verify the correctness of their names, positions sought, and order of names on the ballot.**

**Tuesday, March 10, 2015 (60th day before election day)**

First day to accept regular applications for early voting ballots by mail for any May 9, 2015 election. (Sec. 84.007(c)). Reminder: FPCA's (and, for elections where the county clerk or county elections administrator is serving as the early voting clerk, Annual ABBMs) filed on or after January 1, 2015 are valid until December 31, 2015 (i.e., calendar year; new law effective September 1, 2011). (Sec. 86.0015, HB 666 (2013) and Sec. 101.052, Senate Bill 100 (2011)).

Last day for the governing body of a political subdivision to deliver notice of the election to the county clerk/elections administrator and voter registrar of each county in which the political subdivision is wholly or partly located. (Sec. 4.008).

**Friday, March 13, 2015 (57th day before election day)**

Last day to order a special election to fill a vacancy (if authorized to fill vacancies by special election). The filing deadline for such an election is the 45th day before election day, Wednesday, March 25, 2015. (Sec. 201.054)

See Saturday, February 28, 2015 [note entry](#) and **NOTE**, below.

**NOTE:** Although Section 201.052 (Senate Bill 910 (2013)) states that the last day to order a special election is the 45<sup>th</sup> day after election day, as a practical matter, the last day to order a special election to fill a vacancy must instead be the 57th day before election day. This is because Section 201.054 (as amended) does not provide for a candidate filing deadline in the event that a special election is ordered after the 57th day before election day. Thus, we read Section 201.052 (as amended) and 201.054 (as amended) together, and conclude that the last day to order a special election is the 57th day before election day and NOT the 45th day before election day.

**City Offices with Four-Year Terms:** Extended Filing Deadline

5:00 p.m. - Extended filing deadline in cities with four-year terms of office, when no candidate files for a particular office by the regular filing deadline. (Sec. 143.008). (See Friday, February 27, 2015 [note entry](#)).

**Tuesday, March 17, 2015 (53rd day before election day; 3rd day after 62nd day filing deadline)**

5:00 p.m. - Last day for a candidate to withdraw in an election for which the filing deadline is the 62nd day before election day (for example, a special election). **If a candidate withdraws or is declared ineligible by this date, his or her name is omitted from the ballot.** (Secs. 145.092(b) and 145.094(a)(3)).

**Thursday, March 19, 2015 (51st day before election day; 20th day after February 27, 2015)**

Last day to notify election judges of their appointment if they were appointed, as recommended by Friday, February 27, 2015. (Sec. 32.009(b)). Presiding and alternate judges must be given [notice of their appointment](#) in writing, no later than the 20th day after the date of appointment. (Sec. 32.009(a)). If the appointment is for a single election only, the notice of appointment may be combined with the notice of the judge's duty to conduct the election ([writ of election](#)). (Secs. 4.007, 32.009(e)). If the notices are **NOT** combined, then the notice of the judge's duty to conduct the election (writ of election) must be delivered not later than Friday, April 24, 2015 (15th day before election day). (Sec. 4.007).

**Friday, March 20, 2015 – Thursday, June 18, 2015 (50th day before election day – 40th day after election day)**

**Mandatory Office Hours:** Each county clerk, city secretary or secretary of a governing body (or the person performing duties of a secretary) must keep the office open for election

duties for at least 3 hours each day, during regular office hours, on regular business days. (Sec. 31.122).

**Note for Independent School Districts:** A “regular business day” means a day on which the school district’s main business office is regularly open for business. (Sec. 31.122(b)). If a school holiday falls on a day during the early voting by personal appearance period that is not a federal or state holiday (see listing<sup>1</sup> under Sec. 1.006 in BI Company’s Texas Election Laws 2014-2015 Edition), the independent school district is still required to be open to conduct early voting by personal appearance.

**Note for Special Elections:** In the case of a special election, the office hour rule is triggered starting the third day after the special election is ordered. (Sec. 31.122).

