

---

# November 2, 2021 Election Law Calendar

---

- [Downloadable PDF](#)

Last Updated: June 2021

The uniform election date in November of odd-numbered years is usually the date on which constitutional amendments passed by the Texas Legislature during its recently completed session are voted on. Many local political subdivisions, such as cities and school districts, also have their regular general elections for members of their governing bodies or special elections to fill vacancies on this date. Political subdivisions, including counties, may also have measure (proposition) elections on this date. Therefore, this calendar is designed to meet the needs of many diverse governmental bodies. If there are questions about the applicability of something in this calendar to your particular election, do not hesitate to call the Elections Division of the Office of the Texas Secretary of State at 1-800-252-VOTE (8683).

## Months

1. June
2. July
3. August
4. September
5. October
6. November
7. December

## Notes

1. [Campaign Information](#)
2. [Submissions to the U.S. Department of Justice](#)
3. [Statutory and Administrative Code References](#)
4. [Web Postings](#)
5. [Required Use of County Polling Places](#)
6. [Notice of Candidate Filing Periods](#)
7. [Joint Election Requirement for School Districts](#)
8. [Joint Elections Generally](#)
9. [Notice of Elections](#)
10. [Extended Early Voting Hours](#)
11. [Notice of Previous Polling Place](#)
12. [Temporary Branch Locations](#)

13. [Notice of Change of Polling Place](#)
14. [Testing Tabulating Equipment](#)
15. [Accepting Voters with Certain Disabilities](#)
16. [Note on Laws Regarding ABBMs and FPCAs](#)

**NOTE REGARDING CERTAIN STATUTES AND GOVERNMENTAL ACTIONS THAT RELATE TO THE FEDERAL CENSUS: Pursuant to HB 2025 (2021), the population figures from the 2010 federal census will continue to apply with respect to a statute that applies to a political subdivision having a certain population according to the most recent federal census until September 1, 2023. The bill specifies that a statute does not apply to a political subdivision to which the statute did not apply under the 2010 federal census, regardless of whether the political subdivision has the population prescribed by the statute according to the 2020 federal census.**

#### **1. Note on Campaign Information**

Under Title 15 of the Texas Election Code, candidates running for an office must file campaign contribution and expenditure reports. For further information and all questions about such disclosure filings, campaign finance, and political advertising, please contact the **Texas Ethics Commission** at 201 E. 14th, 10th Floor, Austin, Texas 78701; call 512-463-5800; or access their website at: [www.ethics.state.tx.us](http://www.ethics.state.tx.us).

#### **2. 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). The Supreme Court's decision held 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. Accordingly, unless and until there is 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 subdivision discuss the effect of Shelby and the continuing applicability of other provisions of the Voting Rights Act with their legal counsel.

#### **3. Note on Statutory and Administrative Code References**

Unless otherwise indicated, all references are to the Texas Election Code. The county election officer is the county clerk, the county elections administrator, or the county tax assessor-collector, depending on the actions of the county commissioners court. (Secs. 31.031, 31.071, and 31.091). The county voter registrar is the county clerk, the county elections administrator, or the county tax assessor collector, depending on the actions of the county commissioners court. (Secs. 12.001, 12.031, 31.031 and 31.071)

#### **4. Note on Web Postings**

Please see our Web Posting Advisory, Election Advisory No. 2019-19 for more details on web posting requirements; however, the requirements are summarized below.

As of January 1, 2020, each county *shall maintain* a website. (Sec. 26.16(a), Tax Code)

A political subdivision with the authority to impose a tax that maintained a publicly accessible website at any time on or after January 1, 2019, and that is not subject to Section 2051.202 of the Government Code must post the following items on the entity's Internet website (Secs. 2051.201, 2051.202, Government Code) See [Internet Posting Requirements for Political Subdivisions](#)

The political subdivision's contact information, including a mailing address, telephone number, and e-mail address;

1. Each elected officer of the political subdivision;
2. The date and location of the next election for officers of the political subdivision;
3. The requirements and deadline for filing for candidacy of each elected office of the political subdivision which shall be continuously posted or at least one year before the election day for the office;
4. Each notice of a meeting of the political subdivision's governing body under Subchapter C, Chapter 551 of the Government Code; and
5. Each record of a meeting of the political subdivision's governing body under Section 551.021 of the Government Code.

Our office recommends consulting with your political subdivision's local counsel regarding the particular posting requirements under Subdivisions (4) and (5) referenced above. Please note, the requirements for posting notice of meetings and record of meetings of the political subdivision's governing body do not apply to:

1. A county with a population of less than 10,000;
2. A municipality with a population of less than 5,000 located in a county with a population of less than 25,000; or
3. A school district with a population of less than 5,000 in the district's boundaries and located in a county with a population of less than 25,000.

**NOTE-NEW LAW: HB 1154 (2021)** amended the Government Code to include Section 2051.202, effective September 1, 2021. Section 2051.202 of the Government Code requires a special purpose district with certain financial and population characteristics to post specific information on an Internet website. "Special purpose district" excludes from the term a municipality, county, junior college district, independent school district, groundwater conservation district, river authority, or political subdivision with statewide jurisdiction. (Sec. 2051.202, Government Code)

During the 21 days before the election, a debt obligation order under Section 3.009 must be posted on the political subdivision's Internet website, prominently and together with the notice of the election, a copy of the sample ballot, and the contents of the proposition, if the political subdivision maintains an Internet website. (Sec. 4.003(f))

**NOTE-NEW LAW: SB 1116 (2021)** amended Chapter 4 of the Election Code by adding Section 4.009 regarding candidate and polling place information which must be posted on county, city, and school district websites. Specifically, not later than the 21<sup>st</sup> day before election day, a county that

holds an election or provides election services for an election must post certain information related to their upcoming elections. A city or independent school district that holds an election and maintains an Internet website must also post this same election information on their website even if the county is also posting this data.

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

**NOTE-NEW LAW:** SB 1116 (2021) amended Chapter 65 of the Election Code by adding Section 65.016 of the Code regarding election results information which must be posted on county, city, and school district websites. Specifically, 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 their website related to election results, even if the county is also 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 or view more than two network locations after accessing the home page of the county, city or school district, whichever is applicable. Required information on the websites must include:

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

## 5. Note on Required Use of County Polling Places

Political subdivisions holding an election on the **November uniform election date** must use county election precincts and the county polling places. (Secs. 42.002, 42.0621 & 43.004) This is the case even when the county has adopted the **countywide polling place system**; in that case the entity must have a presence in every countywide location in the county, not just the locations physically within the territory of the political subdivision. (Secs. 42.002; 43.007(e))

**NOTE** - In a special election for which use of county election precincts is required, the commissioners court may consolidate, on the recommendation of the county election board, two or more county election precincts into a single precinct if the polling place is located so it will adequately serve the voters of the consolidated precinct. If county election precincts are consolidated for a countywide election, at least one consolidated precinct must be situated wholly within each commissioners precinct. (Sec. 42.008)

**NOTE** – When a county is using the countywide polling place program and a court order requires any of the polling locations to remain open past 7 p.m., then ALL countywide polling place locations MUST remain open for the same amount of time, as ordered by the court order. (Sec 43.007)

In an election held by a political subdivision other than a county on the November uniform election date, and in which the political subdivision is not holding a joint election with a county or has not executed a contract with a county elections officer under which the political subdivision and the county share early voting polling places for the election, the political subdivision must designate as one of its own early voting sites one of the early voting sites established by the county (other than a movable site established under Section 85.062(e)) that is located in the political subdivision. If such a shared polling place is designated as the main early voting polling place by the political subdivision, it must be open for voting for all political subdivisions the polling place serves for at least the days and hours required of a main early voting polling place for the political subdivision making the designation. (Secs. 85.010; 85.002; 85.062(e))

## **6. Note on Notice of Candidate Filing Periods**

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. (Sec. 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. Note that an application for a place on the ballot for a special election may not be filed before the election is ordered.

**NOTE-NEW LAW:** HB 3107 (2021) requires the authority with whom an application for a place on the ballot is filed to designate an e-mail address in the notice required by Section 141.040 of the Code for the purpose of filing an application for a place on the ballot. (Sec. 141.040)

## **7. 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.

For purposes of this calendar, we will continue to use separate subheads for cities and school districts when their rules are different. However, many entities will be working out joint election agreements. (Sec. 11.0581, Texas Education Code; Sec. 271.002)

## **8. Note on Joint Elections Generally**

Many entities will have joint elections for the November 2, 2021 election. Note that the entries in this calendar are generally written in terms of elections held individually rather than jointly. For example, cities are advised about conducting two 12-hour days for early voting. 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 12-hour days. On the other hand, depending on the plan, different entities may choose not to hold early voting together and to do things separately. 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 rules apply to a particular joint election plan, please contact our office by phone or email.

## **9. Note on Notice of Elections**

Political subdivisions other than cities and school districts 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 Tuesday, November 2, 2021 election, this notice must be posted on or before Tuesday, October 12, 2021. In addition, the general rule is that notice must be given by any one or more of the following methods:

1. posting the notice in each election precinct in which the election is to be held on or before the 21st day before the election, Tuesday, October 12, 2021. (Sec. 4.003(a)(2))
2. publishing the notice at least once between the 30th day and the 10th day before the election, Sunday, October 3, 2021 – Saturday, October 23, 2021. (Sec. 4.003(a)(1))
3. mailing a copy of the notice to each registered voter of the territory covered by the election, not later than the 10<sup>th</sup> day before election day, Saturday, October 23, 2021. (Sec. 4.003(a)(3))

**Note for Counties:** Notice of an election **ordered by the governor or by a county authority** must be published in a newspaper; the county may also give any additional notice. (Secs. 4.003(a)(1), 4.003(c))

**Note for Cities and School Districts:** Cities and school districts are required to publish their notice in a newspaper in accordance with Section 4.003(a)(1) and may also give any additional notice. (Sec. 4.003(c)) Counties, school districts, and cities may also post notice on the governmental bulletin board used for posting notice of public meetings, no later than Tuesday, October 12, 2021.

**Notice for State Constitutional Amendment Election:** The constitutional amendment election is ordered by the governor. However, the commissioners court should also complete a local order to ensure that all required actions related to the election have been completed. Additionally, your county may post notice of the election on the commissioners court bulletin board and must also provide notice under the method authorized under number 2 above. (Secs. 4.002(1), 4.003(a) and (b))

**NOTE-NEW LAW:** HB 3107 (2021) provides that in addition to any other notice given, notice of an election ordered by the governor, by a county authority, or by an authority of a city or school district must be given by the method prescribed by Section 4.003(a)(1) of the Code. (Sec. 4.003(c))

**This notice must include:**

1. The type and date of the election;
2. The location of the main early voting polling place, **including the street address, room number, and building name. The notice must designate which location is the main early voting polling place;**
3. The location of each polling place, **including the street address, room number, and building name;**
4. The hours the polls will be open;
5. The regular dates and hours for early voting by personal appearance;
6. The dates and hours of any Saturday or Sunday early voting;
7. The early voting clerk's official mailing address or street address at which the clerk may receive delivery by common or contract carrier, if different, phone number, e-mail address, and the Internet website, if the early voting clerk has an Internet website;
8. We *recommend* that the information regarding branch early voting locations be included as part of your notice; and
9. Any other information required by other law.

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

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

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

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

**Note regarding branch early voting locations:** The branch early voting locations are no longer a required part of your notice under the Texas Election Code. (Sec. 4.004)

The following forms may be used:

-Notice of General Election for Cities

-Notice of General Election for Other Political Subdivisions (Including Schools)

-Notice of Special Election for Counties

**All Political Subdivisions:** The election notice shall be posted on the political subdivision's website, if the political subdivision maintains a website. For political subdivisions other than counties or cities, the original order and notice should include all days and hours for early voting by personal appearance including voting on **ANY** Saturday or Sunday. (Secs. 85.006 & 85.007) **Note for cities and counties,** the election notice

must be subsequently amended to include voting ordered for **ANY** Saturday or Sunday and **must** be posted on the political subdivision's website, if maintained.

**Notice for Bond Elections:** Entities holding bond elections must provide additional notice per Section 4.003(f). A debt obligation order under Section 3.009 must be posted:

1. On election day and during early voting by personal appearance, in a prominent location at each polling place;
2. Not later than the 21st day before the election, in three public places in the boundaries of the political subdivision holding the election; and
3. During the 21 days before the election, on the political subdivision's Internet website, prominently and together with the notice of the election and the contents of the proposition, if the political subdivision maintains an Internet website.

