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# March 6, 2018 Primary Calendar

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**Note:** For deadlines affecting all candidates, refer to our online [2016 Candidates' Guide Important Dates](#) calendar. Remember that under Section 41.007(d) of the Texas Election Code, no other elections may be conducted on primary or runoff primary election day.

## Notes

1. [Campaign Information](#)
2. [Submissions to the U.S. Department of Justice](#)
3. [Statutory and Administrative Code References](#)
4. [Notice of Elections](#)
5. [Joint Primaries](#)
6. [Testing Tabulating Equipment](#)
7. [Conventions of Parties Holding Primary Elections](#)
8. [Party Electoral Rules](#)

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

Under Title 15 of the Texas Election Code, candidates running for office must file campaign contribution and expenditure reports. For further information and all questions about such disclosure filings, campaign finance, and political advertising, please contact the [Texas Ethics Commission](#) at 201 E. 14th, 10th Floor, Austin, Texas 78701; call 512-463-5800; or access their website. Candidates filing for federal offices should contact the [Federal Elections Commission](#) toll-free at 1-800-424-9530 or visit their website.

### **2. Note on Submissions to the U.S. Department of Justice**

On June 25, 2013, the United States Supreme Court issued its decision in **Shelby County, Alabama v. Holder**, 133 S. Ct. 2612 (2013). That 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. We suggest that Texas counties or other Texas political subdivisions 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 either the county clerk, the county elections administrator, or the county tax assessor collector, depending on the actions of the county commissioners court. (Secs. 31.031, 31.071 & 31.091). The county voter

registrar is either the county clerk, the county elections administrator, or the county tax assessor collector, depending on the actions of the county commissioners court. (Secs. 12.001, 12.031, 31.031 & 31.071).

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

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

The county clerk must post a notice of election on or before the 21st day before the election. (Secs. 4.003(b), 172.1112). (**NOTE:** There is no requirement to publish notice of the primary or runoff primary elections in a newspaper, and the cost of any such publication will not be reimbursed with primary funds.) For the Tuesday, March 6, 2018 Primary Election, this notice must be posted on the commissioners court bulletin board on or before Tuesday, February 13, 2018. For the Tuesday, May 22, 2018 Runoff Primary Election, the notice must be posted on or before Tuesday, May 1, 2018.

This notice **must** include:

1. The type and date of the election;
2. The location of each polling place;
3. The hours the polls will be open;
4. The location of the main early voting polling place;
5. The regular dates and hours for early voting by personal appearance;
6. The dates and hours of any Saturday or Sunday early voting, if any; and
7. The early voting clerk's mailing address.

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

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

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

#### **5. Note on Joint Primaries**

In many Texas counties, the commissioners court, the county election officer, and the county chair of each political party holding a primary election in the county will sign a joint resolution agreeing to hold a joint primary. (Sec. 172.126(a)). Joint primary elections are held in approximately 40% of Texas counties, with the political parties sharing election equipment, polling places, and a team of election workers in each polling place composed of an even number of workers from each political party. (Sec. 172.126; 1 T.A.C. Ch. 81, Subch. G). The entries in this calendar are generally written in terms of primary elections being held separately rather than jointly. Unless indicated to the contrary, entries in this calendar are applicable whether a primary election is held separately or jointly. However, in a joint primary, the authority responsible for carrying out many of the activities associated with conducting an election will be the county election officer. (Sec. 172.126).

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

### **Note on Ballot Testing:**

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

### **Note on Logic and Accuracy Test:**

We recommend establishing a date to perform the first test of your electronic voting equipment (L&A, or Logic and Accuracy Test) as soon as possible. We recommend that this test be performed on a date that allows time to correct programming and retest, if necessary. A notice of this test must be published by the custodian of the electronic voting equipment at least 48 hours before the date of the test. (Sec. 129.023; [Tex. Sec'y of State Election Advisory No. 2014-06](#)). Additionally, for a primary election, the custodian must notify the county chair of the test 48 hours prior to the test. The L&A test must be conducted not later than 48 hours before voting begins on a voting system. (Sec. 129.023).

### **Note on Testing Tabulating Equipment:**

The automatic tabulating equipment used for counting ballots at a central counting station must be tested three times for each election. (Ch. 127, Subch. D). We recommend you test the equipment as soon as possible; early testing will allow adequate time to locate any errors and make any necessary corrections in programming. However, the first test **must be conducted at least 48 hours before** the automatic tabulating equipment is used to count ballots voted in the election. The second test shall be conducted immediately before the counting of ballots with the equipment begins. The third test must be conducted immediately after the counting of ballots with the equipment is completed. Please note that the custodian of the automatic tabulating equipment must publish notice of the date, hour, and place of the first test in a newspaper at least 48 hours before the date of the test. Additionally, in a primary election, the custodian must notify the county chair 48 hours prior to the time of the test. (Sec. 127.096). The electronic files created from the L&A testing are what must be used for testing the tabulating equipment. ([Tex. Sec'y of State Election Advisory No. 2014-06](#))

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. 2014-06](#)).

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. 2014-06](#). See Chapter 129, Subchapter B of the Election Code and [Tex. Sec'y of State Election Advisory No. 2014-06](#) **for other types of testing such as functionality tests, logic and accuracy tests, tests for central accumulators, etc.** Also see Tex. Sec'y of State Election Advisory Nos. 2011-17, 2011-18, and 2011-19 pertaining to voting system equipment access, security and preservation, and chain of custody.

## 7. Note on Conventions of Parties Holding Primary Elections

### Precinct Conventions

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

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

### County and Senatorial Conventions

Time and Place: Section 174.063(a) provides that the state executive committee by rule specifies the date the county and senatorial conventions will be held. Under Section 172.021 of the Texas Election Code, a political party may by rule allow a county to hold precinct conventions before the county convention on the same day and at the same place as the county convention.

Notice Required: Section 174.064(a) requires notice of the hour and date for convening each county convention to be posted electronically on the county or state party's Internet website or on the bulletin board used for posting notice of meetings of the commissioners court. The notice must remain posted continuously for the 10 days immediately preceding the date of the convention. Because the convention times are not yet determined, this calendar does not show any deadlines for posting such notices. Not later than the 10th day before the date of the county and senatorial convention, the county chair must deliver to the county election officer written notice, **either on paper or in electronic form**, of the date, hour, and place for convening the county and senatorial convention. (Sec. 174.064(b)).

### State Conventions

Section 174.092(a) of the Texas Election Code provides that the biennial state convention must be convened on a date selected by the state executive committee. The state convention date is no longer limited to one in June or July. Section 174.092(b) of the Texas Election Code continues to provide that the state executive committee must set the date of the state convention not later than the date the state chair delivers to the county chairs the certification of names for placement on the primary election ballot. *See* entry at [Wednesday, December 20, 2017](#). Accordingly, this calendar does not show any deadline or time frame for holding the state convention. Notice of the date, hour, and place for convening the state convention must be posted by the state chair on the party's Internet website before the date of the party's precinct conventions under Section 174.093 of the Texas Election Code.

## 8. Note on Party Electoral Rules

Section 163.006(a) of the Texas Election Code provides that a rule on electoral affairs that is to become effective in a year in which the party will hold precinct conventions must be posted on the party's Internet website, as well as filed with Secretary of State, **not later than the 30th day before the date the party convenes its earliest precinct conventions**. It should be noted that the date of precinct conventions is no longer fixed by statute. (See [Note 7](#) above.) Accordingly, this calendar does not show any deadline for the posting or filing of such electoral rules.

## 9. Note on Accepting Voters with Certain Disabilities

**NOTE – NEW LAW:** Section 63.0013, as amended by House Bill 658 (2017) provides that 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

The notice required **must** read as follows:

"Pursuant to Section 63.0013, Election Code, an election officer may give voting order priority to individuals with a mobility problem that substantially impairs the person's ability to move around. A person assisting an individual with a mobility problem may also, at the individual's request, be given voting order priority. Disabilities and conditions that may qualify you for voting order priority include paralysis, lung disease, the use of portable oxygen, cardiac deficiency, severe limitation in the ability to walk due to arthritic, neurological, or orthopedic condition, wheelchair confinement, arthritis, foot disorder, the inability to walk 200 feet without stopping to rest, or use of a brace, cane, crutch, or other assistive device."

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

## 10. Note on Early Voting at a Residential Care Facility

### Early Voting at a Residential Care Facility

"Residential care facility" as addressed below means a facility licensed and regulated under Chapter 242 or 247, Health and Safety Code, with more than 10 beds.

**NOTE - NEW LAW:** House Bill 658 (2017) amended Section 86.004 to provide that an application to vote early by mail on the grounds of **age or disability** requesting that the ballot be sent to the address of a residential care facility shall be held until the **earlier of:** 1) the date on which **five or more** applications for ballots to be voted by mail made by residents of the same facility who request that the ballots be sent to that facility have been received, in which case ballots may not be mailed to the voters and voting shall be conducted under Chapter 107; or 2) the last day on which an application for a ballot to be voted by mail may be received, after which the ballot shall promptly be mailed to the voter.

Therefore, balloting materials **may not** be mailed to a voter at a residential care facility on the grounds of age or disability if **five or more applications** for ballots to be voted by mail are received from residents of the same facility. In that case, voting must be conducted under Chapter 107. If **five or more applications are not** received from residents of the same residential care facility on the grounds of age or disability, then the balloting materials for voting by mail shall be promptly mailed to the resident(s) **after** the last day on which an application for a ballot to be voted by mail may be received, which is the 11<sup>th</sup> day before election day, Friday, February 23, 2018. (See [February 23, 2018](#) note entry.)

**NOTE –NEW LAW:** Section 107.007 as amended by House Bill 658 (2017) provides that if early voting at a residential care facility is required under Chapter 107 for voters residing in a residential care facility who have applied to vote early by mail on the grounds of age or disability, the early voting clerk **shall** give notice that early voting will occur at the facility and appoint election judges for the purpose of conducting voting. Not later than 5 p.m. on the sixth business day before election day, Monday, February 26, 2018, the election judge shall, with the input of the administrator of the residential care facility, designate one or more times for voting to be conducted. Voting may be conducted not earlier than the 29<sup>th</sup> day before election day and not later than the fourth day preceding election day. The fourth day preceding election day is Friday, March 2, 2018. Notice of the time or times for conducting the election shall be posted at the residential care facility by the election judge and on the **county's website** as soon as practicable after determining the time **and not later** than the fifth day before the first day on which voting will be conducted at the facility. (Sec. 107.007). See [note](#) for Monday, March 5, 2018 and [note](#) for Friday, February 23, 2018.