### **Wednesday, March 25, 2015 (45th day before election day)**

5:00 p.m. - Last day to file for a place on the ballot in a special election to fill a vacancy, IF the special election is ordered on or after the 70th day before election day, but on or before the 57th day before election day, Friday, March 13, 2015. (Sec. 201.054).

See Saturday, February 28, 2015 [note entry](#).

**Overseas and Military Ballots:** *Recommended* date to mail overseas and military ballots.

Early voting clerk may begin mailing early voting ballots to applicants as soon as ballots are available, but we strongly *recommend* that ballots be mailed no later than the 45th day before the election, if possible. (Sec. 86.004). **Reminder:** 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

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<sup>1</sup> **Note: State legal holidays are:** New Year’s Day, January 1; Martin Luther King, Jr., Day, third Monday in January; Confederate Heroes Day, January 19; Presidents’ Day, third Monday in February; Texas Independence Day, March 2; San Jacinto Day, April 21; Memorial Day, last Monday in May; Emancipation Day in Texas, June 19; Independence Day, July 4; Lyndon Baines Johnson Day, August 27; Labor Day, first Monday in September; Veterans Day, November 11; Thanksgiving Day, fourth Thursday in November; the Friday after Thanksgiving Day; and Christmas Day, December 25. (Secs. 662.003 and 662.021, Government Code).

**Note: National legal holidays are:** New Year’s Day, January 1; Birthday of Martin Luther King, Jr., third Monday in January; Washington’s Birthday, third Monday in February; Memorial Day, last Monday in May; Independence Day, July 4; Labor Day, first Monday in September; Columbus Day, second Monday in October; Veterans Day, November 11; Thanksgiving Day, fourth Thursday in November; Christmas Day, December 25. (5 U.S.C. Sec. 6103).

earlier than the 45th day before election day, the voter's mail ballot must be mailed no later than the 38th day before election day. (Sec. 86.004).

**Monday, March 30, 2015 (40th day before election day; 5th day after 45th day filing deadline)**

5:00 p.m. - Last date for a candidate to withdraw, by submission of a [certificate of withdrawal](#) or notarized letter, in an election for which the filing deadline is the 45th day before election day (for example, a special election to fill a vacancy). **If a candidate withdraws or is declared ineligible by this date, his or her name is omitted from the ballot.** (Secs. 145.092(a) and 145.094(a)(3)).

**NOTE:** The new general rule for withdrawal deadlines for city, school district, and other local elections is 5:00 p.m. of the fifth day after the regular filing deadline, pursuant to Section 145.092(a), as amended by Senate Bill 904 (2013).

## **APRIL**

**Thursday, April 9, 2015 (30th day before election day)**

Last day to register to vote for the Saturday, May 9, 2015 election. (Sec. 13.143).

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

Last day for a voter to make a change of address that will be effective for the election. (Sec. 15.025).

First day of period during which notice of election must be published if the method of giving notice is not specified by a law outside the Election Code, and publication is the selected method of giving notice. (Sec. 4.003(a)(1)). The notice of election ordered by a commissioners court or by an authority of a city or school district, must be given by publication in a newspaper in addition to any other method specified. (Secs. 4.003(c) and (d)).

**Friday, April 10, 2015 (29th day before election day)**

*Recommended* last day for early voting clerk to order supplemental and registration correction lists, if applicable, or order revised original list of registered voters from the voter registrar for early voting by personal appearance. (Secs. 18.001, 18.002, 18.003, 18.004).

**Monday, April 20, 2015 (19th day before election day)**

Last day to post notice of election on bulletin board used for posting notices of meetings of governing body (extended deadline). (Secs. 1.006, 4.003(b)). (This deadline is extended by Section 1.006, as the 21st day before election day falls on Saturday, April 18, 2015).

