ADVISORY 2020-17
Last Revised May 2020

November 3, 2020 Election Law Calendar

The uniform election date in November of even-numbered years, by statute, is the general election date for federal, state, and county officers. Additionally, many local political subdivisions have their regular general election for members of their governing bodies in November of even-numbered years, or they may order special elections for this date to vote on propositions or to fill vacancies. Therefore, this calendar is required to meet the needs of many different 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).

NOTE: Updates to the calendar will be made to the web version of this calendar. The web version is located on the Secretary of State's website on the applicable Conducting Elections page.

Downloadable PDF Calendar

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1. Note on Postponed Elections

On March 18, 2020, pursuant to Section 418.016 of the Texas Government Code, the Governor issued a proclamation (PDF) suspending certain provisions of the Texas Election Code and the Texas Water Code to allow all local political subdivisions that are utilizing the May 2, 2020 uniform election date to postpone their election to the November 3, 2020 uniform election date.

NOTE on Candidate Filings: By postponing their election date, the political subdivision is preserving all candidate filings and ballot order actions that have already been taken. The postponement does not have the effect of reopening candidate filings.

NOTE on Deadlines related to Declarations of Ineligibility, Withdrawals or Death: The deadlines that apply to the November 3, 2020 election would apply to all candidates who are currently on the ballot for the May 2, 2020 election.

NOTE on Requirement for County Election Officer to contract with Local Political Subdivisions: All county election officers are required to contract with local political subdivisions that postponed their May 2, 2020 election and that request a contract for election services or a joint election agreement with their county election officer pursuant to the Governor's March 18, 2020 proclamation suspending certain Texas Election Code provisions.

2. 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; or call 512-463-5800.

3. Note on Statutory and Administrative Code References

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

4. Notice of Web Posting

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

As of January 1, 2020, each county *shall maintain* a website. (Sec. 26.16(a), as amended by S.B. 2, 86th Regular Session, 2019).

All political subdivisions with the authority to tax that maintain a website any time after January 1, 2019, must post the following items on the entity's internet website:

1. The political subdivision's contact information, including a mailing address, telephone number, and e-mail address;
2. Each elected officer of the political subdivision;
3. The date and location of the next election for officers of the political subdivision;
4. The requirements and deadline for filing for candidacy of each elected office of the political subdivision which shall be continuously posted or at least one year before the Election Day for the office;
5. Each notice of a meeting of the political subdivision's governing body under Subchapter C, Chapter 551 of the Government Code; and
6. Each record of a meeting of the political subdivision's governing body under Section 551.021 of the Government Code. (H.B. 305, 86th Regular Session, 2019)

Our office recommends consulting with your political subdivision's local counsel regarding the particular posting requirements under Subdivisions (5) and (6) referenced above. Please note, the requirements for posting notice of meetings and record of meetings of the political subdivision's governing body do not apply to:

1. A county with a population of less than 10,000;

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

During the 21 days before the election, a debt obligation order under Section 3.009 must be posted on the political subdivision's Internet website, prominently and together with the notice of the election, a copy of the sample ballot, and the contents of the proposition, if the political subdivision maintains an Internet website (NEW LAW HB 440, 2019). See Note 9 for more information on notice requirements.

5. Note on Required Use of County Polling Places

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

> **NOTE:** As this election is being held on the date of the general election for state and county officers, **no consolidation of county election precincts may occur**. (Secs. 42.002(b); 42.008; 42.009).

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

If such a shared polling place is designated as the main early voting polling place by the political subdivision, it must be open for voting for all political subdivisions the polling place serves for at least the days and hours required of a main early voting polling place for the political subdivision making the designation. (Secs. 85.010; 85.002; 85.062(e)).

> **NOTE – NEW LAW**: HB 3965 (2019) states that when a county is using the countywide polling place program and a court order requires any of the polling locations to remain open past 7 p.m., then ALL countywide polling place locations MUST remain open for the same amount of time, as required by the court order. (Sec 43.007)

> **NOTE – NEW LAW**: HB 1048 (2019) now requires a political subdivision who is (1) not contracting with the county and (2) not holding a joint election with a county, to use the eligible county polling places established by the county. A political subdivision may only designate a different location as an early voting polling place if the entity has already designated each eligible county polling place located in the entity's territory as an early voting polling place.

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 (PDF), listing the filing period dates in a building in which the authority maintains an office. The notice must be posted not later than the 30th day **before** the first day to file. (Sec. 141.040). If you order a special election to fill a vacancy, the order must include the filing deadline; we recommend posting the notice

of the filing period as soon as practicable after a special election is ordered. Note that an application for a place on the ballot for a special election may not be filed before the election is ordered.

7. Note on Joint Election Requirement for School Districts

The joint election requirement for school trustee elections under Section 11.0581 of the Education Code is met by complying with the requirement of using county election precincts on Election Day per Section 42.002 of the Election Code.

8. Note on Joint Elections Generally

Many entities will have joint elections for the November 3, 2020 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 Tuesday, November 3, 2020 election, this notice must be posted on or before Tuesday, October 13, 2020. In addition, the general rule is that notice must be given by:

A. posting the notice in each election precinct in which the election is to be held on or before the 21st day before the election, Tuesday, October 13, 2020. (Sec. 4.003(a)(2)).
B. publishing the notice at least once between the 30th day and the 10th* day before the election, Sunday, October 4, 2020 – Saturday, October 24, 2020. (Sec. 4.003(a)(1)).
C. 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, Saturday, October 24, 2020. (Sec. 4.003(a)(3)).

* Since the 10th day before Election Day falls on a Saturday, the deadline is extended to the next regular business day, which is Monday, October 26, 2020.

This notice must include:

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

NOTE – NEW LAW: HB 1241 (2019) now requires that ANY notice of polling locations must include more detailed information regarding the polling locations including: the polling location's street address, any applicable suite or room number, and any applicable building name.

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

The following forms may be used:

-Notice of General Election for Counties (PDF)
-Notice of General Election for Cities (PDF)
-Notice of General Election for Other Political Subdivisions (Including Schools) (PDF)
-Notice of Special Election for Counties (PDF)

Notice of Nearest Polling Places in Countywide Election: **NEW LAW** – HB 3965 (2019) now requires that EACH countywide polling place must post a notice, at that location, of the four nearest locations, by driving distance. Notice of Four Nearest Countywide Polling Place Locations (PDF)

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

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

1. On Election Day and during early voting by personal appearance, in a prominent location at each polling place;
2. Not later than the 21st day before the election, in three public places in the boundaries of the political subdivision holding the election; and
3. During the 21 days before the election, on the political subdivision's Internet website, prominently and together with the notice of the election, a copy of the sample ballot, and the contents of the proposition, if the political subdivision maintains an Internet website. **(NEW LAW HB 440 2019).**

Note for Counties for the General Election for State and County Officers: Counties are required to publish their notice in a newspaper in accordance with Section 4.003(a)(1). Counties must also post a copy of the notice on the governmental bulletin board used for posting notice of public meetings no later than the 21st day before Election Day, Tuesday, October 13, 2020. (Sec. 4.003(b)).

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)). Counties, school districts, and cities must also post a copy of the notice on the governmental bulletin board used for posting notice of public meetings no later than the 21st day before Election Day, Tuesday, October 13, 2020. (Sec. 4.003(b)).

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)).

Notice for Political Subdivisions, Except Counties, School Districts, and Cities: Political subdivisions other than counties, school districts, and cities may have specific statutory election notice requirements either in their enabling acts or in the Code governing them (such as the Water Code). In the absence of specific statutory requirements, such political subdivisions must post a copy of the notice on the bulletin board used for posting notices of the meetings of the governing body of the political subdivision on or before the 21st day before Election Day, Tuesday, October 13, 2020. (Sec. 4.003(b)).

Note for All Political Subdivisions, Except Counties: The governing body of a political subdivision must deliver notice of the election to the county election officer and voter registrar of each county in which the political subdivision is located not later than the 60th day before Election Day, Friday, September 4, 2020. (Sec. 4.008). In the case of the governing body of a school district ordering a tax rollback election, notice of such election must be delivered to the county election officer of each county in which the school district is located not later than the 30th day before Election Day, Monday, October 5, 2020. (Secs. 1.006, 4.008(b)).

10. Note on Extended Early Voting Hours and Branch Locations

Note for Counties with Population of 100,000 or more: Early voting in the general election for state and county officers must be conducted at the main early voting location: (1) for at least 12 hours on each weekday of the last week of the early voting period, (2) for at least 12 hours on the last Saturday of the early voting period, **AND** (3) for at least 5 hours on the last Sunday of the early voting period. (Secs. 85.005(c); 85.006(e)).

Note for Counties with Population of less than 100,000: Early voting in the general election for state and county officers must be conducted at the main early voting location on the weekdays of the early voting period and during the hours that the county clerk's main office's business office is regularly open for business. (Sec. 85.005(a)). However, upon receipt of a written request by at least 15 registered voters of the county for extended hours to the early voting clerk, early voting in a general election for state and county officers must be conducted at the main early voting location for at least 12 hours on each weekday of the last week of the early voting period. (Sec. 85.005(c)). The written request must be submitted in time to enable compliance with Section 85.067. (Secs. 85.005(c); 85.067(c)).

Saturdays and Sundays for Counties with Population of less than 100,000: Counties with a population under 100,000 are not required to conduct early voting on Saturday or Sunday in the general election for state and county officers. However, the county election officer may 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. (Secs. 85.006(b); 85.006(c)). Notice of Saturday or Sunday early voting must be posted continuously for at least 72 hours immediately preceding the first hour that voting will be conducted. (Sec. 85.007(c)). The notice shall be posted on the bulletin board used for posting notice of meetings of the commissioners court, as well as on the political subdivision's website, if maintained. (Secs. 85.007(c); 85.007(d)).

