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# May 7, 2016 Election Law Calendar

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The uniform election date in May of an even-numbered year is a date in which many local political subdivisions, such as cities, school districts, and water districts have their regular general elections for members of their governing bodies or special elections to fill vacancies. Therefore, this calendar is required to meet the needs of many diverse governmental bodies. If there are questions about the applicability of something in this calendar to your specific election, do not hesitate to call the Elections Division of the Office of the Texas Secretary of State at 1-800-252-VOTE(8683).

DECEMBER 2015

| S  | M                  | T  | W  | T  | F  | S  |
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JANUARY 2016

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FEBRUARY 2016

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| 21 | 22                 | <a href="#">23</a> | <a href="#">24</a> | 25 | <a href="#">26</a> | <a href="#">27</a> |
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MARCH 2016

| S                  | M                  | T                  | W                  | T                  | F                  | S  |
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APRIL 2016

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MAY 2016

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JUNE 2016

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| 19 | 20                | 21 | 22                | 23                 | 24 | 25 |
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JULY 2016

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| 10 | 11 | 12 | 13 | 14                | 15 | 16 |
| 17 | 18 | 19 | 20 | 21                | 22 | 23 |
| 24 | 25 | 26 | 27 | 28                | 29 | 30 |
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AUGUST 2016

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## 1. Note on Campaign Information

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

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

On June 25, 2013, the United States Supreme Court issued its decision in Shelby County v. Holder, 133 S. Ct. 2612 (2013). The Supreme Court's decision holds that Section 4 of the federal Voting Rights Act of 1965 is unconstitutional and its formula can no longer be used as a basis for subjecting jurisdictions to preclearance. Accordingly, unless and until there is new law from the United States Congress signed by the President or other court order, the Texas Attorney General has advised the Secretary of State that it is no longer required to submit voting changes to the DOJ for preclearance. We suggest that Texas counties or other Texas political subdivision discuss the effect of Shelby and the continuing applicability of other provisions of the Voting Rights Act with their legal counsel.

## 3. Note on Statutory References

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

#### **4. Note on Contracts for Election Services on May Uniform Date in Even-Numbered Year**

With few exceptions, counties are not authorized to hold an election ordered by county authority on the May uniform election date in an **even-numbered year**. Also, a county elections administrator may refuse to provide election services by contract for an election that is held on the May uniform election date in an even-numbered year. (Sec. 41.001(d)). In May 2017 we will return to the general rules where counties are authorized to hold an election ordered by county authority; and a county elections administrator may not refuse to provide election services by contract.

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

Sections 42.002 and 42.0621, as amended by House Bill 2027 (2015), provides all political subdivisions, including those created under Section 52, Article III or Section 59, Article XVI of the Texas Constitution and located in a county or adjacent to a county of more than 3.3 million people, must use county election precincts. Therefore, **all political subdivisions holding an election on May 7, 2016 must use county election precincts and polling places on election day, unless:**

1. the political subdivision has not established any temporary branch early voting polling places (the political subdivision only has its main early voting polling place); or
2. the political subdivision conducts early voting by personal appearance at 75 percent or more of its temporary branch polling places on the same days and during the same hours as voting is conducted at the main early voting polling place; and at each remaining polling place for at least two consecutive days of voting during the early voting period, and for at least eight hours on each of the two consecutive days.

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

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

#### **7 Note on Joint Election Requirement for School Districts**

School districts conducting trustee elections must have joint polling places on election day with either:

1. a city holding an election on the uniform election day (located wholly or partly within the school district's boundaries);
2. a public junior college district if it is having an election for members of its governing board in which the school district is wholly or partly located;
3. in limited circumstances, a hospital district; or
4. the county on the November uniform election day in even-numbered years.

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

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

Many entities will have joint elections for the May 7, 2016 election. Note that the entries in this calendar are generally written in terms of elections held individually rather than jointly. For example, cities are advised about conducting two 12-hour days for early voting. However, we have long advised different entities who conduct early voting together to coordinate their early voting hours, which may result in entities other than cities also holding early voting on two 12-hour days. On the other hand, depending on the plan, different entities may choose to do different things separately, i.e., not holding early voting together. Not all joint election plans are alike. With a few exceptions, we do not discuss the impact of coordinating rules for a joint election, as we think this would make the calendar longer and confusing. We encourage joint election partners to read through the entire calendar, taking note of the rules affecting the partner entities and to address the differences within the agreement itself. If you have questions about how different rules apply to a particular joint election plan, please contact our office by phone or email.

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

Political subdivisions other than cities and school districts may have specific statutory notice requirements. In the absence of specific statutory requirements, such political subdivisions must post a notice on or before the 21st day before the election. (Sec. 4.003(b)). For the Saturday, May 7, 2016 election, this notice must be posted on or before Monday, April 18, 2016.\* The general rule is that, additionally, notice must be given using one of the following methods:

- A. By posting a notice in each election precinct in which the election is to be held on or before the 21st day before the election, Monday, April 18, 2016. (Secs. 1.006, 4.003(a)(2)).
- B. By publishing the notice at least once between the 30th day and the 10th day before the election, Thursday, April 7, 2016 – Wednesday, April 27, 2016. (Sec. 4.003(a)(1)).
- C. By mailing a copy of the notice to each registered voter of the territory covered by the election, not later than the 10th day before election day, Wednesday, April 27, 2016. (Sec. 4.003(a)(3)).

\*Since the 21st day before the election falls on a Saturday, the deadline is extended to the next business day, Monday, April 18, 2016.

### **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 (required to be in the notice for all political subdivisions except counties and cities), if any; and
- 7. The early voting clerk's mailing address.