If a qualified voter residing at a residential care facility and seeking to vote at the facility is not able to cast a ballot during any time when voting is conducted at the facility, the election judges for the facility **shall** inform the early voting clerk **not later than the fourth day** before election day. The clerk **shall** mail the ballot to the voter **not later than the fourth day** before election day.

However, at any time during the year and regardless of whether five or more voters at a residential care facility have requested ballots to be voted by mail, the early voting clerk **may** post notice of the dates on which voting will be conducted at the facility for each election. If the early voting clerk posts notice under Section 107.007(f), the names of the election judges and the hours during which voting will be conducted **must** be posted at least **48 hours** before voting is conducted at the facility.

The early voting clerk shall maintain a public list of all residential care facilities in the clerk's jurisdiction at which voting is conducted under Chapter 107. The list must be available **on the website** of the county or posted at the location where public notices are posted in the county, and for each facility state:

- 1) the name of the facility
- 2) the address of the facility
- 3) the dates and times for voting at the facility; and
- 4) the names of the election judges for the facility

## **Calendar of events**

### **September**

**Friday, September 1, 2017**

*Recommended* date that the voter registrar forwards a list of voters who have indicated an interest in working as an election judge to the county chair. (Sec. 13.004(c-1), as amended by House Bill 2015, 2017 Legislative Session).

**NEW LAW NOTE:** Section 13.004(c-1), as amended by House Bill 2015, 2017 Legislative Session, requires that the voter registrar forward a list of voters who have indicated an interest in working as an election judge to the county chair of each county executive committee. As the bill does not describe how often this list needs to be submitted, we recommend sending this list on the date that the bill becomes effective so county chairs can contact individuals who have indicated interest in serving as an election judge.

**Thursday, September 7, 2017 (180th day before primary election day)**

First day to accept applications for state write-in ballots for March 6, 2018 primary election. (Sec. 105.002).

**Tuesday, September 12, 2017 (90th day before regular filing deadline)**

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

**October**

**October 2017**

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

**Monday, October 30, 2017 (72 hours before meeting date of county election officer and county chairs)**

Deadline to provide notice of meeting under Section 31.124, if the meeting is to be held on November 2, 2017, as recommended. The county election officer must deliver written notice of time and place of meeting between county election officer and county chair on or before this date. *See* entry under [Thursday, November 2, 2017](#). Notice may be delivered by U.S. mail, electronic mail, or other method of written communication. (Sec. 31.124).

**November**

**Thursday, November 2, 2017**

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

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

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

Recommended date by which county chairs should submit names of persons eligible to serve as deputy early voting clerks for the primary election. (Sec. 85.0091, as amended by House Bill 1735 (2017)).

**NEW LAW NOTE:** Section 85.0091, as added by House Bill 1735, requires that the early voting clerk select elections officers for the main and branch early voting polling places from lists provided by the county chair. However, the early voting clerk will set the actual deadline for the submission of those lists. This recommended deadline serves to provide adequate time for chairs to compile lists and the election officials to be notified.

**Saturday, November 11, 2017 (30th day before regular filing deadline)**

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

First day to file a [declaration of independent candidacy \(PDF\)](#) with appropriate filing authority. (Sec.142.002).

**December**

**December 2017**

*Recommended* time frame in which the commissioners court should approve resolution to have a joint primary. *See* entry under [Thursday, November 2, 2017](#). (Sec. 172.126(a)).

**Saturday, December 2, 2017 (after 10th day before date of regular filing deadline)**

If a vacancy for an unexpired term in an office of the state or county government occurs after the 10th day before the date of the regular filing deadline, but on or before the 5th day before the date of the regular filing deadline (on or before December 2 and December 6), an application for the unexpired term is subject to an extended filing deadline. *See* entry at [Monday, December 18, 2017](#). (Sec. 202.004(a), (c)).

**Wednesday, December 6, 2017 (5th day before regular filing deadline)**

Last day a vacancy for an unexpired term in an office of the state or county government may occur and appear on the primary ballot. (Sec. 202.004(a)).

**Sunday, December 10, 2017 (last day before regular filing deadline)**

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

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

**Monday, December 11, 2017 (2nd Monday in December)**

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

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

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

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

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

**Tuesday, December 12, 2017 (1st day after the regular filing deadline)**

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

**Monday, December 18, 2017 (7th day after regular filing deadline)**

6:00 p.m. – Deadline for the state or county chair, as applicable, to **receive** applications for a place on the general primary election ballot for an unexpired term for a vacancy in an office of the state or county government that occurs after the 10th day (December 1, 2017) before the date of the regular filing deadline, but on or before the 5th day (December 6, 2017) before the date of the regular filing deadline. (Secs. 1.006 & 202.004(a), (c)). (The deadline is extended to the next regular business day which is Monday, December 18, 2017 due to the **5th day after the regular candidate filing deadline falling on Saturday, December 16, 2017. (Sec. 1.006.)**)

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

- dies on or after the fifth day before the date of the regular filing deadline (December 6, 2017) and on or before the first day after the date of the regular filing deadline (December 12, 2017);
- holds the office for which the application was made and withdraws or is declared ineligible on the date of the regular filing deadline (December 11, 2017) or on the first day after the date of the regular filing deadline (December 12, 2017); or
- withdraws or is declared ineligible on the date of the regular filing deadline (December 11, 2017) or on the first day after the date of the regular filing deadline (December 12, 2017), and at the time of the withdrawal or declaration of ineligibility no other candidate has made an application that complies with the applicable requirements for the office sought by the withdrawn or ineligible candidate.

(The deadline is extended to the next regular business day which is Monday, December 18, 2017 due to the **5th day after the regular candidate filing deadline falling on Saturday, December 16, 2017. (Sec. 1.006.)**)

**NOTE:** An application filed by mail with the state chair under this extended deadline provision is not timely if received later than 6:00 p.m. on the extended deadline.

**NOTE ON NEW LAW:** Section 172.112, as amended by House Bill 1735 (2017), no longer permits write-in candidates for any office on the primary ballot, including precinct chairs.

**Tuesday, December 19, 2017 (8th day after regular filing deadline)**

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

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

**Wednesday, December 20, 2017 (9th day after regular filing deadline)**

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

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

Deadline for chair to post notice on the party's website 24 hours preceding the date, hour, and place of ballot drawing if ballot drawing is conducted on December 21, 2017. If the party does not maintain an Internet website, the party must post notice on the commissioners court bulletin board. All candidates who provide an email address on their filing form must be notified electronically of drawing. (Sec. 172.082(e)).

Deadline for state executive committee to set date, hour, and place for convening state convention. (Sec. 174.092(b)). (See [Note 7](#) prior to Calendar of Events.)

**Thursday, December 21, 2017 (10th day after regular filing deadline)**

Deadline for county chair to conduct drawing for candidate order on ballot (unless committee provides by resolution that the county executive committee is to conduct drawing). (Sec. 172.082(c), as amended by House Bill 1735, 2017 Legislative Session).

**NOTE:** Section 172.082(b) was amended in 2017 by House Bill 1735 to allow the county chair to conduct the ballot drawing, unless the county executive committee provides by resolution that the drawing shall be conducted by the county executive committee. Additionally, section 172.082(c) was amended by House Bill 1735 to no longer require that the ballot drawing be conducted in the county seat.

## **January**

### **Monday, January 1, 2018**

First day for voters to submit a **regular application** for ballot by mail for an election in 2018. The application is considered submitted at the time of receipt. (Secs. 84.001(e), 84.007).

First day for voters to submit an **annual application** for ballot by mail for all elections in calendar year 2018. The voter must be 65 on election day or disabled in order to submit an annual application. The application is considered submitted at the time of receipt. (Secs. 84.001(e), 84.007).

### **Wednesday, January 3, 2018 (62nd day before election day)**

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

**NEW LAW NOTE:** Section 172.082, as amended by House Bill 1735, 2017 Legislative Session, requires review of the ballot by the primary committee only if a primary committee has been established by the party.

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

Recommended date for county chair to order ballots.

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

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

### **Friday, January 5, 2018 (60th day before primary election day)**

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

Recommended last day for the county chair of each political party, with the approval of their respective county executive committees, to appoint presiding and alternate judges for each precinct in which the primary election will be held in the county, presiding judges for the early voting ballot board and the central counting station, and personnel for the central counting station. (Secs. 32.006, 32.008, 87.002 & 127.002-127.005). Written notice of the appointments must be given to the judges in accordance with Section 32.009 of the Texas Election Code.

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

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

**Monday, January 15, 2018 (50th day before election day)**

Last day to publish notice for testing of automatic tabulation equipment testing and logic and accuracy testing (L&A testing) of a voting system that uses direct recording electronic (DRE) voting machines and precinct scanners if test will be completed by recommended deadline of Wednesday, January 17, 2018. Notice of the public tests must be published at least 48 hours before the test begins. Additionally, for a primary election, the custodian must notify the county chair of the test 48 hours prior to the test.

**NEW LAW NOTE:** Section 127.096, as amended by House Bill 1735, 2017 Legislative Session, requires that for a primary election, the custodian of election records must give the county chair 48 hours of notice prior to the test. The county chair is required to confirm receipt of the notice.

**Wednesday, January 17, 2018 (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 6](#), above.

**Friday, January 19, 2018 (46<sup>th</sup> day before primary election day)**

Deadline to challenge the filing of an application for a place on the ballot as to form, content, and procedure, if the ballots are mailed on the 45th day before primary election day, Saturday, January 20, 2018. This deadline will change if the ballots were mailed prior to the 45th day before primary election day. Sec. 141.034.

**NEW LAW NOTE:** Section 141.034 as amended by Senate Bill 44 (2017) provides that an application for a place on the ballot may not be challenged for compliance with the applicable requirements as to form, content, and procedure after the day before any ballot to be voted early by mail is mailed to an address in the authority's jurisdiction.

**Saturday, January 20, 2018 (45th day before primary election day)**

Deadline for early voting clerk to mail ballots to military and overseas voters. If the clerk cannot meet this 45th Day deadline, the clerk must notify Secretary of State within 24 hours. If a federal postcard application ("FPCA") is received after the 45th Day deadline, the ballot should be mailed not later than the **7th calendar day** after the date the FPCA is received.

**NOTE: The 45th Day deadline under Section 86.004(b) is not extended by Section 1.006 to the next business day. The ballots covered by Section 86.004(b) should be sent out on or before Saturday, January 20, 2018.**

**Reminder:** In regards to mail ballots for other voters (not military or overseas), 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 45th day before election day, the voter's mail ballot must be mailed no later than the 38th day before election day. (Sec. 86.004(a)).

