

# March 5, 2024 Primary Election Law Calendar and May 28, 2024 Primary Runoff Election Law Calendar

**Note:** For deadlines affecting all candidates, refer to our online [2024 Candidate's Guide Important Dates](#) calendar. **Remember that under Section 41.007(d) of the Texas Election Code, no other elections may be conducted on primary or runoff primary election day.**

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**NOTE REGARDING CERTAIN STATUTES AND GOVERNMENTAL ACTIONS THAT RELATE TO THE FEDERAL CENSUS:** Pursuant to HB 2025 (2021), the population figures from the **2010 federal census NO LONGER apply** with respect to a statute that applies to a political subdivision having a certain population according to the most recent federal census. **Beginning September 1, 2023, statutes that contain a population threshold apply to a political subdivision according to the 2020 federal census.**

## 1. Campaign Information

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

## 2. Statutory and Administrative Code References

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

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

## 3. Web Posting Requirements

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

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

**NOTE** - Section 65.016 of the Code requires a county that holds an election or provides election services for an election for a public entity to post certain information on their website. Information should be posted as soon as practicable after the election and must be accessible without having to make more than two selections or view more than two network locations after accessing the home page of the county. While these statutory web posting requirements do not specifically apply to primary elections, **we strongly recommend that you post this information for any primary election in which the county has contracted to provide election services.** Required information on the websites must include:

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

We recommend that election results information remain posted on the county's main page (or within two clicks of the main page) at least until the next election, and that the information continues to be available for the full 22-month retention period for election records. Counties may choose to make older election results information available on their website.

**NOTE - NEW LAW:** SB 477 (2023, R.S.) amended Section 63.0015 of the Code, effective June 18, 2023, to require that an election officer post in an accessible manner on the county election officer's Internet website all procedures and accommodations available for voters with disabilities.

**NOTE -** Per Section 4.009 of the Code, not later than the 21st day before election day, a county that holds an election or provides election services for an election must post certain information related to their upcoming elections.

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

#### **4. Notice of Candidate Filing Periods**

An application for a place on the general primary election ballot must be filed with:

1. the state chair, for an office filled by voters of more than one county; or
2. the county chair or the secretary, if any, of the county executive committee, for an office filled by voters of a single county. (Sec. 172.022).

Not later than the day before the last day of the filing period, the county chair shall post on the political party's Internet website or in the location where a candidate files for a place on the ballot notice of the address at which the county chair or secretary will be available to receive applications on the last day of the filing period. If both the county chair and the secretary will be available, the notice must contain the address at which each will be available. While you are only required to post notice on the last day, our office recommends you post notice of where a candidate can file before the last day. (Sec. 172.022(b)).

In certain circumstances, a filing deadline may have an extended deadline.

**NOTE -** If the deadline for filing applications is extended, the authority with whom the withdrawn, deceased, or ineligible candidate's application was filed shall prepare a notice identifying the candidate and the office for which the filing deadline is extended and stating the extended deadline. Not later than 24 hours after the candidate withdraws or is declared ineligible or after the authority preparing the notice learns of the candidate's death, as applicable, the authority shall:

1. Deliver a copy of the notice to:
  - a. at least one daily newspaper published in the county or, if none, at least one weekly newspaper published there, if any, for a notice prepared by the county chair;
  - b. at least three daily newspapers that regularly maintain a news representative at the State Capitol, for a notice applicable to a statewide office; or
  - c. at least one daily newspaper published in each county wholly or partly situated in the district or, if none, at least one weekly newspaper published there, if any, for a notice prepared by the state chair for a district office;
2. Post the notice on the authority's Internet website, if one is maintained; and
3. Send a copy of the notice to:
  - a. the secretary of state, to be posted on the secretary of state's Internet website, for a candidate for an office filled by voters of more than one county; or
  - b. the county clerk, to be posted on the county's Internet website, for an office filled by voters of a single county. (Sec. 172.055).

## 5. Notice of Elections

**NOTE - There is no order of election in a primary election.** The primary election occurs automatically as a matter of law on the primary election dates outlined in the Texas Election Code.

The county election officer must post a notice of election on or before the 21st day before the election. (Secs. 4.003(b), 172.1112). (**NOTE:** There is no requirement to publish notice of the primary or runoff primary elections in a newspaper, and the cost of any such publication will not be reimbursed with primary funds.) For the Tuesday, March 5, 2024 Primary Election, this notice must be posted on the county's website on or before Tuesday, February 13, 2024. For the Tuesday, May 28, 2024 Runoff Primary Election, the notice must be posted on or before Tuesday, May 7, 2024.

This notice **must** include:

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

8. We **recommend** that the information regarding branch early voting locations be included as part of your notice; and
9. Any other information required by law.

(Secs. 4.004, 83.010, 85.004, 85.007).

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

**Note regarding branch early voting locations:** The branch early voting locations are no longer a required part of the notice under the Texas Election Code. However, the early voting clerk must post a schedule stating the location of those branch early voting locations and the dates and hours that temporary branch voting will be conducted. That schedule must be posted on the county's website if the county has a website; otherwise, it must be posted on the commissioners court bulletin board. See Tex. Sec'y of State Election Advisory No. 2023-10. (Secs. 4.004, 85.067, 85.068).

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

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

**NOTE** - The county must post a copy of the election notice on the county's website, if the county maintains a website. It is recommended that the county election officer post notice on the bulletin board that is used for meetings. (Sec. 4.003(b)). (Sec. 26.16(a), Tax Code).

**NOTE** - Notice of the early voting dates and hours must be posted continuously for 72 hours on the county's website before voting begins. If the county does not maintain a website, then the county clerk will post a copy of the election notice on the bulletin board used for commissioners court meetings. (Sec. 85.007).

**NOTE** - The county must post the notice of election and notice of consolidated precincts on the county's website if the county maintains a website. Under a prior version of the law, the notice was required to be posted on the party's website. (Sec. 172.1112).

## **6. Regular Days and Hours for Voting**

**Counties** - Early voting must be conducted at the main early voting location on each weekday that is not a legal state holiday for a period of **at least nine (9) hours**. Voting may not be conducted earlier than 6:00 AM or later than 10:00 PM.

## 7. Extended Early Voting Hours and Weekend Early Voting

For more information on early voting changes, please see [Tex. Sec'y of State Election Advisory No. 2023-10](#).

### Extended Early Voting Hours

**Note for ALL counties:** Voting in a primary election shall be conducted at the main early voting location for **at least 12 consecutive hours on each weekday of the last week of early voting**. Voting may not be conducted earlier than 6:00 AM or later than 10:00 PM. (Sec. 85.005(c)).

### Weekend Early Voting Hours

**NOTE FOR ALL COUNTIES REGARDLESS OF POPULATION SIZE:** The main early voting location must be open for **at least 12 consecutive hours on the last Saturday of the early voting period**, except that voting may not be conducted earlier than 6:00 AM or later than 10:00 PM, and for **at least 6 consecutive hours on the last Sunday of the early voting period**, except that voting may not be conducted earlier than 9:00 AM or later than 10:00 PM. (Sec. 85.006(e)).

**NOTE FOR COUNTIES WITH A POPULATION OF 100,000 OR MORE:** In counties with a population of 100,000 or more, early voting must be conducted for at least 12 consecutive hours on the last Saturday and at least six consecutive hours on the last Sunday of the early voting period at any required temporary branch locations (created under Section 85.062(d) of the Texas Election Code). (Secs. 85.006(e), 85.062(d), 85.064(d)).