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

**Notice for Political Subdivisions other than Counties, School Districts, and Cities:** Political subdivisions other than counties, school districts, and cities may have specific statutory election notice requirements either in their enabling acts or in the code governing them (such as the Water Code). In the absence of specific statutory requirements, such political subdivisions may post a copy of the notice on or before the 21st day before the election (i.e., Tuesday, October 12, 2021) on the bulletin board used for posting notices of the meetings of the governing body of the political subdivision. (Sec. 4.003(b))

**Note for All Political Subdivisions, Except Counties:**

The governing body of a political subdivision must deliver notice of the election to the county election officer and voter registrar of each county in which the political subdivision is located not later than the 60th day before election day, Friday, September 3, 2021. (Sec. 4.008)

**Note for Counties:** Section 4.003 requires that counties post on the county website the notice and list of polling locations of any political subdivision that delivers their notice to the county under Section 4.008. See Note for All Political Subdivisions above. This is **regardless** of whether the county is contracting with the entity.

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

## **10. Note on Extended Early Voting Hours**

**Note for Cities:** The city must choose **two weekdays** for the main early voting polling place to be open for 12 hours during the regular early voting period, if the early voting period consists of more than six weekdays. (Sec. 85.005(d)) The city secretary may also order early voting on a Saturday or Sunday, and determine the hours for such a 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(c)) 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. (Secs. 85.006(d); 85.007)

**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); 85.006(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(c)) The county election officer **must** have early voting on Saturday or Sunday, *if* a [written request](#) is received from at least 15 registered voters of the county in time to comply with the posting requirement. (Secs. 85.006(d); 85.007)

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

**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 of election must include the dates and hours of Saturday or Sunday voting. (Secs. 85.006, 85.007) The political subdivision **must** have early voting on Saturday or Sunday, *if* a [written request](#) is received from at least 15 registered voters of the political subdivision in time to comply with the posting requirement. (Sec. 85.006(d)) **The request must be submitted in time to be included in the order and notice of election.** (Secs. 85.006; 85.007)

**Note for Counties with Population of 100,000 or More:** Early voting in a special election ordered by the governor must be conducted at the main early voting location for at least 12 hours on each of the last two days of the early voting period. (Sec. 85.005(c))

**Note for Counties with Population of Less than 100,000:** Early voting must be conducted at the main early voting location on the weekdays of the early voting period and during the hours that the county clerk's main business office is regularly open for business. (Sec. 85.005(a)) However, upon receipt of a [written request](#) by at least 15 registered voters of the county for extended hours to the early voting clerk, early voting in a special election ordered by the governor must be conducted at the main early voting location for at least 12 hours on each of the last two days of the early voting period. (Sec. 85.005(c)). The request must be submitted in time to enable compliance with Sec. 85.067. *See* [Notice of Extended Weekday Voting at Main Early Voting Location for County Elections](#)

#### **11. Note on Notice of Previous Polling Place:**

If a different polling place is being used from the previous election held by the same authority, a [Notice of Previous Polling Place](#) 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 Temporary Branch Locations**

**Effective September 1, 2021, the rules for temporary branch locations are different for counties with a population of 100,000 or more.**

**Note for Counties with a Population of 100,000 or More and Political Subdivisions Situated in Such a County:** Early voting at any temporary branch polling place **MUST** be conducted on the same days that voting is required to be conducted at the main early voting polling place under Section 85.005 of the Code and **MUST** remain open for eight hours each day. For certain political subdivisions, this will require your temporary branch locations to be open on every weekday of the early voting period, for at least eight hours on each of those days. **This only applies to an election in which the territory served by the early voting clerk is situated in a county with a population of 100,000 or more. In an election in which the territory served by the early voting clerk is situated in more than one county, this section applies if the sum of the populations of the counties is 100,000 or more.** (Secs. 85.005 and 85.064)

**NOTE for political subdivisions other than city or county** – If the city or county election officer does not serve as the early voting clerk for the territory holding the election and the territory has fewer than 1,000 registered voters, the temporary branch polling place(s) must be open for at least three hours each day that voting is required to be conducted at the main early voting polling place under Section 85.005 of the Code. **This applies if the territory served by the early voting clerk is in a county with a population of 100,000 or more. In an election in which the territory served by the early voting clerk is situated in more than one county, this also applies if the sum of the populations of the counties is 100,000 or more.** (Secs. 85.005 and 85.064)

**NOTE-NEW LAW:** HB 3107 (2021) amended Section 85.064 of the Code to provide that the section only applies to an election in which the territory served by the early voting clerk is situated in a county with a population of 100,000 or more. In an election in which the territory served by the clerk is situated in more than one county, this section applies if the sum of the populations of the counties is 100,000 or more. (Sec. 85.064)

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

**Note for Counties with a Population of Less than 100,000 and Political Subdivisions Situated in Such a County:** Early voting at any temporary branch polling place may be conducted on any days and during any hours of the period for early voting by personal appearance, as determined by the authority establishing the branch. However, voting at a temporary branch polling place must be conducted on at least two consecutive business days and for at least eight consecutive hours on each of those days. The authority authorized under Section 85.006 of the Code to order early voting on a Saturday or Sunday may also order, in the manner prescribed by that section, early voting to be conducted on a Saturday or Sunday at any one or more of the temporary branch polling places. The schedules for conducting voting are not required to be uniform among the temporary branch polling places. **This applies only to an election in which the territory served by the early voting clerk is situated in a county with a population under 100,000. In an election in which the territory served by the early voting clerk is situated in more than one county, this applies if the sum of the populations of the counties is under 100,000.** (Sec. 85.065)

**NOTE-NEW LAW:** HB 3107 (2021) added Section 85.065 of the Code to modify the requirements regarding the days and hours for early voting by personal appearance at any temporary branch polling place if the territory served by the early voting clerk is situated in a county with a population

under 100,000 or if the territory served by the early voting clerk is situated in more than one county and the sum of the populations of the counties is under 100,000. (Sec. 85.065)

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

### **13. Note on Notice of Change of Polling Place Location:**

For elections ordered by the **Governor or county judge only**, if the location of the polling place changes after notice has been given under Section 4.003 of the Texas Election Code, and the county election officer maintains a website to inform voters about elections, the notice of the change must be posted on the website. The notice on the website must be posted not later than the earlier of 24 hours after the location was changed or 72 hours before the polls open on election day. (Sec. 43.061) If the county election officer is conducting a legislative vacancy election, the candidates listed on the ballot are entitled to receive notice directly from the county judge.

### **14. Note on Testing Tabulating and Electronic Voting Equipment**

#### **Ballot Testing:**

Once all candidate filing deadlines have passed, we recommend that you proof and test your ballot programming as soon as possible. Early testing will allow adequate time to locate any errors and make any necessary corrections in ballot programming. We also strongly suggest that you have candidates proof their names and offices before finalizing the ballot to avoid the necessity for last minute ballot corrections.

#### **Logic and Accuracy Test:**

We recommend establishing a date to perform the first test of your electronic voting equipment (L&A, or Logic and Accuracy Test) as soon as possible. We recommend that this test be performed on a date that allows time to correct programming and retest, if necessary. A notice of this test must be published by the custodian of the electronic voting equipment at least 48 hours before the date of the test. (Sec. 129.023; [Tex. Sec'y of State Election Advisory No. 2019-23](#)) The L&A test must be conducted not later than 48 hours before voting begins on a voting system. (Sec. 129.023)

#### **Testing Tabulating Equipment:**

The automatic tabulating equipment used for counting ballots at a central counting station must be tested three times for each election. (Ch. 127, Subch. D). We recommend you test the equipment as soon as possible; early testing will allow adequate time to locate any errors and make any necessary corrections in programming. However, the first test **must be conducted at least 48 hours before** the automatic tabulating equipment is used to count ballots voted in the election. The second test shall be conducted immediately before the counting of ballots with the equipment begins. The third test must be conducted immediately after the counting of ballots with the equipment is completed. Please note that the custodian of the automatic tabulating equipment must publish notice of the date, hour, and place of the first test in a newspaper at least

48 hours before the date of the test. (Sec. 127.096) The electronic files created from the L&A testing are what must be used for testing the tabulating equipment.) ([Tex. Sec’y of State Election Advisory No. 2019-23](#)).

Precinct tabulators must also be tested in accordance with the procedures set forth in Chapter 127, Subchapter D, of the Texas Election Code to the extent those procedures can be made applicable. (Sec. 127.152; ([Tex. Sec’y of State Election Advisory No. 2019-23](#)).

Our recommendation is that both L&A testing and testing of the automatic tabulating equipment take place prior to ballots by mail being sent out. However, should there be a reason to delay testing, please be advised that L&A testing must be conducted at least 48 hours before voting begins on a voting system. This means that L&A testing should be completed before early voting and possibly, before election day, if your election day system is different than your early voting system. Additionally, the automatic tabulating equipment may not be used to count ballots voted in the election until a test is successful.

For more information on testing tabulating equipment used at the central counting station, please see Chapter 127, Subchapter D of the Election Code and [Tex. Sec’y of State Election Advisory No. 2019-23](#). See Chapter 129, Subchapter B of the Election Code and [Tex. Sec’y of State Election Advisory No. 2019-23](#) **for other types of testing such as functionality tests, logic and accuracy tests, tests for central accumulators, etc.** Please see [Tex. Sec’y of State Election Advisory No. 2019-23](#) for additional information regarding voting system equipment access, security and preservation, and chain of custody.

## **15. Note on Accepting Voters with Certain Disabilities**

### **All Political Subdivisions: Accepting voters with certain disabilities:**

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

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

The **recommended** time to include this notice on a county website is when the Notice of Election is also posted on the website. Sec 85.007(d). See [Note 9](#) regarding Notice of Elections.

**Cities, Schools, and Other Political Subdivisions:** It is ***strongly recommended*** that the notice regarding accepting voters with certain disabilities also be posted on the subdivision’s website, if one is maintained by the political subdivision.

## **16. Note on Laws Regarding ABBMs and FPCAs**

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

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

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

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

**NOTE-NEW LAW:** HB 3107 (2021) amended Section 101.052 of the Code regarding FPCAs. Effective September 1, 2021, an FPCA may be submitted by in-person delivery by the voter in accordance with Section 84.008 of the Code or by common or contract carrier. Further, an application is considered submitted in the following calendar year if: 1) the applicant is eligible to vote in an election occurring in January or February of the next calendar year; and 2) the application is submitted in the last 60 days of a calendar year but not earlier than the 60<sup>th</sup> day before the date of the January or February election. (Sec. 101.052)

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

# Calendar of Events

## June

**Thursday, June 17, 2021 (30th day before Saturday, July 17, 2021, first day to file an application for a place on the ballot)**

**Cities, Schools, and Other Political Subdivisions:** Post [Notice of Deadline to File Applications for Place on the Ballot](#) 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; Sec. 49.113 Water Code). This notice must be posted in addition to the posting the requirements and deadline for filing for candidacy under Section, 2051.201, Government Code. (See [Note 4](#), above)

**NOTE - Water Districts:** The notice must be posted at the district's administrative office or at the public place established by the district under Section 49.063 of the Water Code. (Sec. 49.113, Water Code)

**NOTE-NEW LAW:** HB 3107 (2021) requires the authority with whom an application for a place on the ballot is filed to designate an e-mail address in the notice required by Section 141.040 of the Code for the purpose of filing an application for a place on the ballot.

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

**Note Regarding New Law:** Official candidate applications provided by the SOS will be updated to reflect changes that go into effect September 1, 2021.

**NOTE - School Districts:** In addition to the general felony rule at Election Code Sec. 141.001 (finally convicted), a candidate must not have been convicted (finally convicted or otherwise) of specific crimes under the Education Code in time to serve. (Sec. 11.066, Education Code)

**Wednesday, June 30, 2021 (last day of June)**

**Counties with a Population of Over 500,000:** Deadline for party chairs to submit to county commissioners court a list of eligible persons for precinct presiding judge and alternate presiding judges for appointments in each county election precinct and as a central counting station presiding judge and alternate

judge and who are affiliated or aligned with the county chair's political party. (Secs. 32.002 & 127.005(e)) The list of the county chair of the political party whose candidate for governor received the highest number of votes in the county in the 2018 gubernatorial election must contain the name of a person eligible for appointment as the early voting ballot board presiding judge. (Sec. 87.002(b)) This is meant for counties that did not make two-year appointments in 2020, and will be making appointments in the July 2021 term. Lists submitted by mail must be postmarked by June 30, 2021, in order for them to be considered timely-filed. *See* Tex. Sec'y of State Election Advisory No. 2021-07.