Last day to post notice of election in each election precinct, if the method of giving notice is not specified by a law outside the Election Code and notice is given by this method in lieu of publication (extended deadline). (Secs. 1.006, 4.003(a)(2)). Cities and school districts must publish their notice in the newspaper. (This deadline is extended by Section 1.006, as the 21st day before election day falls on Saturday, April 18, 2015).

Deadline for a person who is not permanently registered to vote, to submit a postmarked FPCA, in order to receive a ballot for any non-federal election held on May 9, 2015. A person submitting who is not permanently registered to vote and submits a postmarked FPCA after the 20th day before election day, is not entitled to receive a ballot for any non-federal election. See Friday, April 24, 2015 [entry](#) for timeliness of an FPCA received without a postmark (extended deadline). (Sec. 101.052(e)). (**NOTE:** This deadline is extended by Section 1.006, as the 20th day before election day falls on Sunday, April 19, 2015).

**NOTE:** Be sure to check the list of registered voters for permanent registration status. Also, state law authorizes an FPCA to also serve as an application for permanent registration; therefore, the person might be permanently-registered based on a prior-FPCA. Even if the FPCA arrives too late for a particular election, the early voting clerk will still need to forward the original FPCA to the county voter registrar, after making a copy for your early voting clerk's use (mailing ballots, etc.) and records unless the voter marked "outside the U.S. indefinitely" (2005 form) or "do not intend to return" (2011 form) in which case, it will not serve as a permanent registration. (Sec. 101.055; 1 Tex. Admin. Code Sec. 81.40).

**Overseas (non-military) voters** marking the FPCA "as outside the U.S. indefinitely" (2005 form) or "do not intend to return" (2011 form) receive a federal ballot only regardless of the date filed. (Chapter 114). In a local (non-federal) election, this means there is no ballot to send the voter.

**Wednesday, April 22, 2015 (17th day before election day)**

Last day to publish [notice of the public Logic and Accuracy \(L&A\) Test](#) of a voting system that uses direct recording electronic (DRE) voting machines (or an electronic voting system which is subject to L&A testing under advisories issued by the Secretary of State) used in early voting, if test will be held on the last date to perform this test, Friday, April 24, 2015. Notice of the public L&A Test must be published at least 48 hours before the test begins. (Secs. 129.001, 129.023).

**Friday, April 24, 2015 (15th day before election day)**

Last day to conduct public L&A Test of a voting system that uses DRE voting machines (or an electronic voting system which is subject to L&A testing under advisories issued by the Secretary of State) used in early voting. We highly *recommend* that this test is done on an earlier date to allow time for corrections to programming, if necessary. (See [Note 12](#), above). Per Section 129.023, the L&A Test shall be conducted not later than 48 hours before voting begins on such voting systems, assuming that the voting system will first be used for early voting in person.

If an FPCA is received by this date without a postmark to prove mailing date, the early voting clerk will accept the FPCA and mail the applicant a full ballot even if the applicant is not a permanently registered voter but meets the requirements under Title 2 of the Election Code. (Sec. 101.052(i)).

Last day to notify election judges of duty to hold election ([Writ of Election](#)). Notice must be given by the 15th day before the election or the 7th day after the day the election is ordered, whichever is later. The Writ of Election must be given to each presiding judge and include:

1. The judge's duty to hold the election;
2. The type and date of election;
3. The polling place location at which the judge will serve;
4. The polling place hours; and
5. The maximum number of clerks the judge may appoint. (Sec. 4.007).

**Monday, April 27, 2015 (12th day before election day)**

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

**Political Subdivisions other than cities and counties:** Early voting in person must be conducted at least eight (8) hours each weekday that is not a legal state holiday unless the political subdivision has fewer than 1,000 registered voters, in which case

early voting in person must be conducted at least three (3) hours per day. (Sec. 85.005).

