



Texas Secretary of State
ELECTIONS DIVISION



Preparing for the Primary Elections

43rd Annual
Election Law Seminar
for County Election Officials
August 11-13, 2025



Texas Secretary of State
ELECTIONS DIVISION

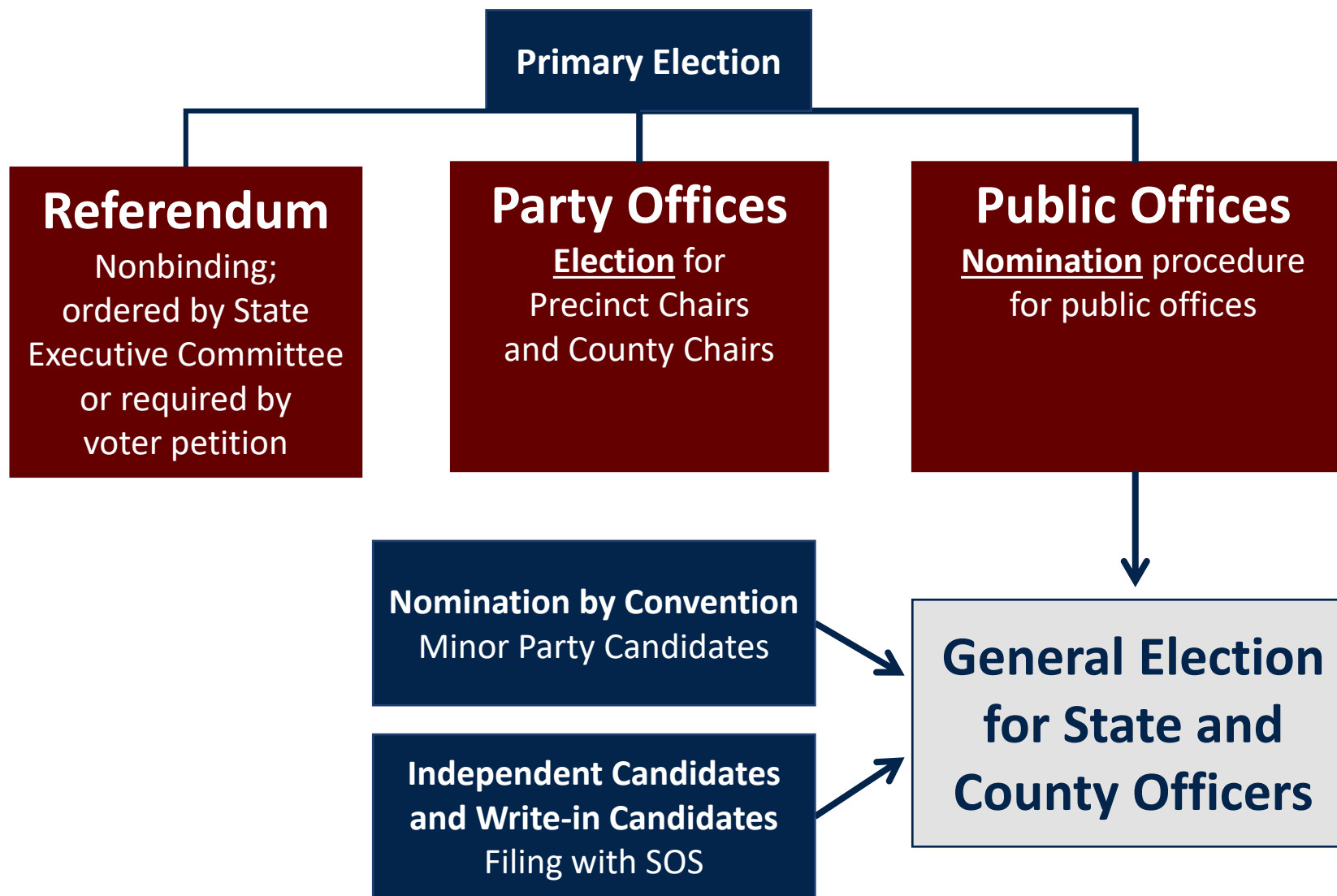


What Is a Primary Election?



Texas Secretary of State

ELECTIONS DIVISION





When Is the Primary?

Election Day

March 3, 2026

Early Voting

February 17*-
February 27, 2026

*February 17 is the
first business day
after Presidents' Day



Texas Secretary of State
ELECTIONS DIVISION



What Is Different About Primary Elections?