## July

### July Term

**Counties with a Population of Over 500,000:** This is meant for counties that did not make two-year appointments in 2020, and will be making appointments in the July 2021 term. The commissioners court must appoint the election judges for each regular county election precinct at its July term in a county with a population of over 500,000. In counties with a population of over 500,000, the terms of the judges start on August 1, 2021. *See* entry for [Wednesday, June 30, 2021](#).

**Saturday, July 17, 2021 (30th day before Monday, August 16, 2021, regular filing deadline for a place on the ballot)**

**Political Subdivisions Other Than Counties:** First day to file an application for a place on the ballot or a declaration of write-in candidacy. (Secs. 143.007, 144.005, 146.054 Election Code; Secs. 11.055, 11.056, 130.082(g), 130.0825 Educ. Code). *See* Candidacy Filing outline for more details. The following applications may be provided to candidates and are available on the Secretary of State's website:

- [Application for Place on City/School/Other Political Subdivision Ballot](#)
- If your home rule city or special law district allows for a petition, the following petition may be used: [Petition for Place on the City General Election Ballot](#)
- [Declaration of Write-In Candidacy for City, School, or other Political Subdivisions](#)

**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.

**NOTE - Cities, Schools, and Other Political Subdivisions:** At least part of the candidate filing period will occur during the summer break for school districts. Additionally, there are political subdivisions that do not have office hours on all days of the business week (Monday through Friday) or do not have an office that is open for eight hours each day of the business week. The Elections Division recommends that political subdivisions take steps to have someone available for a few hours most days during the candidate filing period to accept filings, and that political subdivisions post a schedule on their websites and on the bulletin boards where notices of meetings are posted of the days and times when someone will be available to accept filings. The Elections Division also strongly recommends having someone available at the place of business on the filing deadline, especially from 2:00 p.m. to 5:00 p.m., if you are otherwise closed. This guideline is based on the office-hour rule under Section 31.122 of the Election Code. Although a political subdivision may accept applications by mail, fax, or email without a person

there at the office, the political subdivision will not be able to determine which applications were timely filed by 5:00 p.m.

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

### **Friday, July 30, 2021 (last weekday “before August”)**

Recommended date that county election officials and local political subdivisions meet to discuss conducting elections at the same polling locations pursuant to Sections 42.002 & 42.0621, as well as any applicable joint election issues needed to be agreed upon. **NOTE: This is not a deadline; just a recommendation.**

### **Saturday, July 31, 2021 (last day of July)**

**Counties with a Population of 500,000 or Less:** Deadline for party chairs to submit to county commissioners court a list of eligible persons for precinct presiding election and alternate presiding judges for appointments in each county election precinct and as a central counting station presiding judge and alternate judge and who are affiliated or aligned with the county chair's political party. (Secs. 32.002 & 127.005(e)) The list of the county chair of the political party whose candidate for governor received the highest number of votes in the county in the 2018 gubernatorial election must contain the name of a person eligible for appointment as the early voting ballot board presiding judge. (Sec. 87.002(b)) This is meant for counties that did not make two-year appointments in 2020, and will be making appointments in the August 2021 term. Lists submitted by mail must be postmarked by July 31, 2021, in order for them to be considered timely-filed. *See* Tex. Sec'y of State Election Advisory No. 2021-07.

## **August**

### **August Term**

**Counties with a Population of 500,000 or Less:** This is meant for counties that did not make two-year appointments in 2020, and will be making appointments in the August 2021 term. The commissioners court must appoint the election judges for each regular county election precinct at its August term in a county with a population of 500,000 or less. In counties with a population of 500,000 or less, the terms of the judges start on September 1, 2021. *See* entry for July 31, 2021.

**Recommended** time for the county commissioners court to decide whether to consolidate county election precincts for the November 2, 2021 state constitutional amendment election. The county may consolidate two or more precincts into a single precinct if it will be so located as to adequately serve the voters. At least one consolidated precinct must be wholly within each commissioners precinct. If a county consolidates county election precincts, they must provide a [Notice of Consolidated Precinct](#) at each polling place used in the preceding general election to inform voters of the precinct's consolidation and the location of the consolidated precinct polling place. This notice must be posted not later than the 10<sup>th</sup> day before election

day and must remain posted continuously through election day. (Secs. 42.008; 4.003(b)) The county shall deliver to the Secretary of State notice of the consolidated precinct no later than the date of the election. (Sec. 4.003(e))

**Wednesday, August 4, 2021 (90th day before election day)**

Last day for eligible political subdivisions to submit [Notice of Exemption Under Section 61.013](#) or an [Application of Undue Burden Status](#) to the Secretary of State for exemption from the accessible voting system requirement. (Sec. 61.013) For additional information, consult the most current advisory on this topic, [Tex. Sec’y of State Election Advisory No. 2021-02](#).

**Friday, August 13, 2021 (81<sup>st</sup> day before election day; 3<sup>rd</sup> day before filing deadline)**

**Political Subdivisions Other Than Counties:** If a candidate dies on or before this date, his or her name is not placed on the ballot as long as the filing deadline is Monday, August 16, 2021. (Sec. 145.094(a)(1))

**NOTE** - Section 145.098 provides that if a candidate dies on or before the deadline for filing an application for a place on the ballot, the authority responsible for preparing the ballots MAY choose to omit the candidate from the ballot. If the authority does choose to omit the candidate, the deadline for filing an application for a place on the ballot is extended to the fifth day after the filing deadline, Monday, August 23, 2021. This extended deadline only applies to the regular filing deadline. It **DOES NOT** apply to the write-in deadline.

**NOTE** - Because the extended deadline for filing an application for a place on the ballot falls on a weekend (Saturday, August 21, 2021), it is extended to the next regular business day, Monday, August 23, 2021. (Sec. 1.006)

**Monday, August 16, 2021 (78<sup>th</sup> day before election day)**

**Political Subdivisions Other Than Counties: 5:00 p.m.** - Last day for a 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, Education Code; Chapter 286, Health & Safety Code). See [Candidacy Filing outline](#) for more details.

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

**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 5:00 p.m. of the 57<sup>th</sup> day before election day, Tuesday, September 7, 2021. (Sec. 143.008)\*

\*Since the 57<sup>th</sup> day before election day falls on Monday, September 6, 2021 (Labor Day), the deadline is extended to the next regular business day, which is Tuesday, September 7, 2021.

**NOTE** - 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))

**Political Subdivisions Other Than Counties (General Election):** Deadline for political subdivisions to order a general election to be held on Tuesday, November 2, 2021, unless otherwise provided by the Election Code. (Sec. 3.005) One of the following forms may be used:

[-Order of Election for Municipalities](#)

[-Order of Election for Other Political Subdivisions \(Including Schools\)](#)

**Political Subdivisions Other Than Counties (Special Election):** Deadline to order a special election on a measure to be held on Tuesday, November 2, 2021. The following form may be used:

- [Order of Special Election for Municipalities](#)

**Counties:** Deadline for counties to order a special election on a measure to be held on Tuesday, November 2, 2021, other than the constitutional amendment election, which is ordered by the governor. (Secs. 3.004; 3.005) The following form may be used:

- [Order of Special Election for County-Ordered Measure Elections](#)

**Notice for State Constitutional Amendment Election:** The constitutional amendment election is ordered by the governor. However, the commissioners court should also complete a local order to ensure that all required actions related to the election have been completed.

**The order of election must include:**

1. The date of the election;
2. The location of the main early voting polling place **including the street address, room number, and building name. The order must designate which location is the main early voting polling place;**
3. The offices or measures to be voted on;
4. **(Recommended)** Branch early voting polling places (*see* [Notice of Elections](#) 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 or street address at which the clerk may receive delivery by common or contract carrier, if different, phone number, e-mail address, and the Internet website, if the early voting clerk has an Internet website.

In addition to the information included above, an order for a debt obligation (bond) election **must** include (Sec. 3.009):

1. the proposition language that will appear on the ballot;
2. the purpose for which the debt obligations are to be authorized;

3. the principal amount of the debt obligations to be authorized;
4. that taxes sufficient to pay the principal of and interest on the debt obligations may be imposed;
5. a statement of the estimated tax rate if the debt obligations are authorized or of the maximum interest rate of the debt obligations or any series of the debt obligations, based on the market conditions at the time of the election order;
6. the maximum maturity date of the debt obligations to be authorized or that the debt obligations may be issued to mature over a specified number of years not to exceed the maximum number of years authorized by law;
7. the aggregate amount of the outstanding principal of the political subdivision's debt obligations as of the date the election is ordered;
8. the aggregate amount of the outstanding interest on debt obligations of the political subdivision as of the date the election is ordered, which may be based on the political subdivision's expectations relative to variable rate debt obligations; and
9. the ad valorem debt service tax rate for the political subdivision at the time the election is ordered, expressed as an amount per \$100 valuation of taxable property.

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

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

### **Friday, August 20, 2021 (74<sup>th</sup> day before election day)**

**Political Subdivisions Other Than Counties: 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). [See Candidacy Filing outline for more details.](#)

**NOTE** - 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))

First day to post [Notice of Drawing for Place on Ballot](#) if drawing is to be conducted on Tuesday, August 24, 2021. 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 day (not later than the 4th day before the drawing) if drawing is to be

conducted on Tuesday, August 24, 2021. (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 county or 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))

**NOTE-NEW LAW:** Effective September 1, 2021, HB 3107 (2021) amended Section 52.094 of the Code to require the authority conducting the drawing to provide notice of the date, hour, and place of the drawing to each candidate by: 1) written notice that is mailed to the address stated on the candidate's application not later than the fourth day before the date of the drawing; or 2) provided at the time the candidate files an application with the appropriate authority. If notice was not provided at the time the candidate filed an application, the notice may be provided by telephone, if a telephone number is provided on the candidate's application or by e-mail, if an e-mail address was provided on the candidate's application. (Sec. 52.094)

### **Monday, August 23, 2021 (71<sup>st</sup> day before election day)**

**Political Subdivisions Other Than Counties: 5:00 p.m.** - Last day for a candidate to withdraw, by submission of a [Certificate of Withdrawal](#) or a notarized letter. **If a candidate withdraws or is declared ineligible by this date, his or her name is omitted from the ballot.** (Secs. 145.092(f), 145.094(a)(4)) For special circumstances regarding withdrawal of a candidate before ballots are prepared, please contact the Elections Division of the Office of the Texas Secretary of State.

**Political Subdivisions Other Than Counties: 5:00 p.m.** — Last day to **withdraw** as a **write-in** candidate in the general election ordered by a political subdivision other than a county. (Secs. 144.006(c), 146.054(c)) (Candidates may use the [Certificate of Withdrawal](#)).

**NOTE** - Section 145.098 provides that if a candidate dies on or before the deadline for filing an application for a place on the ballot, the authority responsible for preparing the ballots **MAY** choose to omit the candidate from the ballot. If the authority does choose to omit the candidate, the deadline for filing an application for a place on the ballot is extended to the fifth day after the filing deadline, Monday, August 23, 2021. This extended deadline only applies to the regular filing deadline. It **DOES NOT** apply to the write-in deadline.

**NOTE** - Because the extended deadline for filing an application for a place on the ballot falls on a weekend (Saturday, August 21, 2021), it is extended to the next regular business day, Monday, August 23, 2021. (Sec. 1.006)

**Recommended** first day that an election may be cancelled if all filing deadlines have passed, each candidate for an office listed on the ballot is unopposed, and write-in votes may be counted only for names appearing on a list of write-in candidates. (Sec. 2.052) The [Certification of Unopposed Candidates for Other Political Subdivisions](#) may be used to certify candidates as unopposed. Also, see our [Sample Order of Cancellation](#).