Also, for counties with a population under 100,000, if the early voting clerk receives a written request by at least 15 registered voters of the county, early voting in a general election for state and county officers must be conducted at the main early voting location for (1) at least 12 hours on the last Saturday of the early voting period, and (2) at least 5 hours on the last Sunday of the early voting period. (Sec. 85.006(e)). The request for Saturday and Sunday hours must be received in time for the early voting clerk to comply with the 72-hour posting requirement before the start of early voting. (Secs. 85.006(e); 85.007(c)).

Note about branch early voting in the November General Election for state and county officers:

The commissioners court:

(1) in a county with a population of 400,000 or more, **must** establish one or more temporary polling places, other than the main early voting polling place, in each state representative district containing territory covered by the election.

(2) in a county with a population of 120,000 or more but less than 400,000, **must** establish one or more temporary polling places, other than the main early voting polling place, in each commissioners precinct containing territory covered by the election.

(3) in a county with a population of 100,000 or more but less than 120,000, **must** establish one or more early voting polling places in each commissioners court precinct for which the commissioners court receives a **timely filed written request signed by at least 15 registered voters of that precinct**.

Note: The temporary polling place(s) must remain open for each weekday of the early voting period that the main early voting polling place will be open. The temporary branch polling place(s) must be open at least eight hours each day, unless the city or county is not serving as the early voting clerk and the territory holding the election has less than 1,000 registered voters, in which case the temporary branch polling places must be open for at least three hours each day. (Secs. 85.062; 85.064). (Tex. Sec'y of State Election Advisory No. 2019-20).

Note: In a countywide election, the total number of permanent branch polling places and temporary branch polling places open for voting at the same time in a commissioners precinct may not exceed twice the number of permanent branch and temporary branch polling places open at that time in another commissioners precinct. (Sec. 85.062(f)).

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

Note for 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. (Secs. 85.006(b); 85.006(c)). Notice of Saturday or Sunday early voting must be posted continuously for at least 72 hours immediately preceding the first hour that voting will be conducted. (Sec. 85.007(c)). The notice shall be posted on the bulletin board used for posting notice of meetings of the city's governing body if the early voting clerk is the city secretary, as well as on the political subdivision's website, if maintained. (Secs. 85.007(c); 85.007(d)). The city secretary **must** have early voting on Saturday or Sunday, *if* a written request (PDF) is received from at least 15 registered voters of the city. The written request for Saturday and Sunday hours **must** be received in time for the early voting clerk to comply with the 72-hour notice posting requirement before the start of early voting. (Secs. 85.006(d); 85.007(c)).

11. Note on Temporary Branch Locations

NEW LAW - HB 1888 (2019), amends Chapter 85 of the Election Code to modify the requirements for temporary branch polling places. (Tex. Sec'y of State Election Advisory No. 2019-20).

Early voting at any temporary branch polling location **MUST** be conducted on the same days as the main early voting location and **MUST** remain open for eight hours each day it is open. (Sec 85.005 and 85.064).

> **NOTE for political subdivisions other than cities or counties -** For political subdivisions with fewer than 1,000 registered voters, who did not contract with the city or county to act as their early voting clerk, the temporary branch locations must be open for at least three hours each day. (Sec 85.005 and 85.064) For most political subdivisions, this will require your temporary branch locations to be open on every weekday of the early voting period and for at least eight hours on each of those days.
>
> **NOTE**: HB 1888 also repeals Section 85.064(a) and (c) and Section 85.065. Those statutes provided different rules for populous counties (population over 100,000) as opposed to less populous counties (population under 100,000). Those distinctions have been removed. **The rules for temporary branch locations are now the same for populous and less populous counties under the current version of the law**.

12. 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 (PDF) must be posted at the entrance of the previous polling place informing voters of the current polling place location, if possible. (Sec. 43.062).

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

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

14. Note on Testing Tabulating and Electronic Voting Equipment

Ballot Testing:

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

Logic and Accuracy Test:

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

Testing Tabulating Equipment:

The automatic tabulating equipment used for counting ballots at a central counting station must be tested three times for each election. (Ch. 127, Subch. D). We recommend you test the equipment as soon as possible; early testing will allow adequate time to locate any errors and make any necessary corrections in programming. However, the first test **must be conducted at least 48 hours before** the automatic tabulating equipment is used to count ballots voted in the election. The second test shall be conducted immediately before the counting of ballots with the equipment begins. The third test must be conducted immediately after the counting of ballots with the equipment is completed. Please note that the custodian of the automatic tabulating equipment must publish notice of the date, hour, and place of the first test in a newspaper at least 48 hours before the date of the test. (Sec. 127.096). The electronic files created from the L&A testing are what must be used for testing the tabulating equipment. (Tex. Sec'y of State Election Advisory No. 2019-23).

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

Our recommendation is that both L&A testing and testing of the automatic tabulating equipment take place prior to ballots by mail being sent out. However, should there be a reason to delay testing, please be advised that L&A testing must be conducted at least 48 hours before voting begins on a voting system. This means that L&A testing should

be completed before early voting and possibly, before Election Day, if your Election Day system is different than your early voting system. Additionally, the automatic tabulating equipment may not be used to count ballots voted in the election until a test is successful.

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

15. Note on Accepting Voters with Certain Disabilities

All Political Subdivisions: Accepting voters with certain disabilities:

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

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

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

> "Pursuant to Section 63.0015, Election Code, an election officer may give voting order priority to individuals with a mobility problem that substantially impairs the person's ability to move around. A person assisting an individual with a mobility problem may also, at the individual's request, be given voting order priority. Disabilities and conditions that may qualify you for voting order priority include paralysis, lung disease, the use of portable oxygen, cardiac deficiency, severe limitation in the ability to walk due to arthritic, neurological, or orthopedic condition, wheelchair confinement, arthritis, foot disorder, the inability to walk 200 feet without stopping to rest, or use of a brace, cane, crutch, or other assistive device."

Notice of Voting Order Priority (PDF)

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

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

16. Note on law regarding faxed or emailed ABBMs and faxed FPCAs

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

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

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

Calendar of Events

May

Thursday, May 7, 2020 (180th day before Election Day)

First day to accept applications for state write-in ballots for the November 3, 2020 election. (Sec. 105.002).

Tuesday, May 26, 2020 (75th day after minor party precinct conventions)

Deadline for minor party chairs to submit petitions and precinct convention lists to Secretary of State and to the appropriate county clerk (or other county election official) for placement on the ballot. (Secs. 1.006; 181.005(a); 181.006(b)(3); 182.003; 182.004). **The deadline is extended to the next regular business day which is Tuesday, May 26, 2020 due to the 75th day falling on Sunday, May 24, 2020 and Monday, May 25, 2020 is Memorial Day, a state legal holiday. (Sec. 1.006)**.

June

Thursday, June 18, 2020 (30th day before Saturday, July 18, 2020, "first day to file")

Cities, Schools and Other Political Subdivisions: Deadline to post Notice of Deadline to File Applications for Place on the Ballot (PDF) in a public place 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).

July

Saturday, July 18, 2020 (30th day before Monday, August 17, 2020, regular filing deadline for a place on the

Counties: First day to file a Declaration of Write-In Candidacy (PDF) and accompanying filing fee or nominating petition (PDF) in lieu of filing fee with the county judge or Secretary of State, as applicable, for the November General

Election for state and county officers. (Secs. 146.023; 146.0231; 146.0232; 146.025(a); 172.024; 172.025). *See* Write-In Candidates Guide.

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

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

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

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

Tuesday, July 31, 2020 (last day "before August")

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

NOTE: As mentioned in Election Advisory 2020-12, all county election officers are required to contract with local political subdivisions that postponed their May 2, 2020 election and that request a contract for election services or a joint election agreement with their county election officer pursuant to the Governor's suspension of certain Texas Election Code provisions.

August

Monday, August 3, 2020 (20th day after Runoff Primary Election Day)

First day of new term for political party county and precinct chairs elected in the July 14, 2020 Primary Runoff Election. (Sec. 171.022(c)).

Monday, August 3, 2020 – Sunday, October 4, 2020

Recommended timeframe for the county election board in **all counties regardless of population** to appoint the members to the early voting ballot board for the November General Election for state and county officers. (Sec. 87.002(c), (d)). Section 87.002(c) of the Election Code does not provide a deadline for the county election board to make such appointments. **NOTE: This is not a deadline; just a recommendation. October 1 is the recommended deadline because of various notice requirements.**

Recommended date that commissioners court in **all counties regardless of population** to appoint central counting station manager, tabulation supervisor, and assistants to the tabulation supervisor if it has established a central counting station. (Secs. 127.001; 127.002; 127.003; 127.004). **NOTE: This is not a deadline; just a recommendation.**

Wednesday, August 5, 2020 (90th day before Election Day)

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

Friday, August 7, 2020 (88th day before Election Day)

For all counties regardless of population, deadline for party chairs to submit to county commissioners court a list of eligible persons for precinct presiding election and alternate presiding judges for appointments, as well as for presiding and alternate presiding judges of central counting station for appointments for the November General Election for state and county officers. (Secs. 32.002(a)(1), (c); 32.002(a)(2), (c); 127.005(e)).

Deadline for party chairs to submit to county election officer the list of eligible persons to serve as election officers for the main and any branch early voting location for the November General Election for state and county officers. (Sec. 85.009).

Recommended date that party chairs, **in all counties regardless of population**, submit to the county election board a list of names of eligible persons to serve on the early voting ballot board for the November General Election for state and county officers. (Sec. 87.002(c), (d)). **NOTE: This is not a deadline; just a recommendation.**

> **NOTE: The SOS adjusted this date in accordance with Sec. 41.006 so newly elected party chairs can exercise their authority to submit a list of eligible persons for the November General Election for state and county officers.** Section 41.006 provides that if an election under this subchapter (A) is held on a date other than a date prescribed by other law, deadlines and the performance of any official act relating to the election shall be adjusted to allow the same interval of time in relation to the date of the election as would be provided by application of the other law. Because the new term begins August 3, 2020, SOS moved the list deadline (for all counties regardless of population) to Friday, August 7, 2020.