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

**NEW LAW NOTE:** Section 86.004 provides that an application to vote early by mail on the grounds of age or disability requesting that the ballot be sent to the address of a residential care facility shall be held until the earlier of: 1) the date on which five or more applications for ballots to be voted by mail made by residents of the same facility who request that the ballots be sent to that facility have been received, in which case ballots may not be mailed to the voters and voting shall be conducted under Chapter 107; or 2) the last day on which an application for a ballot to be voted by mail may be received, after which the ballot shall promptly be mailed to the voter. Therefore, balloting materials **may not** be mailed to a voter at a residential care facility on the grounds of age or disability if **five or more** applications for ballots to be voted by mail are received from residents of the same facility. In that case, voting must be conducted under Chapter 107. If five or more applications **are not** received from residents of the same residential care facility on the grounds of age or disability, then the balloting materials for voting by mail shall be promptly mailed to the resident(s) after the last day on which an application for a ballot to be voted by mail may be received, which is the 11<sup>th</sup> day before election day, Friday, February 23, 2018. (See [February 23, 2018](#) note entry and note 10).

**Monday, January 22, 2018 (43rd day before primary election day)**

Deadline for state chairs and county chairs to submit itemized estimate and request for state funds to cover general primary expenses. (Sec. 173.081(c)(2)). Notice of consolidation of county election precincts, if any, must accompany the itemized estimate. (Sec. 173.081(f)). (The deadline is extended to the next regular business day, due to the **45th day before primary election day falling on Saturday, January 20, 2018**). (Sec. 1.006).

**Wednesday, January 31, 2018 (34<sup>th</sup> day before primary election day)**

Last day to post notice of the time or times for conducting early voting in person at a residential care facility by the election judge and on the political subdivision's website. This is the last day to post notice if the early voting in person at a residential care facility will take place on Monday, February 5, 2018. (Sec. 107.007). See [note](#) for Monday, February 5, 2018 and [Note 10](#).

**NEW LAW NOTE:** Section 107.007 as amended by House Bill 658 (2017) provides that if early voting at a residential care facility is required under Chapter 107 for voters residing in a residential care facility who have applied to vote early by mail on the grounds of age or disability, the early voting clerk **shall** give notice that early voting will occur at the facility and appoint election judges for the purpose of conducting voting. The election judge shall, with the input of the administrator of the residential care facility, designate

one or more times for voting to be conducted. Voting may be conducted not earlier than the 29<sup>th</sup> day before election day and not later than the fourth day preceding election day. The fourth day preceding primary election day is Friday, March 2, 2018. Notice of the time or times for conducting the election shall be posted at the residential care facility by the election judge and on the county's website as soon as practicable after determining the time **and not later** than the fifth day before the first day on which voting will be conducted at the facility.

## **February**

### **Friday, February 2, 2018 (32nd day before primary election day and 12th day before first day signature verification committee may convene)**

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

If the signature verification committee will start meeting on Wednesday, February 14, 2018, **recommended date** early voting clerk should post copy of the order calling for appointment of the signature verification committee. (Saturday, February 3, and Sunday, February 4, 2018 are the 10th and 11th days before the first day the committee may meet.) The notice must remain posted continuously for at least 10 days before the first day the committee meets. (Sec. 87.027).

### **Monday, February 5, 2018 (29th day before primary election day)**

Last day to register to vote or make a change of address effective for the Tuesday, March 6, 2018 primary election. (Secs. 13.143, 15.025).

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

First day that early voting at a residential care facility may be conducted for voters residing in a residential care facility who applied to vote early by mail on the grounds of age or disability. (Sec. 107.007). See Note 10 regarding early voting at a residential care facility.

As soon as possible after conducting voting at a residential care facility, but not later than **18 hours** after leaving the facility, the election judges **shall** deliver the ballot bag or container to the early voting clerk. (Sec. 107.013).

**NEW LAW NOTE:** Sec. 107.013 as amended by House Bill 658 (2017) provides that as soon as possible after conducting voting at a residential care facility, but not later than 18 hours after leaving the facility, the election judges **shall** deliver the ballot bag or container to the early voting clerk.

### **Wednesday, February 7, 2018 (5th day after recommended date to order signature verification committee)**

If the early voting clerk issues order calling for appointment of signature verification committee, this is the deadline for the county chair to appoint the members to the committee. *See* entry under Friday, February 2, 2018. (Sec. 87.027).

**Tuesday, February 13, 2018 (21st day before primary election day)**

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

**NEW LAW NOTE:** Section 172.1112, as amended by House Bill 1735, requires that the county clerk, rather than the county chair, post the notice of election for the primary election.

**Wednesday, February 14, 2018 (20th day before primary election day)**

Last day for a person to apply for a full ballot by mail using an FPCA, if the person is not a registered voter but meets the requirements under Title 2 of the Texas Election Code. (Secs. 101.052(e) & 101.055(a)). (If the voter marks the FPCA form indicating "indefinitely" (older form) or "do not intend to return" (newer form), the voter receives a federal-only ballot.) Postmark with this date on the FPCA is proof that the applicant submitted the FPCA by this deadline. (See entry below for FPCA without postmark at the 14th day before primary election day, on [February 20, 2018](#).) (Sec. 101.052(e), (i)).

Last day to publish notice of L&A test for DRE voting machines or precinct scanners if test will be held on Friday, February 16, 2018, if testing has not already been completed by January 17, 2018. Notice of the public L&A Test must be published at least 48 hours before the test begins. Additionally, for a primary election, the custodian must notify the county chair of the test 48 hours prior to the test. (Secs. 129.001, 129.023). See [Note 6](#), above.

**NEW LAW NOTE:** Section 129.023, as amended by House Bill 1735, 2017 Legislative Session, requires that for a primary election, the custodian of election records must give the county chair 48 hours of notice prior to the test. The county chair is required to confirm receipt of the notice.

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

**Thursday, February 15, 2018 — Friday, February 23, 2018 (19th — 11th day before primary election day)**

A person submitting an FPCA during this period who is not registered to vote is not entitled to receive a ballot for any non-federal election held on Tuesday, March 6, 2018. *See* entry below under [Tuesday, February 20, 2018](#) (FPCA without a postmark). (Secs. 101.052(g) & 114.004(c)).

**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 the early voting clerk's use (mailing ballots, etc.) and records **unless the voter marked "indefinitely" (older form) or "do not intend to return" (newer form)**, in which case, it will not serve as a permanent registration. (Sec. 101.055; 1 T.A.C. § 81.40).

**NOTE:** Overseas (non-military) voters marking the FPCA as “**indefinitely**” (older form) or “**do not intend to return**” (newer form) receive a federal ballot only **regardless** of the date filed. (See Chapter 114). A person submitting an FPCA during this period is entitled to receive a federal ballot only (no state, district, or county offices), if not already a permanent registered voter. (Sec. 101.052(f)).

**Friday, February 16, 2018 (18th day before primary election; last business day 48 hours before start of early voting in person)**

Last day to conduct public L&A test of a voting system 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 6, above). Per Section 129.023, the L&A test shall be conducted not later than 48 hours before voting begins on such voting systems, assuming that the voting system will first be used for early voting in person.

If a defective application to vote early by mail is received on or before this date, the early voting clerk must mail the applicant a new application with explanation of defects and instructions for submitting the new application. For defective applications received after this date and before the end of early voting by personal appearance, the early voting clerk must mail only the notice of defect and a statement that the voter is not entitled to vote early by mail unless he or she submits a sufficient application by the deadline. (Sec. 86.008).

**Tuesday, February 20, 2018 (14th day before primary election day)**

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

**NOTE:** The early voting period for the general primary election begins 17 days prior to election day, but because this day falls on a weekend (Saturday, February 17, 2018) and Monday, February 19, 2018 is Presidents’ Day, a legal holiday, it is extended to the next regular business day, Tuesday, February 20, 2018. (Sec. 85.001(c)).

**NOTE:** About branch early voting in a primary election. The commissioners court:

1. in a county with a population of 400,000 or more, **must** establish one or more temporary polling places, other than the main early voting polling place, in each state representative district containing territory covered by the election. The temporary polling place(s) must remain open the same days as the main early voting polling place, but the commissioners court determines the hours during which voting is to be conducted, unless a written request signed by 15 registered voters requesting the same number of hours as the main polling place is timely filed with the commissioners court;
2. in a county with a population of 120,000 or more but less than 400,000, must establish one or more temporary polling places, other than the main early voting polling place, in each commissioners precinct containing territory covered by the election. The temporary polling place(s) must remain open the same days as the main early voting polling place, but the commissioners court determines the hours during which voting is to be conducted, unless a written request signed by 15 registered voters requesting the same number of hours as the main polling place is timely filed with the commissioners court; or
3. in a county with a population of 100,000 or more but less than 120,000, **must** establish one or more early voting polling places in each commissioners precinct for which the commissioners court receives a **timely filed written request by at least 15 registered voters of that precinct**. The temporary polling place(s) must remain open the same days as the main early voting polling place, but the commissioners court determines the hours during which voting is to be conducted, unless a

written request signed by 15 registered voters requesting the same number of hours as the main polling place is timely filed with the commissioners court. (Secs. 85.062; 85.064).

**NOTE:** If a county has a population under 100,000, the location, days, and hours of temporary branch locations may be established **only** by the commissioners court. **No petition process is available.** (Sec. 85.065).

**NOTE:** A temporary branch polling place that is “movable” may be established only with the approval of the county clerk. If a movable temporary branch polling place is established on the request of a political party, each political party, whose nominee for governor in the most recent gubernatorial general election received more than 10 percent of the total number of votes received by all candidates for governor in the 2014 election, is entitled to the establishment of such a polling place. The election officers serving a polling place covered by this subsection must be appointed from the list submitted by the county chairs to the early voting clerk. (Sec. 85.062(e)).

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

If an FPCA is received by this date **without a postmark to prove mailing date**, the early voting clerk will accept the FPCA and send the applicant a full ballot if the applicant is not already a permanent registered voter, but meets the requirements under Title 2 of the Texas Election Code. (Sec. 101.052(i)). (The deadline is extended to the next regular business day which is Tuesday, February 20, 2018, due to the **15th day before primary election day falling on Monday, February 19, 2018**, a legal holiday, Presidents’ Day.) (Sec. 1.006).

Deadline to notify election judges of duty to hold election (Writ of Election). (Sec. 4.007). Written notice must be given to the presiding judge of the duty to hold the election, purpose of election, the election date, location of the polling place, hours the polls are open, and the number of clerks to be appointed. (The deadline is extended to the next regular business day which is Tuesday, February 20, 2018, due to the **15th day before primary election day falling on Monday, February 19, 2018**, which is a legal holiday, Presidents’ Day.) (Sec. 1.006).