Table Share

Prompt:

- Discuss differences in how you run an election that **ONLY** happen during a primary



**Work together with people
at your table and the table
directly behind you**

Ensure that everyone has a
turn to share their thoughts,
ideas, or perspective

You will have
4 minutes
to discuss with
your group



**What Are Some Examples
Your Table Discussed?**



Differences During a Primary

Ordering the Primary

The Ballot Drawing

The Canvass

Posting Requirements

Filing Authority

Different Contracting Items to Consider

Party Affiliation Questions



Party Affiliation

- Party Affiliation expires at the end of the calendar year
- A voter can affiliate with a party by voting in the primary
- Instruct your workers that an election an individual votes in is public information.
- Be proactive in handling this possible question

General Political Party Affiliation Questions

The following provides answers to some commonly asked questions related to party affiliation and voting in the primary election. If you have additional questions related to affiliation, please contact the Secretary of State at 1-800-252-VOTE (8683).

All statutory references are to the Texas Election Code ("the Code"), unless otherwise indicated.

Q. I'm not sure if I'm registered; how can I confirm my voter registration status? ▾

Q. Do I have to register or affiliate with a party before I vote in the primary? ▾

Q. Does a voter have to vote in the general primary election in order to vote in a primary runoff election? ▾

Q. If I have voted for one party in a prior calendar year, do I have to vote in the same party's primary this year? ▾

Q. How can I change my party affiliation? ▾

Q. What if I signed a petition for a candidate for a place on the primary ballot? ▾

Q. If I signed a petition for a candidate for nomination in the Libertarian Party or Green Party, can I still vote in a primary election? ▾

Q. If I am not going to be 18 in time for the primary or primary runoff, but will be 18 by the time of the general election, can I vote in the primary? ▾

Q. I voted in the primary election. Why did they ask if I wanted a Republican or Democratic ballot? ▾

Q. Is the fact that I voted in a primary election confidential? ▾

Q. Why did I have to indicate party preference on my Application for a Ballot by Mail? ▾



Table Share

Prompt:

- Discuss any issues that these different procedures may cause as you prepare for your election.
- Have you come up with any solutions to these problems?



**Work together with people
at your table and the table
directly behind you**

Ensure that everyone has a
turn to share their thoughts,
ideas, or perspective

You will have
4 minutes
to discuss with
your group



Texas Secretary of State
ELECTIONS DIVISION



Things to Know About a Primary Election



Who Is the Early Voting Clerk?

- The county clerk/elections administrator is the early voting clerk for the following elections:
 - General election for state and county officers
 - **Primary election**
 - Special election ordered by the governor
 - Any countywide election held at the county's expense





What Is a County Required by Statute to do?



Early Voting



Posting certain notices



Entering unofficial tabulation of results



Voter registration duties



Receiving certain filings from **independent** candidates



Things the County May Not Do

- The county is **NOT** the filing authority
 - May not accept, review, or reject candidate applications
 - You can try and help answer any questions your county chairs ask
- Conduct the ballot drawing
- Canvass





Texas Secretary of State
ELECTIONS DIVISION



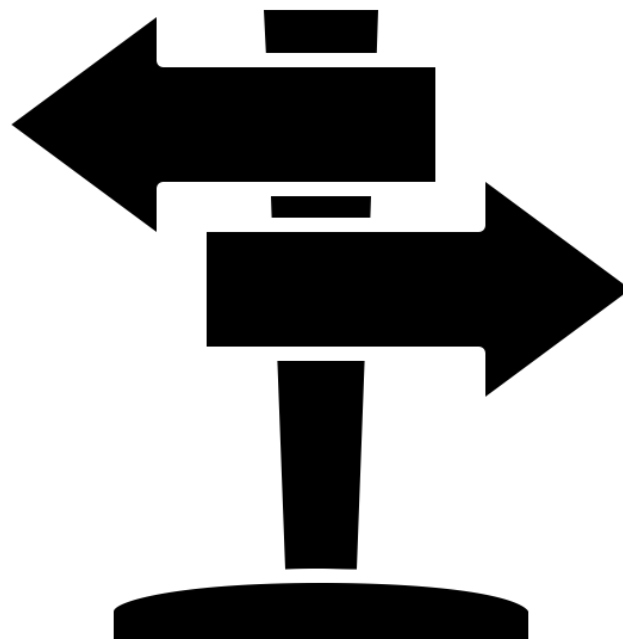
Candidate Applications and the Ballot Drawing



Who Is the Filing Authority in a Primary?

PRIMARY CANDIDATE

- State or county chair depending on the office



INDEPENDENT CANDIDATE

- Declaration of Intent must be filed with:
 - County judge for county or precinct offices
 - Secretary of State for district and state offices



What Happens if Your County Does Not Have a County Chair?