NOTE: A signature verification committee may be appointed at a later date. (Sec. 87.027)

Thursday, August 13, 2020 (30th day after Runoff Primary Election Day)

Counties: 5:00 p.m. — Filing deadline for independent candidate's application for place on ballot (PDF) and petition (PDF) for the November General Election for state and county officers. (Sec. 142.006). *See* Independent Candidates Guide

Friday, August 14, 2020 (81st day before Election Day, day before 2nd day before filing deadline)

Political Subdivisions Other Than Counties: If a candidate dies on or before this date, his or her name is not placed on the ballot, if the filing deadline is Monday, August 17, 2020. (Sec. 145.094(a)(1)).

NOTE – NEW LAW: Section 145.098, as amended by House Bill 1067 (2019), states if a candidate dies on or before the deadline for filing an application for a place on the ballot, the authority responsible for preparing the ballots MAY choose to omit the candidate. If the authority does choose to omit the candidate, the deadline for filing an application for a place on the ballot, is extended to the fifth day after the filing deadline, August 24, 2020. This extended deadline only applies to the regular filing deadline. It does NOT apply to the write-in deadline.

> **NOTE:** Because the extended deadline for filing an application for a place on the ballot falls on a weekend (Saturday, August 22, 2020), it is extended to the next regular business day, Monday, August 24, 2020.

Monday, August 17, 2020 (78th day before Election Day)

Cities, Schools, and Political Subdivisions that Postponed Their May 2, 2020 Elections: Deadline to make necessary revisions to the Order of Election (Tex. Sec'y of State Election Advisory 2020-12). Those revisions may include:

1. The change to the date of the election;
2. Any change in location of the main early voting location;
3. Any changes to early voting dates and hours, including weekend early voting;
4. Any changes to the identity of the early voting clerk and their contact information; or
5. Any changes to branch early voting locations.

Counties: 5:00 p.m. — Deadline to file as a write-in candidate for the November General Election for state and county officers. (Sec. 146.025(a)). A declaration of write-in candidacy filed by mail is considered to be filed at the time of its receipt by the appropriate authority. (Sec. 146.025(c)). *See* Write-In Candidates Guide.

> **Exception:** If a candidate whose name is to appear on the general election ballot dies or is declared ineligible after the third day before the date of the filing deadline above, a declaration of write-in candidacy for the office sought by the deceased or ineligible candidate may be filed not later than 5:00 p.m. of the 75th day before Election Day. (Sec. 146.025(b)).

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

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

Political Subdivisions Other Than Counties (General Election): Deadline for political subdivisions to order a general election to be held on Tuesday, November 3, 2020. (Sec. 3.005). One of the following forms may be used:

- Order of Election for Municipalities (PDF)
- Order of Election for Other Political Subdivisions (Including Schools) (PDF)

Political Subdivisions Other Than Counties (Special Election): Deadline to order a special election on a measure or a special election to fill a vacancy (if authorized to fill vacancies by special election) to be held on the date of the November General Election for state and county officers. An application may not be filed before the special election is ordered, and in addition to the information stated below, the order must state the filing deadline. (Secs. 201.051(b); 201.054(c), (d)). The following form may be used:

- Order of Special Election for Municipalities (PDF).

Counties: Deadline for counties to order a general election or a special election on a measure to be held on Tuesday, November 3, 2020. (Secs. 3.004; 3.005). The following forms may be used:

- Order of Election for the November General Election (for County & Precinct Officers) (PDF)
- Order of Special Election for County-Ordered Measure Elections (PDF) Order

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 10, 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.

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

1. the proposition language that will appear on the ballot;
2. the purpose for which the debt obligations are to be authorized;
3. the principal amount of the debt obligations to be authorized;
4. that taxes sufficient to pay the 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.

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). The political subdivision should confirm that the most recent maps or boundary changes have been provided to the voter registrar.

Recommended date to confirm telephone number for the county voter registrar's office on Election Day.

Recommended date to order election supplies, other than ballots. (Subchapter A, Chapter 51).

Political Subdivisions Other Than Counties: ***Recommended*** date to appoint **presiding and alternate judges**. Currently, the Election Code does not establish a deadline for appointing election officials; there is only a notification deadline. For further information concerning procedures for appointing judges and their alternates, see Sections 32.005, 32.008, and 32.011. General eligibility requirements are found in Subchapter C, Chapter 32. In addition to appointing a judge and alternate judge for each election precinct pursuant to Sections 32.001 and 32.005, the governing body must allow the judge to appoint no less than two clerks; however, the alternate judge must serve

as one of the clerks as a matter of law. (Secs. 32.032; 32.033). The presiding judge then appoints an additional clerk(s), but not more than the maximum set by the governing body. (Sec. 32.033). Presiding judges and their alternates must be given a Notice of Appointment (PDF) 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 (PDF), which is required to be delivered to each presiding judge not later than the 15th day before the election, Monday, October 19, 2020. (Secs. 4.007; 32.009(e)). If the notices are combined, both must be delivered by the date required by the earlier notice.

> **NOTE:** If you are conducting a joint election with the county, please be advised that the Election Code places many requirements on the method of selecting people who must be appointed by the county to work in the November General Election for state and county officers. *See* Sections 32.002 and 32.034, Election Code.
>
> **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 (PDF). (Sec. 4.007; Sec. 49.110, Water Code).
>
> ***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.
>
> ***Recommended*** date to appoint the **central counting station personnel** (manager, tabulation supervisor and assistants to the tabulation supervisor) if applicable. (Secs. 127.002; 127.003; 127.004; 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.

Political Subdivisions Other Than Counties: 6:00 p.m. — Last day to file an application for a place on the ballot **or** a Declaration of Write-In Candidacy in a **special election to fill a vacancy** to be held on the date of the November General Election for state and county officers. (Sec. 201.054(f), (g) as amended by House Bill 2323 (2017)). NOTE: For future reference, please note that this deadline is not the same for elections held on the May uniform election date or on the November uniform election date in an odd-numbered year.

Thursday, August 20, 2020 (75th day before Election Day, 4th day before recommended ballot drawing date)

For an election held by political subdivision other than a county or city, the authority conducting the ballot position drawing shall mail written notice of the date, hour, and place of the drawing to candidates by this date if the drawing is to be conducted on Monday, August 24, 2020, as recommended. (Sec. 52.094(d)). If a candidate in a special election files on this date, they should be given a copy of the notice at the time they file.

For an election held at county expense or a city election, on receipt of a candidate's written request accompanied by a stamped, self-addressed envelope, the authority conducting the ballot position drawing shall mail written notice of the date, hour, and place of the drawing to the candidate. We recommend sending such notices by this date, if drawing is to be conducted on Monday, August 24, 2020, as recommended. (Sec. 52.094(d)).

Friday, August 21, 2020 (74th day before Election Day)

Counties: Deadline for a party nominee or independent candidate in the November General Election for state and county officers to withdraw from the election. (Secs. 145.032; 145.062).

Counties: Last day on which death, declaration of ineligibility, or withdrawal of a party nominee or an independent candidate for the November General Election for state and county officers causes an omission of the candidate's name from the ballot. (Secs. 145.035; 145.039; 145.064; 145.065). For certain exceptions regarding deceased candidates, please see Section 145.064(b)).

> **NOTE**: Withdrawal request submitted by mail must be **received** by appropriate authority by this date. (Sec. 145.001(c)). A withdrawal request must also be sworn, and candidates may use the Certificate of Withdrawal (PDF). (Sec. 145.001(b)).

If a vacancy occurs on or before this date in a state, district, or county office not regularly scheduled for election in 2020, due to **death**, **resignation**, or **removal** of the officeholder, the unexpired term of the office shall be placed on the November 3, 2020 election ballot. (Sec. 202.002(a)). An appointment to fill the vacancy continues until the next succeeding general election and until a successor has been elected and has qualified for the office. Also, depending on the effective date of the vacancy, the office may also be voted on in the next succeeding primary election. (Secs. 202.002(b); 202.004). *See* Election Advisory No. 2019-17.

Political Subdivisions Other Than Counties: 5:00 p.m. — Deadline for write-in candidates to file Declarations of Write-In Candidacy for regular officers for city, school district, library district, junior college district, hospital district, common school districts, Chapter 36 and 49 Water Code districts, and other political subdivision elections, unless otherwise provided by law. (Secs. 144.006(b); 146.054(b);146.055, Election Code; Secs. 11.056; 11.304; 130.0825, Education Code; Secs. 326.0431; 326.0432, Local Government Code; Sec. 285.131, Health and Safety Code; and Secs. 36.059; 49.101; 63.0945, Water Code). *See* Candidacy Filing outline for more details.

> **NOTE**: An application 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)).

Political Subdivisions Other Than Counties: If you plan on holding your ballot position drawing on Monday, August 24, 2020, then your Notice of Drawing for Place on Ballot (PDF) of such drawing should be posted today. The notice must be posted for 72 hours immediately preceding the time of the drawing. (Sec. 52.094(c)).

Monday, August 24, 2020 (71st day before Election Day)

Political Subdivisions Other Than Counties: The Elections Division recommends that you hold your **ballot position drawing** no later than today to determine the order of candidates' names on the ballot (Sec. 52.094) and that you certify today to the county election officer the offices, propositions (in all necessary languages), and candidates' names (including the order) as they are to appear on the ballot, **if you are contracting** to have the county conduct your election or if you are conducting a joint election with the county.

> **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 14 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.**

> **NOTE:** Ballot position for the November General Election for state and county officers is determined by Sections 52.091 and 52.092, Election Code.

Legislative Vacancies: Last day for all candidates (including write-in candidates) to withdraw from a special election to fill a legislative vacancy. (Secs. 146.083; 145.092(a)).

Counties: **5:00 p.m.** — Deadline for party chair to deliver replacement nominee or nominee to fill vacancy in an unexpired term to the appropriate officer (for a vacancy in an office that would not normally be on the 2020 ballot and that occurred after December 4, 2019 but not later than August 21, 2020). (Secs. 145.036; 145.037(e); 171.022; 201.022; 202.006). *See* Texas Sec'y of State Advisory No. 2019-17 for further information on this deadline and related procedures.