**Cities and Counties:** Early voting in person must be conducted on the weekdays of the early voting period and during the hours that the county clerk's or city secretary's main business office is regularly open for business. (Sec. 85.005). However, because cities and counties must have office hours for election-related business at least three (3) hours every business day for this type of election (see Friday, March 20, 2015 [note entry](#)), we harmonize these requirements with the result that, if a city or county is not regularly open for business on one or more weekdays, on those "closed" days, a city or county must conduct early voting for at least three (3) hours a day at the main early voting location (except for a city's two 12-hour days, when it must be open for the full 12 hours).

**Joint Elections:** If entities are conducting early voting by personal appearance jointly, we *recommend* a unified schedule covering all requirements; i.e., no entity's requirements should be neglected or subtracted as a result of a joint agreement.

**Note for Cities:** Cities must choose two (2) weekdays for the main early voting polling place location to be open for 12 hours during the regular early voting period. City council must choose the two weekdays. (Sec. 85.005(d)).

**Note to Independent School Districts:** Despite the change in state law that allows an ISD to be closed on school holidays during the mandatory office hours period, you are required to be open during the entire early voting period, except on legal state and national holidays. (See [listing](#) under Sec. 1.006 in BI Company's Texas Election Laws 2014-2015 Edition).

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 defect 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 Thursday, April 30, 2014. (Secs. 84.007(c), 86.008).

**Wednesday, April 29, 2015 (10th day before election day; day before the last day to apply for a ballot by mail)**

Last day of period during which notice of election must be published if method of giving notice is not specified by a law outside the Election Code and publication is the selected

method of giving notice. (Sec. 4.003(a)(1)). The notice of election ordered by a commissioners court or by an authority of a city or school district, must be given by publication in a newspaper in addition to any other method specified. (Secs. 4.003(c) and (d)).

Last day to mail a copy of the notice of election to each registered voter in the county if method of giving notice is not specified by a law outside the Election Code and this method of giving notice is selected. (Sec. 4.003(a)(3)).

**Cities and Counties – Weekend Early Voting Hours - Notice Requirement:** Last day to post notice on bulletin board used for posting notice of city council or commissioners court, if early voting will be conducted on Saturday, May 2, 2015. (Sec. 85.007). Notice must be posted at least 72 hours before early voting begins on a Saturday or Sunday.

A voter who becomes sick or disabled on or after this date may vote a late ballot if the sickness or disability prevents the voter from appearing at the polling place without the likelihood of needing personal assistance or of injuring his or her health. (Sec. 102.001).

**Thursday, April 30, 2015 (9th day before election day)**

Last day to receive an application for a ballot by mail. (Sec. 84.007(c)).

**NOTE:** Section 84.007, as amended by Senate Bill 910 (2013), changed the deadline for applications for ballots by mail. Applications for ballot by mail must be received by the early voting clerk on the ninth day before election day. This new deadline does not apply to FPCA's. (See, Friday, May 1, 2015 [note entry](#).)

**Cities and Counties – Notice Requirement:** Last day to post notice on bulletin board used for posting notice of city council or commissioners court, if early voting will be conducted on Sunday, May 3, 2015. Notice must be posted at least 72 hours before early voting begins on a Saturday or Sunday. (Sec. 85.007(c)).

**MAY**

**Friday, May 1, 2015 (8th day before election day)**

Last day to receive an FPCA from a registered voter. (Sec. 101.052(g)). This deadline is pushed back to the preceding regular business day, which is today, because the 7th day before election day falls on Saturday, May 2, 2015. (Secs. 84.007(c), 101.002).

**NOTE:** Section 101.052(b) and (g) contain conflicting deadlines for the submission of a timely FPCA. Subsection (g) provides that an FPCA is timely if submitted on or before the 7th day before election day. We view subsection (g) as prevailing.