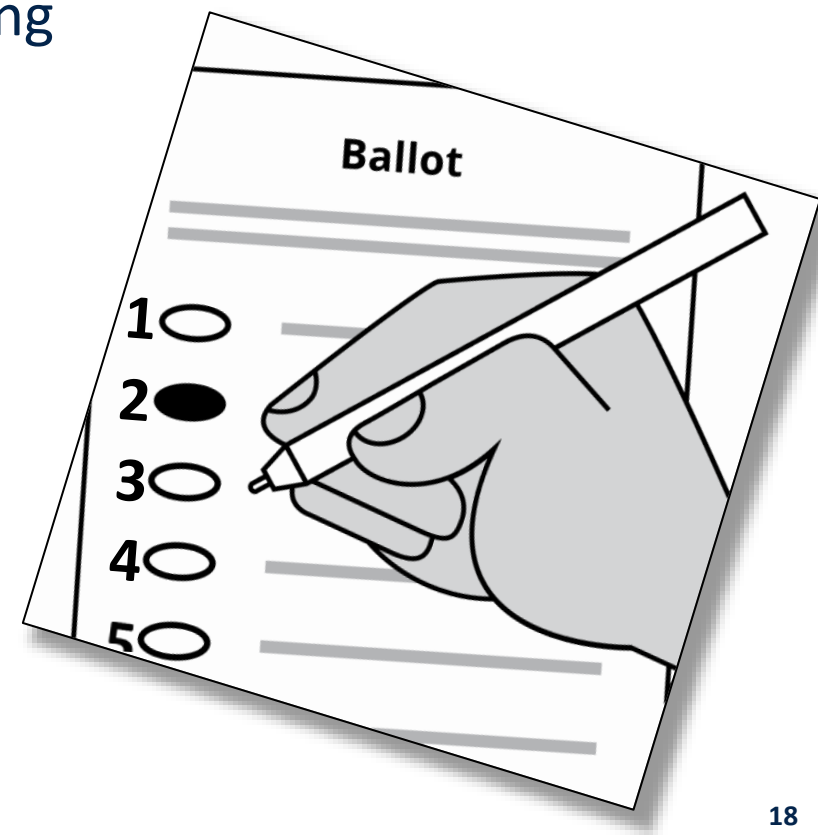
- If a county executive committee for a political party does not exist, the party shall establish a temporary county executive committee
 - The state executive committee or state chair shall appoint the temporary county chair [Sec. 171.027]
- This **DOES NOT** mean that the state chair can accept candidate applications on behalf of the county chair.





Conducting the Ballot Drawing

- The order of the candidates' names on the general primary election ballot for each county must be determined through a ballot drawing [Sec. 172.082]
- However, while the chair is responsible for the ballot drawing, our office recommends working with them to proof the ballot to ensure there are no issues to avoid a correction





Texas Secretary of State
ELECTIONS DIVISION



Contracting for the Primary



Contracting vs. Joint Election

Contract for Election Services

A contract between the county executive committee of a political party holding a primary in the county and the county election officer for specific election services that the county election officer would perform in a countywide election.

Joint Primary Agreement

When two political parties, who are holding primary elections, jointly hold the election in common precincts. The joint election agreement must be by written joint resolution and approved by majority vote of full commissioners court and unanimously approved by the county elections officer and county chairs of participating parties.



Joint Primaries

- Not all primaries where parties share polling places is a joint primary
- A joint primary requires **approval**
 - Majority of commissioners
 - Unanimous Consent of CEO and party chairs
- A joint primary uses a single set of workers
 - If you have two sets of everything, you are not holding a joint primary





Contracting vs. Joint Election

Contract for Services		Joint Primary Election Agreement
Parties	County, Party	County and Both Parties
Approval	County election officer and county executive committee	Majority of full commissioners court and unanimous approval of county elections officer and participating county chairs
Duty of County to Contact	Yes, for everyone	No duty to have a joint primary election



Reminders

- The county chair and county election officer are required to hold a meeting to discuss whether a joint primary will be conducted
- Other items required to be discussed include:

The lists of individuals to be appointed as deputy early voting clerks for the general election for state and county officers under Section 85.009

The lists of individuals to be appointed to the early voting ballot board for the general election for state and county officers under Section 87.002

The implementation of Chapter 87 and the rules governing the early voting ballot board and signature verification committee



Reminders

- There is **no statutory deadline** to hold this meeting, however, the earlier the better
 - At a minimum, our office recommends holding this meeting **no later** than the third week of November in the odd-numbered year before the primary election





How Does Not Having a Party Chair Impact the Contracting Process?