**Wednesday, February 21, 2018 (72 hours preceding first hour Saturday early voting will be conducted)**

Deadline to post notice on bulletin board used for posting notice of meetings of the commissioners court 72 hours preceding first hour that early voting on Saturday, February 24, 2018 will be conducted. (Sec. 85.007(b), (c)).

**Thursday, February 22, 2018 (72 hours preceding first hour Sunday early voting will be conducted; 12th day before primary election day)**

Deadline for the early voting clerk to post notice on bulletin board used for posting notice of meetings of the commissioners court 72 hours preceding first hour that early voting on Sunday, February 25, 2018 will be conducted. (Sec. 85.007(b), (c)).

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

First day that counties with a population of 100,000 or more 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 conducted jointly with such a county, 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).

### **Friday, February 23, 2018 (11th day before primary election day)**

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

Last day to receive an FPCA from a voter. If the voter is **not** registered in the county, the voter is eligible for a ballot containing federal offices only. (Secs. 101.052(g) & 114.004(c)).

First day to mail ballots to voters who are residents of a residential care facility and who submitted applications for ballots to be voted by mail on the grounds of age or disability (if you did not receive 5 such applications for ballots to be sent to a given facility by this date). The ballots may be mailed after the close of regular business or 12 noon, **whichever is later**, on Friday, February 23, 2018. (Sec. 84.007(c) and 86.004). (See [Note 10](#) regarding early voting at a residential care facility.)

**NEW LAW NOTE:** House Bill 658 (2017) amended Section 86.004 to provide that an application to vote early by mail on the grounds of age or disability requesting that the ballot be sent to the address of a residential care facility, as defined by Chapter 107, shall be held until the **earlier of**: 1) the date on which five or more applications for ballots to be voted by mail made by residents of the same facility who request that the ballots be sent to that facility have been received, in which case ballots may not be mailed to the voters and voting shall be conducted under Chapter 107; or 2) the last day on which an application for a ballot to be voted by mail may be received, after which the ballot shall promptly be mailed to the voter. Therefore, balloting materials **may not** be mailed to a voter at a residential care facility on the grounds of age or disability if five or more applications for ballots to be voted by mail are received from residents of the same facility. In that case, voting must be conducted under Chapter 107. If five or more applications **are not** received from residents of the same residential care facility on the grounds of age or disability, then the balloting materials for voting by mail shall be promptly mailed to the resident(s) **after** the last day on which an application for a ballot to be voted by mail may be received, which is the 11<sup>th</sup> day before primary election day, Friday, February 23, 2018.

### **Saturday, February 24, 2018 (10th day before primary election day)**

In counties with a population of 100,000 or more, early voting must be conducted for 12 hours on the last Saturday of the early voting period at the main early voting polling place. In counties with a population less than 100,000, early voting must be conducted for this same number of hours at the main early voting polling place upon receipt of a petition submitted by at least 15 registered voters of the county. (Sec. 85.006(e)).

**Sunday, February 25, 2018 (9th day before primary election day)**

In counties with a population of 100,000 or more, early voting must be conducted at the main early voting polling place for five hours on the last Sunday of the early voting period. In counties with a population less than 100,000, early voting must be conducted for this same number of hours at the main early voting polling place upon receipt of a petition submitted by at least 15 registered voters of the county. (Sec. 85.006(e)).

Last day to post notice of the time or times for conducting early voting in person at a residential care facility by the election judge and on the county's website. This is the last day to post notice if the early voting in person at a residential care facility will take place on Friday, March 2, 2018. (Sec. 107.007) See Note 10 and [note](#) for Friday, March 2, 2018.

**5:00 p.m.** - Deadline to have the election judge, with the input of the administrator of a residential care facility, designate one or more times for early voting at a residential care facility. Early voting at a residential care facility may be conducted under Chapter 107 for voters residing in a residential care facility who applied to vote early by mail on the grounds of age or disability. (Sec. 107.007) Voting may be conducted not later than the fourth day preceding election day. The fourth day preceding primary election day is Friday, March 2, 2018. See [Note 10](#) regarding early voting at a residential care facility.

**Monday, February 26, 2018 — Friday, March 2, 2018 (8th day — 4th day before primary election day)**

In counties with a population of 100,000 or more, the early voting clerk must keep the main polling place open for 12 hours each day between February 26 and March 2, 2018. Early voting must be conducted at permanent branch locations for 12 hours each day. Early voting must be conducted for 12 hours on each weekday of the last week at required **temporary branch locations** (created under Section 85.062(d) of the Texas Election Code) if a written request signed by 15 registered voters was filed by Wednesday, February 21, 2018. Please note there is a 5 Day notice posting requirement if the early voting clerk received petition requesting these extended hours. (Secs. 85.005(c), 85.063, 85.064 & 85.067).

In counties with a population of less than 100,000, the early voting clerk must keep the main polling place open for 12 hours each day for the primary election if 15 or more registered voters petition the county for the extended 12-hour schedule. (Secs. 85.005(c) & 85.067).

**Monday, February 26, 2018 (8th day before primary election day)**

If county election precincts are consolidated, county clerk must post at the polling place used in the preceding general election for state and county officers a notice of consolidation and location of the polling place. For purposes of conducting a primary election, the "preceding general election" is the preceding primary election. (Secs. 4.003(b) & 172.1112). (The deadline is extended to the next regular business day which is Monday, February 26, 2018 due to the 10th day falling on Saturday, February 24, 2018.) (Sec. 1.006).

**NEW LAW:** Section 172.1112, as amended by House Bill 1735, 2017 Legislative Session, now provides that the county clerk is required to post the notice of consolidation, if polling places are consolidated. Additionally, the notice of consolidation should be posted to the party's website.

**Wednesday, February 28, 2018 (4th business day before primary election day)**

Last day for Secretary of State to receive requests for state election inspectors for general primary election. (Sec. 34.001).

## **March**

### **Thursday, March 1, 2018 (day before the last day of early voting in person)**

A voter who will be absent from his county of residence due to a death of an immediate family member occurring on or after this day may apply for a late ballot. Application may be made after the last day of early voting in person, up to the close of business on the day before primary election day. (Secs. 103.001 & 103.003). *See* entry under Saturday, March 3, 2018.

Deadline to post notice of delivery of early voting ballots and materials if delivery will be made to the early voting ballot board between the end of the period for early voting by personal appearance and the opening of the polls on primary election day (*see* entry under [March 6, 2018](#)), notice must be posted of such delivery, 24 hours in advance. (Secs. 87.0221, 87.0222, 87.023, 87.024 & 87.0241).

### **Friday, March 2, 2018 (4th day before primary election day)**

#### **Last day to vote early in person.**

Last day to publish notice of public test of automatic tabulating equipment, if test will be held on Sunday, March 4, 2018, and testing was not already completed. The public notice of the test of automatic tabulating equipment must be published at least 48 hours before the test begins. Additionally, for a primary election, the custodian must notify the county chair of the test 48 hours prior to the test. (Sec. 127.096).

**NEW LAW NOTE:** Section 127.096, as amended by House Bill 1735, 2017 Legislative Session, requires that for a primary election, the custodian of election records must give the county chair 48 hours of notice prior to the test. The county chair is required to confirm receipt of the notice.

Last day that early voting at a residential care facility may be conducted for voters residing in a residential care facility who applied to vote early by mail on the grounds of age or disability. (Sec. 107.007). *See* [Note 10](#).

As soon as possible after conducting voting at a residential care facility, but not later than **18 hours** after leaving the facility, the election judges **shall** deliver the ballot bag or container to the early voting clerk. (Sec. 107.013). *See* [Note 10](#).

Last day to mail a ballot to a qualified voter(s) residing at a residential care facility who sought to vote at the facility but was unable to cast a ballot during any time when voting was conducted at the facility. The election judges for the facility shall inform the early voting clerk not later than the fourth day before primary election day. The clerk shall mail the ballot to the voter **not later than the fourth day** before primary election day. (Sec. 107.014). *See* [Note 10](#).

**NEW LAW NOTE:** Section 107.014 as amended by House Bill 658 (2017) provides that if a qualified voter residing at a residential care facility and seeking to vote at the facility under Chapter 107 is not able to cast a ballot during any time when voting is conducted at the facility, the election judges for the facility shall inform the early voting clerk not later than the fourth day before election day. The clerk shall mail the ballot to the voter not later than the fourth day before primary election day.

**Saturday, March 3, 2018 (day after last day of early voting in person; 3rd day before primary election day)**

First day to **submit an application for and vote a late ballot** because of a death in the immediate family that occurred on or after Thursday, March 1, 2018 (“the day before the last day for early voting by personal appearance”), and will require absence from the county on election day. May submit application through Monday, March 5, 2018, the day before primary election day. (Secs. 103.001 & 103.003(b)).

First day to submit an application for and vote a late ballot because of sickness or disability that arose on or after Thursday, February 22, 2018. May submit application through 5:00 p.m. on primary election day. (Secs. 102.001 & 102.003).

Counties with a population of 100,000 or more and using electronic voting equipment may begin counting ballots voted in person or by mail during the early voting period. (Sec. 87.0241(b)).

**Sunday, March 4, 2018 (2nd day before primary election day)**

Last day to conduct public test of automatic tabulation equipment. Per Section 127.093, the test shall be conducted at least 48 hours before the automatic tabulating equipment is used to count ballots voted in an election and was not previously tested. We highly *recommend* that this test is done on an earlier date to allow time for corrections to programming, if necessary. (See [Note 6](#), above).

**Monday, March 5, 2018 (day before primary election day)**

Last day to 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).

Last day to submit application to vote a late ballot due to death in immediate family that occurred on or after Thursday, March 1, 2018. (Sec. 103.003).

Deadline for county chair to post notices of changed polling places. (Sec. 43.062).

Deadline for Voter Registrar to post notice of election night transfer of provisional ballots, IF the voter registrar wants to take possession of the provisional ballots and forms on election night (Tuesday, March 6, 2018). The voter registrar must inform the custodian of the election records and post a notice of the election night transfer no later than 24 hours before election day. . (1 T.A.C. §§ 81.172 – 81.174).

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

**Tuesday, March 6, 2018, PRIMARY ELECTION DAY (Sec. 41.007(a), (c))**

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

**NOTE ON NEW LAW:** Section 172.1111, as amended by House Bill 1735, 2017 Legislative Session, required that the notice of convention contain information about the time and place for convening the precinct, county, senatorial and state conventions.