**Early Voting Ballot Board:** This is the first day counties with a population of 100,000 or more or local political subdivisions conducting an election jointly with such a county may convene their early voting ballot board and begin processing and qualifying mail ballots; however, the mail ballots may not be counted until (i) the polls open on election day, or (ii) in an election conducted by an authority of a county with a population of 100,000 or more or conducted jointly with such a county, the end of the period for early voting in person. (Sec. 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. (Sec. 87.0222). This law only applies to May of an odd-numbered year.

**Monday, May 4, 2015 (5th day before election day; day before last day of early voting)**

A voter is eligible to vote a late ballot if they will be out of the county on election day due to a death in the immediate family (related within 2nd degree of consanguinity or affinity) that occurs on or after this day. The voter may submit the application for the late ballot starting Wednesday, May 6, 2015 (the day after early voting in person ends). (Secs. 103.001, 103.003(b)).

Last day to publish [notice of the public L&A Test](#) of a voting system that uses DRE voting machines (or an electronic voting system which is subject to L&A testing under advisories issued by the Secretary of State) used for the first time on election day, if test will be held on Wednesday, May 6, 2015. Notice of public L&A Test must be published at least 48 hours before the test begins. (Secs. 129.001, 129.023).

**NOTE:** The public L&A Test for a voting system must be conducted at least 48 hours before voting is conducted using the voting system. Therefore, the public test can be conducted no later than 7 a.m. on Thursday, May 7, 2015. Because this is before the regular business hours of many entities, the last day by which the test could be conducted is Wednesday, May 6, 2015.

Last day for the custodian of the automatic tabulating equipment to publish notice of the date, hour and place of the first public test for automatic tabulating equipment, 48 hours before the date of the test, if the test will be conducted on Thursday, May 7, 2015. (Sec. 127.093)

**Tuesday, May 5, 2015 (4th day before election day)**

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

**Election Inspectors**

5:00 p.m. - Requests for election inspectors for Election Day, Saturday, May 9, 2015 must be received by the Secretary of State on or before this date. (Sec. 34.001).

Early voting clerk must post [notice of delivery of materials to the early voting ballot board](#) if materials are to be delivered to the board on Wednesday, May 6, 2015. Notice must be posted continuously for 24 hours preceding each delivery to the board. (Secs. 87.0221, 87.0222, 87.023, 87.024, 87.0241).

**Wednesday, May 6, 2015 (3rd day before election day; day after early voting in person ends)**

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 Monday, May 4, 2015, and will require absence from the county on election day. (Secs. 103.001, 103.003(b)).

First day submit an [application for and vote a late ballot because of sickness or disability](#) that arose on or after Wednesday, April 29, 2015. (Secs. 102.001, 102.003).

Last day to conduct public L&A Test of a voting system that uses DRE voting machines (or an electronic voting system which is subject to L&A testing under advisories issued by the Secretary of State) used in early voting. We highly *recommend* that this test is done on an earlier date to allow time for corrections to programming, if necessary. (See [Note 12](#), above). Per Section 129.023, the 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 on election day and was not previously used for or tested before early voting in person.

Political subdivisions may convene the early voting ballot board for the purpose of [processing and qualifying](#) mail ballots or to receive ballots voted early in person after the end of the period for early voting in person and before the polls open on election day. (Sec. 87.0241).

**NOTE:** The ballot board may not begin counting the ballots until 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, 87.0222, 87.023, 87.024, 87.0241). This is unlike in

odd-numbered years when entities conduct a joint election with a county of 100,000 or more may begin to process and count ballots on the 8th day before election day.

**Thursday, May 7, 2015 (2nd day before election day)**

Last day to conduct the first public test for automatic tabulating equipment, 48 hours before tabulating begins. (Sec. 127.093). We highly *recommend* that this test is done on an earlier date to allow time for corrections to programming, if necessary. (See [Note 12](#), above).

**Friday, May 8, 2015 (day before election day)**

Last day to submit an [application for and vote a late ballot by personal appearance due to death](#) in immediate family. The application must be submitted by the close of business on this day. (Sec. 103.003(b)).