**Note** - There is no petition process to require a county with a population less than 100,000 to conduct weekend early voting at temporary branch locations. However, the early voting clerk may voluntarily order weekend early voting at temporary branch locations by written order if they choose to do so.

**NOTE - NEW LAW:** HB 1217 (2023, R.S.) amended Section 19.004 of the Code, effective September 1, 2023, to provide that if the registrar's county has a population of less than 55,000, the county may use Chapter 19 funding to defray the cost to the registrar's county of keeping the polling places in the county open during the early voting period as required under Sections 85.005(c), 85.006(e), and 85.064(d).

## 8. Temporary Branch Locations

In a primary election, a certain number of temporary branch locations must be established depending on the population size of the county:

1. in a county with a population of 400,000 or more, the commissioners court **must** establish one or more temporary polling places, other than the main early voting polling place, in each state representative district containing territory covered by the election.
2. in a county with a population of 120,000 or more but less than 400,000, the commissioners court **must** establish one or more temporary polling places, other than the main early voting polling place, in each commissioners precinct containing territory covered by the election.
3. in a county with a population of 100,000 or more but less than 120,000, the early voting clerk **must** establish one or more early voting polling places in each commissioners precinct for which the early voting clerk receives a **timely filed written request 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. (Secs. 85.062, 85.064).

**NOTE** - Section 85.062 of the Code provides that the location of temporary branch polling places in an election in which countywide polling places are used must be determined with the same methodology that is used for the location of countywide polling places.

**NOTE** - Section 85.068 of the Code provides that if the early voting clerk is a county election officer, the officer must post [notice \(PDF\)](#) for each election stating any dates and the hours that voting on Saturday or Sunday will be conducted under Section 85.064(d). (Sec. 85.068).

**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 - NEW LAW:** HB 1217 (2023, R.S.), amended Section 85.064 and repealed Section 85.065 of the Code, effective September 1, 2023. As a result, the rules regarding the days and hours of early voting by personal appearance at temporary branch locations are the same for **ALL** counties, regardless of their population. As amended, Section 85.064 requires early voting by personal appearance at each temporary branch polling place to be conducted on the days that early voting is required to be conducted at the main early voting polling place under Section 85.005 and provides that each temporary branch **MUST** remain open for at least eight (8) hours each day. See [Tex. Sec'y of State Election Advisory No. 2023-10](#).

## **9. Joint Primaries**

The commissioners court, the county election officer, and the county chair of each political party holding a primary election in the county **may** sign a joint resolution agreeing to hold a joint primary. (Sec. 172.126(a)).

Joint primary elections are held in many Texas counties, with the political parties sharing election equipment, polling places, and a team of election workers in each polling place composed of an even number of workers from each political party. (Sec. 172.126; 1 T.A.C. Ch. 81, Subch. G).

The entries in this calendar are generally written in terms of primary elections being held separately rather than jointly. Unless indicated to the contrary, entries in this calendar are applicable whether a primary election is held separately or jointly. However, in a joint primary, the authority responsible for carrying out many of the activities associated with conducting an election will be the county election officer. (Sec. 172.126).

**NOTE** - Section 31.124 of the Code provides that the mandatory meeting between the county election officer and the county chair of each political party holding primary elections in the county must include a discussion of whether to hold a joint primary election in the county. (Sec. 31.124).

#### **10. Notice of Previous Polling Place**

If a different polling place is being used from the previous election held by the same authority, the county election officer must post [a Notice of Change to Polling Place \(PDF\)](#) at the entrance of the previous polling place informing voters of the current polling place location, if possible. (Sec. 43.062).

#### **11. Consolidating and Combining Precincts**

**NOTE - NEW LAW:** SB 924 (2023, R.S.) amended Section 42.0051 of the Code, effective September 1, 2023, to provide that **county election precincts may no longer be combined in a primary election or a primary runoff election. Specifically, Senate Bill 924 removed language from Section 42.0051(a) of the Code, which permitted the county executive committee of a political party conducting a primary election to combine election precincts in a county.** Additionally, Section 42.0051(a-1) of the Code authorizes a commissioners court to combine election precincts only on the recommendation of the county election board. A county election board is not established for a primary election. (Sec. 51.002). As such, county election precincts may now only be combined in a general election or a special election for which use of county election precincts is required. [Tex. Sec'y of State Election Advisory No. 2023-11](#).

**NOTE** - In a primary election, the county executive committee of a party may order two or more county election precincts to be consolidated into a single precinct if the polling place is located so it will adequately serve the voters of the consolidated precinct. (Sec. 42.009).

If precincts are consolidated, the precinct election records for the consolidated precinct are reported as a single election precinct. In a primary election, under Section 42.005, consolidation is only possible if the consolidated precinct does not contain territory from more than one commissioners precinct, justice precinct, congressional district, state representative district,



state senatorial district, or State Board of Education district. In practice, this means an entity may not have more than one “ballot style” per precinct.

**NOTE** - For a primary election, the county chair designates the location of the polling place for each election precinct. However, if the precinct is consolidated, the county executive committee designates the polling location. (Sec. 43.003). If the parties conduct a joint primary under Section 172.126 of the Code, the county election officer must determine whether to consolidate election precincts under Section 42.009 of the Code and must designate the location of the polling place in a consolidated precinct. (Sec. 172.126(b)). To the extent possible, a polling place shall be designated that will accommodate the precinct conventions of each political party. (Sec. 172.126(b)).

## **12. Testing Tabulating and Electronic Voting Equipment**

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

**Note on Logic and Accuracy Test:** We recommend establishing a date to perform the 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).

**NOTE** - If logic and accuracy testing is being conducted for a primary election, the general custodian of election records shall notify the county chair of the test at least 48 hours before the date of the test. The county chair shall confirm receipt of the notice. (Sec. 129.023(b-1)).

**NOTE** - The general custodian of election records is required to demonstrate, using a representative sample of voting system equipment, that the source code of the equipment has not been altered. (Sec. 129.023(c-1)). See Tex. Sec’y of State Election Advisory No. 2019-23 and Tex. Sec’y of State Election Advisory No. 2022-30 for more information on hash validation and voting system procedures.

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

The automatic tabulating equipment used for counting ballots at a central counting station must be tested three times for each election. (Ch. 127, Subch. D). We recommend you test the equipment as soon as possible; early testing will allow adequate time to locate any errors and make any necessary corrections in programming. However, the first test **must be conducted at**

**least 48 hours before** the automatic tabulating equipment is used to count ballots voted in the election. The second test shall be conducted immediately before the counting of ballots with the equipment begins. The third test must be conducted immediately after the counting of ballots with the equipment is completed. Please note that the custodian of the automatic tabulating equipment must publish notice of the date, hour, and place of the first test in a newspaper at least 48 hours before the date of the test. Additionally, in a primary election, the custodian must notify the county chair 48 hours prior to the time of the test. (Sec. 127.096). The county chair shall confirm receipt of the notice. (Sec. 129.023(b-1)). 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. (See Chapters 127 and 129, Election Code).

If a party is conducting a joint primary or contracting with a county that has a population of 100,000 or more and is convening their early voting ballot board and/or central counting station early to begin **counting** ballots, the test of the tabulation equipment will need to be completed at least 48 hours before the equipment is used to count ballots. (Secs. 87.0222, 87.0241, 127.096).