**NOTE - NEW LAW:** HB 1927 (2015) amended Section 84.007 to allow email transmission of a completed, scanned application for a ballot by mail containing an original signature and to require the early voting clerk to designate an email address for receipt of such applications. Therefore, we recommend that the notice of the election also include the email address at which the early voting clerk may receive applications for a ballot by mail. For more information on email submission of the ABBM, see [Tex. Sec'y of State Election Advisory No. 2015-08](#).

The following forms may be used:

-[Notice of General Election for Cities](#)

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

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

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

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

**Note for Cities and School Districts:** Cities and school districts are required to publish their notice in a newspaper in accordance with Section 4.003(a)(1) (See B, above) and may also give any additional notice. (Sec. 4.003(c)).

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

**Note for Cities:** Cities must choose two weekdays to be open for 12 hours during the regular early voting period. The city council must choose the two weekdays and the hours the site will be open, and include that information in the notice. (Sec. 85.005(d)).

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

The election notice shall be posted on the political subdivision's website, if the political subdivision maintains a website. The order and notice should include all days and hours for early voting by personal appearance including voting on ANY Saturday or Sunday. (Secs. 85.006 & 85.007).

**NOTE - NEW LAW:** Section 85.007, as amended by House Bill 2721 (2015) requires that the election notice, which includes the days and hours of early voting be posted on the political subdivision's website, if the political subdivision maintains a website.

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

The governing body of a political subdivision must deliver notice of the election to the county election officer and voter registrar of each county in which the political subdivision is located not later than the 60th day before election day, Tuesday, March 8, 2016. (Sec. 4.008).

## **10 Note of Extended Early Voting Hours and Branch Locations**

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

**Note for All Political Subdivisions, Except Counties & Cities:** Voting on **ANY** Saturday or Sunday must be included in the order and notice of election. The order and notice must include the dates and hours of Saturday or Sunday voting. (Secs. 85.006, 85.007). The political subdivision **must** have early voting on Saturday or Sunday, *if* a [written request](#) is received from at least 15 registered voters of the political subdivision in time to comply with the posting requirement. (Sec. 85.006(d)).

**NOTE ON NEW LAW:** Section 85.007, as amended by House Bill 2721 (2015) requires that the election notice, which includes the days and hours of early voting be posted on the political subdivision's website, if the political subdivision maintains a website. This would include any Saturday or Sunday hours.

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

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

## **12 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](#)). 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. (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.

# Calendar of Events

## December

**Monday, December 21, 2015 (30th day before Wednesday, January 20, 2016, first day to file an application for a place on the ballot)**

-Cities, Schools, and Other Political Subdivisions: Post [Notice of Deadline to File Applications for Place on the Ballot](#) in a building in which the authority maintains an office. The notice must be posted not later than the 30th day before the first day to file. (Sec. 141.040; Sec. 49.113 Water Code).

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

## January

**Wednesday, January 20, 2016 (30th day before Friday, February 19, 2016, regular filing deadline for a place on the ballot)**

-First day to file an application for a place on the ballot. (Secs. 143.007, 144.005 Election Code; Secs. 11.055 and 130.082(g) Educ. Code). The following applications may be provided to candidates:

**Cities:** [Application for a Place on the City of \\_\\_\\_\\_\\_ General Election Ballot](#)  
[Petition for a Place on the City General Election Ballot](#)

**Schools:** [Application for a Place on the \\_\\_\\_\\_\\_ ISD General Election Ballot](#)

**Other Political Subdivisions:** [Application for Place on \\_\\_\\_\\_\\_ General Election Ballot](#)

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

## February

**Monday, February 8, 2016 (89th day before election day)**

-Last day for eligible political subdivisions to submit [Notice of Exemption Under Section 61.013](#) or an [Application of Undue Burden Status](#) to the Secretary of State for exemption from the accessible voting system requirement. (Secs. 1.006, 61.013). For additional information, consult the most current advisory on this topic, [Voting Accessibility Issues](#).



**Tuesday, February 16, 2016 (81st day before election day; day before 2nd day before filing deadline)**

-If a candidate dies on or before this date, his or her name is not placed on the ballot, if the filing deadline is Friday, February 19, 2016. (Sec. 145.094(a)(1)).

**Friday, February 19, 2016 (78th day before election day)**

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

**Cities:** [Application for a Place on the City of \\_\\_\\_\\_\\_ General Election Ballot](#)  
[Petition for a Place on the City General Election Ballot](#)

**Schools:** [Application for a Place on the \\_\\_\\_\\_\\_ ISD General Election Ballot](#)

**Other Political Subdivisions:** [Application for Place on \\_\\_\\_\\_\\_ General Election Ballot](#)

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

**NOTE - City Offices with Four-Year Terms:** If no candidate has filed for a city office with a four-year term, the filing deadline is extended to 5:00 p.m. on Friday, March 11, 2016. (Sec. 143.008).

**NOTE:** An application submitted by mail is considered to be filed at the time of its receipt by the appropriate filing authority. (Secs. 143.007(b), 144.005(b)).

**NOTE - NEW LAW:** Senate Bill 1703 (2015) amended the filing deadline to be the 78th day before election day. Therefore, the candidate deadline will fall on Friday, February 19, 2016. (See Sections 143.007, 144.005 and Section 11.055, Education Code, as amended.)

-Deadline for political subdivisions to order a general election to be held on Saturday, May 7, 2016, unless otherwise provided by the Election Code. (Sec. 3.005). One of the following forms may be used:

-[Order of Election for Municipalities](#)

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

**The order must include:**

1. The date of the election;
2. The offices or measures to be voted on;
3. The location of the main early voting polling place;
4. (*Recommended*) Branch early voting polling places (see [Note 9](#), above);
5. The dates and hours for early voting (recommended for counties and cities, but required for all other entities). (Cities must include the two designated weekdays for which early voting will be held for 12 hours);

6. The dates and hours of any Saturday and Sunday early voting (if applicable, it is recommended that this information be included in the order for counties and cities, but it must be included for all other entities); and
7. The early voting clerk's official mailing address.