Political Subdivisions Other Than Counties: 5:00 p.m. — Last day for a candidate to withdraw from a general election, by submission of a notarized Certificate of Withdrawal (PDF) or a notarized letter, or to be declared ineligible. **If a candidate withdraws or is declared ineligible by this date, his or her name is omitted from the ballot**. (Secs. 146.054(c); 145.092(f); 145.094(a)(4)); 145.096(a)(4)).

Political Subdivisions Other Than Counties: Last day for a candidate to withdraw from a special election, by submission of a notarized Certificate of Withdrawal (PDF) or a notarized letter, or to be declared ineligible. **If a candidate withdraws or is declared ineligible by this date, his or her name is omitted from the ballot**. (Sec. 145.092(a)).

Counties and Other Political Subdivisions: **5:00 p.m**. — Last day to **withdraw** as a **write-in** candidate in the general election for state and county officers, or a general or special election ordered by a political subdivision other than a county, (Secs. 144.006(c); 146.0301; 146.054(c)). Candidates may use the Certificate of Withdrawal (PDF).

NOTE – NEW LAW: Section 145.098, as amended by House Bill 1067 (2019), states if a candidate dies on or before the deadline for filing an application for a place on the ballot, the authority responsible for preparing the ballots MAY choose to omit the candidate. If the authority does choose to omit the candidate, the deadline for filing an application for a place on the ballot, is extended to the fifth day after the filing deadline, August 17, 2020. This extended deadline only applies to the regular filing deadline. It does NOT apply to the write-in deadline.

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

A special election of a political subdivision is considered to be a separate election with a separate ballot from a general election for officers of the same political subdivision held at the same time as the special election. Therefore, the fact that there may be a proposition on the ballot will not prevent a cancellation of an election for candidates who are unopposed. (Sec. 2.051(a)). If any members of the political subdivision's governing body are elected from territorial units, such as single member districts, an election may be cancelled in a particular territorial unit if each candidate for an office that is to appear on the ballot in that territorial unit is unopposed **and no** opposed at-large race is to appear on the ballot. An unopposed at-large race may be cancelled in an election regardless of whether an opposed race is to appear on the ballot in a particular territorial unit. (Sec. 2.051(b)). **This recommended cancellation deadline considers a regular filing deadline of Monday, August 17, 2020, a special election filing deadline of Thursday, August 20, 2020, and a write-in deadline of Friday, August 21, 2020. For additional information, consult the outline on** Cancellation of Election for Local Political Subdivisions.

Political Subdivisions Other Than Counties: *Recommended* date to appoint **presiding and alternate judges**. Currently, the Election Code does not establish a deadline for appointing election officials; there is only a notification deadline. For further information concerning procedures for appointing judges and their alternates, see Sections 32.005, 32.008, and 32.011. General eligibility requirements are found in Subchapter C, Chapter 32. In addition to appointing a judge and alternate judge for each election precinct pursuant to Sections 32.001 and 32.005, the governing body must allow the judge to appoint no less than two clerks; however, the alternate judge must serve as one of the clerks as a matter of law. (Secs. 32.032, 32.033). The presiding judge then appoints an additional clerk(s), but not more than the maximum set by the governing body. (Sec. 32.033). Presiding judges and their alternates must be given a Notice of Appointment not later than the 20th day after the appointment is made. (Sec. 32.009). If the appointment is for a single election, the notice may be combined with the Writ of Election, which is required to be delivered to each presiding judge not later than the 15th day before the election, Monday, October 19, 2020. (Sec. 4.007, 32.009(e)). If the notices are combined, both must be delivered by the date required by the earlier notice.

> **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** (manager, tabulation supervisor and assistants to the tabulation supervisor) 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.

For timeframes for appointment of various election workers for counties.

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

Recommended date to order election supplies, other than ballots. (Sec. 51.003).

Recommended date to confirm telephone number for the county voter registrar's office on Election Day.

Friday, August 28, 2020 (67th day before Election Day)

Deadline for Secretary of State (federal, state and district offices) and county judge (countywide and precinct offices) to certify names of independent and declared write-in candidates to county election officer for placement on the November 3, 2020 ballot. (Secs. 142.010; 146.029(c)).

Deadline for Secretary of State to certify to county election officer names of party nominees for statewide and district offices for placement on November 3, 2020 ballot, and deadline for Secretary of State to post major party nominees for county and precinct offices. (Secs. 161.008; 172.117).

***The deadlines referenced above are extended to the next regular business day which is Friday, August 28, 2020 due to the deadline falling on Thursday, August 27, 2020 which falls on a holiday, LBJ Birthday. (Sec. 1.006)**.

September

Wednesday, September 2, 2020 (62nd day before Election Day)

5:00 p.m. - Last day to file application for a for a place on the ballot in a special election to fill a vacancy, if the special election is ordered on or before the 70th day before Election Day, Tuesday, August 25, 2020. (Sec. 201.054(a)(1)). For more details about Section 201.054 and the two possible special election deadlines, see Tuesday, August 25, 2020.

5:00 p.m. - Deadline for write-in candidates to file Declarations of Write-In Candidacy for officers for city, school district, library district, junior college district, hospital district, and common school districts in a special election to fill a vacancy if the special election is ordered on or before the 70th day before Election Day, Tuesday, August 25, 2020. (Sec. 201.054(a)(1) and 201.054(g)).

> **NOTE:** A declaration of write-in candidacy for a special election must be filed not later than the filing deadline. The filing deadline to file an application for a place on the ballot in a special election to fill a vacancy, if the special election is ordered on or before the 70th day before Election Day, Tuesday, August 25, 2020. (Section 201.054(g))

Friday, September 4, 2020 (60th day before Election Day)

Political Subdivisions Other Than Counties: Last day for the governing body of a political subdivision to deliver notice of the election to the county election officer and voter registrar of each county in which the political subdivision is wholly or partly located. (Sec. 4.008).

NOTE FOR COUNTY - NEW LAW: Section 4.003 as amended by House Bill 933 (2019) requires that counties post on the county website the notice and list of polling locations of any political subdivision that delivers their notice to the county under 4.008. This is regardless of whether the county is contracting with the entity. See Note 9 for more information on the requirements related to the Notice of Election.

Recommended date for county clerk/county elections administrator to deliver an initial list of voters who have submitted annual applications for ballot by mail under Section 86.0015 and scans or photocopies of those applications to the early voting clerk of any political subdivision located within the county that is holding an election on November 3, 2020. The list should only include voters that reside in the political subdivision holding the election. The list should only be created and sent to those political subdivisions that have provided notice of the election to the county clerk/elections administrator. *See also*, the note below and the entry at Friday, October 23, 2020 for more information about delivery of a final list of voters. *See* entry at October 22, 2020 and entry at November 1, 2020 for more information on the delivery of copies/images of the applications.

> **NOTE:** Section 86.0015 requires the county clerk/elections administrator to provide a list of voters that have submitted an annual application for ballot by mail to all political subdivisions in their county holding an election. The law only applies to elections for which the county clerk/elections administrator is not the early voting clerk via a contract for election services or joint election agreement. The Election Division *strongly recommends* that the county and political subdivisions **discuss the frequency and method for which these lists should be transmitted** to ensure that ballots are sent out in a timely manner. 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.

Tuesday, September 8, 2020 (56th day before Election Day; 22nd day after August 17, 2020)

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 Cities, Schools, and Political Subdivisions that Postponed Their May 2, 2020 Elections: The deadlines related to Declarations of Ineligibility, Withdrawals or Death that apply to the November 3, 2020 election would apply to all candidates who were on the ballot for the May 2, 2020 election**.** (Tex. Sec'y of State Election Advisory 2020-12).

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 of Monday, August 17, 2020. (Sec. 143.008). (See Monday, August 17, 2020 entry).*

***The deadlines referenced above are extended to the next regular business day which is Tuesday, September 8, 2020 due to the deadline falling on Monday, September 7, 2020 which falls on a holiday, Labor Day. (Sec. 1.006).**

Political Subdivisions Other Than Counties: Last day to notify election judges of their appointment if they were appointed, as recommended, on **Monday, August 17, 2020**. (Secs. 1.006, 32.009(b)). Presiding and alternate judges must be notified (PDF) of their appointment in writing, not later than the 20th day after the date the appointment is made. **The deadline is extended to the next regular business day which is Tuesday, September 8, 2020 due to the 20th day falling on Sunday, September 6, 2020 and Monday, September 7, 2020 being Labor Day.**

The notice of the judge's duty to conduct the election (Writ of Election (PDF)) pursuant to Section 4.007 may be combined with the above notice, if the appointment is for a single election only. If the notices are **NOT** combined, then the notice of the judge's duty to conduct the election (writ of election) must be delivered not later than the 15th day before Election Day, Monday, October 19, 2020.

Monday, September 14, 2020 (50th day before Election Day)

Political Subdivisions Other Than Counties: Last day to notify election judges of their appointment if they were appointed, as recommended, on Monday, August 24, 2020. (Secs. 1.006, 32.009(b)). Presiding and alternate judges must be notified (PDF) of their appointment in writing, not later than the 20th day after the date the appointment is made. The notice of the judge's duty to conduct the election (writ of election (PDF)) pursuant to Section 4.007 may be combined with the above notice, if the appointment is for a single election only. If the notices are **NOT** combined, then the notice of the judge's duty to conduct the election (writ of election) must be delivered not later than the 15th day before Election Day, Monday, October 19, 2020.

Last day to publish notice (PDF) for testing of automatic tabulation equipment testing and logic and accuracy testing (L&A testing) of a voting system that uses direct recording electronic (DRE) voting machines and precinct scanners **if test will be completed by recommended deadline of Wednesday, September 16, 2020**. Notice of the public tests must be published at least 48 hours before the test begins. (Secs. 127.093; 127.096; 129.022; 129.023). *See* Note 14, above.