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.

### **13. Conventions of Parties Holding Primary Elections**

#### **Precinct Conventions**

**Time and Place:** Section 174.022 of the Texas Election Code provides that precinct conventions may be held at a time and place determined by rules adopted by the state executive committee of a political party. If precinct conventions are held on general primary election day, the hour set

for convening the conventions may not be earlier than 7:00 PM or later than 9:00 PM, but a convention may not convene until the last voter has voted at the precinct polling place. If precinct conventions are held on a day other than general primary election day, the county executive committee must set the hour for convening or a time frame in which the convention must convene. (Secs. 174.021, 174.022).

**NOTE** - Section 174.021(b) allows a political party to hold their precinct conventions during the county convention and at the same place as the county convention.

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

**NOTE** - The county chair is no longer required to deliver written notice to the county clerk of the date, time and place of each precinct convention by the 10th day before the date of the conventions.

### **County and Senatorial Conventions**

**Time and Place:** Section 174.063(a) provides that the state executive committee by rule specifies the date the county and senatorial conventions will be held. Under Section 174.021 of the Texas Election Code, a political party may by rule allow a county to hold precinct conventions before or during the county convention on the same day and at the same place as the county convention.

**NOTE** - Section 174.021(b) allows a political party to hold their precinct conventions during the county convention and at the same place as the county convention.

**Notice Required:** Section 174.064(a) requires notice of the hour and date for convening each county convention to be posted electronically on the county or state party's Internet website or on the bulletin board used for posting notice of meetings of the commissioners court. The notice must remain posted continuously for the 10 days immediately preceding the date of the convention. Because the convention times are not yet determined, this calendar does not show any deadlines for posting such notices.

**NOTE** - The county chair is no longer required to deliver written notice to the county clerk of the date, time and place of each precinct convention by the 10th day before the date of the conventions.

## State Conventions

Section 174.092(a) of the Texas Election Code provides that the biennial state convention must be convened on a date selected by the state executive committee. The state convention date is no longer limited to one in June or July. Section 174.092(b) of the Texas Election Code continues to provide that the state executive committee must set the date of the state convention not later than the date the state chair delivers to the county chairs the certification of names for placement on the primary election ballot. *See entry at Wednesday, December 20, 2023.* Accordingly, this calendar does not show any deadline or time frame for holding the state convention. Notice of the date, hour, and place for convening the state convention must be posted by the state chair on the party's Internet website before the date of the party's precinct conventions under Section 174.093 of the Texas Election Code.

### 14. Party Electoral Rules

Section 163.006(a) of the Texas Election Code provides that a rule on electoral affairs that is to become effective in a year in which the party will hold precinct conventions must be posted on the party's Internet website, as well as filed with Secretary of State, **not later than the 30th day before the date the party convenes its earliest precinct conventions**. It should be noted that the date of precinct conventions is no longer fixed by statute. (*See Note 13* above.) Accordingly, this calendar does not show any deadline for the posting or filing of such electoral rules.

### 15. Accepting Voters with Certain Disabilities and Curbside Voting

An election officer must 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 each entrance to the polling place where it can be read by persons waiting to vote;
2. on the website of the Secretary of State; **and**
3. on each website relating to elections maintained by a county. (Sec. 63.0015).

**NOTE - NEW LAW:** SB 477 (2023, R.S.) amended Section 63.0015 of the Code, effective June 18, 2023, to require that an election officer post in an accessible manner on the county election officer's Internet website all procedures and accommodations available for voters with disabilities.

**NOTE - NEW LAW:** SB 477 (2023, R.S.) also amended the wording of the voting order priority notice required under Section 63.0015 so that it must read as follows:

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

The recommended time to include the voting order priority notice on a county website is when the Notice of Election is also posted on the website. (Sec. 85.007(d)). See Note 5 regarding Notice of Elections.

**NOTE** - A qualified individual with a disability may request a reasonable accommodation or modification to any election standard, practice, or procedure mandated by law or rule that the individual is entitled to request under federal or state law. (Sec. 1.022).

**NOTE - NEW LAW:** SB 477 (2023, R.S.) amended Section 64.009 of the Code, effective June 18, 2023, to require that at each polling place an area for parking not smaller than the size of one parking space be reserved for use by a voter who is unable to enter the polling place. The area must be clearly marked by a sign indicating the space is reserved and display, in large font that is clearly readable from a vehicle, a telephone number that a voter may call or text to request assistance from an election officer at the polling place. See Telephone Curbside Sign. As an alternative to displaying a telephone number, a parking space may comply with the requirements of Section 64.009 by providing the voter with a button or intercom that the voter may use to request assistance from an election officer. See Intercom Curbside Sign.

If a voter is physically unable to enter the polling place without assistance or likelihood of injury to his or her health, an election officer shall deliver a ballot or voting machine to the voter at the entrance or curb of the polling place on the voter's request. On the voter's request, a person accompanying the voter to the polling place must be permitted to select the voter's ballot and to deposit the ballot in the ballot box after the voter has voted. (Sec. 64.009).

**NOTE** - A person who simultaneously assists seven or more curbside voters by providing the voters transportation to the polling place must complete and sign a form, provided by an election officer, that contains the person's name and address and whether the person is providing assistance solely under Section 64.009 or if the person is providing additional assistance to the voter under Chapter 64, Subchapter B. Completed forms shall be delivered to the Secretary of State as soon as practicable. The Secretary of State shall retain a form delivered under Section 64.009 for the period for preserving the precinct election records and shall make the form available to the attorney general for inspection upon request. This provision does not apply if the

person assisting is related to each voter within the second degree by affinity (marriage) or the third degree by consanguinity (blood).

## **16. 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. (Sec. 84.007).

If a voter faxes or emails the ABBM or faxes the FPCA, the date the early voting clerk receives the fax or email is considered the date of submission. Essentially, the faxed or emailed form serves as a 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.

**NOTE** - A member of the Texas National Guard or the National Guard of another state or a member of a reserve component of the armed forces of the United States serving on active duty under an order of the President of the United States or activated on state orders, or the spouse or dependent of a member, may submit an FPCA. (Sec. 101.001).

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

**NOTE** - An applicant for a ballot to be voted by mail may submit the application by delivering it in person to the early voting clerk if the application is submitted not later than the deadline provided by Section 84.007(c) of the Code. This means that voters may personally deliver their ABBM or FPCA to the early voting clerk not later than the close of regular business in the early voting clerk's office or 12 noon, whichever is later, on the 11th day before election day (unless

that day is a Saturday, Sunday, or legal state or national holiday, in which case the last day is the first preceding regular business day). (Sec. 84.008).

## **17. Opportunity to Correct Defect(s) with Application for Ballot by Mail and Carrier Envelope**

**NOTE - NEW LAW:** SB 1599 (2023, R.S.), effective September 1, 2023, added new corrective action provisions related to the ballot by mail process as it pertains to the early voting clerk's review of an Application for Ballot by Mail and the signature verification committee/early voting ballot board's review of the carrier envelope containing a voter's ballot. Please see below for information regarding these respective changes. See Tex. Sec'y of State Election Advisory No. 2023-13.

**Early Voting Clerk Actions for a Defective Application for Ballot by Mail:** The change in law made by SB 1599 applies only to an application for ballot by mail submitted on or after September 1, 2023. An application for ballot by mail submitted before September 1, 2023 is governed by the law in effect when the application was submitted.