<b>7:00 a.m. – 7:00 p.m.</b>	Polls are open. (Sec. 41.031(a)). Voter registrar’s and early voting clerk’s offices are open. (Secs. 12.004(c), 83.002(2) & 83.011).
<b>7:00 a.m. to 7:00 p.m.</b>	Sick and disabled persons may vote at the main early voting polling place if <b>voting machines</b> are used at regular polling place(s) on election day <u>and</u> 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).
<b>5:00 p.m.</b>	Deadline for receiving <b>applications</b> for late early ballots to be voted by persons who became sick or disabled on or after Thursday, February 22, 2018 (12th day before election day). (Sec. 102.003(b)). <i>See</i> entries at <a href="#">Thursday, February 22, 2018</a> , <a href="#">Friday, February 23, 2018</a> , and <a href="#">Saturday, March 3, 2018</a> .
<b>7:00 p.m.</b>	Regular deadline for receiving <b>early voting ballots</b> by mail. <b>BUT see <a href="#">entry</a> for Wednesday, March 7, 2018 on “late domestic ballots,” and <a href="#">entry</a> for Monday, March 12, 2018 on other “late” ballots.</b>  This is also the deadline to receive <b>late early ballots cast by voters who became sick or disabled</b> on or after Thursday, February 22, 2018 (12th day before election day). (Secs. 86.007(a) & 102.006(c)). <i>See</i> entries at <a href="#">Thursday, February 22, 2018</a> , <a href="#">Friday, February 23, 2018</a> , and <a href="#">Saturday, March 3, 2018</a> .
<b>7:00 p.m.</b>	County election officer begins transmitting results to Secretary of State and transmits continuously until results are final. (Sec. 68.034).

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

**NEW LAW NOTE:** An early voting mail ballot that is not received by 7:00 pm on election day may not be counted unless the ballot may be counted late, per House Bill 1151 (2017, RS), 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, their spouses and dependents (Sec. 101.057). See [entry](#) for Wednesday, March 7, 2018, and [entry](#) for Monday, March 12, 2018.

**Note on Delivery of Early Voting by Personal Appearance and Mail Ballots:** The early voting clerk delivers the voted ballots, the key to the double locked ballot box, etc., to the early voting ballot board at the time or times specified by the presiding judge of the early voting ballot board, during the hours on election day that the polls are open or as soon after the polls close as practicable. (Sec. 87.022). The custodian of the key to the second lock of the double locked early voting ballot box delivers his or her key to the presiding judge of the early voting ballot board on request of the presiding judge. (Secs. 85.032(d) & 87.025). **The custodian is the sheriff for county elections, elections ordered by the governor, and a primary election** (or the county judge in a year when the office of sheriff is on the ballot).

**Note on Manual Examination of Ballots Before Processing on Automatic Counting Equipment:** The central counting station manager shall direct the manual examination of all electronic voting system ballots to ascertain whether the ballots can be processed in the usual manner or if the ballots need to be duplicated to clearly reflect the voter's intent. (Sec. 127.125).

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

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

**Transfer of Provisional Ballots to Voter Registrar 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).

**Wednesday, March 7, 2018 (1st business day after primary 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 Postcard Application – “**FPCA**”), if the carrier envelope was placed for delivery by mail or common or contract carrier **AND** bears a cancellation mark of a postal service or a receipt mark of a common or contract carrier or a courier indicating a time not later than **7:00 p.m.** at the location of the election on election day, March 6, 2018. (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

**NEW LAW NOTE:** House Bill 1151 (2017) amended Section 86.007 to provide 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 primary 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; those voters have until the 6<sup>th</sup> day after primary election day to return their ballots. See [entry](#) for March 12, 2018.

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

**NOTE:** For the primary election, if the voter registrar wants to take possession of the provisional ballots and forms on election night (Tuesday, March 6, 2018), the voter registrar must inform the custodian of the election records and post a notice of the election night transfer no later than 24 hours before election day. However, under this type of delivery, the voter registrar **must** go to the office of the custodian of election records and pick up the provisional ballots and forms. Also, note that the voter registrar may take possession of provisional ballots prior to election night if ballots are kept separate and may be provided without unlawful entry into ballot box. (1 T.A.C. §§ 81.172 – 81.174).

#### **Monday, March 12, 2018 (6th day after primary election day)**

Last day to receive ballots from **non-military and any military voters** casting ballots from outside of the United States, who submitted an **ABBM**, (not an FPCA) **AND** who placed their ballots in delivery by 7:00 p.m. on primary election day, Tuesday, March 6, 2018, 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, March 12, 2018 due to the 5th day falling on a Sunday. (Sec. 86.007(d-1)).

**NEW LAW NOTE:** House Bill 1151 (2017) amended Section 86.007 to provide 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 primary election day.

Last day to receive ballots from **non-military voters** casting ballots from overseas, who submitted a **FPCA**, **AND** who placed their ballots in delivery by 7:00 p.m. on primary election day, Tuesday, March 6, 2018. (Sec. 86.007(d) and (e)). The deadline is extended to the next regular business day which is Monday, March 12, 2018 due to the 5th day falling on a Sunday. (Sec. 86.007(d-1)). See [NOTE](#) on House Bill 929 (2017, RS), below.

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.** (Secs. 101.057 and 101.001).

**NEW LAW NOTE:** House Bill 929 (2017, RS) amended Section 101.057 to provide 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) 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 military members listed above who applied to vote by mail using the FPCA does NOT need to bear a cancellation or receipt mark in order to be counted.**

Last day to post notice of the county chair and at least one member of the county executive committee's canvass of the returns for the primary election because canvass must take place on Thursday, March 15, 2018. This notice must be posted at least 72 hours before the scheduled time of the meeting. (Sec. 172.116; Secs. 551.002, 551.041 & 551.043, Texas Government Code).

Deadline for provisional voter to (1) present acceptable identification to county voter registrar; or (2) execute an affidavit relative to "natural disaster" or "religious objection" in presence of county voter registrar. (Secs. 65.054 & 65.0541; 1 T.A.C. §§ 81.172-81.174 & 81.176).

Deadline for county voter registrar to complete the review of provisional ballots. (1 T.A.C. §§ 81.172 – 81.174 & 81.176).

Deadline for custodian of election records or presiding judge of the early voting ballot board to retrieve provisional ballots from county voter registrar. (1 T.A.C. §§ 81.172 – 81.174 & 81.176).

**Tuesday, March 13, 2018 (7th day after primary election day; 2nd Tuesday in March)**

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

**Thursday, March 15, 2018 (2nd Thursday after primary election day, 9th day after Primary Election Day)**

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

- 1) any late domestic ballots (non-military) 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 primary election day, March 6, 2018, and were received not later than 5:00 p.m. on Wednesday, March 7, 2018. (Secs. 86.007(a) and 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 and were received by Monday, March 12, 2018. (Secs. 87.125(a) and 86.007(d)).
- 3) any ballots received by Monday, March 12, 2018, 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 and who applied for a ballot using an FPCA. (Secs. 101.057 and 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

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

Deadline for early voting ballot board to verify and count provisional ballots that were verified by the voter registrar. (Sec. 65.051(a)).

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

**NOTE ON NEW LAW:** Section 172.084(a), as amended by House Bill 1735, 2017 Legislative Session, requires that the order of candidates on the ballot for the runoff primary election be the same as the order of candidates on the ballot for the general primary election. As thus, a second ballot drawing for ballot order for the runoff primary election is no longer required.

Last day to post notice of state executive committee's meeting to canvass returns of primary election because state canvass must take place on Sunday, March 18, 2018. This notice must be posted at least 72 hours before the scheduled time of the meeting. (Sec. 172.116; Secs. 551.002, 551.041 & 551.043, Texas Government Code).

**Friday, March 16, 2018 (10th day after primary election day; 24 hours after local canvass)**

Deadline for presiding judge of early voting ballot board to notify mail ballot voters of rejected ballots. (Sec. 87.0431).

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

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

**Saturday, March 17, 2018 (1st Saturday after 2nd Tuesday in March)**

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

**Sunday, March 18, 2018 (2nd Sunday after the primary election day)**

Deadline for state executive committee to conduct state canvass for all races with potential runoffs (races with three or more candidates). *See* entry under [Wednesday, March 28, 2018](#). State chair must certify these candidates for statewide and district offices for placement on runoff primary election ballot to county chair as soon as practicable after canvass is completed. The certification will be posted to the secretary of state's website. (Secs. 172.120(b)(1) & 172.121, as amended by House Bill 1735, 2017 Legislative Session).

**NEW LAW NOTE:** Section 172.121, as amended by House Bill 1735, 2017 Legislative Session, now requires the state chair to certify runoff candidates for state or district offices by posting the candidates and their respective outcomes to the secretary of state's website.

**NOTE ON NEW LAW:** Section 172.084(a), as amended by House Bill 1735, 2017 Legislative Session, requires that the order of candidates on the ballot for the runoff primary election be the same as the order of candidates on the ballot for the general primary election. As thus, a second ballot drawing for ballot order for the runoff primary election is no longer required.

**Wednesday, March 21, 2018 (3rd day after state canvass of races with potential runoffs)**

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

**Thursday, March 22, 2018 (4th day after state canvass of races with potential runoffs; 61st day before runoff primary election)**

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

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

**Friday, March 23, 2018 (60th day before runoff primary election)**

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

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

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

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

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

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

**Saturday, March 24, 2018 (2nd Saturday after 2nd Tuesday in March)**

Minor parties will make nominations at the district convention for multi-county district offices. (Sec. 181.061(b)).

**Monday, March 26, 2018 (57th day before runoff primary election day, 11th day after local canvass)**

Deadline for the presiding judge of the early voting ballot board to notify provisional voters whether their ballots were counted and if not, the reason why they were not counted. (Sec. 65.059; 1 T.A.C. §§ 81.176(e)). (The deadline is extended to the next regular business day which is Monday, March 26, 2018 due to the **10th day falling on Sunday, March 25, 2018.** (Sec. 1.006).

**Wednesday, March 28, 2018 (22nd day after primary election day)**

Deadline for state chair to conduct the state canvass for races with no potential runoff. (*See* entry under [Sunday, March 18, 2018](#)).

**April**

**Wednesday, April 4, 2018 (20th day after local canvass of primary election)**

Deadline for county chair to post notice of the secretary of state's website the names of the persons elected as county chair and precinct chairs for the county. (Sec. 172.118, as amended by House Bill 1735, 2017 Legislative Session).

**NEW LAW NOTE:** Section 172.118, as amended by House Bill 1735, 2017 legislative session, no longer requires the county chair to provide written notice to the state chair and county clerk of new party officers. Instead, the county chair will post this information on the secretary of state's website.