> **NOTE**: **T**his requirement also applies to cities, schools, and political subdivisions that postponed their May 2, 2020 Elections**.**

Monday, September 14, 2020 - Sunday, December 13, 2020 (50th day before Election Day through 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. *See* Tex. Sec'y of State Election Advisory 2020-14 (Sec. 31.122).

> **NOTE for Counties:** This office hour rule applies to the entity's general election or special election ordered by that authority; we recommend that the county maintain these office hours, because the county conducts the constitutional amendment election. The hours are clearly required if the county authority orders an additional county election.
>
> **NOTE for Independent School Districts**: A "regular business day" means a day on which the school district's main business office is regularly open for business. (Sec. 31.122(b)).
>
> **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).

Wednesday, September 16, 2020 (48th day before Election Day)

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

Friday, September 18, 2020 (46th day before Election Day)

Last day to order a special election to fill a vacancy (if authorized to fill vacancies by special election). If the election was ordered after the 70th day before Election Day, the filing deadline will be the 40th day before Election Day. (Secs. 201.052 and 201.054(a)(2)). Please note that the Election Code requires the election to be ordered as soon as practicable after the vacancy occurs. (Sec. 201.051).

Deadline to challenge the filing of an application for a place on the ballot as to form, content, and procedure, if the ballots are mailed on the 45th day before Election Day, Saturday, September 19, 2020. **This deadline will change if any ballots were mailed prior to the 45th day before Election Day**. (Sec. 141.034).

> **NOTE –** Section 141.034 as amended by Senate Bill 44 (85th Legislature, RS, 2017) provides that an application for a place on the ballot may not be challenged for compliance with the applicable requirements as to form, content, and procedure after the day **before** any ballot to be voted early by mail is mailed.

Saturday, September 19, 2020 (45th day before Election Day)

Deadline to mail ballots to military or overseas voters who already submitted their ballot requests via a federal postcard application (FPCA) or via a standard application for ballot by mail (ABBM) and indicated that they are outside the United States. 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: The 45th Day deadline under Section 86.004(b) is not extended by Section 1.006 to the next business day. The ballots covered by Section 86.004(b) should be sent out on or before Saturday, September 19, 2020.**

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

Reminder Regarding ABBMs: If the domestic ABBM (i.e. a voter who is not overseas) is **received** before the 45th day, the EV clerk **must** mail the ballot no later than the 30th day before Election Day. (Sec. 86.004(a)). If the domestic or overseas ABBM is received after the 45th day before Election Day, then the EV clerk **must** mail the ballot no later than the 7th day after the EV clerk **accepts** the ABBM. (Sec. 86.004(a)).

NOTE: Information on the early voting roster for both early voting in person and early voting by mail must be made available for public inspection and on the county's website if the county clerk or Election Administrator is serving as the early voting clerk or on the city's website if the city secretary is serving as the early voting clerk. The early voting roster shall be posted by 11:00am on the day after the information is entered on the roster (for early voting in person) or by 11:00am on the day after the early voting clerk receives a ballot voted by mail. If the entity does not maintain a website, the information must be on the bulletin board used for posting notices. (H.B. 1850, S.B. 902, 86th Legislature, 2019; Sec. 87.121)

Monday, September 21, 2020 (43rd day before Election Day, 28th day before early voting begins)

Last day for county chairs to supplement list of names for early voting officer list. (Secs. 1.006; 85.009). **The deadline is extended to the next regular business day which is Monday, September 21, 2020 due to September 19, 2020 falling on a Saturday.**

Monday, September 28, 2020 (36th day before Election Day)

Deadline for the Secretary of State to mail each county judge a copy of the Governor's proclamation ordering the November General Election for state and county officers. (Sec. 3.003(c)).

Tuesday, September 29, 2020 (35th day before Election 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)).

October

Thursday, October 1, 2020 (33rd day before Election Day)

Counties: Deadline to receive a petition signed by 15 registered voters by the early voting clerk requesting that a signature verification committee be created. A request submitted by mail is considered to be submitted at the time of its **receipt** by the early voting clerk. (Sec. 87.027(a-1)).

Friday, October 2, 2020 (32nd day before Election Day)

Recommended LAST 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 (PDF). If the signature verification committee will start meeting on October 14, 2020, early voting clerk must post a copy of the order calling for appointment of the signature verification committee on or before this date, in order to give notice of the meeting. The order must remain posted continuously for at least 10 days before the first day the committee meets. (Sec. 87.027).

Sunday, October 4, 2020 (30th day before Election Day)

First day of period during which notice of election must be published **if another method of giving notice is not specified by a law outside the Election Code**, and publication is the method of giving notice selected. (Sec. 4.003(a)(1)). The notice for elections ordered by a county or by an authority of a city or school district must be given by publication in a newspaper in addition to any other method specified by a law outside the Election Code. (Sec. 4.003(c) and (d)). This notice may be combined with the other notices you are required to publish. *See* Note 9.

> **NOTE**: **T**his requirement also applies to cities, schools, and political subdivisions that postponed their May 2, 2020 Elections**.** (Tex. Sec'y of State Election Advisory 2020-12).

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

> **NOTE: Notice of Change of Polling Place Location:** For elections **ordered by the governor or county judge only**, if the location of the polling place changes after notice has been given under Section 4.003, and the county election officer maintains a website to inform voters about elections, the notice of the change must be posted on the website. The notice on the website must be given not later than the earlier of 24 hours after the location was changed or 72 hours before the polls open on Election Day. (Sec. 43.061).
>
> **NOTE: Notice of Previous Polling Place:** If a different polling place is being used than at the previous election held by the same authority, Notice of Previous Precinct (PDF) must be posted at the entrance of the previous polling place informing voters of the current polling place location, if possible. (Sec. 43.062).

Monday, October 5, 2020 (29th day before Election Day)

Last day to register to vote for the Tuesday, November 3, 2020 election. (Secs. 1.006; 13.143). **The deadline is extended to the next regular business day which is Monday, October 5, 2020 due to the 30th day falling on Sunday, October 4, 2020.** (Secs. 13.143(e); 15.025(d)).

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

Last day for a voter to make a change of address that will be effective for the November 3, 2020 election. A voter who submits a change of address after this date may still be eligible to return to his or her previous precinct to vote under "fail-safe" voting, if he or she still resides in the **same** county and the same local political subdivision, if applicable, conducting the election. (Secs. 15.025; 63.0011).

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

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

Wednesday, October 7, 2020 (27th day before Election Day)

Recommended LAST date for the county elections board to appoint (PDF) a signature verification committee (if one was ordered not later than Friday, October 2, 2020 at the discretion of the county election officer and not required due to petition by 15 registered voters. The members must be appointed not later than the fifth day after the order was issued by the early voting clerk. The county elections board must post a notice of the appointment of committee members continuously until the last day the signature verification committee meets. (Sec. 87.027). This form may be used for the notice: Notice of Appointment of Signature Verification Committee (PDF).

Friday, October 9, 2020 (25th day before Election Day)

Counties: Deadline for Democratic and Republican County Chairs to submit to the precinct presiding judges for each Election Day precinct, a list containing at least two persons who are eligible to serve as election clerks, in order to secure appointment of clerks affiliated or aligned with their respective parties. (Sec. 32.034(b)).

Tuesday, October 13, 2020 (21st day before Election Day)

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

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. (Secs. 1.006; 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. (Secs. 1.006; 4.005).

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

NOTE FOR COUNTIES - NEW LAW: Section 4.003 as amended by House Bill 933 (2019) requires that counties post on the county website the notice and list of polling locations of any political subdivision that delivers their notice to the county under 4.008. This is regardless of whether the county is contracting with the entity, regardless of whether the entity is conducting their own election or contracting with the county.

NOTE: This requirement also applies to cities, schools, and political subdivisions that postponed their May 2, 2020 Elections. (Tex. Sec'y of State Election Advisory 2020-12).

Wednesday, October 14, 2020 (20th day before Election Day; 5th day before the first day of early voting in person)

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

Counties: Last day to petition for temporary branch polling place(s) in a county with a population of 100,000 to 120,000, if the voting at those branch locations is to begin on the first day of early voting, Monday, October 19, 2020. (Secs. 85.062(d)(3); 85.067).

Counties: Last day to post notice (PDF) of places, days, and hours for voting at branch early voting polling place if voting is to begin at that location on the first day of early voting in person. The schedule may be amended after the beginning of early voting by personal appearance to include notice of additional branch locations, but any amendment must be made and posted not later than the fifth day before voting begins at the additional temporary branch. (Secs. 85.062(d)(3); 85.067(c)).

Last day for a person to apply for a full ballot by mail using an FPCA, if the person is not a registered voter but meets the requirements under Title 2 of the Texas Election Code. (Secs.101.052(e) & 101.055(a)). (If the voter marks the FPCA form indicating **"my intent to return is uncertain"** (2019 form (PDF)), **or "my return is uncertain"** (2017 form (PDF)) the voter receives a federal-only ballot.) Postmark with this date on the FPCA is proof that the applicant submitted the FPCA by this deadline. *See* Monday, October 19, 2020 for timeliness of an FPCA received without a postmark. (Sec. 101.052(e), (i)).

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

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

Last day to publish notice of L&A test for voting systems if test will be held on Friday, October 16, 2020, if testing has was not already completed by September 16, 2020. Notice of the public L&A Test must be published at least 48 hours before the test begins. (Secs. 129.001; 129.023). *See* Note 14, above.

Thursday, October 15, 2020 (19th day before Election Day)

Counties: Deadline for county elections board to appoint (PDF) signature verification committee, if a valid petition requesting one to be created was presented to the early voting clerk by the deadline, Monday, October 1, 2020. (Sec. 87.027(a-1), (c)).