SB 1599 amended Section 86.008(a) of the Code to provide that the section applies to a ballot to be voted by mail for which the applicant failed to comply with a requirement provided by Section 84.002 (contents of application), 84.0021 (contents of application for participant in the Attorney General Address Confidentiality Program), or 84.003(a) (signing application by witness) in a manner that would lead, if not corrected, to the rejection of the applicant's application. Not later than the second day after the early voting clerk discovers a defect(s) described by Section 86.008(a) referenced above, the early voting clerk shall: (1) determine if it would be possible for the applicant to correct the defect and return an application form by mail by the 11th day before election day, as applicable; and (2) if the clerk determines it would be possible to correct the defect and return an application form before the deadline, the early voting clerk must deliver an official application form to the applicant. The early voting clerk must include with an application form delivered to the applicant a written notice containing: (1) a brief explanation of each defect in the noncomplying application; (2) a statement informing the voter that the voter is not entitled to vote an early voting ballot unless the application complies with all legal requirements; and (3) instructions for submitting the new application.

If the early voting clerk determines that it would not be possible for the applicant to correct the defect and return an application form by mail by the 11th day before election day, the clerk may notify the applicant by telephone or email and provide the applicant a brief explanation of each defect in the application, a statement informing the voter that the voter is not entitled to vote an early voting ballot unless the application complies with all legal requirements, and instructions for submitting the corrected application or second application. The early voting clerk must also inform the applicant that the applicant may come to the early voting clerk's office by the 11th day before election day and correct the defect in person. In addition, a voter must be provided notice about the ability to correct certain defects on the application using the Secretary of State's online Ballot by Mail Tracker and if possible, permit the applicant to correct such defects using

the online tracker. Please note that the Secretary of State's Ballot by Mail Tracker is available at [www.votetexas.gov](http://www.votetexas.gov). (Secs. 86.008(c-1), 86.015).

**NOTE** - Although Section 86.008 of the Code was amended to allow the early voting clerk to return a defective application to the voter, the Secretary of State recommends against doing so. Ultimately, if the early voting clerk returns a defective application to the voter, it is strongly recommended that the clerk return a **copy** of the original application to the voter and **NOT** the original application.

**Early Voting Clerk Actions for a Defective Carrier Envelope:** Section 86.011(d) of the Code provides a procedure by which a voter can correct certain defects in the carrier envelope containing their voted ballot. If an early voting clerk receives a timely carrier envelope that does not comply with the applicable requirements of the Code, the clerk may deliver the carrier envelope in person or by mail to the voter so that the voter may correct the defect. Additionally, the early voting clerk may notify the voter of the defect by phone and advise the voter that they may come to the early voting clerk's office to correct the defect or cancel their ABBM and vote in person. The clerk may utilize this provision for defects such as a missing signature by the voter, a partially completed witness or assistant box (if applicable), missing or incorrect personal identification information, or a ballot that is not returned in a carrier envelope. If an early voting clerk chooses to notify voters of defects in their carrier envelope under Section 86.011(d), the clerk must apply these procedures uniformly to all voters in similar circumstances. Additionally, the Secretary of State recommends keeping a log to track the ballots mailed to voters and the ballots in possession of the early voting clerk before ballots are delivered to the signature verification committee or early voting ballot board. If the early voting clerk notifies a voter of a defect in their carrier envelope by mail, the clerk should include a letter explaining the actions that the voter needs to take to correct and return the carrier envelope.

**Signature Verification Committee (if appointed) Actions for a Defective Carrier Envelope:** SB 1599 amended Section 87.0271 of the Code to provide that not later than the second day after the signature verification committee discovers a defect(s) in a carrier envelope as described by Section 87.0271(a) of the Code and before the committee decides whether to accept or reject a timely delivered ballot under Section 87.027, the committee must send the voter a notice of the defect and a corrective action form developed under Section 87.027(c-1) by mail or by common or contract carrier. The signature verification committee must include with the notice delivered to the voter: (1) a brief explanation of each defect in the noncomplying ballot; and (2) notice that the voter may either cancel the voter's application to vote by mail in the manner described by Section 84.032, correct the defect in the voter's ballot by submitting a corrective action form by mail or by common or contract carrier, make the correction using the Secretary of State's online Ballot by Mail Tracker, if possible, or come to the early voting clerk's office in person not later than the sixth day after election day to correct the defect(s).

If the signature verification committee determines that it would not be possible for the voter to receive the notice of defect within a reasonable time to correct the defect, the committee may notify the voter of the defect by telephone or e-mail and inform the voter that the voter may



request to have the voter's application to vote by mail canceled in the manner described by Section 84.032, submit a corrective action form by mail or by common or contract carrier, make the correction using the Secretary of State's online Ballot by Mail Tracker, if possible, or come to the early voting clerk's office in person not later than the sixth day after election day to correct the defect. In addition to sending the voter a notice of the defect or notifying the voter of the defect by telephone or e-mail, the signature verification committee must permit the voter to correct a defect using the Secretary of State's online Ballot by Mail Tracker, if possible. Please note that the Secretary of State's Ballot by Mail Tracker is available at [www.votetexas.gov](http://www.votetexas.gov).

**Early Voting Ballot Board Actions for a Defective Carrier Envelope:** SB 1599 amended Section 87.0411 of the Code to provide that not later than the second day after the early voting ballot board discovers a defect(s) in a carrier envelope as described by Subsection 87.0411(a) of the Code and before the board decides whether to accept or reject a timely delivered ballot under Section 87.041, the early voting ballot board must send the voter a notice of the defect and a corrective action form under Section 87.0411(c-1) by mail or by common or contract carrier. The early voting ballot board must include with the notice delivered to the voter: (1) a brief explanation of each defect in the noncomplying ballot; and (2) notice that the voter may either cancel the voter's application to vote by mail in the manner described by Section 84.032, correct the defect in the voter's ballot by submitting a corrective action form by mail or by common or contract carrier, make the correction using the Secretary of State's online Ballot by Mail Tracker, if possible, or come to the early voting clerk's office in person not later than the sixth day after election day to correct the defect(s).

If the early voting ballot board determines that it would not be possible for the voter to receive the notice of defect within a reasonable time to correct the defect, the board may notify the voter of the defect by telephone or e-mail and inform the voter that the voter may request to have the voter's application to vote by mail canceled in the manner described by Section 84.032, submit a corrective action form by mail or by common or contract carrier, make the correction using the Secretary of State's online Ballot by Mail Tracker, if possible, or come to the early voting clerk's office in person not later than the sixth day after election day to correct the defect. In addition to sending the voter a notice of the defect or notifying the voter of the defect by telephone or e-mail, the early voting ballot board must permit the voter to correct a defect using the Secretary of State's online Ballot by Mail Tracker, if possible. Please note that the Secretary of State's online Ballot by Mail Tracker is available at [www.votetexas.gov](http://www.votetexas.gov).

**Delivery of Ballots Voted by Mail to the Early Voting Ballot Board:** SB 1599 amended Section 87.0222 of the Code to provide that not later than the ninth day before election day, the jacket envelopes containing early voting ballots voted by mail **MUST** be delivered to the early voting ballot board. **This requirement applies regardless of the county's population size.** Any jacket envelopes of early voting ballots voted by mail returned after delivery of the ballots to the early voting ballot board may be delivered to the presiding judge of the early voting ballot board between the end of the ninth day before election day and the closing of the polls on election day, or as soon after closing as practicable, at the time or times specified by the presiding judge. The early voting clerk shall post notice of each delivery of balloting materials that is to be made before

the time for opening the polls on election day. The notice must be posted at the main early voting polling place continuously for at least 24 hours immediately preceding the delivery.