**NOTE - NEW LAW:** HB 1927 (2015) amended Section 84.007 to allow email transmission of a completed, scanned application for a ballot by mail containing an original signature and to require the early voting clerk to designate an email address for receipt of such applications. Therefore, we recommend that the order of the election also include the email address at which the early voting clerk may receive applications for a ballot by mail. For more information on email submission of the ABBM, see [Tex. Sec'y of State Election Advisory No. 2015-08](#).

An order for a debt obligation (bond) election must include (Sec. 3.009):

1. the proposition language that will appear on the ballot;
2. the purpose for which the debt obligations are to be authorized;
3. the principal amount of the debt obligations to be authorized;
4. that taxes sufficient to pay the annual principal of and interest on the debt obligations may be imposed;
5. a statement of the estimated tax rate if the debt obligations are authorized or of the maximum interest rate of the debt obligations or any series of the debt obligations, based on the market conditions at the time of the election order;
6. the maximum maturity date of the debt obligations to be authorized or that the debt obligations may be issued to mature over a specified number of years not to exceed 40;
7. the aggregate amount of the outstanding principal of the political subdivision's debt obligations as of the beginning of the political subdivision's fiscal year in which the election is ordered;
8. the aggregate amount of the outstanding interest on debt obligations of the political subdivision as of the beginning of the political subdivision's fiscal year in which the election is ordered; and
9. the ad valorem debt service tax rate for the political subdivision at the time the election is ordered, expressed as an amount per \$100 valuation of taxable property.

**NOTE - NEW LAW:** Senate Bill 1703 (2015) amended the ordering deadline for a general election or a special measure election to be the 78th day before election day.

**NOTE - NEW LAW:** Section 85.007, as amended by House Bill 2721, requires that the election notice, which includes the days and hours of early voting be posted on the political subdivision's website, if the political subdivision maintains a website.

-First day to post [Notice of Drawing for Place on Ballot](#) if drawing is to be conducted on Monday, February 22, 2016. This notice must be posted for 72 hours immediately preceding the time of the drawing. (Sec. 52.094(c)).

**For an election held by a political subdivision, other than a city,** a notice of ballot position drawing must be **mailed** to candidates by this date if drawing is to be conducted on Monday, February 22, 2016. (Sec. 52.094(d)). Candidates who have not filed by this date should be given a copy of the notice at the time of filing.

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

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

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

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

*-Recommended* date to appoint **presiding and alternate judges**. Currently, the Election Code does not establish a deadline for appointing election officials; there is only a notification deadline. For further information concerning procedures for appointing judges and their alternates, see Sections 32.005, 32.008, and 32.011. General eligibility requirements are found in Subchapter C, Chapter 32. In addition to appointing a judge and alternate judge for each election precinct pursuant to Sections 32.001 and 32.005, the governing body must allow the judge to appoint no less than two clerks; however, the alternate judge must serve as one of the clerks as a matter of law. (Secs. 32.032, 32.033). The presiding judge then appoints an additional clerk(s), but not more than the maximum set by the governing body. (Sec. 32.033). Presiding judges and their alternates must be given a [Notice of Appointment](#) not later than the 20th day after the appointment is made. (Sec. 32.009). If the appointment is for a single election, the notice may be combined with the [Writ of Election](#), which is required to be delivered to each presiding judge not later than the 15th day before the election, Friday, April 22, 2016. (Sec. 4.007, 32.009(e)). If the notices are combined, both must be delivered by the date required by the earlier notice.

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

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

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

## **Tuesday, February 23, 2016 (74th day before election day)**

**-5:00 p.m.** - Deadline for write-in candidates to file [Declarations of Write-In Candidacy](#) for regular officers for city, school district, library district, junior college district, hospital district, common school districts, Chapter 36 and 49 Water Code districts, and other political subdivision elections, unless otherwise provided by law. (Secs. 144.006(b)(2), 146.054(b)(2), 146.055, 146.083, Election Code; Secs.

11.056, 11.304, 130.0825, Education Code; Secs. 326.0431, 326.0432, Local Government Code; Sec. 285.131, Health and Safety Code; and Secs. 36.059, 49.101, 63.0945, Water Code).

**NOTE:** An application by mail is considered to be filed at the time of its receipt by the appropriate filing authority. (Secs. 143.007(b), 144.005(b)).

**NOTE - NEW LAW:** Senate Bill 1703 (2015) amended the filing deadline to be the 74th day before election day for write-in candidates for cities and other political subdivisions. (See Sections 144.006 and 146.054, as amended.)

**NOTE:** The amended write-in declaration deadline for most local entities is now the 74th day before election day. As the laws were amended to apply to elections held on a uniform date other than the November even-numbered year election date, this means that the 74th day is also the deadline for a write-in declaration for a special election. See especially Sections 144.006, 146.054, as amended.

### **Wednesday, February 24, 2016 (73rd day before election day)**

*-Recommended* first day that an election may be cancelled if all filing deadlines have passed and each candidate for an office listed on the ballot is unopposed. (Sec. 2.052). **This recommendation presumes a filing deadline of Friday, February 19, 2016 and a write-in deadline of Tuesday, February 23, 2016. Special elections may have different deadlines, and may now be cancelled separately.** For more information on cancellation of elections, please see the Secretary of State's Advisory - [Cancellation of Election for Local Political Subdivisions \(Not County\)](#).