Last day to deliver precinct early voting lists to election judges. (Sec. 87.122).

**Delivery of Provisional Ballots and Forms – Notice Requirement:** 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 Friday, May 8, 2015, 24 hours before election day. (1 Tex. Admin. Code. Secs. 81.172-81.174)

**Saturday, May 9, 2015 - (ELECTION DAY)**

**7:00 a.m. – 7:00 p.m. -** Polls open. (Sec. 41.031).

Voter registrar’s office is open. (Sec. 12.004(c)).

Early voting clerk’s office is open for early voting activities. (Sec. 83.011).

Sick and disabled persons may vote at the main early voting polling place if electronic voting systems are used at regular polling place(s) on election day and the voter has a sickness or condition that prevents the voter from voting in the regular manner without personal assistance or likelihood of injury. (Sec. 104.003).

**5:00 p.m. -** Deadline for receiving applications for late ballots to be voted by persons who became sick or disabled on or after

Wednesday, April 29, 2015. (Sec. 102.003(b)).

**7:00 p.m. -** Deadline for receiving early voting ballots by mail and late ballots cast by voters who became sick or disabled on or after, Wednesday, April 29, 2015. (Secs. 86.007(a), 102.006(c)).

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

**Note 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 the polls are open or as soon after the polls close as practicable. (Secs. 87.021, 87.022). The custodian of the key to the second lock of the double-locked early voting ballot box delivers his or her key to the presiding judge of the early voting ballot board on request of the presiding judge. (Secs. 85.032(d) and 87.025). The custodian is the sheriff for county elections; the chief of police or city marshal for city elections; and the constable of the justice precinct in which the political subdivision's main office is located (or the sheriff, if there is no constable), for other political subdivision elections. (Sec. 66.060).

**Note on Delivery of Early Voting Ballot to Early Voting Ballot Board Before Election Day:** Early voting ballots may be delivered to the early voting ballot board at any time after early voting by personal appearance ends. Mail ballots may be qualified and processed (signatures verified, carrier envelopes opened, and the secrecy envelope containing the ballot placed in a secure location), but they may not be counted until election day. **Exception:** counties with a population of 100,000 or more or entities contracting or having

joint elections with counties with a population of 100,000 or more may process the ballots (i.e., qualify, and accept or reject, but not count) as early as the 8th day before election day; in such an election, votes may be counted no earlier than the end of the period for early voting by personal appearance; the results may not be released until the polls close on election day. (Secs. 87.023, 87.024, 87.0221, 87.0222, 87.0241(b), 87.042). If ballots are to be delivered before election day, the early voting clerk must post notice at least 24 hours before each delivery at the main early voting polling place.

The second test of automatic tabulating equipment used for counting ballots at a central counting station must be conducted immediately before the counting of ballots with equipment begins. The third test must be conducted immediately after the counting is completed. (Secs. 127.093, 127.097, 127.098).

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

**Delivery of Provisional Ballots and Forms to Voter Registrar:** 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 Friday, May 8, 2015 (24 hours before election day). However, under this type of delivery, the county voter registrar **must** go to the custodian of election records office and pick up the provisional ballots and forms.

**NOTE:** The voter registrar may take possession of provisional ballots prior to election night if ballots are kept separated and may be provided without unlawful entry into the ballot box. The general custodian of election records (or the early voting clerk, if applicable) must post a Notice of Delivery of Provisional Ballots at least 24 hours before delivery will occur. (1 T.A.C. Secs. 81.172-81.174).

### **Monday, May 11, 2015 (2nd day after election day; 1st business day after election day)**

The general custodian of election records must deliver the ballot box(es) or transfer cases(s) containing the provisional ballots, along with the Summary of Provisional Ballots and the List of Provisional Voters to the county voter registrar, by this day. 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 Tex. Admin. Code Secs. 81.172-81.174, 81.176).