A special election of a political subdivision is considered to be a separate election with a separate ballot from a general election for officers of the same political subdivision held at the same time as the special

election. Therefore, the fact that there may be a proposition on the ballot will not prevent a cancellation of an election for candidates who are unopposed. (Sec. 2.051(a)) If any members of the political subdivision's governing body are elected from territorial units, such as single member districts, an election may be cancelled in a particular territorial unit if each candidate for an office that is to appear on the ballot in that territorial unit is unopposed and no opposed at-large race is to appear on the ballot. An unopposed at-large race may be cancelled in an election regardless of whether an opposed race is to appear on the ballot in a particular territorial unit. (Sec. 2.051(b))

**This recommended cancellation deadline presumes a filing deadline of Monday, August 16, 2021, and a write-in deadline of Friday, August 20, 2021. 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 - 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 have 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 \(Not County\)](#).

**Political Subdivisions Other Than Counties:** *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 a [Notice of Appointment](#) **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, Monday, October 18, 2021**. (Sec. 4.007, 32.009(e)) If the notices are combined, both must be delivered by the date required by the earlier notice.

**NOTE - Water Districts:** A water district is not required to provide a Notice of Appointment to a presiding judge, as required under Section 32.009, but must provide a [Writ of Election](#). (Sec. 4.007; Sec. 49.110, Water Code)

*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.

**Counties:** For timeframes for appointment of various election workers for counties, see Tex. Sec’y of State Election Advisory No. 2021-07.

**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 order election supplies, other than ballots. (Sec. 51.003)

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

### **Tuesday, August 24, 2021 (70th day before election day)**

**Political Subdivisions Other Than Counties:** 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. (Secs. 201.054(a)(1)), 201.052) Please note that the Election Code requires the election to be ordered as soon as practicable after the vacancy occurs. (Sec. 201.051) The following form may be used: [Order of Special Election for Municipalities](#).

**NOTE** - Section 201.054 provides that if a special election to fill a vacancy 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) after the 70th day but on or before the 46th day before election day, the candidate application must be filed by 5:00 p.m. on the 40th day before election day. This is the first of the two possible ordering times.

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

**Note Regarding the New Law:** Official candidate applications provided by the SOS will be updated to reflect changes that go into effect September 1, 2021.

**NOTE - School Districts:** In addition to the general felony rule at Election Code Sec. 141.001 (finally convicted), a candidate must not have been convicted (finally convicted or otherwise) of specific crimes under the Education Code in time to serve. (Sec. 11.066, Education Code)

**Recommended** date to conduct ballot position drawing. (Sec. 52.094) You should also certify today to the county election officer the offices, propositions (in all necessary languages), and candidates' names (including the order) as they are to appear on the ballot, **if you are contracting** to have the county conduct your election or if you are conducting a joint election with the county. See entry for [August 20, 2021](#), referencing new law regarding ballot drawing.

**NOTE** - After the ballot drawing has occurred, 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 political subdivision 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 [Testing Tabulating Equipment](#)). **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.**

### **Thursday, August 26, 2021 (68th day before election day)**

Deadline for the Secretary of State to certify the state constitutional amendment election. (Sec. 274.003) The certification will include the ballot order of the constitutional amendments.

## **September**

### **Wednesday, September 1, 2021 (62<sup>nd</sup> day before election day)**

**Political Subdivisions Other Than Counties: 5:00 p.m.** - Last day to file application for a place on the ballot in a special election to fill a vacancy, if the special election is ordered on or before the 70th day before election day, Tuesday, August 24, 2021. (Sec. 201.054(a)(1)) For more details about Section 201.054 and the two possible special election deadlines, see entry for [Tuesday, August 24, 2021](#).

**Political Subdivisions Other Than Counties: 5:00 p.m.** - Deadline for write-in candidates to file [Declarations of Write-In Candidacy](#) for officers for city, school district, library district, junior college district, hospital district, and common school districts in a special election to fill a vacancy if the special election is ordered on or before the 70<sup>th</sup> day before election day, [Tuesday, August 24, 2021](#). (Sec. 201.054(a)(1) and 201.054(g))

**NOTE** - A declaration of write-in candidacy for a special election must be filed not later than the filing deadline. The filing deadline to file an application for a place on the ballot in a special election to fill a vacancy, if the special election is ordered on or before the 70th day before election day, Tuesday, August 24, 2021, is Wednesday, September 1, 2021. (Section 201.054(g))

**NOTE-NEW LAW:** HB 4555 (2021) amended Sections 141.031 and 141.039 of the Code by modifying the application requirements related to a candidate's final felony conviction status and what must be included on the candidate application form. Specifically, **effective September 1, 2021**, candidates will need to provide an indication on their candidate application that the candidate has either not been finally convicted of a felony, or if so convicted, has been pardoned or otherwise released from the resulting disabilities. A person who has been convicted of a felony will need to

include in the application proof that the person has been pardoned or otherwise released from the resulting disabilities. The application form must include a statement informing candidates of the requirement to submit this information. Further, the official application form will need to include a statement informing candidates that knowingly providing false information on their application related to their final felony conviction status is a Class B Misdemeanor. (Secs. 141.031, 141.039)

**Note Regarding the New Law:** Official candidate applications provided by the SOS will be updated to reflect changes that go into effect September 1, 2021.

**NOTE - School Districts:** In addition to the general felony rule at Election Code Sec. 141.001 (finally convicted), a candidate must not have been convicted (finally convicted or otherwise) of specific crimes under the Education Code in time to serve. (Sec. 11.066, Education Code)

**NOTE-NEW LAW:** Effective September 1, 2021, HB 3107 (2021) amended Section 52.094 of the Code to require the authority conducting the drawing to provide notice of the date, hour, and place of the drawing to each candidate by: 1) written notice that is mailed to the address stated on the candidate's application not later than the fourth day before the date of the drawing; or 2) provided at the time the candidate files an application with the appropriate authority. If provided at the time the candidate files an application, the notice may be provided by telephone, if a telephone number is provided on the candidate's application or by e-mail, if an e-mail address was provided on the candidate's application. (Sec. 52.094)

### **Friday, September 3, 2021 (60th day before election day)**

First day of period during which the Secretary of State must publish first statewide notice of state constitutional amendment election. The Secretary of State will publish this notice a second time on the same day of the next week after the first notice was published. (Art. XVII, Sec. 1, Texas Constitution)

**Political Subdivisions Other Than Counties:** 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)

**NOTE -** Section 4.003 requires that counties post on the county website the notice and list of polling locations of any political subdivision that delivers their notice to the county under 4.008. This is regardless of whether the county is contracting with the entity. *See* [Note 9](#) for more information on the requirements related to the Notice of Election.

**NOTE-NEW LAW:** HB 3107 (2021) requires the notice of election to include the Internet website of the authority conducting the election. (Sec. 4.004(a))

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

**Recommended** date for county clerk/county elections administrator to deliver an initial list of voters who have submitted annual applications for ballot by mail under Section 86.0015 and scans or photocopies of

those applications to the early voting clerk of any political subdivision located within the county that is holding an election on November 2, 2021. The list should only include voters that reside in the political subdivision holding the election. The list should only be created and sent to those political subdivisions that have provided notice of the election to the county clerk/elections administrator. *See also*, the note below and the entry at [Friday, October 22, 2021](#), for more information about delivery of a final list of voters. *See* entry at [Thursday, October 21, 2021](#), and entry at [Saturday, October 30, 2021](#), for more information on the delivery of copies/images of the applications.

**NOTE** - Section 86.0015 requires the county clerk/elections administrator to provide a list of voters that have submitted an annual application for ballot by mail to all political subdivisions in their county holding an election. The law only applies to elections for which the county clerk/elections administrator is not the early voting clerk via a contract for election services or joint election agreement. The Election Division *strongly recommends* that the county and political subdivisions **discuss the frequency and method for which these lists should be transmitted** to ensure that ballots are sent out timely. Finally, the county clerk/elections administrator **must deliver either photocopies or scanned images of the applications (under Section 87.126) to the early voting clerk** of the political subdivision before the ballots by mail are delivered to the early voting ballot board for qualifying and counting under Section 87.041.

### **Monday, September 6, 2021 (57<sup>th</sup> day before election day) (Labor Day)**

**Political Subdivisions Other Than Counties: 5:00 p.m.** – Last day for a candidate to file [Certificate of Withdrawal](#) in a special election, in which the filing deadline is the 62nd 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(b) and (e) and 145.094(a)(3)) **Section 1.006 of the Code not does not apply to Section 145.092(b).**

For special circumstances regarding withdrawal of a candidate before ballots are prepared, please contact the Elections Division of the Office of the Texas Secretary of State.

### **Tuesday, September 7, 2021 (56<sup>th</sup> day before election day)**

**City Offices with Four-Year Terms: 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 of Monday, August 16, 2021. (Secs. 1.006 and 143.008) *See* note entry for [Monday, August 16, 2021](#).\*

\*Since the 57<sup>th</sup> day before election day falls on Monday, September 6, 2021 (Labor Day), the deadline is extended to the next regular business day, which is Tuesday, September 7, 2021.

### **Monday, September 13, 2021 (50<sup>th</sup> day before election day; 21<sup>st</sup> day after August 23, 2021)**

Deadline to challenge the filing of an application for a place on the ballot as to form, content, and procedure. (Sec. 141.034)

**NOTE-NEW LAW:** HB 3107 (2021) amended Section 141.034 of the Code to provide that a candidate application cannot be challenged for “Form, Content, and Procedure” defects after the 50<sup>th</sup> day before the date of the election for which the application is made. (Sec. 141.034)

**Political Subdivisions Other Than Counties:** Last day to notify election judges of their appointment if they were appointed, as recommended, on [Monday, August 23, 2021](#). (Secs. 1.006, 32.009(b)) Presiding and alternate judges must be notified of their appointment in writing, not later than the 20th day after the date the appointment is made. The notice of the judge’s duty to conduct the election (writ of election) pursuant to Section 4.007 may be combined with the above notice, if the appointment is for a single election only. 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 the 15th day before election day, [Monday, October 18, 2021](#).

Last day of period during which the Secretary of State must publish first statewide notice of state constitutional amendment election. The Secretary of State will publish this notice a second time on the same day of the next week after the first notice was published. (Art. XVII, Sec. 1, Texas Constitution)

Last day to publish notice for testing of automatic tabulation equipment testing and logic and accuracy testing (L&A testing) of a voting system that uses direct recording electronic (DRE) voting machines and precinct scanners if test will be completed by recommended deadline of [Wednesday, September 15, 2021](#). Notice of the public tests must be published at least 48 hours before the test begins. (Secs. 127.093, 127.096, 129.001, 129.022, 129.023) [See Note 14](#) above.

**Monday, September 13, 2021 - Sunday, December 12, 2021 (50<sup>th</sup> day before election day - 40<sup>th</sup> 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 - Counties:** This office hour rule applies to the entity’s general election or special election ordered by that authority; we recommend that the county maintain these office hours, because the county conducts the constitutional amendment election. The hours are clearly required if the county authority orders an additional county election.

**NOTE - 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))

**NOTE - 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)

**NOTE-NEW LAW:** HB 3107 (2021) amended Section 31.096 of the Code which addresses nontransferable functions under an election services contract. Specifically, an election services contract may not change the political subdivision’s requirement to maintain office hours under Section 31.122. The amendment to Section 31.096 of the Code also allows a county that has contracted with a city to be the custodian of voted ballots for a city election. (Sec. 31.096)

## Wednesday, September 15, 2021 (48th day before election day)

**Recommended** date to conduct the first test of the automatic tabulating equipment and for logic and accuracy (L&A test) test on precinct scanners and DREs. (Secs. 127.093; 127.096; 129.022; 129.023) The SOS recommends you complete your first round of testing prior to mailing your mail ballots if those ballots will be counted using automatic tabulation equipment. If you conduct your first round of testing by this date, you must publish notice of the test 48 hours prior to testing. [See Note 14](#), above.

## Friday, September 17, 2021 (46th day before election day)

**Political Subdivisions Other Than Counties:** Last day to order a special election to fill a vacancy (if authorized to fill vacancies by special election). If the election was ordered after the 70<sup>th</sup> day before election day, the filing deadline will be the 40th day before election day. (Secs. 201.052 and 201.054(a)(2)) Please note that the Election Code requires the election to be ordered as soon as practicable after the vacancy occurs. (Sec. 201.051) The following form may be used: [Order of Special Election for Municipalities](#).

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

**Note Regarding the New Law:** Official candidate applications provided by the SOS will be updated to reflect changes that go into effect September 1, 2021.