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

### **Friday, February 26, 2016 (71st day before election day)**

**-5:00 p.m.** - Last day for a candidate to withdraw, by submission of a [Certificate of Withdrawal](#) or a notarized letter. **If a candidate withdraws or is declared ineligible by this date, his or her name is omitted from the ballot.** (Secs. 145.092(f), 145.094(a)(4)).

**NOTE - NEW LAW:** Senate Bill 1703 (2015) amended Sections 143.007 and 144.005 of the Election Code and Section 11.055 of the Education Code to provide a candidate filing deadline of the 78th day before election day. Therefore, Section 145.092(f) applies to the May 7, 2016 election, and provides for a withdrawal deadline of the 71st day before election day, Friday, February 26, 2016.

### **Saturday, February 27, 2016 (70th day before election day)**

-Last day to order a special election to fill a vacancy (if authorized to fill vacancies by special election) and have the filing deadline be the 62nd day before election day. (Secs. 201.054(a)(1)), 201.052. Please note that the Election Code requires the election to be ordered as soon as practicable after the vacancy occurs. (Sec. 201.051). The following form may be used: [Order of Special Election for Municipalities](#).

**NOTE - NEW LAW:** Senate Bill 1703 (2015) amended Section 201.054 to provide for a longer period of time to order a special election to be held on the May uniform date. As amended, Section 201.054 provides that if the special election is ordered (1) on or before the 70th day before election day, the candidate application must be filed by 5:00 p.m. on the 62nd day before election day, or (2) after the 70th day but on or before the 46th day before election day, the candidate application must be filed by 5:00 p.m. on the 40th day before election day. This is the first of the two possible ordering times. We do **not** interpret the 70th day order date here as “moving” to the next business day because the date falls on a Saturday, as this is not the last day to order a special election to fill a vacancy for this uniform election date.

### **Monday, February 29, 2016 (68th day before election day)**

-*Recommended* date to conduct ballot position drawing. (Sec. 52.094).

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

## **March**

### **Monday, March 7, 2016 (61st day before election day, extended from 62nd day)**

**-5:00 p.m.** - Last day to file application for a place on the ballot in a special election to fill a vacancy, if the special election is ordered on or before the 70th day before election day, Saturday, February 27, 2016. (Secs. 1.006, 201.054(a)(1)). (For more information about write-in declaration deadline, see Tuesday, February 23, 2016 [note entry](#). For more details about Section 201.054 and the two possible special election deadlines, see Saturday, February 27, 2016 [note entry](#).)

### **Tuesday, March 8, 2016 (60th day before election day)**

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

-*Recommended* date to request the county clerk/county elections administrator to deliver an initial list of voters who have submitted annual applications for ballot by mail under Section 86.0015 to the early

voting clerk of any political subdivision located within the county that is holding an election on May 7, 2016. The list should only include voters that reside in the political subdivision holding the election. See [Tex. Sec'y of State Election Advisory No. 2015-08](#) for more information on the List of Annual ABBM Voters. See also, the note below, and the [entry](#) at Tuesday, April 26, 2016 for more information about delivery of a final list of voters. See [entry](#) at Wednesday, May 4, 2016 for more information on the delivery of copies/images of the applications.

**NOTE - NEW LAW:** House Bill 1927 (2015) amended Section 86.0015 to require the county clerk/elections administrator to provide a list of voters that have submitted an annual application for ballot by mail to all political subdivisions in their county holding an election. The law only applies to elections for which the county clerk/elections administrator is not the early voting clerk via a contract for election services or joint election agreement. The Election Division *strongly recommends* that the county and political subdivisions **discuss the frequency and method for which these lists should be transmitted** to ensure that ballots are sent out timely. Finally, the county clerk/elections administrator **must deliver either photocopies or scanned images of the applications (under Section 87.126) to the early voting clerk** of the political subdivision before the ballots by mail are delivered to the early voting ballot board for qualifying and counting under Section 87.041.

#### **Thursday, March 10, 2016 (58th day before election day, 20th day after February 19, 2016)**

Last day to notify election judges of their appointment if they were appointed, as recommended, by Friday, February 19, 2016. (Sec. 32.009(b)). Presiding judges and their alternates must be given a [Notice of Appointment](#) not later than the 20th day after the appointment is made. (Sec. 32.009). If the appointment is for a single election, the notice may be combined with the [Writ of Election](#), which is required to be delivered to each presiding judge not later than the 15th day before the election, Friday, April 22, 2016. (Sec. 4.007, 32.009(e)). If the notices are combined, both must be delivered by the date required by the earlier notice.

#### **Friday, March 11, 2016 (57th day before election day)**

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

**NOTE - NEW LAW:** Senate Bill 1703 (2015) amended Section 145.092 to provide that a candidate must withdraw by the 57th day before election day for an election with a filing deadline of the 62nd day before election day.

**-5:00 p.m. - City Offices with Four-Year Terms:** Extended filing deadline in cities with four-year terms of office, when no candidate files for a particular office by the regular filing deadline. (Secs. 1.006 and 143.008). (See Friday, February 19, 2016 [note entry](#)).

#### **Friday, March 18, 2016 – Thursday, June 16, 2016 (50th day before election day – 40th day after election day)**



**-Mandatory Office Hours:** Each county clerk, city secretary or secretary of a governing body (or the person performing duties of a secretary) must keep the office open for election duties for at least 3 hours each day, during regular office hours, on regular business days. (Sec. 31.122).

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

### **Sunday, March 20, 2016 (48th 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 Tuesday, March 22, 2016. Notice of the public tests must be published at least 48 hours before the test begins. (Secs. 127.093, 129.001, 129.023). See [Note 12](#), above.