**NOTE** - Section 127.1232 provides that in counties with a population of 100,000 or more, the general custodian of election records shall implement a video surveillance system that retains a record of all areas containing voted ballots: (1) from the time the voted ballots are delivered to the central counting station until the canvass of the precinct election returns; and (2) from the time the voted ballots are delivered to the signature verification committee or early voting ballot board until the canvass of precinct election returns. Video from the surveillance system shall be made available to the public by live stream. The recorded video is considered an election record and shall be retained by the general custodian until the end of the calendar year in which an election is held or until an election contest filed in the county has been resolved, whichever is later. (Sec. 127.1232). See Tex. Sec'y of State Election Advisory No. 2022-10.

Please note that 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** parties that are conducting a joint primary with such a county or that are conducting their election with such a county through a contract for election services, the end of the period for early voting in person. (Secs. 87.0222, 87.0241). **NOTE: Results may not be released until the polls close on election day.**

## **18. Deadlines for Vacancies and Replacement Nominees for the General Election for State and County Officers (Primary Appendices)**

While most public offices are filled at the expiration of the term for that office, vacancies will occasionally occur in the middle of a term of office. The Election Code outlines specific procedures that determine whether that office will be placed on the ballot in the following November general election for state and county officers, and if so, whether the party's nominees for that office will be selected through the primary election process or whether nominations will be made by the party executive committees.

In addition, certain candidacy issues during the primary election process may result in situations where the party's nominee for a public office becomes vacant before the November general election for state and county officers. The Election Code outlines specific rules for when and how those vacancies in nomination may be filled by a political party.

For more information on these rules and deadlines, please see our advisory on Deadlines for Vacancies and Replacement Nominees for the General Election for State and County Officers (Primary Calendar Appendices).

## **19. Reconciliation Forms**

The presiding judge of the central counting station must prepare a preliminary reconciliation form (PDF) on election night and a final reconciliation form (PDF) after the canvass. The

reconciliation form requirement only applies to entities that conducted voting in such a manner that they had a central counting station. The reconciliation forms must be posted on the county website with election returns and results after they are completed and signed. We recommend that the reconciliation forms remain posted at least until the next election, and that the forms are available for the full 22-month retention period for election records. An entity may choose to make older reconciliation forms available as part of historical results on its website.

## **20. Online Training Materials**

**NOTE - NEW LAW:** HB 1632 (2023, R.S.) amended Chapters 32, 87, and 127 of the Code, effective September 1, 2023, to require the Secretary of State to develop materials for a standardized curriculum for online training in election laws and procedures, including a published handbook, made available on the Secretary of State's Internet website, free of charge, for election judges and members of an early voting ballot board, signature verification committee, and central counting station.

## **21. Early Voting Rosters**

The early voting clerk shall maintain for each election a roster listing each person who votes an early voting ballot by personal appearance and a roster listing each person to whom an early voting ballot to be voted by mail is sent. The list must include, at minimum, the name, VUID, and precinct number for each voter. **Each roster shall be updated daily.** Information on the roster for a person who votes an early voting ballot by personal appearance shall be made available for public inspection not later than 11:00 a.m. on the day after the date the information is entered on the roster. Information on the roster for a person who votes an early voting ballot by mail shall be made available for public inspection not later than 11:00 a.m. on the day following the day the early voting clerk receives a ballot voted by mail. The clerk shall preserve each roster after the election for the period for preserving the precinct election records. (Sec. 87.121).

For all elections in which the county election officer is the early voting clerk (including by contract and/or joint election agreement), the information on the early voting rosters (in-person and by-mail voters) must be posted on the county's website. Section 87.121 of the Code does not state a specific time by which the early voting rosters must be posted online; our office recommends that the rosters be posted by 11:00 a.m. each day.

If an early voting clerk fails to post their early voting rosters in accordance with Section 87.121, a person registered to vote in the county where the early voting clerk is conducting early voting may file a complaint with the Secretary of State regarding the early voting clerk's noncompliance. (Sec. 87.121(o)).

## **22. Inspection of Voted Ballots and Cast Vote Records**

**NOTE - NEW LAW:** HB 5180 (2023, R.S.) amended Section 1.012 of the Code, effective September 1, 2023, to provide that images of voted ballots, if maintained, and cast vote records shall be

made available for public inspection beginning on the first day after the date the final canvass of an election is completed. The bill also provides that original voted ballots shall be made available for public inspection beginning on the 61st day after election day. The bill requires the general custodian of election records to adopt procedures to ensure the redaction of any personally identifiable information of the voter that is contained on the voted ballot, ballot images, or cast vote records before making them available for public inspection.

The bill does not amend Section 66.058 of the Election Code which requires voted ballots to be preserved securely in a locked room in the locked ballot box for at least 60 days after the date of the election. Section 66.058 also provides that an unauthorized entry into the ballot box containing voted ballots or the failure to prevent an unauthorized entry into said ballot box constitutes a Class A misdemeanor. The Secretary of State interprets these provisions to prohibit the general custodian of election records from accessing the voted ballots during the initial 60-day period (except in the event of a recount or another authorized entry into the ballot box) and preclude the custodian from beginning to redact original voted ballots under Section 1.012(h) until after that 60-day period has elapsed.

Ballot images and cast vote records are also subject to the general preservation provisions in Section 66.058. However, HB 5180 provides a different deadline for making those specific records publicly available. Since ballot images and cast vote records are available for public inspection beginning on the first day after the final canvass, a county may begin the redaction process under Section 1.012(h) for ballot images and cast vote records as soon as practicable following the final canvass.

Our office recommends that the county elections office work closely with the county attorney and the county's public information division in ensuring that records have been properly redacted before being made publicly available. Please direct any questions about the procedures for responding to a public information request, including the timeframes for such responses, to the Office of the Attorney General via its Open Government Hotline, (877) OPEN TEX (673-6839).

## **Calendar of Events**

### **September**

#### **Friday, September 1, 2023**

***Recommended*** date that the voter registrar forwards a list of individuals who are interested in working as election judges to the county chair. (Sec. 13.004(c-1)).

#### **Tuesday, September 12, 2023 (90th day before regular filing deadline)**

First day to file an application (PDF) for the office of precinct chair. (Sec. 172.023(b)). The county chair must review each application within five days after the date the application is received. If the application is rejected, the chair must immediately deliver written notice of the reason for the rejection to the candidate. (Sec. 172.0222).

## **October**

### **October 2023**

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

## **November**

### **Saturday, November 11, 2023 (30th day before statutory regular filing deadline)**

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

**NOTE** - Candidates must provide an indication on their candidate application that the candidate has either not been finally convicted of a felony, or if so convicted, has been pardoned or otherwise released from the resulting disabilities. A person who has been convicted of a felony will need to include with the application proof that the person has been pardoned or otherwise released from the resulting disabilities. The application form must include a statement informing candidates of the requirement to submit this information. Further, the official application form will need to include a statement informing candidates that knowingly providing false information on their application related to their final felony conviction status is a Class B misdemeanor. (Secs. 141.031, 141.039).