- If the office of county chair is vacant and the party is unable to establish a temporary executive committee, then on request by the state chair the CEO shall contract with the state chair to hold a primary election [Sec. 172.128]





Hand Counting and Contracting

The county may only establish countywide polling places if:

Each party agrees to use countywide polling locations.

If one party is conducting a hand count, both parties are required to conduct precinct-based voting

This would mean that **neither** party would be permitted to use countywide polling places for its individual primary election



Texas Secretary of State
ELECTIONS DIVISION



Voter Registration



Voter Registration Applications

**Deadline for
March 3 Primary**

February 2, 2026

**Deadline for May 26
Primary Runoff**

April 27, 2026



New Law: Senate Bill 2217

- Provides that an update to a voter's registration takes effect immediately upon the voter registrar's receipt of a notice of the voter's change of address if the voter changes residence within the same county as the voter's current registration address.
- Voter must have been registered prior to this.
- Does not permit unregistered voters to register on the same day



Texas Secretary of State
ELECTIONS DIVISION

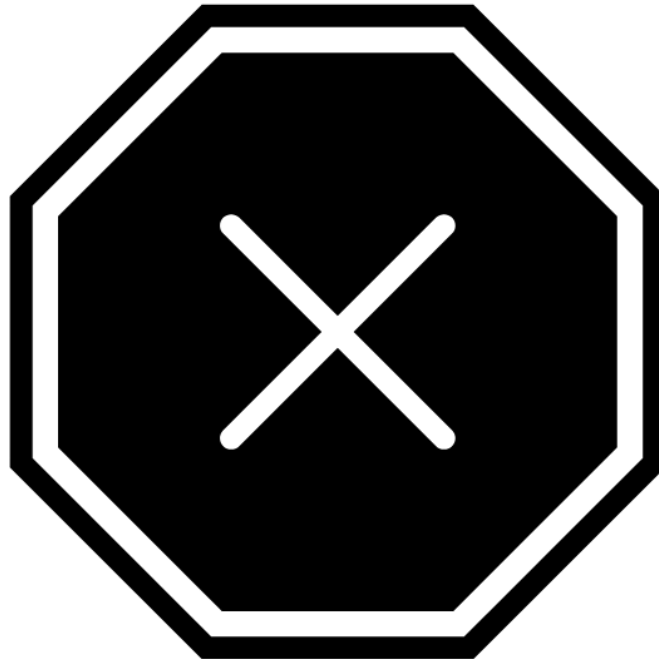


Order and Notices



A Primary Election Is **NOT** Ordered

- A primary election occurs *automatically* as a matter of law





Notice Requirements

- The county is responsible for posting several forms of notice on the county's website, regardless of whether the parties have contracted with the county for election services
- Those notices include:

Notice of
Election
[Sec. 4.003]

Early Voting Notices
under Sec. 85.007 (e.g.,
weekend days/hours)

Notice of Death,
Withdrawal, or Ineligibility
[Sec. 172.055]

Notices for testing voting
system equipment
[Secs. 127.096, 129.023]

Notice of
Consolidated Precincts
[Secs. 4.003, 172.1112]

Early Voting Rosters updated
daily/posted on county website
[Sec. 87.121]

Notice of Nearest Polling Place
(countywide counties only)
[Sec. 43.007]



Notice of Election

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



Notice of Election

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

DON'T FORGET:
The notice must be posted on your website



Publishing the Notice

- There is **NO** requirement to publish notice of the primary or runoff primary elections in a newspaper
 - Any publication will not be reimbursed with primary funds
- The notice must be posted on the county's website





Party Signage

- **Notice of Conventions [Sec. 172.1111]**
 - Before the opening of the polls during the early voting period and on election day, the presiding judge shall post at each outside door through which a voter may enter the building which the polling place is located a written notice in bold print of the date, hour, and place for each precinct, county, senatorial, or state convention that a voter in the precinct may be eligible to attend during the election year

18-14
Prescribed by Secretary of State
Section 172.1111, Texas Election Code
9/2023

NOTICE OF PRECINCT CONVENTION

Notice is hereby given that the precinct convention for precinct(s) _____ will be held today at _____ p.m. at _____
(location)

To be posted at each entrance to the polling place

Signature of Presiding Judge _____

opening of the polls.

cab0

18-16
Prescribed by Secretary of State
Section 174.064, Texas Election Code
9/2023

NOTICE OF COUNTY/SENATORIAL CONVENTION

Notice is hereby given to the registered voters of _____ County that the _____
county/senatorial convention will be held on _____ in _____ County at the following
hour and place:
Location _____
Dated this the _____ day of _____ Hour _____

Instructions:
The notice shall be posted on the commissioner's court bulletin board for 10 days prior to the convening
of the convention. A copy of the notice shall also be filed with the county clerk/elections administrator
not later than 10 days before the convention.