**NOTE - School Districts:** In addition to the general felony rule at Election Code Sec. 141.001 (finally convicted), a candidate must not have been convicted (finally convicted or otherwise) of specific crimes under the Education Code in time to serve. (Sec. 11.066, Education Code)

## Saturday, September 18, 2021 (45th day before election day)

Deadline to mail ballots to military or overseas voters who already submitted their ballot requests via a federal postcard application (FPCA) or via a standard application for ballot by mail (ABBM) and indicated that they are outside the United States. If the early voting clerk cannot meet this 45th-day deadline, the clerk **must** notify the Secretary of State within 24 hours. (Sec. 86.004(b))

**NOTE - The 45th Day deadline under Section 86.004(b) is not extended by Section 1.006 to the next business day. The ballots covered by Section 86.004(b) should be sent out on or before Saturday, September 18, 2021.**

**NOTE-NEW LAW:** HB 3107 (2021) amended Section 101.052 of the Code regarding FPCAs. Effective September 1, 2021, an FPCA may be submitted by in-person delivery by the voter in accordance with Section 84.008 of the Code or by common or contract carrier. Further, an application is considered submitted in the following calendar year if: 1) the applicant is eligible to vote in an election occurring in January or February of the next calendar year; and 2) the application is submitted in the last 60 days of a calendar year but not earlier than the 60<sup>th</sup> day before the date of the January or February election. (Sec. 101.052)

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

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

**Reminder:** In regards to mail ballots for other voters (not military voters using an FPCA or overseas voters using an FPCA or ABBM), the early voting clerk **must** mail a ballot not later than the 7th day after the later of: (1) the date the early voting clerk has accepted a voter's application for a ballot by mail or (2) the date the ballots become available for mailing. However, if the 7th day falls earlier than the 37th day before election day, the voter's mail ballot must be mailed no later than the 30th day before election day. (Sec. 86.004(a)). This means that for every application that comes in before the 37th day before election day, the balloting materials must be mailed by the 30th day before election day. Any application that comes in after the 37th day before election day will follow the 7-day timeline in Sec. 86.004.

**NOTE -** Information on the early voting roster for both early voting in person and early voting by mail must be made available for public inspection and on the county's website if the county clerk or elections administrator is serving as the early voting clerk. For an election held by a political subdivision in which the county clerk or elections administrator is not serving as the political subdivision's early voting clerk, then the information on the roster must be made available on the Internet website of the authority ordering the election. The early voting roster shall be posted by 11:00 a.m. on the day after the information is entered on the roster (for early voting in person) or by 11:00 a.m. on the day after the early voting clerk receives a ballot voted by mail. If the entity does not maintain a website, the information must be on the bulletin board used for posting notices. (Sec. 87.121)

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

## **Thursday, September 23, 2021 (40th day before election day)**

**Political Subdivisions Other Than Counties: 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 after the 70th day before election day, but on or before the 46th day before election day, [Friday, September 17, 2021](#). (Sec. 201.054(a)(2)) For more details about Section 201.054 and the two possible special election deadlines, *see* entry for [Tuesday, August 24, 2021](#).

**Political Subdivisions Other Than Counties: 5:00 p.m.** - Deadline for write-in candidates to file [Declarations of Write-In Candidacy](#) for officers for city, school district, library district, junior college district, hospital district, and common school districts in a special election to fill a vacancy if the special election is ordered after the 70<sup>th</sup> day before election day, but on or before the 46<sup>th</sup> day before election day, [Friday, September 17, 2021](#). (Sec. 201.054(a)(1) and 201.054(g))

**NOTE** - Sec. 201.054(g) provides that a declaration of write-in candidacy for a special election must be filed not later than the filing deadline.

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

**Note Regarding the New Law:** Official candidate applications provided by the SOS will be updated to reflect changes that go into effect September 1, 2021.

**NOTE - School Districts:** In addition to the general felony rule at Election Code Sec. 141.001 (finally convicted), a candidate must not have been convicted (finally convicted or otherwise) of specific crimes under the Education Code in time to serve. (Sec. 11.066, Education Code)

**NOTE-NEW LAW:** HB 3107 (2021) amended Section 52.094 of the Code to require the authority conducting the drawing to provide notice of the date, hour, and place of the drawing to each candidate by: 1) written notice that is mailed to the address stated on the candidate's application not later than the fourth day before the date of the drawing; or 2) provided at the time the candidate files an application with the appropriate authority. If provided at the time the candidate files an application, the notice may be provided by telephone, if a telephone number is provided on the candidate's application or by e-mail, if an e-mail address was provided on the candidate's application. (Sec. 52.094)

## **Monday, September 27, 2021 (36th day before election day)**

Deadline for the Secretary of State to mail each county judge a copy of the governor's proclamation ordering the state constitutional amendment election. (Sec. 3.003(c))

## **Tuesday, September 28, 2021 (35th day before election day)**

**Political Subdivisions Other Than Counties: 5:00 p.m.** – Last day for a candidate to file a [Certificate of Withdrawal](#) in a special election, in which the filing deadline is the 40th 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) and 145.094(a)(2)) For special circumstances regarding withdrawal of a candidate before ballots are prepared, please contact the Elections Division of the Office of the Texas Secretary of State.

## **October**

### **Friday, October 1, 2021 (32<sup>nd</sup> day before election day)**

**Recommended** date for early voting clerk to issue [order](#) calling for appointment of signature verification committee. (Sec. 87.027)

**NOTE** - If the signature verification committee will start meeting on Wednesday, October 13, 2021, the early voting clerk must post a copy of the [order](#) calling for appointment of the signature verification committee on or before this date as the notice must remain posted continuously for at least 10 days before the first day the committee meets. (Sec. 87.027(g))

### **Sunday, October 3, 2021 (30th day before election day)**

Last day for the county clerk to post a full copy of all amendments to be voted on at the state constitutional amendment election. (Art. XVII, Sec. 1, Texas Constitution).

First day of period during which notice of the constitutional amendment election and other elections must be published in a newspaper of general circulation **if method of giving notice is not specified by a law outside the Texas Election Code**, and this method of giving notice is selected. The notice for elections ordered by the governor, a county authority, 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 by a law outside the Election Code. (Sec. 4.003(a)(1), (c) and (d)) This notice may be combined with the other notices you are required to publish. election notice shall be posted on the political subdivision's website. See [Note on Notice of Elections](#).

**NOTE-NEW LAW:** HB 3107 (2021) requires the notice of election to include the Internet website of the authority conducting the election. (Sec. 4.004(a))

**NOTE-NEW LAW:** HB 3107 (2021) amended Section 83.010 of the Code to require an election order and the election notice to state the early voting clerk's official mailing address or street address at which

the clerk may receive delivery by common or contract carrier, if different, phone number, e-mail address, and the Internet website, if the early voting clerk has an Internet website. (Sec. 83.010)

**Cities, Schools, and Other Political Subdivisions:** It is **strongly recommended** that the Notice of Voting Order Priority for voters with mobility issues also be posted on the subdivision’s website, if one is maintained by the political subdivision. (Secs. 63.0013; 85.007(d)). For more information on this requirement, see [Note 15](#).

**Counties:** The *recommended* time to include this notice on a county website is when the notice of election is also posted on the website. (Secs. 63.0013 & 85.007(d))

**NOTE - Notice of Change of Polling Place Location:** For elections **ordered by the governor or county judge only**, if the location of the polling place changes after notice has been given under Section 4.003, and the county election officer maintains a website to inform voters about elections, **the notice of the change must be posted on the website**. The notice on the website must be given not later than the earlier of (1) 24 hours after the location was changed; or (2) 72 hours before the polls open on election day. (Sec. 43.061). If the county election officer is conducting a legislative vacancy election, the candidates listed on the ballot are entitled to receive notice directly from the county judge.

**NOTE -Notice of Previous Polling Place:** If a different polling place is being used than at the previous election held by the same authority, [Notice of Previous Precinct](#) must be posted at the entrance of the previous polling place informing voters of the current polling place location, if possible. (Sec. 43.062)

### **Monday, October 4, 2021 (29<sup>th</sup> day before election day)**

Last day to register to vote or make a change of address effective for the Tuesday, November 2, 2021, election. **The deadline is extended to the next regular business day which is Monday, October 4, 2021, due to the 30th day falling on Sunday, October 3, 2021.\*** (Secs. 13.143, 15.025)

\*If the 30th day before the election falls on a weekend or holiday, a voter application or a notice of change in registration information is considered timely if it is submitted to the voter registrar on or before the next regular business day. (Secs. 13.143(e) and 15.025(d))

**NOTE** - A voter who submits a change of address after this date may still be eligible to return to his or her previous precinct to vote under “fail-safe” voting, if he or she still resides in the **same** county and the same local political subdivision, if applicable, conducting the election. (Secs. 15.025; 63.0011)

**NOTE** - A Federal Postcard Application (FPCA) also serves as an application for **permanent** registration under Texas law unless the voter marked “my intent to return is uncertain” ([2019 form](#)), or “**my return is uncertain**” (2017 form). The early voting clerk should make a copy (for mailing ballots, keeping records, etc.), then should forward the original to the county voter registrar, as soon as practicable. (Sec. 101.055; 1 Tex. Admin. Code Sec. 81.40(a), (c)(2))

**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)

**NOTE-** Per Sections 18.002 and 18.003 of the Code, supplemental and corrected voter registration lists must be provided as needed to ensure all eligible voters appear on the official list of registered voters. (Secs. 18.002, 18.003)

### **Wednesday, October 6, 2021 (27th day before election day)**

**Recommended last** date for the county election board (or governing body of political subdivision, as appropriate) to appoint a signature verification committee (if one was ordered by the early voting clerk by Friday, October 1, 2021). See entry under [Friday, October 1, 2021](#). (Secs. 51.002, 87.027) The members must be appointed not later than the fifth day after the order was issued by the early voting clerk. The appointing authority must post a notice of the appointment of committee members continuously until the last day the signature verification committee meets. This form may be used for the notice: [Notice of Appointment of Signature Verification Committee](#).

**Counties:** For timeframes for appointment of various election workers for counties, see [Tex. Sec'y of State Election Advisory No. 2021-07](#).

### **Tuesday, October 12, 2021 (21st day before election day)**

Last day to post notice of election on bulletin board used for posting notices of meetings of governing body. (Sec. 4.003(b)). A [Record of Posting Notice of Election](#) should be completed at the time of posting. (Sec. 4.005) See [Note on Notice of Elections](#).

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). (Sec. 4.003(a)(2)). The notice for elections ordered by the governor, a county authority, 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 by a law outside the Election Code. (Sec. 4.003(a)(1), (c) and (d)) A [Record of Posting Notice of Election](#) should be completed at the time of posting. (Sec. 4.005)

**All Political Subdivisions:** The election notice shall be posted on the political subdivision's website, if the political subdivision maintains a website. The order and notice should include all days and hours for early voting by personal appearance including voting on **ANY** Saturday or Sunday. (Secs. 85.006 & 85.007) **Note for cities and counties**, the election notice **must** be subsequently amended to include voting later ordered for **ANY** Saturday or Sunday and **must** be posted on the political subdivision's website, if maintained.

**Note for Counties** - Section 4.003 requires that counties post on the county website the notice and list of polling locations of any political subdivision that delivers their notice to the county under Section 4.008. This is regardless of whether the county is contracting with the entity and regardless of whether the entity is conducting their own election or contracting with the county.

**For Bond Elections:** First day a political subdivision must post on their Internet website prominently and together with the notice of the election, a copy of the sample ballot, and the contents of the proposition, if the political subdivision maintains an Internet website. (Sec. 4.003(f))

The *recommended* time to include the notice of accepting voters with certain disabilities on a county website is when the notice of election is also posted on the website. (Secs. 63.0013 & 85.007(d)) See [Note 15](#) regarding notice on accepting voters with certain disabilities.