Thursday, October 15, 2020 – Friday, October 23, 2020 (19th day before Election Day - 11th day before Election Day)

A person submitting an FPCA (PDF) during this period who is **not** registered to vote is not entitled to receive a ballot for any non-federal election held on Tuesday, November 3, 2020. *See* entry below under October 19, 2020 (FPCA without a postmark). (Secs. 84.007; 101.052(e), (f)). The early voting clerk is required to maintain this application since it may be used for other elections

> **NOTE:** Overseas (non-military) voters marking the FPCA **"my intent to return is uncertain"** (2019 form (PDF)), **or "my return is uncertain"** (2017 form (PDF)) receive a federal ballot only **regardless** of the date filed. (*See* Chapter 114). A person submitting an FPCA during this period is entitled to receive a federal ballot only (no state, district, or county offices), if not already a permanent registered voter. (Secs. 101.052(f), 114.002, 114.004).

Friday, October 16, 2020 (18th day before Election Day; at least 48 hours before early voting begins)

Last day for a voter to hand-deliver their application for a ballot by mail. (Sec. 84.008).

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 Defective Application for Ballot by Mail (PDF) and a statement that the voter is not entitled to vote early by mail unless he or she submits a sufficient application by the deadline, which is Friday, October 23, 2020. (Secs. 84.007(c); 86.008).

Last day to conduct public L&A test of a voting system. We highly ***recommend*** that this test is done on an earlier date to allow time for corrections to programming, if necessary. (*See* Note 14, above). Per Section 129.023, the L&A test shall be conducted not later than 48 hours before voting begins on such voting systems, assuming that the voting system will first be used for early voting in person.

Monday, October 19, 2020 (15th day before Election Day)

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

NOTE: The early voting period for the general election begins 17 days prior to Election Day, but because this day falls on a weekend (Saturday, October 17, 2020), it is extended to the next regular business day, Monday, October 19, 2020. (Sec. 85.001(c)).

NOTE: About branch early voting in a general election for state and county officers. The commissioners court:

1. in a county with a population of 400,000 or more, **must** establish one or more temporary polling places, other than the main early voting polling place, in each state representative district containing territory covered by the election.

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

3. in a county with a population of 100,000 or more but less than 120,000, **must** establish one or more early voting polling places in each commissioners precinct for which the commissioners court receives a **timely filed written request signed by at least 15 registered voters of that precinct**.

The temporary polling place(s) must remain open for each weekday of the early voting period that the main early voting polling place will be open. The temporary branch polling place(s) must be open at least eight hours each day, unless the city or county are not serving as the early voting clerk and the territory holding the election has less than 1,000 registered voters, in which case the temporary branch polling places must be open for at least three hours each day. (Secs. 85.062; 85.064).

NOTE - NEW LAW: Section 85.064 as amended by House Bill 1888 (2019) requires that early voting at temporary branch polling places must now be conducted on the **same weekdays** that early voting is required to be conducted at the main early voting polling place under 85.005 (i.e. each weekday of the early voting period that the main location will be open) and must remain open for either: (1) eight hours each day, or (2) three hours each day if the city or county clerk does not serve as the early voting clerk for the territory and the territory has fewer than 1,000 registered voters. **This means that even if your main early voting location is able to be open for fewer than eight hours, your branch locations must still be open for the eight or three hour minimum that applies to your election.** See Advisory No. 2019-20 for more details.

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 for at least three (3) hours per day. (Sec. 85.005(b)).

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, September 14, 2020 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).

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

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.

Joint Elections: If 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.

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

NOTE: Voting by limited ballot must be done during the early voting period (or by mail). (Sec. 112.002(a)).

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

Last day to notify election judges of duty to hold election (Writ of Election (PDF) and Writ of Election – General Election for State and County Officers (PDF)). Notice must be given by the 15th day before the election or the 7th

day after the day the election is ordered, whichever is later. The Writ of Election must be given to each presiding judge and include:

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

Tuesday, October 20, 2020 (14th day before Election Day)

NOTE for Counties: Deadline to file a petition (PDF) in the November General Election for state and county officers to require the early voting clerk of a county with a population **under 100,000** to conduct extended early voting for **12 hours on the last Saturday** of the early voting period, October 24, 2020. (Secs. 85.006(e); 85.007). Notice of weekend voting must be posted beginning no later than Wednesday, October 21, 2020 and continuing through Friday, October 23, 2020. (Sec. 85.007(c)).

Deadline to file a petition (PDF) in the November General Election for state and county officers to require the early voting clerk of a county with a population **under 100,000** to conduct extended early voting at the **main early voting polling place** for 12 hours on each **weekday** of the last week of the early voting period (Monday, October 26, 2020 through Friday, October 30, 2020). Notice of extended hours (PDF) must be posted beginning no later than Wednesday, October 21, 2020 and continuing through Friday, October 30, 2020. (Secs. 85.005(c); 85.067).

NOTE for Cities: Deadline to file a petition (PDF) to require the early voting clerk of a city to conduct extended early early voting on the last Saturday of the early voting period, October 24, 2020 (Sec. 85.006(d)). Notice of weekend voting must be posted beginning no later than Wednesday, October 21, 2020 and continuing through Friday, October 23, 2020. (Sec. 85.007(c)).

Wednesday, October 21, 2020 (13th day before Election Day; 72 hours preceding first hour Saturday early voting will be conducted)

NOTE for Counties : Deadline to file a petition (PDF) in the November General Election for state and county officers to require the early voting clerk of a county with a population **under 100,000** to conduct extended early voting for **5 hours on Sunday**, October 25, 2020. (Sec. 85.006(e)). Notice of weekend voting must be posted beginning no later than Thursday, October 22, 2020 and continuing through Saturday, October 24, 2020. (Sec. 85.007(c)).

NOTE for Cities: Deadline to file a petition (PDF) to require the early voting clerk of a city to conduct extended early early voting on the last Sunday of the early voting period, October 25, 2020 (Sec. 85.006(d)). Notice of weekend voting must be posted beginning no later than Thursday, October 22, 2020 and continuing through Saturday, October 24, 2020. (Sec. 85.007(c)).

Counties and Cities Only: Last day to post notice on bulletin board for posting notice of meetings for the commissioners court and city council if early voting will be conducted on Saturday,October 24, 2020. (Sec. 85.007). Notice must be posted at least 72 hours before early voting begins on a Saturday or Sunday. If the County Clerk or City Secretary on her own motion by written order orders early voting on Saturday or Sunday OR if the County Clerk or City Secretary orders Saturday or Sunday voting after being petitioned to do so by at least 15 registered voters, such voting need not be included in the regular order or notice of the election. (Secs. 85.006(b), (d) and 85.007(b), (c)).

Note for all Political Subdivisions, except Counties and Cities: Voting on ANY Saturday or Sunday ordered by the **governing body** on its own motion (i.e., not petitioned for by 15 registered voters) **must** be included in the order and notice of election. (Secs. 85.006; 85.007(a)).

NOTE: Section 85.007 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, October 22, 2020 (12th day before Election Day; day before the last day to apply for a ballot by mail)

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

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

Counties and Cities Only: Last day to post notice on bulletin board for posting notice of meetings of the commissioners court or city council, if early voting will be conducted on Sunday, October 25, 2020. (Sec. 85.007). Notice must be posted at least 72 hours before early voting begins on a Saturday or Sunday. *See* entry at Wednesday, October 21, 2020.

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). *See* Application for Emergency Early Voting Ballot Due to Sickness or Physical Disability (PDF). An application may be submitted after the last day of the period for early voting by personal apeprance and before 5:00 p.m. on Election Day. (Sec. 102.003).

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

Friday, October 23, 2020 (11th day before Election Day)

Last day to receive an FPCA (PDF) from a voter. If the voter is **not** registered in the county (and / or marked intent to return "not certain"), **the voter is still eligible for a ballot containing federal offices only.** In a local (non-federal) election, this means there is no ballot to send the voter. (Secs. 101.052(b), (f); 114.004(c)).

Last day for early voting clerk to receive applications for a ballot to be voted by mail. (Sec. 84.007(c). All applications to vote by mail must be received by the early voting clerk before the close of regular business or 12 noon, **whichever** is later. Applications to vote by mail must be submitted by mail, common or contract carrier, fax (if a fax machine is available in the office of the early voting clerk) or e-mail. The early voting clerk's designated email address must be posted on the Secretary of State's website. If a voter submits an application for ballot by mail via fax or e-mail, the early voting clerk must receive an original or a copy with a wet signature via mail within 4 business days of the submission of the fax or e-mail (Sec. 84.007(c)).

> **NOTE:** Sec. 84.007(b-1) provides that if an ABBM is faxed or emailed or if an FPCA is faxed, then the applicant must submit the ORIGINAL application BY MAIL to the early voting clerk so that the early voting clerk **receives the original no later than the 4th business day after receiving the emailed or faxed ABBM or faxed FPCA.** If the early voting clerk does not receive the original ABBM or FPCA by that deadline, then the emailed or faxed ABBM or faxed FPCA will be considered incomplete, and the early voting clerk may NOT send the applicant a ballot. The requirement to mail the original application does not apply to an **emailed** FPCA. For additional information on this new law, please *see* Note 16, above.

Last day for county clerk/elections administrator to deliver final list of voters that have submitted an annual application for ballot by mail to political subdivisions located within the county holding an election on November 3, 2020, for which the county clerk/elections administrator is not the early voting clerk via a joint election agreement or contract for election services.

Saturday, October 24, 2020 (10th day before Election Day; last Saturday of early voting period)

Counties: In counties with populations of 100,000 or more, early voting must be conducted in the November General Election for state and county officers for at least 12 hours on the last Saturday of the early voting period. (Sec. 85.006(e)). For counties under 100,000, voting on Saturday is only required if a proper petition (PDF) was received in a timely manner. *See* entry under Tuesday, October 20, 2020.

Cities: If a proper petition (PDF) was received in a timely manner, early voting must be conducted on the last Saturday of the early voting period. *See* entry under Tuesday, October 20, 2020.

Last day of period during which notice of the November General Election for state and county officers and other elections ordered by a county or a city or school district must be published in a newspaper of general circulation. (Sec. 4.003(a)(1)).

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

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 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)).