**Note for Political Subdivisions Located in More than One County:** Your political subdivision in each county in which your political subdivision is located. (1 Tex. Admin. Code Secs. 81.172-81.174).

### **Tuesday, May 12, 2015 (3rd day after election day)**

The first possible day to conduct the official local canvass of returns by the governing authority of the political subdivision. However, the canvass may not be conducted until the early voting ballot board has verified and counted all provisional ballots, if a provisional ballot has been cast in the election, AND counted all timely received ballots cast from addresses outside the United States (see [Friday, May 15, 2015](#), sixth day after election day), if a ballot by mail was provided to a person outside of the United States. (Sec. 67.003). Notice of canvass must be posted at least 72 hours continuously before the canvass is conducted.

If a political subdivision was able to **cancel** its election, this is the first day its elected officials can take the oath of office and be issued a certificate of election. (Secs. 2.053(e), 67.003, 67.016). **NOTE:** This does not apply to officers of a Type A general law city.

Last day to begin the **partial manual count** for districts using electronic voting systems. This is the last day to begin manual recount of ballots in three precincts or one percent of precincts, whichever is greater, unless requirement has been waived or unless the voting system uses DRE voting machines. (Sec. 127.201(a), (g)). Results of manual count must be mailed to Secretary of State not later than the 3rd day after the manual count is completed. (Sec. 127.201(e)). No partial manual count needs to be done of ballots cast on DRE voting machines. (Sec. 127.201(g)).

### **Thursday, May 14, 2015 (5th day after election day)**

Last day to receive carrier envelopes placed in the mail by 7:00 p.m. on election day, Saturday, May 9, 2015, from voters who are voting outside the United States. (Sec. 86.007(d)(3)).

Last day to post notice of governing authority's meeting to canvass returns of election if canvass is to take place on Sunday, May 17, 2015 (8th day after election). This notice must be posted at least 72 hours before the scheduled time of the meeting. (Secs. 551.002, 551.041, 551.043, Texas Government Code).

### **Friday, May 15, 2015 (6th day after election day)**

Deadline for provisional voter to: (1) present acceptable identification to county voter registrar, (2) execute an affidavit relating to natural disaster or religious objection in presence of county, (3) apply for and receive a disability exemption with the voter registrar,

or (4) present official document to the voter registrar to verify their identity. (Secs. 65.054(b), 65.0541(a); 1 Tex. Admin. Code Sec. 81.71).

Deadline for voter registrar to complete the review of provisional ballots. (1 Tex. Admin. Code Secs. 81.172-81.174).

Deadline for custodian of election records or presiding judge of the early voting ballot board to retrieve provisional ballots from county voter registrar. (1 Tex. Admin. Code Secs. 81.172-81.174, 81.176).

Last day for early voting ballot board to convene to qualify and count any late ballots that were submitted from outside the United States and received by Thursday, May 14, 2015. (Sec. 87.125).

Recommended day for early voting ballot board to convene to qualify and count any provisional ballots that have been reviewed by the voter registrar. (Actual deadline to meet to review and count provisional ballots is the 7th day after election day. However, as that day falls on a Saturday, May 16, 2015, and is not extended to the next business day, as a practical matter many early voting ballot boards will instead meet today, Friday, May 15, 2015). (Sec. 65.051(a)).

First day that newly-elected officers of Type A general law city may qualify and assume duties of office (per Sec. 22.006, Local Government Code), but see **NOTE**, below.

**NOTE:** Council members may take office anytime following the canvass. Section 22.006 of the Texas Local Government Code states that a newly-elected municipal officer of a Type A city may exercise the duties of office beginning the fifth day after the date of the election, excluding Sundays. However, no newly elected official may qualify for office before the official canvass of the election has been conducted (or would have been conducted, in the event of a cancelled election). Section 22.036 of the Texas Local Government Code further requires that the newly-elected governing body of the municipality “meet at the usual meeting place and shall be installed.”