### **Tuesday, March 22, 2016 (46th day before election day)**

-Last day to order a special election to fill a vacancy (if authorized to fill vacancies by special election). The filing deadline will be the 40th day before election day. (Secs. 201.052 and 201.054(a)(2)). Please note that the Election Code requires the election to be ordered as soon as practicable after the vacancy occurs. (Sec. 201.051).

**NOTE - NEW LAW:** Senate Bill 1703 (2015) amended Section 201.054 to provide for a longer period of time to order a special election to be held on a May uniform date. As amended, Section 201.054 provides that if the special election is ordered (1) on or before the 70th day before election day, the candidate application must be filed by 5:00 p.m. on the 62nd day before election day, or (2) after the 70th day but on or before the 46th day before election day, the candidate application must be filed by 5:00 p.m. on the 40th day before election day. Senate Bill 1703 (2015) also amended Section 201.052 to provide that the last day to order a special election to fill a vacancy is the 46th 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 12](#), above.

### **Wednesday, March 23, 2016 (45th day before election day)**

-Deadline to mail ballots to military or overseas voters who submitted their ballot request via a federal postcard application (FPCA) or via a standard application for ballot by mail and indicated that they are outside the United States. Ballots must be mailed by this date or the 7th day after the clerk receives the application. If the early voting clerk cannot meet this 45th-day deadline, the clerk must notify the Secretary of State within 24 hours. (Sec. 86.004(b)).

**NOTE - NEW LAW:** House Bill 2778 (2015) amended Section 101.104 to provide that “any election in which the voter who registers under this chapter is eligible to vote” is a covered election. As Section 86.004 provides a 45th day deadline for any election covered under Section 101.104, there is no longer a distinction between elections with a federal office on the ballot or certain elections to fill a vacancy in the legislature, and all other elections. Therefore, all ballots for military and overseas voters that indicate that they are outside the United States must be mailed by this date or the seventh day after receipt of the application. Further, the language of Section 86.004 limits it applications to voters “outside the United States;” however, Section 86.004 was amended in 2011 to implement the federal Military and Overseas Voter Empowerment (Pub. L No. 111-84), which applies to all voters eligible to use a federal postcard application under Section 101.001. Therefore, we strongly recommend that ballots to all military and overseas voters be mailed by this date, or by the 7th day after the clerk receives the application.

**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)).

### **Monday, March 28, 2016 (40th day before election day)**

**-5:00 p.m.** – Last day to file for a place on the ballot in a special election to fill a vacancy, if the special election is ordered after the 70th day before election day, but on or before the 46th day before election day, Tuesday, March 22, 2016. (Sec. 201.054(a)(2)). (For more information about write-in declaration deadline, see Tuesday, February 23, 2016 [note entry](#). For more details about Section 201.054 and the two possible special election deadlines, see Saturday, February 27, 2016 [note entry](#).)

## **April**

### **Saturday, April 2, 2016 (35th day before election day; 5th day after 40th day)**

**-5:00 p.m.** – Last day for a candidate to file a [Certificate of Withdrawal](#) in a special election, in which the filing deadline is the 40th day before election day. If a candidate withdraws or is declared ineligible by this date, his or her name is omitted from the ballot. Section 1.006 does not apply to this section of law, and the deadline does not move forward. (Secs. 145.092(a) and 145.094(a)(2)).

### **Thursday, April 7, 2016 (30th day before election day)**

-Last day to register to vote or make a change of address effective for the May 7, 2016 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 of period during which notice of election must be published if the method of giving notice is **not** specified by a law outside the Election Code, and **publication** is the selected method of giving notice. (Sec. 4.003(a)(1)). The notice of election ordered by an authority of a city or school district, must be given by publication in a newspaper in addition to any other method specified. (Secs. 4.003(c) and (d)).

-*Recommended* date for early voting clerk to issue order calling for appointment of signature verification committee. (Sec. 87.027). This form may be used to issue order: [Order Calling for Signature Verification Committee](#). If the signature verification committee will start meeting on Sunday, April 17, 2016, early voting clerk must post copy of the order calling for appointment of the signature verification committee on or before this date. The notice must remain posted continuously for at least 10 days before the first day the committee meets. (Sec. 87.027, 1.006).

#### **Friday, April 8, 2016 (29th day before election day)**

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

#### **Tuesday, April 12, 2016 (25th day before election day)**

-*Recommended* date for the county election board (or governing body of political subdivision, as appropriate) to appoint a signature verification committee (if one is ordered by the early voting clerk). See also [entry](#) under Thursday, April 7, 2016. (Secs. 51.002, 87.027). The appointing authority must post a notice of the appointment of committee members continuously until the last day the signature verification committee meets. This form may be used for the notice: [Notice of Appointment of Signature Verification Committee](#).

#### **Sunday, April 17, 2016 (20th day before election day)**

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

#### **Monday, April 18, 2016 (19th day before election day)**

-Last day to post notice of election on bulletin board used for posting notices of meetings of governing body. (Sec. 4.003(b)). A [Record of Posting Notice of Election](#) should be completed at the time of posting. (Sec. 4.005). (This deadline is extended by Section 1.006, as the 21st day before election day falls on Saturday, April 16<sup>th</sup>, 2016).

-Last day to post notice of election in each election precinct, if the method of giving notice is **not** specified by a law outside the Election Code and notice is given by this method in lieu of publication (extended deadline). (Sec. 4.003(a)(2)). Cities and school districts **must** publish their notice in the newspaper. A [Record of Posting Notice of Election](#) should be completed at the time of posting. (Sec. 4.005). (This deadline is extended by Section 1.006, as the 21st day before election day falls on Saturday, April 16<sup>th</sup>, 2016).