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

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

Sunday, October 25, 2020 (9th day before Election Day; last Sunday of early voting period)

Counties with a Population of 100,000 or More: In counties with populations of 100,000 or more, early voting must be conducted in the November General Election for state and county officers for at least 5 hours on last Sunday of the early voting period. (Sec. 85.006(e)). For counties under 100,000, voting on Sunday is only required if a proper petition (PDF) was received in a timely manner. *See* entry under Wednesday, October 21, 2020.

Cities: If a proper petition (PDF) was received in a timely manner, early voting must be conducted on last Sunday of the early voting period. *See* entry under Wednesday, October 21, 2020.

Monday, October 26 – Friday, October 30, 2020 (last week of early voting by personal appearance)

In counties with a population of 100,000 or more, the early voting clerk must keep the main early voting polling place open for 12 hours each day between October 26 and October 30, 2020. Early voting must be conducted at permanent branch locations for 12 hours each day. (Secs. 85.005(c) & 85.067).

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

Wednesday, October 28, 2020 (6th day and 4th business day before Election Day)

5:00 p.m. — Deadline to submit a Request for Election Inspectors (PDF) for Election Day, Tuesday, November 3, 2020 to the Secretary of State. (Sec. 34.001).

Thursday, October 29, 2020 (5th day before Election Day; day before the last day to vote early in person)

A voter is eligible to vote a late ballot if they will be out of their county of residence on Election Day due to a death in the immediate family (related within 2nd degree of consanguinity or affinity) that occurs on or after this day. The voter may submit the Application for Emergency Early Ballot Due to Death in Family (PDF) starting Saturday, October 31, 2020 (the day after early voting in person ends). (Secs. 103.001; 103.003(b)). An application may be submitted after the last day of the period for early voting by personal appearance before the close of business on the day before Election Day. (Sec. 103.003).

Deadline for the early voting clerk to receive, by mail, the original or a copy with a wet signature of an ABBM that was faxed or emailed or of an FPCA that was faxed on the deadline to apply for a ballot by mail, Friday, October 30, 2020.

> **NOTE:** Sec. 84.007(b-1) provides that a voter who faxed or emailed their ABBM or faxed their FPCA must mail the original to the early voting clerk so that the early voting clerk **receives the original no later than the 4th business day after receiving the emailed or faxed ABBM or faxed FPCA**. For more information, *see* Note 16.

Friday, October 30, 2020 (4th day before Election Day)

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

Early voting clerk must post Notice of Delivery of Ballots Voted by Mail (PDF) to the early voting ballot board if materials are to be delivered to the board on Saturday, October 31, 2020. Notice must be posted continuously for 24 hours preceding each delivery to the board. (Secs. 87.0221; 87.0222; 87.023; 87.024; 87.0241).

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

Last day to publish notice of public test of automatic tabulating equipment, if test will be held on Sunday, November 1, 2020, and if the first test was not previously already completed. The public notice of the test of automatic tabulating equipment must be published at least 48 hours before the test begins. (Sec. 127.096).

Saturday, October 31, 2020 (3rd day before Election Day)

First day that counties with a population of 100,000 or more (or local subdivisions conducting a joint election with such a county) may convene their early voting ballot board and begin **counting** ballots; **however, the results may not be announced until after the polls close on Election Day**. (Secs. 87.0222; 87.0241).

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

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

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

First day to submit an application (PDF) for and vote a late ballot because of a death in the immediate family that occurred on or after Thursday, October 29, 2020, and will require absence from the county on Election Day, November 3, 2020. (Secs. 103.001; 103.003(b)). An application may be submitted after the last day of the period for early voting by personal appearance before the close of business on the day before Election Day. (Sec. 103.003).

First day to submit an application (PDF) for and vote a late ballot because of sickness or disability that arose on or after Thursday, October 29, 2020. (Secs. 102.001; 102.003). An application may be submitted after the last day of the period for early voting by personal appearance and before 5:00 p.m. on Election Day. (Sec. 102.003).

November

Sunday, November 1, 2020 (2 days before Election Day)

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

Monday, November 2, 2020 (1 day before Election Day)

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

Last day for early voting clerk to mark the precinct list of registered voters with a notation beside each name of voter who voted early, and deliver list to election judges. The early voting clerk must also deliver the precinct early voting list. (Sec. 87.122). This may be delivered electronically if your county is using an e-poll book.

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 (PDF) no later than Monday, November 2, 2020, 24 hours before Election Day. (1 Tex. Admin. Code. Secs. 81.174(d)(3)). However, under this type of delivery, the county voter registrar **must** go to the custodian of election records office and pick up the provisional ballots and forms.

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

Tuesday, November 3, 2020 - (Election Day)

7:00 a.m. – 7:00 p.m.	Polls open. (Sec. 41.031). Voter registrar's office is open. (Sec. 12.004(c)). Early voting clerk's office is open for early voting activities. (Sec. 83.011). A voter may deliver a marked ballot by mail to the early voting clerk's office while the polls are open on Election Day. The voter must comply with applicable identification procedures. The identification procedure is the same as that used for personal appearance voting under SB 5 (85th Regular Session, 2017) (Sec.86.006). Sick and disabled persons may vote at the main early voting polling place if **electronic voting systems** are used at regular polling place(s) on Election Day **and** the voter has a sickness or condition that prevents the voter from voting in the regular manner without personal assistance or likelihood of injury. (Secs.104.001; 104.003). However, if the early voting ballots by mail are processed at a location other than the main early voting polling place, the early voting clerk may require the voting to be conducted at that location. (Sec. 104.003).
5:00 p.m.	Deadline for receiving Application for Emergency Early Voting Ballot Due to Sickness or Physical Disability (PDF) for late ballots to be voted by persons who became sick or disabled on or after Thursday, October 22, 2020. (Sec. 102.003(b)).
7:00 p.m.	Regular deadline for receiving **early voting ballots** by mail. **BUT see entry for Wednesday, November 4, 2020 on "late domestic ballots" and entries for Monday, November 9, 2020 on other "late" ballots.** Deadline for receiving **early voting ballots** by mail and late ballots cast by voters who became sick or disabled on or after Thursday, October 22, 2020. (Secs. 86.007(a); 102.006(c)).

NOTE: Receipt of Mail Ballots: All early voting ballots sent by mail from inside the United States that are received by 7:00 p.m. on Election Day, November 3, 2020, **must be counted on election night**. If the carrier envelope does not bear a cancellation mark or a receipt mark, the ballot must arrive **before** the time the polls are required to close **on Election Day**. (Sec. 86.007(a)(1). If the early voting clerk cannot determine whether a ballot arrived before that deadline, the ballot is considered to have arrived at the time the place at which the carrier envelopes are deposited was last inspected for removal of returned ballots. (Sec. 86.007(b)). The early voting clerk **must** check the mailbox for early voting mail ballots at least once after the time for regular mail delivery. (Sec. 86.007(b)).

NOTE: An early voting mail ballot that is not received by 7:00 p.m. on Election Day may not be counted unless the ballot may be counted late, per HB 1151 (85th Legislature, RS, 2017), which applies to ballots mailed from outside the United States (Sec. 86.007(d)), late domestic ballots (Sec. 86.007(a)(2)), and ballots from members of the armed forces and merchant marine of the United States, their spouses and dependents (Sec. 101.057). *See* entry for Wednesday, November 4, 2020 on

"late domestic ballots" and entries for Monday, November 9, 2020 on other "late" ballots. *See* Tex. Sec'y of State Election Advisory No. 2018-02.

NOTE: Delivery of Early Voting by Personal Appearance and Mail Ballots: The early voting clerk delivers the voted ballots, the key to the double-locked ballot box, etc., to the early voting ballot board at the time or times specified by the presiding judge of the early voting ballot board, during the hours the polls are open or as soon after the polls close as practicable. (Secs. 87.021; 87.022). The custodian of the key to the second lock of the double-locked early voting ballot box delivers his or her key to the presiding judge of the early voting ballot board on request of the presiding judge. (Secs. 85.032(d); 87.025). **The custodian is the sheriff for county elections, elections ordered by the governor, and a primary election** (or the county judge in a year when the office of sheriff is on the ballot). The custodian is 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: Delivery of Early Voting Ballots to Early Voting Ballot Board Before Election Day: Early voting ballots may be delivered to the early voting ballot board at any time after early voting by personal appearance ends. Mail ballots may be qualified and processed (signatures verified, carrier envelopes opened, and the secrecy envelope containing the ballot placed in a secure location), but they may not be counted until Election Day. (Secs. 87.0221; 87.0222; 87.023; 87.024; 87.0241). If ballots are to be delivered before Election Day, the early voting clerk must post notice at least 24 hours before each delivery at the main early voting polling place.

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

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

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

Last day to post notice of governing authority's meeting to canvass returns of election if canvass is to take place on Friday, November 6, 2020 (3rd day after election). (Sec. 67.003(b)). This notice must be posted at least 72 hours before the scheduled time of the meeting. (Secs. 551.002; 551.041; 551.043, Texas Government Code).

Wednesday, November 4, 2020 (1st day and 1st business day after Election Day)

5:00 p.m. – Deadline to receive "**late domestic ballots"** mailed **within** the United States from **non-military voters and from any military voters** who submitted an **Application for Ballot by Mail** ("ABBM") (**not** a Federal Postcard Application – "FPCA"), if the carrier envelope was placed for delivery by mail or common or contract carrier **AND** bears a cancellation mark of a postal service or a receipt mark of a common or contract carrier or a courier indicating a time not later than **7:00 p.m**. (or the equivalent of 7:00pm early voting clerk timezone if the voter is in a different timezone) at the location of the election on Election Day, November 3, 2020**.** (Secs. 86.007; 101.057; 101.001). A late domestic ballot **cannot be counted** if it does **not** bear a cancellation mark or a receipt mark.