**Saturday, May 16, 2015 (7th day after election day)**

Last day for early voting ballot board to convene to qualify and count any provisional ballots that have been reviewed by the voter registrar. (Secs. 65.051(a)). Please note this deadline is not extended under Section 1.006. (Sec. 65.051(c)). See *recommendation* under [May 15, 2015](#).

**Sunday, May 17, 2015 (8th day election day)**

First day of the period to conduct the official local canvass of returns by governing authority of the political subdivision, if the political subdivision has any voters vote a provisional ballot. (Sec. 67.003). The canvass is conducted in compliance with the Texas Open Meetings Act. Note: If a recount petition has been filed and a winning candidate's race is involved in the recount, the certificate of election cannot be issued for that race until the recount has been completed. (Secs. 67.016; 212.0331).

**Tuesday, May 19, 2015 (10th day after election day)**

Last day for the presiding judge of the early voting ballot board to mail notices of rejected mail ballots to voters. (Sec. 87.0431).

**Wednesday, May 20, 2015 (11th day after election day)**

Last day for official canvass of returns by governing authority of political subdivision. (Sec. 67.003).

**JUNE**

**Monday, June 1, 2015 (23rd day after election day; 10th day after canvass deadline)**

Last day for presiding judge of the early voting ballot board to mail [notices of outcome of provisional ballots](#) to voters, if the canvass was conducted on Wednesday, May 20, 2015. The presiding judge of the early voting board is required to mail notice not later than the 10th day after the canvass. (The statutory deadline falls on Saturday, May 30, 2015, and is extended to this day under Section 1.006). (Sec. 1.006; 1 Tex. Admin. Code Sec. 81.176).

**NOTE:** If the canvass was conducted on Monday, May 18, 2015, the deadline for the presiding judge of the early voting ballot board to mail notice is Thursday, May 28, 2015. If the canvass was conducted on Tuesday, May 19, 2015, the deadline for the presiding judge of the early voting ballot board to mail notice is Friday, May 29, 2015.

Last day to complete the partial manual count. (Sec. 127.201(a)). The deadline falls on Saturday, May 30, 2015 and is extended to the next regular business day. (Sec. 1.006).

**Monday, June 8, 2015 (30th day after election day)**

Last to file electronic precinct-by-precinct returns with the Secretary of State. (Sec. 67.017).

**Thursday, June 18, 2015 (40th day after election day)**

Last day of the period for mandatory office hours. See [Friday, March 20, 2015](#). (Sec. 31.122).

**JULY**

**Thursday, July 9, 2015 (61st day after election day)**

First day that ballot box(es) may be unlocked and its voted ballots may be transferred to another secure container for the remainder of the preservation period. (Sec. 66.058).

**NOVEMBER**

**Tuesday, November 10, 2015 (day after 6 months following election)**

Contents of ballot box(es) may be destroyed **IF** no contest or criminal investigation has arisen (Secs. 1.013, 66.058), and **IF** no open records request has been filed ([Tex. Att’y Gen. ORD-505 \(1988\)](#)). Generally, non-federal election records must be preserved for 6 months (instead of 22 months) from election day. (Sec. 66.058, House Bill 2817 (2011)).

**Notable Exceptions:**

**Permanent Records:** Election results must be permanently-maintained in the election register. (Sec. 67.006). We recommend that the early voting clerk maintain an FPCA as an election record until at least 6 months after a non-federal election in which the FPCA generated a ballot. The voter registrar should maintain the original FPCA (except those marked indefinitely away, which are not forwarded to the registrar) for the preservation period for voter registration applications.

**Note on Electronic Voting Systems:** See new Texas Administrative Code rules and advisories on our website for preservation procedures for electronic voting systems. (See Texas Secretary of State Election Advisory Nos. [2011-17](#), [2011-18](#), and [2011-19](#)).

**Note on Retention of Candidate Applications:** Candidate applications must be retained by the governing body for two years after date of election. (Sec. 141.036).