-Deadline for a person who is not permanently registered to vote, to submit a postmarked FPCA, in order to receive a ballot for any non-federal election held on May 7, 2016. A person submitting who is **not** permanently registered to vote and submits a postmarked FPCA after this date (20th day) and before election day, is not entitled to receive a ballot for any non-federal election. See Friday, April 22, 2016 [entry](#) for timeliness of an FPCA received without a postmark (extended deadline). (Sec. 101.052(e)). (Note: Deadline of the 20th day before election day for full ballot is extended to Monday, April 18, 2016, the first business day after Sunday, April 17, 2016.)

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

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

## **Tuesday, April 19, 2016 (18th day before election day)**

-If a **defective application to vote early by mail** is received on or before this date, the early voting clerk must mail the applicant a new application with explanation of defects and instructions for submitting the new application. For defective applications received after this date and before the end of early voting by personal appearance, the early voting clerk must mail only the [Notice of Rejected Application for Ballot by Mail](#) and a statement that the voter is not entitled to vote early by mail unless he or she submits a sufficient application by the deadline, which is Tuesday, April 26, 2016. (Secs. 84.007(c), 86.008).

**NOTE - NEW LAW:** Senate Bill 1703 (2015) amended Section 86.008 to provide that if a defective application is received on or before the 18th day before election day, the early voting clerk shall provide a new application. Previously, the deadline was set at the 12th day before election day.

## **Wednesday, April 20, 2016 (17th day before election day)**

-Last day to publish notice of L&A test for DRE voting machines or precinct scanners if test will be held on Friday, April 22, 2016, if testing has not already been completed by March 22, 2016. Notice of the

public L&A Test must be published at least 48 hours before the test begins. (Secs. 129.001, 129.023). See [Note 12](#), above.

### **Friday, April 22, 2016 (15th day before election day)**

-Deadline to receive an FPCA **without** a postmark. If an FPCA is received by this date **without** a postmark to prove mailing date, the early voting clerk will accept the FPCA and mail the applicant a full ballot even if the applicant is **not** a permanently registered voter but meets the requirements under Title 2 of the Election Code. (Sec. 101.052(i)). See [Note](#) under entry for Monday, April 18, 2016.

-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 12](#), above). Per Section 129.023, the L&A test shall be conducted not later than 48 hours before voting begins on such voting systems, assuming that the voting system will first be used for early voting in person.

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

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

### **Monday, April 25, 2016 (12th day before election day; day before the last day to apply for a ballot by mail)**

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

**NOTE - Political Subdivisions Other than Cities and Counties:** Early voting in person must be conducted at least eight (8) hours each weekday that is not a legal state holiday unless the political subdivision has fewer than 1,000 registered voters, in which case early voting in person must be conducted at least three (3) hours per day. (Sec. 85.005(b)).

**NOTE – Cities and counties:** Early voting in person must be conducted on the weekdays of the early voting period and during the hours that the county clerk's or city secretary's main business office is regularly open for business. (Sec. 85.005(a)). However, because cities and counties must have office hours for election-related business at least three (3) hours every business day for this type of election (see Friday, March 18, 2016 [entry](#)), we harmonize these requirements with the result that, if a city or county is not regularly open for business on one or more weekdays, on those "closed" days, a city or county must conduct early voting for at least three (3) hours a day at the main early voting location (except for a city's two 12-hour days, when it must be open for the full 12 hours).

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

**NOTE - Independent School Districts:** Despite the change in state law that allows an ISD to be closed on school holidays during the mandatory office hours period, you are **required** to be open during the entire early voting period, except on legal state and national holidays.

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

-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).

### **Tuesday, April 26, 2016 (11th day before election day)**

-Last day to receive an FPCA from a registered voter. (Sec. 101.052(b), (f)).

-Last day to receive an application for a ballot by mail. All applications to vote by mail must be received by the early voting clerk before the close of regular business or 12 noon, whichever is later. Applications to vote by mail must be submitted by mail, common or contract carrier, fax (if a fax machine is available in the office of the early voting clerk), or by electronic submission of a scanned application with an original signature. (Sec. 84.007(b) and (c)).

-Last day for county clerk/elections administrator to deliver final list of voters that have submitted an annual application for ballot by mail to political subdivisions located within the county holding an election on May 7, 2016, for which the county clerk/elections administrator is not the early voting clerk via a joint election agreement or contract for election services. See [Tex. Sec'y of State Election Advisory No. 2015-08](#) for more information on the List of Annual ABBM Voters.

**NOTE - NEW LAWS:** Section 84.007, as amended by House Bill 1927 (2015), removed the first day to file an application for ballot by mail. Therefore, an application may be submitted any time during the year of the election. Further, House Bill 1927 changed the deadline for which applications for ballots by mail must be received by the early voting clerk to the **eleventh day** before election day. Also, House Bill 1927 amended the delivery methods to include an **email with a scanned version of an original application**. Section 101.052, as amended by Senate Bill 1703 (2015), amended the deadline for an FPCA to be the same as an application for ballot by mail.

### **Wednesday, April 27, 2016 (10th day before election day)**

-Last day of period during which notice of election must be published if method of giving notice is **not** specified by a law outside the Election Code and **publication** is the selected method of giving notice. (Sec. 4.003(a)(1)). The notice of election ordered by a commissioners court or by an authority of a city or

school district, must be given by publication in a newspaper in addition to any other method specified. (Secs. 4.003(c) and (d)).

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

**-Cities and Counties – Weekend Early Voting Hours - Notice Requirement:** Last day to post notice on bulletin board used for posting notice of city council or commissioners court, if early voting will be conducted on Saturday, April 30, 2016. (Sec. 85.007). Notice must be posted at least 72 hours before early voting begins on a Saturday or Sunday. Notice must also be posted to the political subdivision's website, if one is maintained.