> **NOTE:** Because of the deadline to receive "late domestic ballots" it is imperative that you **check your mail at 5:00pm**!
>
> **NOTE:** Section 86.007 provides that a marked ballot voted by mail that a voter received due to submitting an ABBM may arrive at the address on the carrier envelope not later than 5:00 p.m. on the day **after** Election Day, if the carrier envelope was placed for delivery by mail or common or contract carrier from **within** the United States **and** bears a cancellation mark of a postal service or a receipt mark of a common or contract carrier or a courier from **not later than 7:00 p.m.** at the location of the election on Election Day.
>
> **NOTE:** This deadline does **not** apply to ballots sent by non-military voters who are overseas but applied for a ballot using an ABBM; these voters have until the 5th day after Election Day to return their ballots (or the next business day if the 5th day falls on a weekend or legal state or federal holiday). This deadline also does **not** apply to ballots mailed (domestically or from overseas) by certain members of the military who applied for a ballot using an FPCA; those voters have until the 6th day after Election Day to return their ballots. *See* **entries** for Monday, November 9, 2020.

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

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

> **NOTE:** If the county voter registrar wants to take possession of the provisional ballots and forms on election night (Tuesday, November 3, 2020), the county voter registrar must inform the custodian of the election records and post a notice of the transfer no later than 24 hours before Election Day. However, under this type of delivery, the county voter registrar **must** go to the custodian of election records office and pick up the provisional ballots and forms. Also, note that the county voter registrar may take possession of provisional ballots prior to election night if ballots are kept separate and may be provided without unlawful entry into ballot box. (1 Tex. Admin. Code Secs. 81.172 – 81.174).

Friday, November 6, 2020 (3rd day after Election Day)

Last day to begin the **partial manual count** for districts using electronic voting systems. This is the last day **begin** manual recount of ballots in three precincts or one percent of precincts, whichever is greater. (Sec. 127.201(a), (g)). The count must be completed not later than the 21st day after Election Day. Results of manual count must be delivered 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)).

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

The first possible day to conduct 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 the ballot board has finished convening for all late arriving ballots.** (Sec. 67.003). *See* entries for November 4, 2020 and entries for November 9, 2020. 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).

Cities, Schools, and Other Political Subdivisions: First day that newly-elected local officers may qualify and assume the duties of their offices. Please note that the canvass must have been completed **before** an officer can assume office. (Sec. 67.016). If a political subdivision was able to **cancel** its election, this is the first day its elected officials can be issued a certificate of election and take the oath of office. (Secs. 2.053(e); 67.003; 67.016). For information on who can administer an oath please see Chapter 602 of the Government Code or review Advisory 2017-10.

> **NOTE:** This does not apply to officers of a Type A general law city, *see* entry at Monday, November 9, 2020.

Monday, November 9, 2020 (6th day after Election Day)

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; 212.0331).
>
> **NOTE:** If a municipal officer-elect fails to qualify for office within 30 days after the date of the officer's election, the office is considered vacant. (Sec. 22.007, Local Government Code) See December 3, 2020 entry.

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

Last day to receive ballots from **non-military and any military voters** casting ballots from outside of the United States, who submitted an **ABBM**, (not an FPCA) **AND** who placed their ballots in delivery by 7:00 p.m. on Election Day, Tuesday, November 3, 2020, as evidenced by a postal service cancellation mark or a receipt mark of a common or contract carrier or a courier (Secs. 86.007, 101.057 and 101.001). A late overseas ballot sent by a voter who applied for a ballot using an ABBM (not an FPCA) **cannot be counted** if it does **not** bear a cancellation mark or a receipt mark.*****

> **NOTE:** Section 86.007 as amended by House Bill 1151 (2017) states that a marked ballot voted by mail from **outside** of the United States by a voter who received the ballot due to submitting an ABBM is considered timely if it is received at the address on the carrier envelope not later than **the fifth day** after the date of the election. Further, the delivery is considered timely if the carrier envelope or, if applicable, the envelope containing the carrier envelope is properly addressed with postage or handling charges prepaid **and** bears a cancellation mark of a recognized postal service or a receipt mark of a common or contract carrier or a courier indicating a time **by 7:00 p.m**. on Election Day.

Last day to receive ballots from **non-military voters** casting ballots from **overseas**, who submitted an **FPCA, AND** who placed their ballots in delivery by 7:00 p.m. on Election Day, Tuesday, November 3, 2020. (Sec. 86.007(d) and (e)).*****

*The deadlines referenced above are extended to the next regular business day which is Monday, November 9, 2020 due to the 5th day falling on a Sunday. (Secs. 86.007(d-1)).

Last day to receive carrier envelopes mailed domestically (within the United States) OR overseas from voters who submitted an **FPCA AND** who are **members of the armed forces of the United States, or the spouse or a dependent of a member of the armed forces, members of the merchant marines of the United States, or the spouse or a dependent of a member of the merchant marine.** (Secs. 101.057; 101.001). *See* Note on House Bill 929 (2017, RS), below.

> **NOTE:** Section 101.57 as amended by House Bill 929 (2017) states that carrier envelopes mailed domestically or overseas from certain **military voters** (members of the armed forces of the United States, or the spouse or a dependent of a member of the armed forces, members of the merchant marines of the United States, or the spouse or a dependent of a member of the merchant marine) who submitted a **Federal Post Card Application (FPCA)** may arrive on or before the 6th day after Election Day. (Secs. 86.007, 101.057 and 101.001).
>
> **NOTE: The carrier envelope or, if applicable, the envelope containing the carrier envelope sent by the military members listed above who applied to vote by mail using the FPCA does NOT need to bear a cancellation or receipt mark in order to be counted.**

Deadline for Voter Registrar to complete the review of provisional ballots. (1 Tex. Admin Code Secs. 81.172 – 81.175).

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

Saturday, November 14, 2020 (11th day after Election Day)

Last day to post notice of governing authority's meeting to canvass returns of election if canvass is to take place on Tuesday, November 17, 2020 (14th day after election). This notice must be posted at least 72 hours before the scheduled time of the meeting. (Secs. 551.002; 551.041; 551.043, Texas Government Code).

Monday, November 16, 2020 (13th day after Election Day)

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

1. any late **domestic** ballots (non-military) that bear a cancellation mark or receipt mark indicating they were placed for delivery by mail or common or contract carrier not later than 7:00 p.m. on Election Day, November 3, 2020, and were received not later than 5:00 p.m. on the first business day after Election Day, on Wednesday, November 4, 2020. (Secs. 86.007(a); 87.125(a)).

2. any late ballots that were submitted from outside the United States by voters who applied for the ballot using an ABBM or by non-military voters who applied for the ballot using an FPCA, and which were received by the 5th day after Election Day, Monday, November 9, 2020. (Secs. 87.125(a)); 86.007(d)).*

3. any ballots received by the 6th day after Election Day, Monday, November 9, 2020, from voters who are members of the armed forces of the United States, or the spouse or a dependent of a member of the armed forces, members of the merchant marines of the United States, or the spouse or a dependent of a member of the merchant marine and who applied for a ballot using an FPCA. (Secs. 101.057; 87.125(a)).

4. any provisional ballots that have been reviewed by the voter registrar. (Sec. 65.051(a)).

NOTE: The deadline referenced above is extended to the next regular business day which is Monday, November 9, 2020 due to the 5th day falling on a Sunday. (Secs. 86.007(d-1)).

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

NOTE: The presiding judge of the EVBB shall mail a Notice of Rejected Ballot to voters whose mail ballots were rejected no later than the 10th day after Election Day or as soon as practicable, depending on when the EVBB last convenes. (Sec. 87.0431).

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

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

Tuesday, November 17, 2020 (14th day after Election Day)

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

Saturday, November 21, 2020 (18th day after Election Day)

First day that Governor may conduct the state canvass of the November General Election for state and county officers. (Sec. 67.012).

Tuesday, November 24, 2020 (21st day after Election Day)

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

Monday, November 30, 2020 (27th day after Election Day; 13th day after last canvass)*

Last day for the presiding judge of the early voting ballot board to mail Notice of Outcome to Provisional Voter (PDF) to provisional voters, if the canvass was held on Tuesday, November 17, 2020. Such notices must be delivered to provisional voters by the presiding judge no later than the 10th day after the local canvass. (65.059; 1 Tex. Admin. Code Sec. 81.176(e)).

***The deadlines referenced above are extended to the next regular business day which is Monday, November 30, 2020 due to the deadline falling on Friday, November 27, 2020 which falls on a holiday, Day After Thanksgiving. (Sec. 1.006)**.

December

Thursday, December 3, 2020 (30th day after Election Day)

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

> **NEW LAW:** Local political subdivisions no longer have to submit this information to the Secretary of State. (S.B. 902, H.B. 1850, 86th Legislature, 2019; Sec. 67.017).

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

Monday, December 7, 2020 (34th day after Election Day)

Last day for the Governor to conduct the state canvass for the November General Election for state and county officers. Since the actual deadline (the 33rd day) falls on a Sunday, the deadline is moved to the next business day. (Secs. 1.006; 67.012).

Friday, December 11, 2020 (38th day after Election Day)

Last day of the period for mandatory office hours. *See* entry for Monday, September 14, 2020. (Sec. 31.122).

January

Sunday, January 3, 2021 (61st day after Election Day)

First day that contents of ballot box(es) may be transferred from locked ballot box to separate container for the remainder of the preservation period. (Sec. 66.058(b)).

2020 - 2022

Sunday, September 4, 2022 (day after 22 months after November 3, 2020 Election Day)

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

> **Note: All** election records must be preserved for 22 months from Election Day, even when there is no federal office on the ballot. (Sec. 66.058).

Notable Exceptions:

> **Permanent Records**: Election results must be permanently-maintained in the election register. (Sec. 67.006).
>
> **Note: Electronic Voting Systems**: See advisories on our website for preservation procedures for electronic voting systems.

Friday, November 4, 2022 (day after Two Years after November 3, 2020 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).

Monday, November 4, 2024 (day after four years after November 3, 2020 Election Day)

Note on Retention of Voter Registration List: County voter registrar must maintain **copy** of each voter list prepared for each presidential election for 4 years (48 months) after Election Day. (Sec. 18.011).