**Counties, Cities, and School Districts: NEW LAW:** SB 1116 (2021) amended Chapter 4 of the Election Code by adding Section 4.009 regarding candidate and polling place information which must be posted on county, city, and school district websites. Last day for a county that holds an election or provides election services for an election to post certain information regarding the upcoming election(s) on the county’s website per Section 4.009. A city or independent school district that holds an election and maintains an Internet website must also post this same election information on their website even if the county is also posting this data. The information posted on the website must include:

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

**Wednesday, October 13, 2021 (20th day before election day)**

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

Last day to post [notice](#) of places, days, and hours for voting at branch early voting polling place if voting is to begin at that location on the first day of early voting in person. The schedule may be amended after the beginning of early voting by personal appearance to include notice of additional branch locations, but any amendment must be made and posted not later than the fifth day before voting begins at the additional temporary branch. (Secs. 85.062; 85.067(c) and (d))

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 November 2, 2021. A person submitting who is **not** permanently registered to vote and submits a postmarked FPCA after this date (20th day) and before the deadline to submit an application for ballot by mail, is not entitled to receive a ballot for any non-federal election. See [Monday, October 18, 2021](#) entry for timeliness of an FPCA received without a postmark (extended deadline). (Sec. 101.052(e))

**NOTE-NEW LAW:** HB 3107 (2021) amended Section 101.052 of the Code regarding FPCAs. Effective September 1, 2021, an FPCA may be submitted by in-person delivery by the voter in accordance with Section 84.008 of the Code or by common or contract carrier. Further, an application is considered submitted in the following calendar year if: 1) the applicant is eligible to vote in an election occurring in January or February of the next calendar year; and 2) the application is submitted in the last 60 days of a calendar year but not earlier than the 60<sup>th</sup> day before the date of the January or February election. (Sec. 101.052)

**NOTE-NEW LAW:** HB 3107 (2021) amended Section 101.001 of the Code regarding FPCAs. Effective September 1, 2021, a member of the Texas National Guard or the National Guard of another state or a member of a reserve component of the armed forces of the United States serving

on active duty under an order of the President of the United States or activated on state orders, or the spouse or dependent of a member, may submit an FPCA. (Sec. 101.001)

**NOTE** - Be sure to check the list of registered voters for permanent registration status. Also, state law authorizes an FPCA to also serve as an application for **permanent registration**; therefore, the person might be permanently registered based on a prior FPCA. Even if the FPCA arrives too late for a particular election, the early voting clerk will still need to forward the original FPCA to the county voter registrar, after making a copy for your early voting clerk's use (mailing ballots, etc.) and records unless the voter marked "**my intent to return is uncertain**" (2019 form), or "**my return is uncertain**" (2017 form) in which case, it will not serve as a permanent registration.. (Sec. 101.055; 1 Tex. Admin. Code Sec. 81.40)

**NOTE** - **Overseas (non-military) voters** marking the FPCA "**my intent to return is uncertain**" (2019 form), or "**my return is uncertain**" (2017 form) receive a federal ballot **only** regardless of the date filed. (Chapter 114). In a local (non-federal) election, this means there is **no ballot to send the voter**.

Last day to publish notice of L&A test for DRE voting machines or precinct scanners if test will be held on Friday, October 15, 2021, if testing has was not already completed by Wednesday, September 15, 2021. Notice of the public L&A Test must be published at least 48 hours before the test begins. (Secs. 129.001, 129.023) See [Note 14](#) above.

**Thursday, October 14, 2021 – Friday, October 22, 2021 (19<sup>th</sup> day before election – 11<sup>th</sup> day before election day)**

A person submitting an [FPCA](#) during this period who is **not** registered to vote is not entitled to receive a ballot for any non-federal election held on Tuesday, November 2, 2021. This means that a person submitting an FPCA during this period is entitled to receive a federal ballot only, if not already a permanent registered voter. (Secs. 101.052(f), 114.002, 114.004) In a local election (where there is no federal office on the ballot), this means there is **no ballot to send the voter**.

The early voting clerk is required to maintain a copy of this application since it may be used for other elections and forward the original to the voter registrar. Also see entry below under [Monday, October 18, 2021](#) (FPCA without a postmark). (Secs. 84.007; 101.052(e), (f))

**NOTE** - Be sure to check the list of registered voters for permanent registration status. Also, state law authorizes an FPCA to also serve as an application for **permanent registration**; therefore, the person might be permanently registered based on a prior FPCA. Even if the FPCA arrives too late for a particular election, the early voting clerk will still need to forward the original FPCA to the county voter registrar, after making a copy for your early voting clerk's use (mailing ballots, etc.) and records unless the voter marked "**my intent to return is uncertain**" (2019 form), or "**my return is uncertain**" (2017 form) in which case, it will not serve as a permanent registration.. (Sec. 101.055; 1 Tex. Admin. Code Sec. 81.40)

**NOTE** - **Overseas (non-military) voters** marking the FPCA "**my intent to return is uncertain**" (2019 form), or "**my return is uncertain**" (2017 form) receive a federal

ballot **only** regardless of the date filed. (Chapter 114). In a local (non-federal) election, this means there is **no ballot to send the voter**.

### **Friday, October 15, 2021 (18th day before election day)**

If a **defective application to vote early by mail** is received on or before this date, the early voting clerk must mail the applicant a new application with explanation of defects and instructions for submitting the new application. For defective applications received after this date and before the end of early voting by personal appearance, the early voting clerk must mail only the [Notice of Rejected Application for Ballot by Mail](#) and a statement that the voter is not entitled to vote early by mail unless he or she submits a sufficient application by the deadline, which is Friday, October 22, 2021. (Secs. 84.007(c), 86.008)

Last day to conduct public L&A test of a voting system that uses DRE voting machines or precinct scanners. We highly *recommend* that this test is done on an earlier date to allow time for corrections to programming, if necessary. (See [Note 14](#), 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.

### **Monday, October 18, 2021 (15th day before election day)**

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

**NOTE** - The early voting period for elections held on the November uniform election date in odd-numbered years begins 17 days prior to election day, but because this day falls on a weekend (Saturday, October 16, 2021), it is extended to the next regular business day (Monday) under Section 85.001(c).

**NOTE** - Voting by limited ballot must be done during the early voting period at the main early voting polling place (or by mail). (Sec. 112.002(a))

**NOTE - 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(b))

**NOTE - Cities and Counties:** Early voting in person at the main early voting polling place 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(a)) 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 [Monday, September 13, 2021](#) 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).

**NOTE - 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 - 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. (Sec. 85.00(b))

**NOTE - 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. See [Note 8](#) regarding joint elections generally.

**NOTE – Temporary Branch Locations:** Effective September 1, 2021, the rules for temporary branch locations differ based on the population size of the county. See [Note 12](#) for additional information regarding temporary branch location days and hours.

Deadline to receive an FPCA **without** a postmark. If an FPCA is received by this date **without** a postmark to prove mailing date, the early voting clerk will accept the FPCA and mail the applicant a full ballot even if the applicant is **not** a permanently registered voter but meets the requirements under Title 2 of the Election Code (unless the voter marks the FPCA form “**my intent to return is uncertain**” (2019 form), or “**my return is uncertain**” (2017 form), in which case the voter receives a federal-only ballot). (Sec. 101. 052(i))

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)

**Tuesday, October 19, 2021 (14<sup>th</sup> day before election day)**

**NOTE for Counties and Cities:** Deadline to file a petition to require the early voting clerk of a county or city to conduct extended early voting on Saturday, October 23, 2021 (Sec. 85.006(d)) Notice of weekend voting must be posted beginning no later than Wednesday, October 20, 2021, and continuing through Friday, October 22, 2021. (Sec. 85.007(c))

**Wednesday, October 20, 2021 (13th day before election day)**

**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, October 23, 2021. (Sec. 85.007) Notice must be posted at least 72 hours before early voting begins on a Saturday or Sunday. Notice must also be posted to the political subdivision’s website, if one is maintained. See [Notice for Early Voting on Saturday and/or Sunday](#).

**NOTE for Counties and Cities:** If the county election officer or city secretary on her/his own motion by written order orders early voting on Saturday or Sunday OR if the county election officer or city secretary orders Saturday or Sunday voting after being petitioned to do so by at least 15 registered voters, such voting need not be included in the regular order or notice of the election. (Secs. 85.006(b), (d) and 85.007(b), (c))

**NOTE for Counties and Cities:** Deadline to file a petition to require the early voting clerk of a county or city to conduct extended early voting on Sunday, October 24, 2021 (Sec. 85.006(d)) Notice of weekend voting must be posted beginning no later than Thursday, October 21, 2021, and continuing through Saturday, October 23, 2021. (Sec. 85.007(c))

**Thursday, October 21, 2021 (12th day before election day; day before the last day to apply for a ballot by mail)**

First day a voter who becomes sick or disabled on or after Thursday, October 21, 2021, may submit an application for a late ballot if the sickness or physical condition prevents the voter from appearing at the polling place without the likelihood of needing personal assistance or of injuring his or her health. (Sec. 102.001). See Application for Emergency Early Voting Ballot Due to Sickness or Physical Disability. Applications may continue to be submitted until 5:00 p.m. on election day. (Sec. 102.003)

**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 Sunday, October 24, 2021. (Sec. 85.007) Notice must be posted at least 72 hours before early voting begins on a Saturday or Sunday. Notice must also be posted to the political subdivision’s website, if one is maintained. See entry at [Wednesday, October 20, 2021](#) See [Notice for Early Voting on Saturday and/or Sunday.](#)

First day that counties with a population of 100,000 or more, or entities that are having joint elections with such a county or who are conducting their election with such a county through a contract for election services, may convene their early voting ballot board and deliver by mail ballots to begin processing and qualifying mail ballots; however, the mail ballots may not be counted until (i) the polls open on election day, or (ii) in an election conducted by an authority of a county with a population of 100,000 or more or entities that are having joint elections with such a county or who are conducting their election with such a county through a contract for election services, the end of the period for early voting in person. (Secs. 87.0222, 87.0241) The early voting clerk shall continuously post notice for 24 hours preceding each delivery of voting materials that is to be made before the time for opening the polls on election day. (Sec. 87.0222) **NOTE: Results may not be released until the polls close on election day.**

**NOTE -** The county clerk/elections administrator must ensure that photocopies or electronic recordings of annual applications for ballot by mail have been delivered to the early voting clerk of every political subdivision holding an election before the ballots by mail are delivered to the early voting ballot board.

**Friday, October 22, 2021 (11th day before election day)**

Last day to receive an FPCA from a registered voter. If the voter is **not** registered in the county (and/or marked intent to return “not certain”), **the voter is still eligible for a ballot containing federal offices**

**only.** In a local (non-federal) election, this means there is **no ballot** to send the voter. (Secs. 101.052(b), (f); 114.004(c))

Last day for early voting clerk to receive applications for a ballot to be voted by mail. (Sec. 84.007(c)) All applications to vote by mail must be received by the early voting clerk before the close of regular business or 12 noon, **whichever is later**. Applications to vote by mail must be submitted by mail, common or contract carrier, fax (if a fax machine is available in the office of the early voting clerk), or by electronic submission of a scanned application with an original signature. The early voting clerk's designated email address must be posted on the Secretary of State's website.

If an ABBM is faxed or emailed or if an FPCA is faxed, then the applicant must submit the ORIGINAL application BY MAIL to the early voting clerk so that the early voting clerk **receives the original no later than the 4th business day after receiving the emailed or faxed ABBM or faxed FPCA**. If the early voting clerk does not receive the original ABBM or FPCA by that deadline, then the emailed or faxed ABBM or faxed FPCA will be considered incomplete, and the early voting clerk may NOT send the applicant a ballot. The requirement to mail the original application does not apply to an **emailed FPCA**. For additional information on this law, please see [Note 16](#), above.

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

An applicant for a ballot to be voted by mail (ABBM or FPCA) may submit the application by delivering it in person to the early voting clerk if the application is submitted not later than the close of regular business in the clerk's office on Friday, October 22, 2021. (Sec. 84.008)

**NOTE-NEW LAW:** HB 3107 (2021) amended Section 101.052 of the Code regarding FPCAs. Effective September 1, 2021, an FPCA may be submitted by in-person delivery by the voter in accordance with Section 84.008 of the Code or by common or contract carrier. Further, an application is considered submitted in the following calendar year if: 1) the applicant is eligible to vote in an election occurring in January or February of the next calendar year; and 2) the application is submitted in the last 60 days of a calendar year but not earlier than the 60<sup>th</sup> day before the date of the January or February election. (Sec. 101.052)

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

**Note for Counties:** Last day for county clerk/elections administrator to deliver final list of voters that have submitted an annual application for ballot by mail to political subdivisions located within the county holding an election on November 2, 2021, for which the county clerk/elections administrator is not the early voting clerk via a joint election agreement or contract for election services. (Sec. 86.0015(c))

### **Saturday, October 23, 2021 (10th day before election day)**

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 for elections ordered by the governor, a county authority, 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 by a law outside the Election Code. (Sec. 4.003(a)(1), (c) and (d)) *See* [Note 9](#).