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

**NEW LAW:** Pursuant to HB 2384 (2023, R.S.), effective September 1, 2023, candidates for certain judicial offices have a different candidate application. For more information, please see our 2024 Candidate's Guide.

First day to file a Declaration of Intent to Run as an Independent Candidate (PDF) with appropriate filing authority. (Sec. 142.002).

**Friday, November 17, 2023 (72 hours before meeting date of county election officer and county chair)**

Deadline to provide notice of meeting under Section 31.124, if the meeting is to be held on Monday, November 20, 2023, as recommended. The county election officer must deliver written notice of time and place of meeting between county election officer and county chair on or before this date. See entry under Monday, November 20, 2023. Notice may be delivered by U.S. mail, electronic mail, or other method of written communication. (Sec. 31.124).

**Saturday, November 18, 2023 (30th day before write-in candidate filing deadline)**

First day to file a Declaration of Write-in Candidacy for the Office of County and/or Precinct Chair as a write-in candidate for the office of precinct chair or county chair, if the county executive committee has decided to authorize write-in candidates. (Secs. 171.0231, 146.025).

**Monday, November 20, 2023**

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

**NOTE** - Section 31.124 of the Code requires that the mandatory meeting between the county election officer and the county chair include a discussion of whether to hold a joint primary election in the county.

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

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

**Recommended** date by which county chairs should submit names of persons eligible to serve as deputy early voting clerks for the primary election. (Sec. 85.0091). The early voting clerk will select elections officers for the main and branch early voting polling places from lists provided by the county chair. However, the early voting clerk will set the actual deadline for the submission of those lists. This recommended deadline serves to provide adequate time for chairs to compile lists and the election officials to be notified.

**Thursday, November 23, 2023 (Thanksgiving Holiday)**

**December**

**Saturday, December 2, 2023 (day after 10th day before date of regular filing deadline)**

If a vacancy for an unexpired term in an office of the state or county government occurs after the 10th day before the date of the regular filing deadline, but on or before the 5th day before the date of the regular filing deadline (on or after December 2 and on or before December 6), an application for the unexpired term is subject to an extended filing deadline. See entry at **Monday, December 18, 2023**. (Sec. 202.004(a), (c)).

**Wednesday, December 6, 2023 (5th day before regular filing deadline)**

Last day a vacancy for an unexpired term in an office of the state or county government may occur and appear on the primary ballot. (Sec. 202.004(a)). An application for such a vacancy is subject to an extended filing deadline. See entry at **Monday, December 18, 2023**. (Sec. 202.004(a), (c)).

**Thursday, December 7, 2023**

**Recommended** time frame in which the commissioners court should approve resolution to have a joint primary. See entry under **Monday, November 20, 2023**. (Sec. 172.126(a)).

**Sunday, December 10, 2023 (last day before regular filing deadline)**

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

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

**Monday, December 11, 2023 (2nd Monday in December)**

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

**NOTE** - Sections 141.031 and 141.039 of the Code require that candidates provide an indication on their candidate application that the candidate has either not been finally convicted of a felony, or if so convicted, has been pardoned or otherwise released from the resulting disabilities. A person who has been convicted of a felony will need to include with the application proof that the person has been pardoned or otherwise released from the resulting disabilities. The application form must include a statement informing candidates of the requirement to submit this information. Further, the official application form will need to include a statement informing candidates that knowingly providing false information on their application related to their final felony conviction status is a Class B misdemeanor. (Secs. 141.031, 141.039).

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

**NOTE:** This deadline is also applicable to applications for a place on the primary election ballot to fill a vacancy for an unexpired term in an office of the state or county government that occurred on or before the 10th day before the date of the regular filing deadline (December 1, 2023). (Sec. 202.004(b)).

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

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

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

**Tuesday, December 12, 2023 (1st day after the regular filing deadline)**

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

**Monday, December 18, 2023 (7th day after regular filing deadline)**



**6:00 PM** – Deadline for the state or county chair, as applicable, to **receive** applications for a place on the general primary election ballot for an unexpired term for a vacancy in an office of the state or county government that occurs after the 10th day (December 1, 2023) before the date of the regular filing deadline, but on or before the 5th day (December 6, 2023) before the date of the regular filing deadline. (Secs. 1.006, 202.004(a), (c)). (The deadline is extended to the next regular business day which is Monday, December 18, 2023 due to the **5th day after the regular candidate filing deadline falling on Saturday, December 16, 2023. (Sec. 1.006).**)

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

- dies on or after the fifth day before the date of the regular filing deadline (December 6, 2023) and on or before the first day after the date of the regular filing deadline (December 12, 2023);
- holds the office for which the application was made and withdraws or is declared ineligible on the date of the regular filing deadline (December 11, 2023) or on the first day after the date of the regular filing deadline (December 12, 2023); or
- withdraws or is declared ineligible on the date of the regular filing deadline (December 11, 2023) or on the first day after the date of the regular filing deadline (December 12, 2023), and at the time of the withdrawal or declaration of ineligibility no other candidate has made an application that complies with the applicable requirements for the office sought by the withdrawn or ineligible candidate.

(The deadline is extended to the next regular business day which is Monday, December 18, 2023 due to the **5th day after the regular candidate filing deadline falling on Saturday, December 16, 2023. (Sec. 1.006).**)

**NOTE:** An application filed by mail with the state chair in a situation where the deadline is extended due to death, withdrawal, or ineligibility of a candidate under the circumstances outlined above is not timely if received later than 5:00 PM on the extended deadline. (Sec. 172.054(b)).

**6:00 PM** – Deadline to file a declaration of write-in candidacy for county chair or precinct chair if authorized by the county executive committee. (Secs. 171.0231, 1.006).

**Tuesday, December 19, 2023 (8th day after regular filing deadline)**

Deadline for county and state chairs to electronically submit candidate information and status for posting on the Secretary of State’s website. (Sec. 172.029(c)).

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

**Wednesday, December 20, 2023 (9th day after regular filing deadline)**

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

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

Deadline for chair to post notice on the party's website 24 hours preceding the date, hour, and place of ballot drawing if ballot drawing is conducted on December 21, 2023. If the party does not maintain an Internet website, the party must post notice on the commissioners court bulletin board. All candidates who provide an email address on their filing form must be notified electronically of drawing. (Sec. 172.082(e)).

Deadline for state executive committee to set date, hour, and place for convening state convention. (Sec. 174.092(b)). (See Note 13.)

**Thursday, December 21, 2023 (10th day after regular filing deadline)**

Deadline for county chair or county chair's designee to conduct drawing for candidate order on ballot (unless committee provides by resolution that the county executive committee is to conduct drawing). (Sec. 172.082(c)).

**NOTE:** Section 172.082(b) allows the county chair to designate another individual to conduct the ballot drawing. To be eligible to act as the county chair's designee, the individual must be a member of the county executive committee. If no member of the county executive committee is available, then a resident of the county who is affiliated with the same political party may serve as the county chair's designee.

Recommended deadline for the state chair to certify to the Secretary of State the list of candidates who filed an application that complies with Section 172.021(b) of the Code after December 11, 2023 and on or before December 18, 2023. (Secs. 172.028(a), 172.029).