**NOTE - NEW LAW:** Section 85.007, as amended by House Bill 2721 (2015), requires that the election notice, which includes the days and hours of early voting be posted on the political subdivision's website, if the political subdivision maintains a website.

### **Thursday, April 28, 2016 (9th day before election day)**

**-Cities and Counties – Weekend Early Voting Hours - Notice Requirement:** Last day to post notice on bulletin board used for posting notice of city council or commissioners court, if early voting will be conducted on Sunday, May 1, 2016. (Sec. 85.007). Notice must be posted at least 72 hours before early voting begins on a Saturday or Sunday. Notice must also be posted to the political subdivision's website, if one is maintained.

**NOTE ON NEW LAW:** Section 85.007, as amended by House Bill 2721 (2015), requires that the election notice, which includes the days and hours of early voting be posted on the political subdivision's website, if the political subdivision maintains a website.

**NOTE ON NEW:** Senate Bill Section 87.0222, as amended by Senate Bill 383 (2015), changed the first day that a county with a population of 100,000 or more may begin processing and qualifying mail ballots from the end of the ninth day before election day to the end of the ninth day before the last day for early voting by personal appearance. However, in even-numbered years, since there are no joint elections held with counties, no entities may begin to process and count ballots cast by mail on this date, but rather must wait until May 4, 2016. See [entry](#) for that date for further information.

## **May**

### **Monday, May 2, 2016 (5th day before election day, day before last day of early voting)**

-A voter is eligible to vote a late ballot if they will be out of the county on election day due to a death in the immediate family (related within 2nd degree of consanguinity or affinity) that occurs on or after this day. The voter may submit the [Application for Emergency Early Ballot Due to Death in Family](#) starting Wednesday, May 4, 2016 (the day after early voting in person ends). (Secs. 103.001, 103.003(b)).

-Last day to publish notice of public test of automatic tabulating equipment, if test will be held on Wednesday, May 4, 2016, and testing was not already completed. The public notice of the test of automatic tabulating equipment must be published at least 48 hours before the test begins. (Sec. 127.096).

### **Tuesday, May 3, 2016 (4th day before election day)**

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

-**5:00 p.m.** – Deadline to submit a [Request for Election Inspectors](#) for election day, Saturday, May 7, 2016 to the Secretary of State. (Sec. 34.001).

-Early voting clerk must post [Notice of Delivery of Early Voting Balloting Materials](#) to the early voting ballot board if materials are to be delivered to the board on Wednesday, May 4, 2016. Notice must be posted continuously for 24 hours preceding each delivery to the board. (Secs. 87.0221, 87.0222, 87.023, 87.024, 87.0241).

### **Wednesday, May 4, 2016 (5th day before election day; day after early voting in person ends)**

-First day political subdivisions may convene the early voting ballot board for the purpose of processing and qualifying mail ballots or to receive ballots voted early in person after the end of the period for early voting in person and before the polls open on election day.

**NOTE:** The ballot board may not begin counting the ballots until election day. The early voting clerk shall continuously post notice for 24 hours preceding each delivery of voting materials that is to be made before the time for opening the polls on election day. (Secs. 87.0221, 87.023, 87.024, 87.0241). This is unlike in odd-numbered years when entities conducting a joint election with a county of 100,000 or more may begin to process and count ballots on the 8th day before election day.

**NOTE - NEW LAW:** The county clerk/elections administrator must ensure that photocopies or electronic recordings of annual applications for ballot by mail have been delivered to the early voting clerk of every political subdivision holding an election before the ballots by mail are delivered to the early voting ballot board. See [note](#) on House Bill 1927 (2015) for more information.

-First day to submit an [Application for Emergency Early Ballot Due to Death in Family](#) to vote a late ballot because of a death in the immediate family that occurred on or after Monday, May 2, 2016, and will require absence from the county on election day. (Secs. 103.001, 103.003(b)).

-First day submit an [Application for Emergency Early Voting Ballot Due to Sickness or Physical Disability](#) that arose on or after Monday, April 25, 2016. (Secs. 102.001, 102.003).

-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 12](#), above).

## Friday, May 6, 2016 (day before election day)

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

-Last day 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).

**NOTE - NEW LAW:** Section 87.122, as amended by House Bill 2366 (2015), requires the early voting clerk to notate those voters that have voted early on the precinct list of registered voters instead of the presiding election judge.

**-Delivery of Provisional Ballots and Forms:** If the voter registrar wants to take possession of the provisional ballots and forms on election night, the voter registrar must inform the custodian of the election records and post a [Notice of Election Night Transfer](#) no later than Friday, May 6, 2016, 24 hours before election day. (1 Tex. Admin. Code. Secs. 81.174(d)(3)). However, under this type of delivery, the county voter registrar **must** go to the office of the custodian of election records and pick up the provisional ballots and forms.

**NOTE:** The general custodian of election records (or the early voting clerk, if applicable) must post a Notice of Delivery of Provisional Ballots at least 24 hours before delivery will occur. (1 T.A.C. 81.174(b)(1))

## Saturday, May 7, 2016 - (Election Day)

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

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

Early voting clerk's office is open for early voting activities. (Sec. 83.011). A voter may deliver his or her own marked ballot by mail to the early voting clerk's office while the polls are open on election day. The voter must provide an acceptable form of identification under Section 63.0101 upon delivery.

**NOTE - NEW LAW:** House Bill 1927 (2015) amended Section 86.006 to provide in-person delivery of a mail ballot to the early voting clerk on election day.