**Thursday, April 5, 2018 (30th day after primary election day)**

Deadline for county clerk to deliver to Secretary of State precinct returns of primary election for statewide offices and the offices of U.S. senator, U.S. representative, state senator, and state representative, including precinct-by-precinct returns for early voting. Secretary of State shall create and maintain an electronic system for submission of the report. (Secs. 67.017 & 172.124).

**NOTE ON NEW LAW:** Section 172.124 (as amended by House Bill 1735, 2017 Legislative Session) provides that the county clerk will prepare and submit the report to the Secretary of State.

**Saturday, April 7, 2018 (45th day before runoff primary election day)**

Deadline for early voting clerk to mail ballots to military and overseas voters. If the clerk cannot meet this 45th-day deadline, the clerk must notify Secretary of State within 24 hours. If a federal postcard application ("FPCA") is received after the 45th-day deadline, the ballot should be mailed not later than the **7th calendar day** after the date the FPCA is received.

**NOTE:** The 45th-day deadline under Section 86.004(b) is *not* extended by Section 1.006 to the next business day. The ballots covered by Section 86.004(b) should be sent out on or before Saturday, April 7, 2018.

**Reminder:** In regards to mail ballots for other voters (not military or overseas), 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 45th day before runoff primary election day, the voter's mail ballot must be mailed no later than the 38th day before runoff primary election day. (Sec. 86.004(a)).

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

**Saturday, April 14, 2018 (2nd Saturday in April)**

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

**Wednesday, April 18, 2018 (34th day before runoff primary election day)**

Last day to post notice of the time or times for conducting early voting in person at a residential care facility by the election judge and on the political subdivision's website. This is the last day to post notice if the early voting in person at a residential care facility will take place on Monday, April 23, 2018. (Sec. 107.007). See [note](#) for April 23, 2018 and [Note 10](#).

**NEW LAW NOTE:** Section 107.007 as amended by House Bill 658 (2017) provides that if early voting at a residential care facility is required under Chapter 107 for voters residing in a residential care facility who have applied to vote early by mail on the grounds of age or disability, the early voting clerk **shall** give notice that early voting will occur at the facility and appoint election judges for the purpose of conducting voting. The election judge shall, with the input of the administrator of the residential care facility, designate one or more times for voting to be conducted. Voting may be conducted not earlier than the 29<sup>th</sup> day before election day and not later than the fourth day preceding election day. The fourth day preceding runoff primary election day is Friday, May 18, 2018. Notice of the time or times for conducting the election shall be posted at the residential care facility by the election judge and on the county's website as soon as practicable after determining the time **and not later** than the fifth day before the first day on which voting will be conducted at the facility.

**Friday, April 20, 2018 (32nd day before runoff primary election day and 12th day before first day signature verification committee may convene)**

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

If the signature verification committee will start meeting on Wednesday, May 2, 2018, **recommended date** early voting clerk should post copy of the order calling for appointment of the signature verification committee. (Saturday, April 21, and Sunday, April 22, 2018 are the 10th and 11th days before the first day the committee may meet.) The notice must remain posted continuously for at least 10 days before the first day the committee meets. (Sec. 87.027).

**Monday, April 23, 2018 (29th day before runoff primary election day)**

Last day to register to vote or make a change of address effective for the Tuesday, May 22, 2018 primary runoff election. (Secs. 13.143, 15.025).

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

First day that early voting at a residential care facility may be conducted for voters residing in a residential care facility who applied to vote early by mail on the grounds of age or disability. (Sec. 107.007). See Note 10 regarding early voting at a residential care facility.

As soon as possible after conducting voting at a residential care facility, but not later than **18 hours** after leaving the facility, the election judges **shall** deliver the ballot bag or container to the early voting clerk. (Sec. 107.013).

**NEW LAW NOTE:** Sec. 107.013 as amended by House Bill 658 (2017) provides that as soon as possible after conducting voting at a residential care facility, but not later than 18 hours after leaving the facility, the election judges **shall** deliver the ballot bag or container to the early voting clerk.

**Wednesday, April 25, 2018 (5th day after recommended date to order signature verification committee)**

If the early voting clerk issues order calling for appointment of signature verification committee, this is the deadline for the county chair to appoint the members to the committee. *See* entry under [Friday, April 20, 2018](#). (Sec. 87.027).

**May**

**Tuesday, May 1, 2018 (21st day before runoff primary election day)**

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

**NEW LAW NOTE:** Section 172.1112, as amended by House Bill 1735, requires that the county clerk, rather than the county chair, post the notice of election for the primary election.

**Wednesday, May 2, 2018 (20th day before runoff primary election day)**

Last day for a person to apply for a full ballot by mail using an FPCA, if the person is not a registered voter but meets the requirements under Title 2 of the Texas Election Code. (Secs. 101.052(e) & 101.055(a)). (If the voter marks the FPCA form indicating **“indefinitely” (older form) or “do not intend to return” (newer form)**, the voter receives a federal-only ballot.) Postmark with this date on the FPCA is proof that the applicant submitted the FPCA by this deadline. *See* entry below for FPCA without postmark at the 15th day before runoff primary election day, [May 7, 2018](#). (Sec. 101.052(e), (i)).

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

**Thursday, May 3, 2018 — Friday, May 11, 2018 (19th — 11th day before runoff primary election day)**

A person submitting an FPCA during this period who is **not** registered to vote is not entitled to receive a ballot for any non-federal election held on Tuesday, May 22, 2018. *See* entry below under [Monday, May 7, 2018](#) (FPCA without a postmark). (Secs. 101.052(g) & 114.004(c)).

**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 the early voting clerk's use (mailing ballots, etc.) and records **unless the voter marked "indefinitely" (older form) or "do not intend to return" (newer form)**, in which case, it will not serve as a permanent registration. (Sec. 101.055; 1 T.A.C. § 81.40).

Overseas (non-military) voters marking the FPCA as **"indefinitely" (older form) or "do not intend to return" (newer form)** receive a federal ballot only **regardless** of the date filed. (*See* Chapter 114). A person submitting an FPCA during this period is entitled to receive a federal ballot only (no state, district, or county offices), if not already a permanent registered voter. (Sec. 101.052(f)).

**Friday, May 4, 2018 (18th day before runoff primary election day)**

If a defective application to vote early by mail is received on or before this date, the early voting clerk must mail the applicant a new application with explanation of defects and instructions for submitting the new application. For defective applications received after this date and before the end of early voting by personal appearance, the early voting clerk must mail only the notice of defect and a statement that the voter is not entitled to vote early by mail unless he or she submits a sufficient application by the deadline. (Sec. 86.008).

**Sunday, May 6, 2018 (61st day after primary election day)**

First day the general custodian of election records may (1) require a person who has possession of a key that operates the lock on a ballot box containing voted ballots to return the key to the custodian; and (2) unlock the ballot box and transfer the voted ballots to another secure container for the remainder of the preservation period. (Sec. 66.058(b)). **Please note that the custodian is not required by law to do this on Sunday, May 6, 2018; the custodian may choose to transfer the voted ballots to another secure container for the remainder of the preservation period on Monday, May 7, 2018 or a later date.**

**Monday, May 7, 2018 (15th day before runoff primary election day)**

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 if the applicant is not already a permanent registered voter, but meets the requirements under Title 2 of the Texas Election Code. (Sec. 101.052(i)).

Deadline to notify election judges of duty to hold election (Writ of Election). Written notice must be given to the presiding judge of the duty to hold the election, purpose of election, the election date, location of the polling place, hours the polls are open, and the number of clerks to be appointed. (Sec. 4.007).

**Wednesday, May 9, 2018 (13th day before runoff primary election day)**

Last day to publish notice of L&A test if test is to be conducted on Friday, May 11, 2018, because notice must be published 48 hours before test begins. Additionally, for a primary election, the custodian must notify the county chair of the test 48 hours prior to the test. (Sec. 129.023).

**NEW LAW NOTE:** Section 129.023, as amended by House Bill 1735, 2017 Legislative Session, requires that for a primary election, the custodian of election records must give the county chair 48 hours of notice prior to the test. The county chair is required to confirm receipt of the notice.

**Thursday, May 10, 2018 (day before the last day to apply for a ballot by mail; 12th day before runoff primary election day)**

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

First day in counties with a population of 100,000 or more that early voting ballot boards may be convened and have delivered to them by mail ballots to begin processing and qualifying mail ballots; however, the mail ballots may not be counted until the end of the period for early voting in person and results may not be released until the polls close on election day. (Secs. 87.0221, 87.0222, 87.023, 87.024, 87.0241 & 87.042). 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).

**Friday, May 11, 2018 (11th day before runoff primary election; last business day 48 hours before start of early voting in person)**

Last day for early voting clerk to receive applications for a ballot to be voted by mail. (Sec. 84.007(c)). All applications to vote by mail must be received by the early voting clerk before the close of regular business or 12 noon, **whichever is later**. Applications to vote by mail must be submitted by mail, common or contract carrier, fax (if a fax machine is available in the office of the early voting clerk) or e-mail. The early voting clerk will need to designate an e-mail address for the receipt of applications for ballot by mail. (Sec. 84.007(c)).

Last day to receive a FPCA from a voter. If the voter is **not** registered in the county, the voter is eligible for a ballot containing federal offices only. (Secs. 101.052(g) & 114.004(c)).

Last day to conduct public L&A test of a voting system that uses DRE voting machines (or an electronic voting system which is subject to L&A testing under advisories issued by Secretary of State) used in early voting. We highly recommend that this test be done on an earlier date to allow time for corrections to programming, if necessary. (*See Note 6 prior to Calendar of Events.*) The test shall be conducted not later than 48 hours before voting begins on such voting systems, assuming that the voting system will first be used for early voting in person. (Sec. 129.023).

First day to mail ballots to voters who are residents of a residential care facility and who submitted applications for ballots to be voted by mail on the grounds of age or disability (if you did not receive 5 such applications for ballots to be sent to a given facility before this date). The ballots may be mailed after the close of regular business or 12 noon, **whichever is later**, on Friday, May 11, 2018. (Sec. 84.007(c) and 86.004). (See [Note 10](#) regarding early voting at a residential care facility.)

**NEW LAW NOTE:** House Bill 658 (2017) amended Section 86.004 to provide that an application to vote early by mail on the grounds of age or disability requesting that the ballot be sent to the address of a

residential care facility, as defined by Chapter 107, shall be held until the **earlier of**: 1) the date on which five or more applications for ballots to be voted by mail made by residents of the same facility who request that the ballots be sent to that facility have been received, in which case ballots may not be mailed to the voters and voting shall be conducted under Chapter 107; or 2) the last day on which an application for a ballot to be voted by mail may be received, after which the ballot shall promptly be mailed to the voter. Therefore, balloting materials **may not** be mailed to a voter at a residential care facility on the grounds of age or disability if five or more applications for ballots to be voted by mail are received from residents of the same facility. In that case, voting must be conducted under Chapter 107. If five or more applications **are not** received from residents of the same residential care facility on the grounds of age or disability, then the balloting materials for voting by mail shall be promptly mailed to the resident(s) **after** the last day on which an application for a ballot to be voted by mail may be received, which is the 11th day before runoff primary election day, Friday, May 11, 2018.