**NOTE** - The purpose of this recommendation is to ensure that candidates whose applications are filed in accordance with the extended deadlines under Sections 172.054(b) and 202.004(a) of the Code are added to the list of certified candidates previously submitted by the state chair to the Secretary of State. See entries at December 18, 2023 and December 27, 2023.

## **Wednesday, December 27, 2023**

Date by which Secretary of State anticipates posting on Secretary of State's Internet website that is viewable by the public additions to the certified list of candidates provided by state chair that are the result of the additional candidates who filed on or before December 18, 2023 in accordance with the extended deadlines. (Secs. 172.028(a), 172.029).

Recommended date for state chair to notify county chair in each county in which the candidate's name is to appear on the ballot that the certification of additional candidates who filed by the extended deadline on or before December 18, 2023 has been posted by the Secretary of State. (Secs. 172.028(b), 172.056). See entries at [December 18, 2023](#) and [December 21, 2023](#).

## **January**

### **Monday, January 1, 2024 (64th day before election day; New Year's Day)**

First day for voters to submit a **regular application** for ballot by mail for an election in 2024. The application is considered submitted at the time of receipt. (Secs. 84.001(e), 84.007).

First day for voters to submit an **annual application** for ballot by mail for all elections in calendar year 2024. The voter must be 65 years of age or older on election day or disabled in order to submit an annual application. The application is considered submitted at the time of receipt. (Secs. 84.001(e), 84.007, 86.0015).

### **Wednesday, January 3, 2024 (62nd day before election day)**

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

Recommended date for primary committee to approve ballot format, if primary committee has been established. (Sec. 172.083).

Recommended date for county chair to order ballots. (Sec. 51.003).

Recommended last day to order election supplies (other than ballots). (Sec. 51.003).

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

### **Friday, January 5, 2024 (60th day before election day)**

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

Recommended last day for the county chair of each political party to appoint presiding and alternate judges for each precinct in which the primary election will be held in the county, presiding judge and alternate presiding judge for the early voting ballot board, presiding judge of the central counting station, and personnel for the central counting station. (Secs. 32.006, 32.008, 87.002, 127.002-127.005). Written notice of the appointments must be given to the judges. (Sec. 32.009).

**NOTE** - Section 87.002 of the Code requires the early voting ballot board to have an alternate judge. The alternate judge is appointed in the same manner as the presiding judge.

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

**NOTE** - General eligibility requirements for election judges and clerks are found in Subchapter C, Chapter 32 of the Texas Election Code. General eligibility requirements for central counting station personnel are found in Sections 127.002-127.006 of the Texas Election Code. The presiding judge appoints the clerks, but not more than the maximum set by the political party, consistent with Secretary of State's primary finance rules; however, the alternate judge must serve as one of the clerks. (Secs. 32.031, 32.032, 32.033; 1 T.A.C. § 81.117).

#### **Monday, January 15, 2024 (50th day before election day) (Martin Luther King, Jr. Day)**

Last day to publish notice for testing of automatic tabulation equipment testing and logic and accuracy testing (L&A testing) of a voting system if test will be completed by recommended deadline of Wednesday, January 17, 2024. Notice of the public tests must be published at least 48 hours before the test begins. The notice must be posted on the county's website if the county maintains a website. If the county does not maintain a website, the notice must be posted on the commissioners court bulletin board. Additionally, for a primary election, the custodian must notify the county chair of the test 48 hours prior to the test. The county chair must confirm receipt of the notice. (Secs. 127.093, 127.096, 129.022, 129.023).

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

#### **Tuesday, January 16, 2024 (49th day before election day)**

Deadline to challenge the filing of an application for a place on the ballot as to form, content, and procedure. **(The deadline is extended to the next regular business day, due to the 50th day before primary election day falling on Monday, January 15, 2024 which is Martin Luther King, Jr. Day, a legal holiday.** (Secs. 172.0223, 1.006).

**Wednesday, January 17, 2024 (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 voting system. (Secs. 127.093, 127.096, 129.022, 129.023). The Secretary of State recommends you complete your first round of testing prior to mailing your mail ballots if those ballots will be counted using automatic tabulation equipment. If you conduct your first round of testing by this date, you must publish notice of the test 48 hours prior to testing. See Note 12 above and Tex. Sec'y of State Election Advisory No. 2019-23.

**NOTE** – Section 129.023 of the Code provides that if logic and accuracy testing is being conducted for a primary election, the general custodian of election records shall notify the county chair of the test at least 48 hours before the date of the test. The county chair must confirm receipt of the notice.

**NOTE** – Section 129.023 of the Code requires the general custodian of election records to demonstrate, using a representative sample of voting system equipment, that the source code of the equipment has not been altered. See Tex. Sec'y of State Election Advisory No. 2022-30.

**Saturday, January 20, 2024 (45th day before primary election day)**

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

**NOTE: The 45th-day deadline under Section 86.004(b) is *not* extended by Section 1.006 to the next business day. The ballots covered by Section 86.004(b) should be sent out on or before Saturday, January 20, 2024.**

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

**NOTE** - Section 101.052 of the Code sets out that an FPCA may be submitted by in-person delivery by the voter in accordance with Section 84.008 of the Code or by common or contract carrier.

**NOTE** - Section 101.001 of the Code sets out that a member of the Texas National Guard or the National Guard of another state or a member of a reserve component of the armed forces of the United States serving on active duty under an order of the President of the United States or activated on state orders, or the spouse or dependent of a member, may submit an FPCA.

**Reminder:** In regards to mail ballots for other voters (not military voters using an FPCA or overseas voters using an FPCA or ABBM), the early voting clerk **must** mail a ballot not later than the 7th day after the later of: (1) the date the early voting clerk has accepted a voter's application for a ballot by mail or (2) the date the ballots become available for mailing. However, if the 7th day falls earlier than the 37th day before election day (Sunday, January 28), the voter's mail ballot must be mailed no later than the 30th day (Sunday, February 4) before election day. (Sec. 86.004(a)). This means that for every application that is accepted by the early voting clerk before the 37th day before election day, the balloting materials must be mailed by the 30th day before election day. Any application that comes in after the 37th day before election day will follow the 7-day timeline in Section 86.004.

**NOTE:** Information on the early voting roster for both early voting in person and early voting by mail must be made available for public inspection and on the county's website if the county clerk or elections administrator is serving as the early voting clerk. The early voting roster shall be posted by 11:00 AM on the day after the information is entered on the roster (for early voting in person) or by 11:00 AM on the day after the early voting clerk receives a ballot voted by mail. (Sec. 87.121).

**NOTE –** Section 87.121 of the Code provides that if an early voting clerk fails to post their early voting rosters in accordance with Section 87.121, a person registered to vote in the county where the early voting clerk is conducting early voting may file a complaint with the Secretary of State regarding the early voting clerk's noncompliance. The Secretary of State by rule shall create and maintain a system for receiving and recording these complaints.

### **Monday, January 22, 2024 (43rd day before primary election day)**

Deadline for state chairs and county chairs to submit itemized estimate and request for state funds to cover general primary expenses. (Sec. 173.081(c)(2)). Notice of consolidation of county election precincts, if any, must accompany the itemized estimate. (Sec. 173.081(f)).

**NOTE:** The state chair (or the state chair's designee) may submit this statement on behalf of the county chair if the county chair (1) requests the state chair to submit the statement on the county chair's behalf, or (2) fails to submit the statement by the deadline. (Sec. 173.081(g)).