Signature of County Chair _____

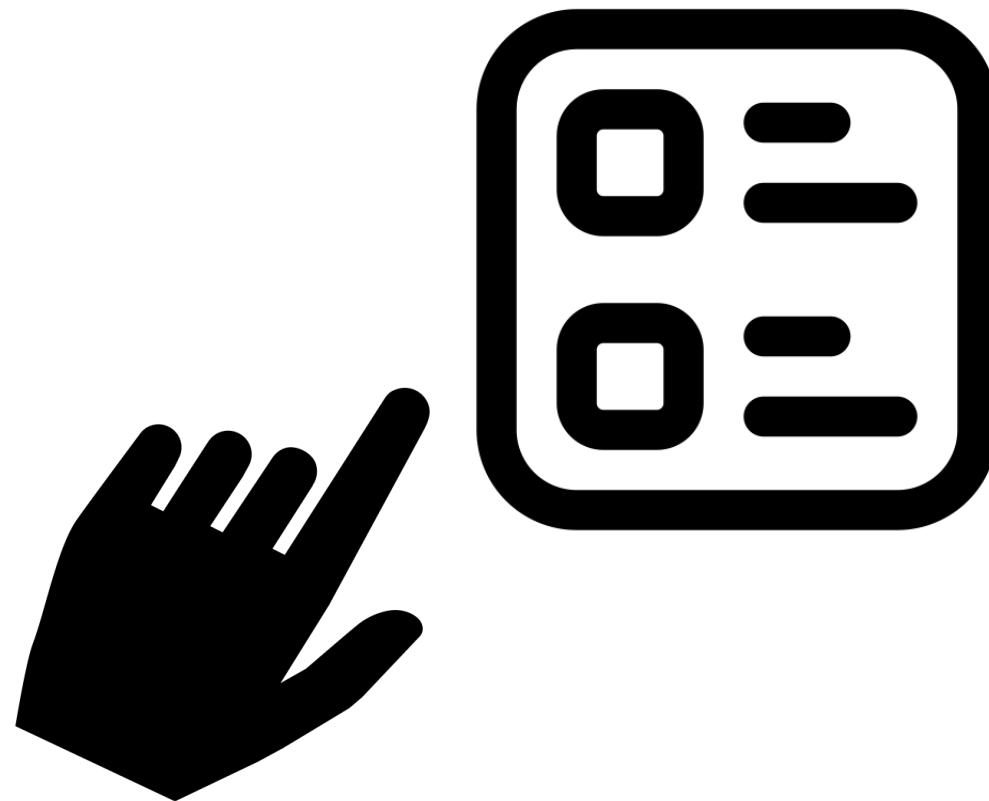
AVISO DE LA CONVENCIÓN DEL CONDADO/SENADO

Por lo presente se les da aviso a los votantes registrados del Condado de _____
convención del condado/senado se llevará a cabo el día _____
de _____ a la siguiente _____



Distributing Party Signage

- A county may distribute signage provided by the party to indicate to voters which party is present at certain polling locations.
- If your county distributes signage for one party, our office recommends working with the other party to ensure equal treatment.
- Remember that any signs not authorized to be posted at a polling location must be posted outside the 100 foot zone.





Early Voting and Election Day Rosters

EV clerks shall maintain roster for each election listing who votes early in person, and who is mailed a ballot by mail

Roster must be updated daily. Roster must include:

- Name and VUID
- Voter's county election precinct of registration
- Date of voting by personal appearance or date ballot was mailed to the voter

Recommendation: Create two rosters for your mail ballots—one for ballots that have been mailed but not returned, and a separate list of ballots by mail that have been received.