**NOTE** - The election notice shall be posted on the political subdivision's website, if the political subdivision maintains a website.

Last day to mail a copy of the notice of election to each registered voter of the territory that is covered by the election and is in the jurisdiction of the authority responsible for giving the notice **if method of giving notice is not specified by a law outside the Election Code** and this method of giving notice is selected. (Secs. 1.006, 4.003(a)(3))

Last day to post [notice](#) of the precinct's consolidation and the location of the polling place in the consolidated precinct for each precinct that is combined to form a consolidated precinct under section 42.008. This notice must be posted at the polling place used in the preceding general election **and** must remain posted continuously through election day. (Sec. 4.003(b))

**NOTE** - The *recommended* time to include the notice of accepting voters with certain disabilities on a political subdivision's website is when the notice of election is also posted on the website. (Secs. 63.0013 & 85.007(d)) *See* [Note 15](#) regarding notice on accepting voters with certain disabilities.

**Note for Counties with Population of Less than 100,000: Extended Early Voting Hours - Notice Requirement:** Deadline for counties with populations of less than 100,000 to post the [Notice of Extended Hours](#) for the constitutional amendment election if the early voting clerk received a timely [petition](#) for extended early voting hours for Thursday, October 28, 2021. The notice must be posted beginning no later than Saturday, October 23, 2021, and continuing through Wednesday, October 27, 2021. For additional information, *see* [Note 10](#) regarding extended early voting hours.

### **Sunday, October 24, 2021 (9th day before election day)**

**Note for Counties with Population of Less than 100,000: Extended Early Voting Hours - Notice Requirement:** Deadline for counties with populations of less than 100,000 to post the [Notice of Extended Hours](#) for the constitutional amendment election if the early voting clerk received a timely [petition](#) for extended early voting hours for Friday, October 29, 2021. The notice must be posted beginning no later than Sunday, October 24, 2021, and continuing through Thursday, October 28, 2021. For additional information, *see* [Note 10](#) regarding extended early voting hours.

**Wednesday, October 27, 2021 (4th business day before election day; 6th day before election day)**

**5:00 p.m.** – Deadline to submit a [Request for Election Inspectors](#) for election day, Tuesday, November 2, 2021, to the Secretary of State. (Sec. 34.001)

**Thursday, October 28, 2021 (5th day before election day, day before last day of early voting)**

**Note for Counties:** For the constitutional amendment election, early voting must be conducted for at least 12 hours on this day in counties with populations of 100,000 or more. Early voting must be conducted for at least 12 hours on this day in counties with populations under 100,000 if the early voting clerk received a timely petition. For additional information, *see* Note 10 regarding extended early voting hours. (Secs. 85.005(c), 85.067)

A voter is eligible to vote a late ballot if they will be out of the county of residence on election day due to a death in the immediate family (related within 2nd degree of consanguinity or affinity) that occurs on or after this day. The voter may submit the [Application for Emergency Early Ballot Due to Death in Family](#) starting Saturday, October 30, 2021 (the day after early voting in person ends). (Secs. 103.001, 103.003(b))

**Friday, October 29, 2021 (4th day before election day)**

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

**Note for Counties:** For the constitutional amendment election, early voting must be conducted for 12 hours on this day in counties with populations of 100,000 or more. Early voting must be conducted for 12 hours on this day in counties with populations under 100,000 if the early voting clerk received a timely petition. For additional information, *see* Note 10 regarding extended early voting hours. (Secs. 85.005(c), 85.067)

Early voting clerk must post [Notice of Delivery of Early Voting Balloting Materials](#) to the early voting ballot board if materials are to be delivered to the board on Saturday, October 30, 2021. Notice must be posted continuously for 24 hours preceding each delivery to the board. (Secs. 87.0221, 87.0222, 87.023, 87.024, 87.0241)

**NOTE** - The Notice of Delivery of Early Voting Balloting Materials serves as notice of the convening of the early voting ballot board. Your entity should also post notice every time the early voting ballot board reconvenes.

Last day to publish [notice](#) of public test of automatic tabulating equipment, if test will be held on Sunday, October 31, 2021, and testing was not already completed. The public notice of the test of automatic tabulating equipment must be published at least 48 hours before the test begins. (Sec. 127.096)

**Saturday, October 30, 2021 (3rd day before election day; day after early voting in person ends)**

First day that counties with a population of 100,000 or more (or local subdivisions conducting a joint election with such a county or conducting an election through a contract for election services with such a county)

may convene their early voting ballot board and begin **counting** ballots; **however, the results may not be announced until after the polls close.** (Secs. 87.0222, 87.0241)

**NOTE** - If a county with a population of 100,000 or more (or a local subdivision conducting a joint election with such a county or conducting an election through a contract for election services with such a county) is convening their early voting ballot board early to begin **counting** ballots, the test of the tabulation equipment will need to be completed at least 48 hours before the equipment is used to count ballots. (Secs. 87.0222, 87.0241, 127.096)

First day that all other counties and political subdivisions may convene their early voting ballot board for **processing** and **qualifying** mail ballots, but cannot begin counting the ballots until the polls open on election day. The early voting clerk shall continuously post notice for 24 hours preceding each delivery of voting materials that is to be made before the time for opening the polls on election day. (Secs. 87.0221, 87.023, 87.024, 87.0241). See [Notice of Delivery of Early Voting Balloting Materials](#)

**NOTE** - The county elections officer must ensure that photocopies or electronic recordings of annual applications for ballot by mail have been delivered to the early voting clerk of every political subdivision holding an election before the ballots by mail are delivered to the early voting ballot board.

First day to submit an [Application for Emergency Early Ballot Due to Death in Family](#) to vote a late ballot because of a death in the immediate family that occurred on or after Thursday, October 28, 2021, and will require absence from the county on election day. (Secs. 103.001, 103.003(b))

### **Sunday, October 31, 2021 (2nd day before election day)**

Last day to conduct public test of automatic tabulation equipment. Per Section 127.093, the test shall be conducted at least 48 hours before the automatic tabulating equipment is used to count ballots voted in an election and was not previously tested. We highly **recommend** that this test is done on an earlier date to allow time for corrections to programming, if necessary. See [Note 14](#), above.

**NOTE** - If a county with a population of 100,000 or more (or a local subdivision conducting a joint election with such a county or conducting an election through a contract for election services with such a county) is convening their early voting ballot board early to begin **counting** ballots, and will be using automatic tabulating equipment, the test will need to be completed at least 48 hours before the equipment is used to count ballots. (Secs. 87.0222, 87.0241, 127.096)

## **NOVEMBER**

### **Monday, November 1, 2021 (day before election day)**

Last day to submit an [Application for Emergency Early Ballot Due to Death in Family](#). The application must be submitted by the close of business on this day. (Sec. 103.003(b))

Last day for early voting clerk to mark the precinct list of registered voters with a notation beside each name of voter who voted early, and deliver list to election judges. The early voting clerk must also deliver the precinct early voting list. (Sec. 87.122)

**Delivery of Provisional Ballots and Forms:** If the voter registrar wants to take possession of the provisional ballots and forms on election night, the voter registrar must inform the custodian of the election records and post a [Notice of Election Night Transfer](#) no later than Monday, November 1, 2021, 24 hours before election day. (1 Tex. Admin. Code. Secs. 81.174(d)(3)). 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 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. 81.174(b)(1))

## **Tuesday, November 2, 2021 - (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). A voter may deliver a marked ballot by mail to the early voting clerk’s office while the polls are open on election day. The voter must provide an acceptable form of identification under Section 63.0101 upon delivery. The identification procedure is the same as that used for personal appearance voting. (Secs. 63.0101; 86.006)

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. (Secs. 104.001, 104.003). However, if the early voting ballots by mail are processed at a location other than the main early voting polling place, the early voting clerk may require the voting to be conducted at that location. (Sec. 104.003)

**5:00 p.m. -** Deadline for receiving [Application for Emergency Early Voting Ballot Due to Sickness or Physical Disability](#) for late ballots to be voted by persons who became sick or disabled **on or after** Thursday, October 21, 2021. (Sec. 102.003(b))

**7:00 p.m. -** Regular deadline for receiving **early voting ballots** by mail. **BUT see [entry for Wednesday, November 3, 2021, on “late domestic ballots,” and \[entry for Monday, November 8, 2021, on other “late” ballots.\]\(#\)](#)**

This is also the deadline to receive late ballots cast by voters who became sick or disabled **on or after** Thursday, October 21, 2021. (Secs. 86.007(a), 102.006(c))

**NOTE - Receipt of Mail Ballots:** All early voting ballots sent by mail from inside the United States that are received by 7:00 p.m. on election day, November 2, 2021, **must be counted on election night**. If the carrier envelope does not bear a cancellation mark or a receipt mark, the ballot must arrive before the time the polls are required to close **on election day**. (Sec. 86.007(a)(1)). If the early voting clerk cannot determine whether a ballot arrived before 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(b)). The early voting clerk **must** check the mailbox for early voting mail ballots at least once after the time for regular mail delivery. (Sec. 86.007(b))

**NOTE - An early voting mail ballot that is not received by 7:00 p.m. on election day may not be counted unless the ballot may be counted late, which applies to ballots mailed from outside the United States (Sec. 86.007(d)), late domestic ballots (Sec. 86.007(a)(2)), and ballots from members of the armed forces and merchant marine of the United States, Texas National Guard or the National Guard of another state or members of the Reserves, as well as their spouses and dependents (Sec. 101.057). See [entry](#) for Wednesday, November 3, 2021, and [entry](#) for Monday, November 8, 2021. See Tex. Sec’y of State [Election Advisory No. 2018-02](#).**

**NOTE - 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) 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.

**Note on Delivery of Early Voting Ballots 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. (Secs. 87.0221; 87.0222; 87.023; 87.024; 87.0241) 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.

**Exception:** Counties with a population of 100,000 or more, or entities that are having joint elections with counties with a population of 100,000 or more or who are conducting an election through a contract for election services with such a county, may process the mail ballots (i.e., qualify, and accept or reject, but not count) as early as the 8th day before the end of the early voting period; 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. 87.0221; 87.0222; 87.023; 87.024; 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. (Secs. 87.0221(b); 87.023(b); 87.024(b))

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

**Transfer of Provisional Ballots to Voter Registrar Election Night:** The county voter registrar may take possession of the ballot box(es) or transfer case(s) containing the provisional ballots (or provisional ballot affidavits when DRE systems are used) on election night (instead of on the next business day) by informing the custodian of election records and posting a notice of such election night transfer no later than 24 hours before election day. Under this type of delivery, the voter registrar must go to the office of the custodian and pick up the ballot box(es) or transfer case(s) and associated forms. (Sec. 65.052; 1 T.A.C. §§ 81.172 – 81.174 & 81.176). See **Form AW8-19**.

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

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

**NOTE - Precinct Election Returns:** Precinct election returns are delivered to the appropriate authorities after completion. (Secs. 66.053(a); 127.065; 127.066; 127.067)

Last day to post notice of governing authority's meeting to canvass returns of election if canvass is to take place on Friday, November 5, 2021 (3rd day after election). (Sec. 67.003(b)). 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)

**NOTE -** Section 67.003 provides that, except as provided by Subsection 67.003(c), 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 11<sup>th</sup> day after election day and not earlier than the later of:

- 1) the **third day after election day**;
- 2) 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

- 3) 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.

**Counties, Cities, and School Districts: NEW LAW:** SB 1116 (2021) amended Chapter 65 of the Election Code by adding Section 65.016 of the Code regarding election results information which must be posted on county, city, and school district websites. A county that holds an election or provides election services for an election for a public entity must post certain information regarding election results on their website after the election. A city or independent school district that holds an election and maintains an Internet website must also post certain information on their website related to election results, even if the county is also posting. All entities must post the required information **as soon as practicable after the election**. The required information includes:

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

### **Wednesday, November 3, 2021 (1st business day after election day)**

**5:00 p.m.** – Deadline to receive “**late domestic ballots**” mailed **within** the United States from **non-military voters and from any military voters** who submitted an Application for Ballot by Mail (“ABBM”) (not a Federal Post Card Application – “FPCA”), if the carrier envelope was placed for delivery by mail or common or contract carrier **AND** bears a cancellation mark of a postal service or a receipt mark of a common or contract carrier or a courier indicating a time not later than **7:00 p.m.** at the location of the election on election day, November 2, 2021. (Secs. 86.007, 101.057 and 101.001) A late domestic ballot **cannot be counted** if it does **not** bear a cancellation mark or a receipt mark.