**Sunday, May 13, 2018 (9<sup>th</sup> day before runoff primary election day)**

Last day to post notice of the time or times for conducting early voting in person at a residential care facility by the election judge and on the county's website. This is the last day to post notice if the early voting in person at a residential care facility will take place on Friday, May 18, 2018. (Sec. 107.007) See Note 10 and [note](#) for Friday, May 18, 2018.

**5:00 p.m.** - Deadline to have the election judge, with the input of the administrator of a residential care facility, designate one or more times for early voting at a residential care facility. Early voting at a residential care facility may be conducted under Chapter 107 for voters residing in a residential care facility who applied to vote early by mail on the grounds of age or disability. (Sec. 107.007) Voting may be conducted not later than the fourth day preceding election day. The fourth day preceding runoff primary election day is Friday, May 18, 2018. See [Note 10](#) regarding early voting at a residential care facility.

**Monday, May 14, 2018 — Friday, May 18, 2018 (8<sup>th</sup> — 4<sup>th</sup> day before runoff primary election day)**

In counties with a population of 100,000 or more, the early voting clerk must keep the main polling place open for 12 hours each day during early voting for the runoff primary election. Early voting must be conducted at permanent branch locations for 12 hours each day. Early voting must be conducted for 12 hours on each **weekday** of the last week at required **temporary branch locations** (created under Section 85.062(d) of the Texas Election Code) if a written request signed by 15 registered voters was filed by Wednesday, May 9, 2018. Please note there is a 5-day notice posting requirement if the early voting clerk received petition requesting these extended hours. (Secs. 85.005(c), 85.063, 85.064 & 85.067).

In counties with a population of less than 100,000, the early voting clerk must keep the main polling place open for 12 hours each day for the primary election if 15 or more registered voters petition the county for the extended 12-hour schedule. (Secs. 85.005(c) & 85.067).

**Monday, May 14, 2018 (8<sup>th</sup> day before runoff primary election day)**

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

**NOTE:** The early voting period for the runoff primary election begins 10 days prior to election day, but because this day falls on a weekend (Saturday, May 12, 2018), it is extended to the next regular business day Monday, May 14, 2018. (Sec. 85.001(b), (c)).

**NOTE:** About branch early voting in a primary election: The commissioners court:

1. in a county with a population of 400,000 or more, **must** establish one or more temporary polling places, other than the main early voting polling place, in each state representative district containing territory covered by the election. The temporary polling place(s) must remain open the same days as the main early voting polling place, but the commissioners court determines the hours during which voting is to be conducted, unless a written request signed by 15 registered voters requesting the same number of hours as the main polling place is timely filed with the commissioners court;
2. in a county with a population of 120,000 or more but less than 400,000, **must** establish one or more temporary polling places, other than the main early voting polling place, in each commissioners precinct containing territory covered by the election. The temporary polling place(s) must remain open the same days as the main early voting polling place, but the commissioners court determines the hours during which voting is to be conducted, unless a written request signed by 15 registered voters requesting the same number of hours as the main polling place is timely filed with the commissioners court; or
3. in a county with a population of 100,000 or more but less than 120,000, **must** establish one or more early voting polling places in each commissioners court precinct for which the commissioners court receives a **timely filed written request by at least 15 registered voters of that precinct**. The temporary polling place(s) must remain open the same days as the main early voting polling place, but the commissioners court determines the hours during which voting is to be conducted, unless a written request signed by 15 registered voters requesting the same number of hours as the main polling place is timely filed with the commissioners court. (Secs. 85.062; 85.064).

**NOTE:** If a county has a population under 100,000, the location, days, and hours of temporary branch locations may be established **only** by the commissioners court. **No petition process is available.** (Sec. 85.065).

**NOTE:** A temporary branch polling place that is “movable” may be established only with the approval of the county clerk. If a movable temporary branch polling place is established on the request of a political party, each political party, whose nominee for governor in the most recent gubernatorial general election received more than 10 percent of the total number of votes received by all candidates for governor in the 2014 election, is entitled to the establishment of such a polling place. The election officers serving a polling place covered by this subsection must be appointed from the list submitted by the county chairs to the early voting clerk. (Sec. 85.062(e)).

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

If county election precincts are consolidated, county clerk must post at the polling place used in the preceding general election for state and county officers a notice of consolidation and location of the polling place. For purposes of conducting a runoff primary election, the “preceding general election” is the **preceding primary election**. (Secs. 4.003(b) & 172.1112). (The deadline is extended to the next regular business day which is Monday, May 14, 2018 due to the 10th day falling on Saturday, May 12, 2018.) (Sec. 1.006).

**NEW LAW NOTE:** Section 172.1112, as amended by House Bill 1735, 2017 Legislative Session, now requires that the county clerk, rather than the county chair, post the notice of consolidation. The notice should also be posted on the party’s website.

**Wednesday, May 16, 2018 (4th business day before runoff primary election day)**

Last day for Secretary of State to receive requests for state election inspectors for runoff primary election. (Sec. 34.001).

**Thursday, May 17, 2018 (day before the last day of early voting in person; 5th day before runoff primary)**

A voter who will be absent from his county of residence due to a death of an immediate family member occurring on or after this day may apply for a late ballot. Application may be made after the last day of early voting in person, up to the close of business on the day before runoff primary election day. (Secs. 103.001 & 103.003). See entry under [Saturday, May 19, 2018](#).

If delivery of early voting ballots and materials will be made to the early voting ballot board between the end of the period for early voting by personal appearance and the opening of the polls on runoff primary election day (see Note in entry under [May 22, 2018](#)), notice must be posted of such delivery 24 hours in advance. (Secs. 87.0221, 87.0222, 87.023, 87.024 & 87.0241).

**Friday, May 18, 2018 (4th day before runoff primary election day)**

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

Last day that early voting at a residential care facility may be conducted for voters residing in a residential care facility who applied to vote early by mail on the grounds of age or disability. (Sec. 107.007). See [Note 10](#).

As soon as possible after conducting voting at a residential care facility, but not later than **18 hours** after leaving the facility, the election judges **shall** deliver the ballot bag or container to the early voting clerk. (Sec. 107.013). See [Note 10](#).

Last day to mail a ballot to a qualified voter(s) residing at a residential care facility who sought to vote at the facility but was unable to cast a ballot during any time when voting was conducted at the facility. The election judges for the facility shall inform the early voting clerk not later than the fourth day before election day. The clerk shall mail the ballot to the voter **not later than the fourth day** before runoff primary election day. (Sec. 107.014). See [Note 10](#).

**NEW LAW NOTE:** Section 107.014 as amended by House Bill 658 (2017) provides that if a qualified voter residing at a residential care facility and seeking to vote at the facility under Chapter 107 is not able to cast a ballot during any time when voting is conducted at the facility, the election judges for the facility shall inform the early voting clerk not later than the fourth day before election day. The clerk shall mail the ballot to the voter not later than the fourth day before election day.

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

Deadline to publish notice of the first test of the automatic tabulating equipment, if the test is to be conducted as recommended on Sunday, May 20, 2018. The notice must be published at least 48 hours before the test. Additionally, for a primary election, the custodian must notify the county chair of the test 48 hours prior to the test. (Secs. 127.093 & 127.096).

**NEW LAW NOTE:** Section 127.096, as amended by House Bill 1735, 2017 Legislative Session, requires that for a primary election, the custodian of election records must give the county chair 48 hours of notice prior to the test. The county chair is required to confirm receipt of the notice.

**Saturday, May 19, 2018 (day after last day of early voting in person; 3rd day before runoff primary election day)**

First day to **submit an application for and vote** a late ballot because of a death in the immediate family that occurred on or after Thursday, May 17, 2018 (“the day before the last day for early voting by personal appearance”), and will require absence from the county on election day. May submit application through May 21, 2018, the day before runoff primary election day. (Secs. 103.001 & 103.003(b)).

First day to submit an application for and vote a late ballot because of sickness or disability that arose on or after Thursday, May 10, 2018. May submit application through 5:00 p.m. on runoff primary election day. (Secs. 102.001 & 102.003).

Counties with a population of 100,000 or more and using electronic voting equipment may begin counting ballots voted in person or by mail during the early voting period. (Sec. 87.0241(b)).

Early voting ballot board in all counties may meet to process ballots but may not begin actually counting ballots unless the county has a population of 100,000 or more. (Sec. 87.0241).

Last day to publish notice of the public L&A test of a voting system that uses DRE voting machines (or an electronic voting system which is subject to L&A testing under advisories issued by Secretary of State) used for the first time on election day, if test will be held on Monday, May 21, 2018. The last date to perform this test is Monday, May 21, 2018. Notice of the public L&A test must be published at least 48 hours before the test begins. Additionally, for a primary election, the custodian must notify the county chair of the test 48 hours prior to the test. (Secs. 1.006, 129.001 & 129.023).

**NEW LAW NOTE:** Section 129.023, as amended by House Bill 1735, 2017 Legislative Session, requires that for a primary election, the custodian of election records must give the county chair 48 hours of notice prior to the test. The county chair is required to confirm receipt of the notice.

**Sunday, May 20, 2018 (2nd day before primary election day)**

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

**Monday, May 21, 2018 (day before runoff primary election day; 75th day after minor party precinct conventions)**

Last day to submit an application for and vote a late ballot by personal appearance due to death in immediate family that occurred on or after Thursday, May 17, 2018. (Sec. 103.003).

Last day to 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).

Deadline for county chair to post notices of changed polling places. (Sec. 43.062).

Deadline for minor party chairs to submit petitions and precinct convention lists to Secretary of State and to the appropriate county clerk (or other county election official) for placement on the ballot. (Secs. 1.006, 181.005(a), 181.006(b)(3), 182.003, 182.004).