Early Voting and Election Day Rosters

- Information on the roster for:
 - A person who votes an early voting **ballot by personal appearance** must be made available for public inspection not later than 11 a.m. on the day after the date the information is entered on the roster
 - A person who votes an early voting **ballot by mail** must be made available for public inspection not later than 11 a.m. on the day following the day the EV clerk receives a ballot voted by mail
 - For a **primary election** or the GESCO, election day information must be submitted to the SOS for posting no later than 11 a.m. on the day after the election



Early Voting and Election Day Rosters

- If the CC/EA is the early voting clerk, the information must be posted on the county's website or, if none, on the bulletin board
 - If an early voting clerk fails to post their early voting rosters in accordance with Section 87.121, a person registered to vote in the county where the early voting clerk is conducting early voting may file a complaint with the Secretary of State regarding the early voting clerk's noncompliance

[illegible]

Secretary of State
Texas Election Code

Roster for Early Voting by Mail

(LISTA DE VOTANTES QUE VOTAN ADELANTADA EN PERSONA)

For the _____ Election to be held on _____
 (Para la Elección _____ que se celebrará el _____)

VUID Number <i>(Número de VUID)</i>	Name of Early Voter <i>(Nombre del Votante que Votó Adelantado)</i>	Residence Address <i>(Dirección de Residencia)</i>	Date <i>(Fecha)</i>	☐ FPCA <i>(Notación Adicional)</i>



Texas Secretary of State
ELECTIONS DIVISION



Early Voting in Person



Early Voting Period

- **General Rule**
 - Begins 17 days before election day
 - Ends 4 days before election day
 - Notable exception:
 - Primary runoff—10th day before election day to 4th day
- **Early Voting for the 2026 Primary Elections:**

March 3, 2026 Primary
Tuesday, February 17, 2026—
Friday, February 27, 2026

May 26, 2026 Primary Runoff
Monday, May 18, 2026—
Friday, May 22, 2026



Early Voting Days and Hours

- Early voting by personal appearance must be conducted at the main early voting polling place for at least **nine hours each weekday of the early voting period** that is not a legal state holiday
 - No voting will occur on Monday, February 16, 2026 because of Presidents' Day
 - Voting may not be conducted earlier than 6 a.m. or later than 10 p.m.





Extended Weekday Early Voting

- All counties (regardless of population) must conduct early voting by personal appearance at the main early voting polling place for at least **12 consecutive hours on each weekday of the last week of the early voting period**
 - Voting may not be conducted earlier than 6 a.m. or later than 10 p.m.





Extended Weekend Early Voting

- All counties (regardless of population) must conduct early voting by personal appearance at the main early voting polling place for:

At least 12 consecutive hours the last Saturday of the early voting period

- Voting may not be conducted earlier than 6 a.m. or later than 10 p.m.

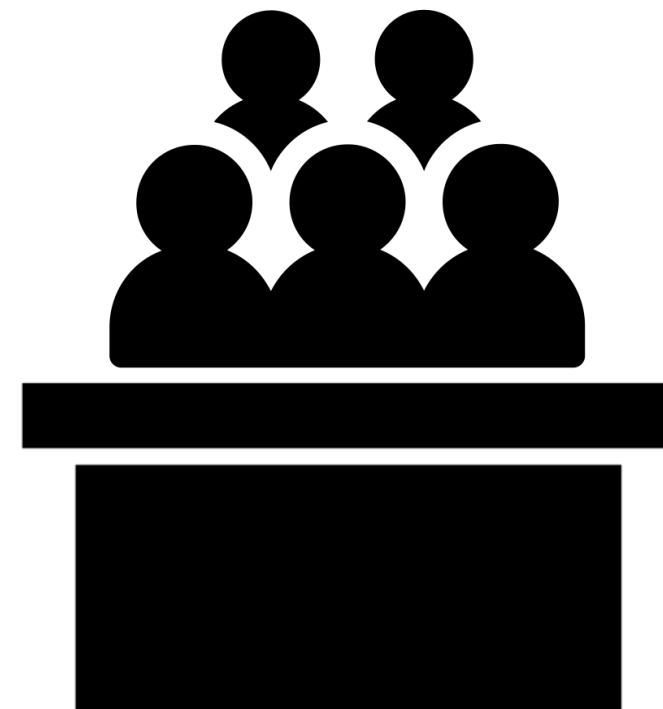
At least 6 consecutive hours the last Sunday of the early voting period

- Voting may not be conducted earlier than 9 a.m. or later than 10 p.m.