**NOTE - Because of the deadline to receive “late domestic ballots” it is imperative that you check your mail at 5:00 p.m.**

**NOTE -** Section 86.007 provides that a marked ballot voted by mail that a voter received due to submitting an ABBM may arrive at the address on the carrier envelope not later than 5:00 p.m. on the day **after** election day, if the carrier envelope was placed for delivery by mail or common or contract carrier from within the United States **and** bears a cancellation mark of a postal service or a receipt mark of a common or contract carrier or a courier from **not later than 7:00 p.m.** at the location of the election on election day.

**NOTE -** This deadline does not apply to ballots sent by non-military voters who are overseas but applied for a ballot using an ABBM; these voters have until the 5<sup>th</sup> day after election day to return their ballots (or the next business day if the 5<sup>th</sup> day falls on a weekend or legal state or federal holiday). This deadline also does not apply to ballots mailed (domestically or from overseas) by certain members of the military who applied for a ballot using an FPCA, as well as members of the Texas National Guard or the National Guard of another state, or members of the Reserves, as well as their **spouses and**

**dependents**; those voters have until the 6<sup>th</sup> day after election day to return their ballots. *See* entry for [Monday, November 8, 2021](#)

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

**NOTE for Political Subdivisions Located in More than One County:** A political subdivision will have to make delivery of the provisional ballots and forms to the county voter registrar in **each** county in which the political subdivision is located. (1 Tex. Admin. Code Secs. 81.172 – 81.174)

**NOTE** - If the county voter registrar wants to take possession of the provisional ballots and forms on election night (Tuesday, November 2, 2021), the county voter registrar must inform the custodian of the election records and post a notice of the transfer no later than 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. Also, note that the county voter registrar may take possession of provisional ballots prior to election night if ballots are kept separate and may be provided without unlawful entry into ballot box. (1 Tex. Admin. Code Secs. 81.172 – 81.174)

### **Friday, November 5, 2021 (3rd day after election day)**

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 the requirement has been waived or unless the voting system uses DRE voting machines. (Sec. 127.201(a), (g)). The count must be completed not later than the 21st day after election day. Results of the manual count must be delivered to the Secretary of State not later than the 3rd day after the manual count is completed. (Sec. 127.201(e)) No partial manual count needs to be done of ballots cast on DRE voting machines. (Sec. 127.201(g)) For additional information on the partial manual count, please see Tex. [Sec'y of State Election Advisory No. 2018-30](#).

**NOTE** - For information on how to begin the partial manual count, please see the advisory issued by the Secretary of State's office.

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 mailed domestic ballots cast from addresses within the United States, and all timely received mailed ballots cast from addresses outside the United States. (Secs. 67.003 and 86.007). Notice of canvass must be posted at least 72 hours continuously before the canvass is conducted. *See* [Note](#) for Tuesday, November 2, 2021.

**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)

**Cities, Schools, and Other Political Subdivisions:** First day that newly-elected local officers may qualify and assume the duties of their offices. Please note that the canvass must have been completed before an officer can assume office. (Sec. 67.016). 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) For information on who can administer an oath please see Chapter 602 of the Government Code.

**NOTE** - This does not apply to officers of a Type A general law city. See entry at [Monday, November 8, 2021](#).

**NOTE: Officially-canvassed returns for the state constitutional amendment election must be delivered by the county election officer to the Secretary of State within 24 hours of the canvass. (Sec. 67.007(d))**

**Monday, November 8, 2021 (first business day after 5<sup>th</sup> day after election day; 6th day after election day)**

First day that newly-elected officers of Type A general law city may qualify and assume duties of office. (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."

**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)

**NOTE** - If a Type A municipal officer-elect fails to qualify for office within 30 days after the date of the officer's election, the office is considered vacant. (Sec. 22.007, Local Government Code) See entry for [December 2, 2021](#).

Last day to receive ballots from **non-military and any military voters** casting ballots from outside of the United States, who submitted an **ABBM** (not an FPCA) **AND** who placed their ballots in delivery by 7:00 p.m. on election day, Tuesday, November 2, 2021, as evidenced by a postal service cancellation mark or a receipt mark of a common or contract carrier or a courier (Secs. 86.007, 101.057 and 101.001) A late overseas ballot sent by a voter who applied for a ballot using an ABBM (not an FPCA) **cannot be counted** if it does **not** bear a cancellation mark or a receipt mark. The deadline is extended to the next regular

business day which is Monday, November 8, 2021, due to the 5th day falling on a Sunday. (Sec. 86.007(d-1))

**NOTE** - Section 86.007 provides that a marked ballot voted by mail from **outside** of the United States by a voter who received the ballot due to submitting an ABBM is considered timely if it is received at the address on the carrier envelope not later than **the fifth day** after the date of the election. Further, the delivery is considered timely if the carrier envelope or, if applicable, the envelope containing the carrier envelope is properly addressed with postage or handling charges prepaid **and** bears a cancellation mark of a recognized postal service or a receipt mark of a common or contract carrier or a courier indicating a time **by 7:00 p.m.** on election day.

Last day to receive ballots from **non-military voters** casting ballots from overseas, who submitted a **FPCA**, **AND** who placed their ballots in delivery by 7:00 p.m. on election day, Tuesday, November 2, 2021. (Sec. 86.007(d) and (e)) The deadline is extended to the next regular business day which is Monday, November 8, 2021, due to the 5th day falling on a Sunday. (Sec. 86.007(d-1))

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

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

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

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

Deadline for voter registrar to complete the review of provisional ballots. (1 Tex. Admin. Code Sec. 81.175(a)(1))

**NOTE-NEW LAW:** HB 3107 (2021) amended Section 65.052 of the Code to provide that, for the general election for state and county officers, the voter registrar will now have 10 days to review a provisional voter's eligibility. **Please note this extended deadline does not apply to the constitutional amendment election.** (Sec. 65.052)

**Friday, November 12, 2021 (10th day after election day) (Next business day after Veterans Day)**

Deadline for custodian of election records or presiding judge of the early voting ballot board to retrieve provisional ballots from county voter registrar. Because the last day falls on Thursday, November 11, 2021 (Veterans Day), the deadline is extended to Friday, November 12, 2021. (Secs. 1.006, 65.051(a)) (1 Tex. Admin. Code Sec. 81.175(d)(3))

Last day for **early voting ballot board** to convene to qualify and count the following ballots addressed below. Because the last day falls on Thursday, November 11, 2021 (Veterans Day), the deadline is extended to Friday, November 12, 2021. (Sec. 87.125(c))

1. any late **domestic** ballots (from non-military and from any military voters who submitted an ABBM) that bear a cancellation mark or receipt mark indicating they were placed for delivery by mail or common or contract carrier not later than 7:00 p.m. on election day, November 2, 2021, and were received not later than 5:00 p.m. on the first business day after election day, on Wednesday, November 3, 2021. (Secs. 86.007(a); 87.125(a))
2. any late ballots that were submitted from outside the United States by voters who applied for the ballot using an ABBM or by non-military voters who applied for the ballot using an FPCA, and which were received by the 5th day after election day, Monday, November 8, 2021. The deadline is extended to the next regular business day which is Monday, November 8, 2021, due to the 5th day falling on a Sunday. (Secs. 87.125(a); 86.007(d))
3. any ballots received by the 6th day after election day, Monday, November 8, 2021, from voters who are members of the armed forces of the United States, or the spouse or a dependent of a member of the armed forces, members of the merchant marines of the United States, or the spouse or a dependent of a member of the merchant marine, members of the Texas National Guard, or the spouse or a dependent of a member of the Texas National Guard, a member of the National Guard of another state, or the spouse or a dependent of a member of the National Guard of another state, or members of the Reserves, or the spouse or a dependent of a member of the Reserves, and who applied for a ballot using an FPCA. (Secs. 101.057; 87.125(a))
4. any provisional ballots that have been reviewed by the voter registrar. (Secs. 65.051(a))

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

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

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

**NOTE-NEW LAW:** HB 3107 (2021) amended Chapter 65 of the Election Code by adding Section 65.0581 to provide that provisional voting records do not become public information until after the provisional ballots and other voting records have been delivered back to the custodian of election records. (Sec. 65.0581)

Last day for the presiding judge of the early voting ballot board to mail [Notice of Rejected Ballot](#) to voters whose mail ballots were rejected. (Sec. 87.0431)

**Monday, November 15, 2021 (13th day after election day; 10<sup>th</sup> day after first possible canvass date)**

Last day for official canvass of returns by governing authority of political subdivision. Because the last day falls on a Saturday, November 13, 2021, the deadline is extended to Monday, November 15, 2021. (Secs. 1.006, 67.003)

**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)

**NOTE** - Officially-canvassed returns for the state constitutional amendment election must be delivered by the county election officer to the Secretary of State within 24 hours of the canvass. (Sec. 67.007(d))

Last day for the presiding judge of the early voting ballot board to mail [Notice of Outcome to Provisional Voter](#) to provisional voters if the local canvass was held on Friday, November 5, 2021, the first day of the canvass period. Such notices must be delivered to provisional voters by the presiding judge no later than the 10th day after the local canvass (Sec. 65.059; 1 Tex. Admin. Code Sec. 81.176(e))

**Wednesday, November 17, 2021 (15th day after election day)**

First day that the Governor may conduct the state canvass of the state constitutional amendment election. (Sec. 67.012)

**Tuesday, November 23, 2021 (21st day after election day)**

Last day to complete the partial manual count. (Sec. 127.201(a))

**Monday, November 29, 2021 (27th day after election day; 14<sup>th</sup> day after last canvass deadline)**

Last day for the presiding judge of the early voting ballot board to mail [Notice of Outcome to Provisional Voter](#) to provisional voters if the local canvass was held on Monday, November 15, 2021, the last day of the canvass period. (Sec. 65.059; 1 Tex. Admin. Code Sec. 81.176(e)). Such notices must be delivered to provisional voters by the presiding judge no later than the 10th day after the local canvass.\*

**\*The deadline referenced above is extended to the next regular business day which is Monday, November 29, 2021, due to the deadline falling on Thursday, November 25, 2021, (Thanksgiving Day) and the day after Thanksgiving Day, Friday, November 26, 2021, which falls on a state holiday. (Sec. 1.006)**

## **December**

### **Thursday, December 2, 2021 (30th day after election day)**

If a Type A municipal officer-elect fails to qualify for office within 30 days after the date of the officer's election, the office is considered vacant. (Sec. 22.007, Local Government Code)

Last day for governor to conduct the state canvass for the state constitutional amendment election. (Sec. 67.012)

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

**NOTE** - Local political subdivisions no longer have to submit this information to the Secretary of State.

Last day for the general custodian of election records to electronically submit to the Secretary of State the record of each voter participating in the election. (Sec. 18.069)

**NOTE-NEW LAW:** HB 3107 (2021) amended Section 18.069 of the Code by changing who is responsible for submitting voter history to the Secretary of State from the voter registrar to the general custodian of election records (early voting clerk). (Sec. 18.069)

### **Sunday, December 12, 2021 (40th day after election day)**

Last day of the period for mandatory office hours. *See* entry for [Monday, September 13, 2021](#). (Sec. 31.122)

## **January**

### **Sunday, January 2, 2022 (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(b))

## **2022 and 2023**

### **Sunday, September 3, 2023 (day after 22 months after November 2, 2021 election day)**

Contents of ballot box(es) may be destroyed **IF** no contest or criminal investigation has arisen (Secs. 1.013, 66.058), and **IF** no open records request has been filed ([Tex. Att’y Gen. ORD-505 \(1988\)](#)).

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

**Notable Exceptions:**

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

**Electronic Voting Systems:** See advisories on our website for preservation procedures for electronic voting systems. See [Election Advisory No. 2019-23](#).

**Friday, November 3, 2023 (day after two Years after November 2, 2021 election day)**

**NOTE - Retention of Voter Registration List:** County voter registrar must maintain **copy** of each voter list prepared for each countywide election for 2 years (24 months) after election day. (Sec. 18.011)

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