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

**5:00 p.m. -** Deadline for receiving [Application for Emergency Early Voting Ballot Due to](#)



[Sickness or Physical Disability](#) for late ballots to be voted by persons who became sick or disabled on or after Monday, April 25, 2016. (Sec. 102.003(b)).

**7:00 p.m. -**

Deadline for receiving **early voting ballots** by mail and late ballots cast by voters who became sick or disabled on or after, Monday, April 25, 2016. (Secs. 86.007(a), 102.006(c)).

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

**NOTE - Delivery of Early Voting by Personal Appearance and Mail Ballots:** The early voting clerk delivers the voted ballots, the key to the double-locked ballot box, etc., to the early voting ballot board at the time or times specified by the presiding judge of the early voting ballot board, during the hours the polls are open or as soon after the polls close as practicable. (Secs. 87.021, 87.022). The custodian of the key to the second lock of the double-locked early voting ballot box delivers his or her key to the presiding judge of the early voting ballot board on request of the presiding judge. (Secs. 85.032(d) and 87.025). The custodian is the sheriff for county elections; the chief of police or city marshal for city elections; and the constable of the justice precinct in which the political subdivision's main office is located (or the sheriff, if there is no constable), for other political subdivision elections. (Sec. 66.060). If ballots are to be delivered before election day, the early voting clerk must post notice at least 24 hours before each delivery at the main early voting polling place.

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

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

**NOTE - NEW LAW –** House Bill 2354 (2015) changed the date of the May uniform election from the second Saturday in May to the first Saturday in May. Therefore, the election will occur on May 7, 2016. See Section 41.001(a), as amended.

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

### **Monday, May 9, 2016 (1st business day after election day)**

-The general custodian of election records must deliver the ballot box(es) or transfer cases(s) containing the provisional ballots, along with the Summary of Provisional Ballots and the List of Provisional Voters to the county voter registrar, by this day. (Secs. 65.052; 1 Tex. Admin. Code Secs. 81.174(d)(1)).

**NOTE - Political Subdivisions Located in More than One County:** A political subdivision will have to make delivery of the provisional ballots and forms to the county voter registrar in each county in which the political subdivision is located.

### **Tuesday, May 10, 2016 (3rd day after election day)**

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

**NOTE:** If a recount petition has been filed and a winning candidate's race is involved in the recount, the certificate of election cannot be issued for that race until the recount has been completed. (Secs. 67.016, 212.0331).

-If a political subdivision was able to CANCEL its election, this is the first day its elected officials can take the oath of office and be issued a certificate of election. (Secs. 2.053(e), 67.003 & 67.016). Note: This does not apply to officers of a Type A general law city. See [entry](#) on Friday, May 13, 2016.

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

### **Thursday, May 12, 2016 (5th day after election day)**

-Last day to receive carrier envelopes placed in the mail by 7:00 p.m. on election day, Saturday, May 7, 2016, from voters who are voting outside the United States. (Sec. 86.007(d)(3)).

### **Friday, May 13, 2016 (6th day after election day)**

-Deadline for provisional voter to: (1) present acceptable identification to county voter registrar, (2) execute an affidavit relating to natural disaster or religious objection in presence of county, (3) apply for and receive a disability exemption with the voter registrar, or (4) present official document to the voter registrar to verify their identity. (Secs. 65.054(b), 65.0541(a); 1 Tex. Admin. Code Sec. 81.71).

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

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

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

**NOTE:** If a recount petition has been filed and a winning candidate’s race is involved in the recount, the certificate of election cannot be issued for that race until the recount has been completed. (Secs. 67.016 and 212.0331).

### **Monday, May 16, 2016 (9th day after election day)**

-Last day for early voting ballot board to convene to qualify and count any late ballots that were submitted from outside the United States and received by Thursday, May 12, 2016. (Sec. 87.125(a)).

-Last day for early voting ballot board to convene to qualify and count any provisional ballots that have been reviewed by the voter registrar. (Secs. 65.051(a)).

**NOTE - NEW LAW:** Senate Bill 1703 (2015), amended Sections 65.051 and 87.125 to provide a deadline of the ninth day for the early voting ballot board to convene and count any overseas or provisional ballots.

### **Tuesday, May 17, 2016 (10th day after election day)**

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

### **Wednesday, May 18, 2016 (11th day after election day)**

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

**NOTE:** If a recount petition has been filed and a winning candidate’s race is involved in the recount, the certificate of election cannot be issued for that race until the recount has been completed. (Secs. 67.016, 212.0331).

### **Tuesday, May 31, 2016 (24th day after election day; 13th day after last canvass date)**

-Last day for the presiding judge of the early voting ballot board to mail Notice of Outcome to Provisional Voter to provisional voter, if the canvass was held on Wednesday, May 18, 2016.. Such notices must be delivered to provisional voters by the presiding judge no later than the 10th day after the local canvass. (The deadline falls on Saturday, May 28, 2016, and is extended to this day under Section 1.006, to Tuesday May 31, 2016, the first business day after Monday, May 30, 2016, Memorial Day.) (65.059; 1 Tex. Admin. Code Sec. 81.176(e)).

-Last day to complete the partial manual count. (Secs. 1.006, 127.201(a)).

## June

### **Monday, June 6, 2016 (30th day after election day)**

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

### **Thursday, June 16, 2016 (40th day after election day)**

-Last day of the period for mandatory office hours. See [entry](#) for Friday, March 18, 2016. (Sec. 31.122).

## July

### **Thursday, July 7, 2016 (61st day after election day)**

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

## 2016 and 2017

### **Tuesday, November 8, 2016 (day after 6 months following election)**

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

#### **Notable Exceptions:**

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

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

**Tuesday, May 8, 2018 (day after Two Years after May 7, 2016 election day)**

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

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