Mandatory Temporary Branch Locations

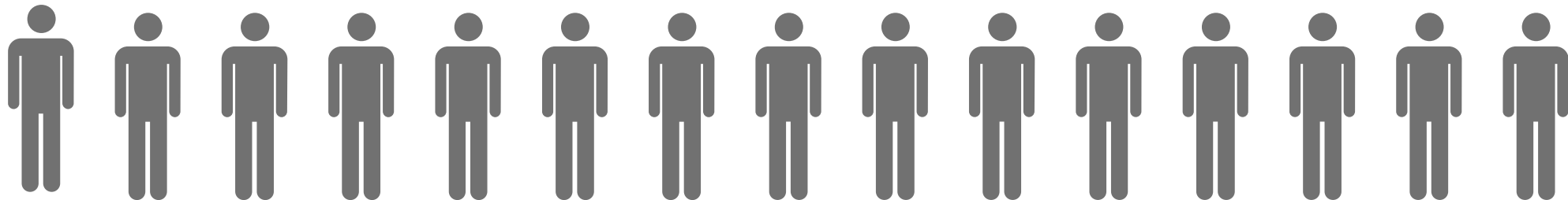
- In a county with a population of **400,000 or more**, the commissioners court must establish one or more temporary polling places, other than the main early voting polling place, in each state representative district containing territory covered by the election
- In a county with a population of **120,000 or more but less than 400,000**, the commissioners court must establish one or more temporary polling places, other than the main early voting polling place, in each commissioners precinct containing territory covered by the election





Mandatory Temporary Branch Locations

- In a county with a population of **100,000 or more but less than 120,000**, the early voting clerk must establish one or more early voting polling places in each commissioners precinct for which the early voting clerk receives a timely filed written request submitted by at least 15 registered voters of that precinct
 - The written request must be received in time to enable compliance with Section 85.067





Temporary Branch Locations

- For **ALL** counties (regardless of population size), early voting by personal appearance at each temporary branch polling location must be conducted on the same days Early Voting is required at the main early voting location and for at least **eight hours each day**





Weekend Voting at Branch Locations

- The early voting clerk is required to order Early Voting at each mandatory temporary branch location established under Section 85.062(d):
 - At least **12 consecutive hours** the last **Saturday** of the early voting period
 - Voting may not be conducted earlier than 6 a.m. or later than 10 p.m.
 - At least **6 consecutive hours** the last **Sunday** of the early voting period
 - Voting may not be conducted earlier than 9 a.m. or later than 10 p.m.
- The early voting clerk may order Early Voting on a Saturday or Sunday at any one or more of the temporary branch locations



Appointment of Deputy Early Voting Clerks

- The appointment process for Deputy Early Voting Clerks will depend on whether you are conducting joint or separate primary elections:
 - **Separate Primary**
 - Deputy EVC are appointed through list procedures
 - If the chairs do not provide a list, you must take a reasonable effort to consult with the chair
 - The deadline for submission of the list in a separate primary is set by the county election official
 - **Joint Primary**
 - The Deputy EVC are appointed by the county election officers
 - There is no list procedure for Deputy EVC in a Joint Election



Texas Secretary of State
ELECTIONS DIVISION



Election Day



Office Hours

- Must keep Early Voting Clerk's office open from **7 a.m.-7 p.m.** on Election Day.
- Must deliver supplies to polling places
 - Must securely transport voting systems to polling place and securely store equipment in polling place before voting begins
 - Must deliver other supplies (e.g., forms, booths) [Secs. 83.011, 51.004]





Election Night Returns (ENR)

- The county is responsible for entering early voting and election day vote totals into the Texas Election Administration Management (TEAM) system on election night





Texas Secretary of State
ELECTIONS DIVISION

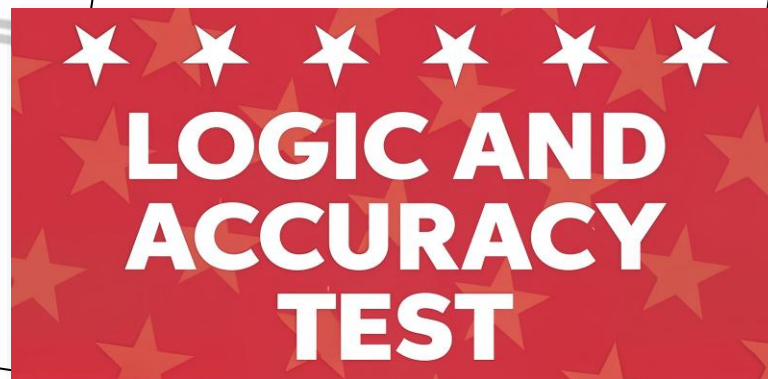


Election Security



Logic and Accuracy Testing

- If the county is using electronic voting equipment, the general custodian is required to conduct both a Logic and Accuracy Test (L&A) and a test of the automatic tabulating equipment
- Also, after the counting of ballots or accumulation of vote totals has been completed

A sample of a "LOGIC AND ACCURACY TEST BALLOT" form. It shows two contests, each with four candidates (A, B, C, D for Contest #1 and E, F, G, H for Contest #2). Each candidate has a radio button next to their name, with the first one in each contest being filled in.A sample of a "CERTIFICATION OF PUBLIC LOGIC AND ACCURACY TEST, HASH VALIDATION AND FIRST TEST OF AUTOMATIC TABULATING EQUIPMENT" form. It includes fields for the name of the election, the date of the election, and a section for the Presiding Judge of the Central Counting Station and the General Custodian of Election Records to certify the hash validation comparison, Public Logic and Accuracy Test, and the First Test of the Automatic Tabulating Equipment.