**Tuesday, May 22, 2018 (4th Tuesday in May) RUNOFF PRIMARY ELECTION DAY (Sec. 41.007(b)).**

<p><b>7:00 a.m. – 7:00 p.m.</b></p>	<p>Polls are open. (Sec. 41.031(a)). Voter registrar’s and early voting clerk’s offices are open. (Secs. 12.004(c), 83.002(2) &amp; 83.011).</p>
<p><b>7:00 a.m. to 7:00 p.m.</b></p>	<p>Sick and disabled persons may vote at the main early voting polling place if <b>voting machines</b> are used at regular polling place(s) on election day <b>and</b> 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 &amp; 104.003). However, if the early voting ballots by mail are processed at a location other than the main early voting polling place, the early voting clerk may require the voting to be conducted at that location. (Sec. 104.003).</p>
<p><b>5:00 p.m.</b></p>	<p>Deadline for receiving <b>applications</b> for late ballots to be voted by persons who became sick or disabled on or after Thursday, May 10, 2018 (12th day before runoff primary election day). (Secs. 84.007(c), 102.001 &amp; 102.003(b)). <i>See</i> entries at Thursday, May 10, 2018 and Friday, May 11, 2018.</p>
<p><b>7:00 p.m.</b></p>	<p>Regular deadline for receiving <b>early voting ballots</b> by mail. <b>BUT see <a href="#">entry</a> for Wednesday, May 23, 2018 on “late domestic ballots,” and <a href="#">entry</a> for Tuesday, May 29, 2018 on other “late” ballots.</b></p> <p>This is also the deadline for receiving early voting ballots by mail and late ballots cast by voters who became sick or disabled on or after Thursday, May 10, 2018 (12th day before runoff election day). (Secs. 84.007(c), 86.007(a) &amp; 102.006(c)). (See late ballot exception to the by-mail rule under entry for May 29, 2018). <i>See</i> entries at Thursday, May 10, 2018 and Friday, May 11, 2018.</p>
<p><b>7:00 p.m.</b></p>	<p>County election officer begins transmitting results to Secretary of State and transmits continuously until results are final. (Sec. 68.034).</p>

**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 runoff primary election day, May 22, 2018, **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)).

**NEW LAW NOTE:** An early voting mail ballot that is not received by 7:00 pm on election day may not be counted unless the ballot may be counted late, per HB 1151 (2017, RS), 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, their spouses and dependents (Sec. 101.057). See [entry](#) for Wednesday, May 23, 2018, and [entry](#) for Tuesday, May 29, 2018.**

**Note on Delivery of Early Voting by Personal Appearance and Mail Ballots:** The early voting clerk delivers the voted ballots, the key to the double-locked ballot box, etc., to the early voting ballot board at the time or times specified by the presiding judge of the early voting ballot board, during the hours on election day that the polls are open or as soon after the polls close as practicable. (Sec. 87.022). The custodian of the key to the second lock of the double-locked early voting ballot box delivers his or her key to the presiding judge of the early voting ballot board on request of the presiding judge. (Secs. 85.032(d) & 87.025). **The custodian is the sheriff for county elections, elections ordered by the governor, and a primary election** (or the county judge in a year when the office of sheriff is on the ballot). (Sec. 66.060).

**Note on Manual Examination of Ballots Before Processing on Automatic Counting Equipment:** The central counting station manager shall direct the manual examination of all electronic voting system ballots to ascertain whether the ballots can be processed in the usual manner or if the ballots need to be duplicated to clearly reflect the voter's intent. (Sec. 127.125).

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

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

**Transfer of Provisional Ballots to Voter Registrar 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).

### **Wednesday, May 23, 2018 (1st business day after runoff primary election day)**

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

**NOTE:** If the voter registrar wants to take possession of the provisional ballots and forms on election night (Tuesday, May 22, 2018), the voter registrar must inform the custodian of the election records and post a notice of the election night transfer no later than 24 hours before election day. However, under this type of delivery, the voter registrar **must** go to the office of the custodian of election records and pick up the provisional ballots and forms. Also, note that the voter registrar may take possession of provisional ballots

prior to election night if ballots are kept separate and may be provided without unlawful entry into ballot box. (1 T.A.C. §§ 81.172 – 81.174).

**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 Postcard Application – “**FPCA**”), if the carrier envelope was placed for delivery by mail or common or contract carrier **AND** bears a cancellation mark of a postal service or a receipt mark of a common or contract carrier or a courier indicating a time not later than **7:00 p.m.** at the location of the election on runoff primary election day, May 22, 2018. (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

**NEW LAW NOTE:** House Bill 1151 (2017) amended Section 86.007 to provide 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; those voters have until the 6<sup>th</sup> day after election day to return their ballots. See [entry](#) for May 29, 2018.

#### **Monday, May 28, 2018 (6th day after runoff primary election day)**

Last day to post notice of county executive committee’s meeting to canvass returns of runoff primary election because canvass must take place on Thursday, May 31, 2018. This notice must be posted at least 72 hours before the scheduled time of the meeting. (Sec. 172.116; Secs. 551.002, 551.041 & 551.043, Texas Government Code).

#### **Tuesday, May 29, 2018 (7th day after runoff primary election day)**

Last day to receive ballots from **non-military and any military voters** casting ballots from outside of the United States, who submitted an **ABBM**, (not an FPCA) **AND** who placed their ballots in delivery by 7:00 p.m. on runoff primary election day, Tuesday, May 22, 2018, 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 Tuesday, May 29, 2018 due to the **5th day falling on Sunday, May 27, 2018 and Monday, May 28, 2018 is Memorial Day, a state legal holiday.** (Secs. 86.007(d)(3), 1.006).

**NEW LAW NOTE:** House Bill 1151 (2017) amended Section 86.007 to provide 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 runoff primary election day, Tuesday, May 22, 2018. (Sec. 86.007(d) and (e)). The deadline is extended to the next regular business day which is Tuesday, May 29, 2018 due to the **5th day falling on Sunday, May 27, 2018 and Monday, May 28, 2018 is Memorial Day, a state legal holiday.** (Secs. 86.007(d)(3), 1.006).

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.** (Secs. 101.057 and 101.001).

**NEW LAW NOTE:** House Bill 929 (2017, RS) amended Section 101.057 to provide 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) 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 military members listed above who applied to vote by mail using the FPCA does NOT need to bear a cancellation or receipt mark in order to be counted.**

Deadline for provisional voter to (1) present acceptable identification to county voter registrar; or (2) execute an affidavit relative to “natural disaster” or “religious objection” in presence of county voter registrar. (Secs. 65.054 & 65.0541; 1 T.A.C. §§ 81.172-81.174 & 81.176).

Deadline for custodian of election records or presiding judge of the early voting ballot board to retrieve provisional ballots from county voter registrar. (1 T.A.C. §§ 81.172 – 81.174 & 81.176).

**Thursday, May 31, 2018 (9th day after runoff primary election day; 2nd Thursday after runoff primary election day)**

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

- 1) any late domestic ballots (non-military) 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, March 6, 2018, and were received not later than 5:00 p.m. on May 23, 2018. (Secs. 86.007(a) and 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 and were received by Monday, May 29, 2018. (Secs. 87.125(a)) and 86.007(d)).
- 3) any ballots received by Tuesday, May 29, 2018, 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 and who applied for a ballot using an FPCA. (Secs. 101.057 and 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

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

Deadline for early voting ballot board to verify and count provisional ballots that were verified by the voter registrar. (Sec. 65.051(a)).

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

## **June**

### **Friday, June 1, 2018 (10th day after runoff primary election day; 24 hours after local canvass)**

Deadline for presiding judge of early voting ballot board to notify mail ballot voters of rejected ballots. (Sec. 87.0431).

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

### **Saturday, June 9, 2018 (3rd Saturday after runoff primary election day)**

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

### **Monday, June 11, 2018 (11th day after local canvass; 20th day after runoff primary election day)**

Deadline for the presiding judge of the early voting ballot board to notify provisional voters whether their ballots were counted and if not, the reason why they were not counted. (Sec. 65.059; 1 T.A.C. §§ 81.172 – 81.174 & 81.176). (The deadline is extended to the next regular business day which is Monday, June 11, 2018 due to the **10th day falling on Sunday, June 10, 2018.**) (Sec. 1.006).

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

### **Wednesday, June 20, 2018 (20th day after local canvass)**

Deadline for county chair to post notice of the secretary of state's website the names of the persons elected as county chair and precinct chairs for the county. (Sec. 172.118, as amended by House Bill 1735, 2017 Legislative Session).

**NEW LAW NOTE:** Section 172.118, as amended by House Bill 1735, 2017 legislative session, no longer requires the county chair to provide written notice to the state chair and county clerk of new party officers. Instead, the county chair will post this information on the secretary of state's website.

### **Thursday, June 21, 2018 (30th day after runoff primary election day)**

Deadline for county clerk to deliver to Secretary of State precinct returns of primary election for statewide offices and the offices of U.S. senator, U.S. representative, state senator, and state representative, including precinct-by-precinct returns for early voting. Secretary of State shall create and maintain an electronic system for submission of the report. (Secs. 67.017 & 172.124).

**NOTE ON NEW LAW:** Section 172.124 (as amended by House Bill 1735, 2017 Legislative Session) provides that the county clerk will prepare and submit the report to the Secretary of State.

## **July**

### **Wednesday, July 11, 2018 (30th day after term of party office starts)**

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

### **Sunday, July 22, 2018 (61st day after runoff primary election day)**

First day the general custodian of election records may (1) require a person who has possession of a key that operates the lock on a ballot box containing voted ballots to return the key to the custodian; and (2) unlock the ballot box and transfer the voted ballots to another secure container for the remainder of the preservation period. (Sec. 66.058(b)). **Please note that the custodian is not required by law to do this on Sunday, July 22, 2018; the custodian may choose to transfer the voted ballots to another secure container for the remainder of the preservation period on Monday, July 23, 2018 or a later date.**

## **August**

### **Wednesday, August 1, 2018**

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

## **2020**

### **January 2020 (Twenty-two (22) months after 2018 primary election day)**

Contents of ballot box(es) may be destroyed if no contest or criminal investigation has arisen (Secs. 66.058 and 1.013; 42 U.S.C. 1974), and if no open records request has been filed (Tex. Att'y Gen. ORD-505 (1988)).

### **March 2020 (Twenty-two (22) months after 2020 runoff primary election day; two years after 2020 primary election day)**

Contents of ballot box(es) may be destroyed if no contest or criminal investigation has arisen (Secs. 66.058 and 1.013; 42 U.S.C. 1974) and if no open records request has been filed (Tex. Att'y Gen. ORD-505 (1988)).

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

**2022**

March 2022 (Four years after 2018 election day)

Voter registrar must retain list of registered voters for the **primary election** for four years after election day. (Sec. 18.011(b)).

**May 2022 (Four years after 2018 runoff primary election day)**

Voter registrar must retain list of registered voters for the **runoff primary election** for four years after election day. (Sec. 18.011(b)).