Logic and Accuracy Testing

First Test (Tabulation and L&A)

- **NEW LAW: SB 2166** amended 129.023(b) to require that the first test must be conducted no later than the **48th day** before voting begins on the equipment (early voting)
 - Notice of the tests must be published at least 48 hours before the test begins and posted on the county's website
 - Additionally, the custodian must notify the county chair of the test and the chair must confirm receipt of the notice

Second Test

- Shall be conducted immediately before the counting of ballots or accumulation of vote totals begins

Third Test

- Shall be conducted



Ballot Box Keys

Requirements for Early Voting



- Ballot boxes must have **two locks with two different keys**, one of which is retained by the early voting clerk and the other is retained by the custodian of keys under Section 66.060

Requirements for Election Day

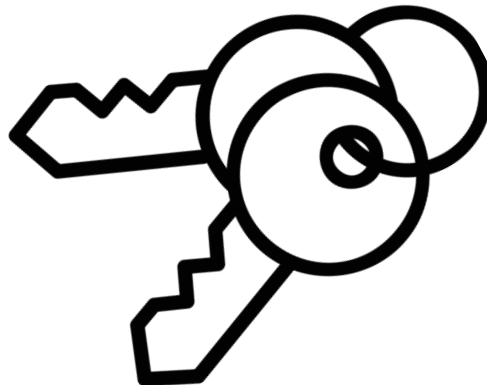


- Ballot boxes must have a **lock with a key** that is retained by the custodian of keys under Section 66.060
- The presiding judge will retain the key, and will deliver the key in person to the custodian of the keys at the time that the precinct election records are delivered to the general custodian of election records



Ballot Box Keys

- Section 66.060 states that the **sheriff** is the custodian of keys, except:
 - If the sheriff is on the ballot, then the **county judge**
 - If the sheriff and county judge are both on the ballot, then the **county auditor**, or if the county does not have a county auditor, then a designated **member of the commissioners court** who is not on the ballot and who is appointed for that role by the commissioners court





Livestreaming and Camera Requirements

- The general custodian in a county with a population over 100,000 shall establish a video recording system that must be made available as a livestream that captures all areas containing voted ballots from the time that the ballots are first delivered to:
 - Early Voting Ballot Board
 - Signature Verification Committee
 - Central Counting Station
- If the voted ballots will be moving from one location to another location during the required timeframe, the recording should also record those voted ballots while they are in transit through hallways or other areas in the office
[Sec. 127.1232]





Texas Secretary of State
ELECTIONS DIVISION



Post-Election



Canvass

- **Local canvass** is conducted by *county chair* (or county chair's designee) and at least one member of the county exec committee, if available
 - CEO will submit canvass report to SOS
 - County chair will certify the canvass report electronically
 - County chair will certify nominees for county/precinct offices electronically via SOS website
- **State canvass** is conducted by *state chair*
 - State canvass is based on county canvass reports
 - State chair will certify nominees for district/statewide offices electronically via SOS website

11-14
Prescribed by Secretary of State
Section 67.004, Texas Election Code
9/2023

CANVASS OF GENERAL ELECTION

I, _____, _____ (office)
(name)

of _____, Texas, met with the _____ (body acting as canvassing board)
(political subdivision holding election)

sitting as the canvassing board to canvass the general election of _____, 20____
on _____, 20____ at _____, Texas.

_____ tally sheets correspond with the figures on the returns. _____, 20____.



Hand Count Election Audit

- If the county tabulated their ballots using an optical/digital scanner, then the general custodian must conduct a hand count election audit after the election

[illegible]



Voting History and Record Retention

- **Voting History**

- The general custodian must submit voting history to the SOS no later than the 30th day after election day [Sec. 18.069]

- **Record Retention**

- All election records must be preserved for 22 months after election day
- Election results must be permanently maintained in the election register [Sec. 67.006]





Available Support



WEBINARS



TRAINING



RESOURCES

elections@sos.texas.gov

800-252-VOTE • 512-463-5650

sos.texas.gov