## **February**

### **Friday, February 2, 2024 (32nd day before primary election day and 12th day before first day signature verification committee may convene)**

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

If the signature verification committee will start meeting on Wednesday, February 14, 2024, **recommended date** early voting clerk should post copy of the order calling for appointment of the signature verification committee. (Saturday, February 3, and Sunday, February 4, 2024 are the 10th and 11th days before the first day the committee may meet.) The notice must remain posted continuously for at least 10 days before the first day the committee meets. The notice must be posted on the county's website if the county maintains a website. If the county does not maintain a website, the notice must be posted on the commissioners court bulletin board. (Sec. 87.027).

**Monday, February 5, 2024 (29th day before primary election day)**

Last day to register to vote or make a change of address effective for the Tuesday, March 5, 2024 primary election. (Secs. 13.143, 15.025).

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

Deadline for early voting clerk to mail a ballot by mail to a voter if the voter's Application for Ballot by Mail (ABBM) was accepted by the early voting clerk on or before Sunday, January 28, 2024. (Sec. 86.004(a)).

**Note** - In regards to mail ballots for other voters (not military voters using an FPCA or overseas voters using an FPCA or ABBM), the early voting clerk **must** mail a ballot not later than the 7th day after the later of: (1) the date the early voting clerk has accepted a voter's application for a ballot by mail or (2) the date the ballots become available for mailing. However, if the 7th day falls earlier than the 37th day before election day (Sunday, January 28), the voter's mail ballot must be mailed no later than the 30th day (Sunday, February 4) before election day. (Sec. 86.004(a)). This means that for every application that is accepted by the early voting clerk before the 37th day before election day, the balloting materials must be mailed by the 30th day before election day. Any application that comes in after the 37th day before election day will follow the 7-day timeline in Section 86.004.

**Wednesday, February 7, 2024 (5th day after recommended date to order signature verification committee)**

If the early voting clerk issues order calling for appointment of signature verification committee, this is the deadline for the county chair to appoint the members to the committee. See entry under Friday, February 2, 2024. (Sec. 87.027).

**Tuesday, February 13, 2024 (21st day before primary election day)**

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

**NOTE** - The *recommended* time to include the notice of accepting voters with certain disabilities on a county's website is when the notice of election is also posted on the website. (Secs. 63.0015, 85.007(d)). See Note 15 regarding notice on accepting voters with certain disabilities.

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). See Note on Notice of Elections.

**NOTE:** Section 172.1112 requires the county to post the notice of election and notice of consolidated precincts on the county's website if the county maintains a website.

**NOTE:** Section 172.1112 requires that the county election officer, rather than the county chair, post the notice of election for the primary election.

**NOTE** - Section 4.009 of the Code requires a county to post certain information on its website for elections held by a county or elections for any local political subdivision in which the county has contracted to provide election services. While these statutory web posting requirements do not specifically apply to primary elections, **we strongly recommend that you post this information for any primary election in which the county has contracted to provide election services.** Accordingly, the following information should be posted on the county's website not later than the 21st day before election day:

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

**Wednesday, February 14, 2024 (20th day before primary election day; 5th day before the first day of early voting)**

Deadline for a person who is not permanently registered to vote to submit a postmarked FPCA, in order to receive a full ballot by mail for the March 5, 2024 primary election. A person who is **not** permanently registered to vote and submits a postmarked FPCA after this date (20th day) and before the deadline to submit an application for ballot by mail, is not entitled to receive a ballot for any non-federal election. See Tuesday, February 20, 2024 entry for timeliness of an FPCA received without a postmark. (Secs. 101.052(e), 101.052(i)(2)).



**NOTE** – Section 101.052 of the Code provides that an FPCA may be submitted by in-person delivery by the voter in accordance with Section 84.008 of the Code or by common or contract carrier.

**NOTE** – Section 101.001 of the Code provides that a member of the Texas National Guard or the National Guard of another state or a member of a reserve component of the armed forces of the United States serving on active duty under an order of the President of the United States or activated on state orders, or the spouse or dependent of a member, may submit an FPCA.

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

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

Last day to publish notice of L&A test if test will be held on Friday, February 16, 2024, if testing was not already completed by January 17, 2024. Notice of the public L&A Test must be published at least 48 hours before the test begins. The notice must be posted on the county’s website if the county maintains a website. If the county does not maintain a website, the notice must be posted on the commissioners court bulletin board. Additionally, for a primary election, the custodian must notify the county chair of the test 48 hours prior to the test. The county chair is required to confirm receipt of the notice. (Secs. 129.001, 129.023). See Note 12, above.

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

**NOTE** – For more information on corrective action procedures, see Note 17.

Last day to post branch early voting schedule, which should be posted continuously from the fifth day before the start of the early voting period until the last day of the early voting period. The schedule must include the location of each permanent and temporary branch early voting location, and the dates and hours that voting will be conducted at temporary branch locations. The schedule may also include the dates and hours of any weekend or extended early voting that will be conducted at permanent or temporary branch locations. (Sec. 85.067).

**NOTE:** This schedule may be amended after posting to include additional temporary branch locations or additional dates and hours at those locations. If any locations, dates, or hours are added, then the amended schedule must be posted at least five days before the start of voting at those additional locations or at least five days before the additional or extended hours at existing locations. (Sec. 85.067).

**Thursday, February 15, 2024 — Friday, February 23, 2024 (19th — 11th day before primary election day)**

A person submitting an **FPCA (PDF)** during this period who is **not** registered to vote is not entitled to receive a full ballot for the March 5, 2024 primary election. This means that 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). See entry below under Tuesday, February 20, 2024 (FPCA without a postmark). (Secs. 101.052(f), 114.004(c)).

The early voting clerk is required to maintain a copy of this application since it may be used for other elections and forward the original to the voter registrar. (Secs. 84.007, 101.052(e), (f)).

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

**NOTE** - **Overseas (non-military) voters** marking the FPCA "**my intent to return is uncertain**" (2019 form), or "**my return is uncertain**" (2017 form) receive a federal ballot **only** regardless of the date filed. (Chapter 114).

**Saturday, February 17, 2024 (17th day before primary election; 48 hours before start of early voting in person)**

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

**NOTE** – Section 129.023 of the Code requires the general custodian of election records to demonstrate, using a representative sample of voting system equipment, that the source code

of the equipment has not been altered. (Sec. 129.023(c-1)). See Tex. Sec'y of State Election Advisory No. 2022-30.

**Monday, February 19, 2024 (15th day before primary election day) (Presidents' Day)**

Because Monday, February 19, 2024 is Presidents' Day, which is a legal holiday, **early voting will not be conducted** on this date. (Secs. 85.001(c), 85.005).

**Tuesday, February 20, 2024 (14th day before primary election day)**

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

**NOTE** - The early voting period for the general primary election begins 17 days prior to election day, but because the first day of the early voting period falls on a legal state holiday (Monday, February 19, 2024), it is extended to the next regular business day, Tuesday, February 20, 2024. (Sec. 85.001(c)).

**NOTE** – Section 85.005 of the Code provides that early voting in person must be conducted at the main early voting location on each weekday of the early voting period that is not a legal state holiday and for a period of at least **nine (9) hours**, except that voting may not be conducted earlier than 6:00 AM or later than 10:00 PM.

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

In a primary election, a certain number of temporary branch locations must be established depending on the population size of the county:

1. in a county with a population of 400,000 or more, the commissioners court **must** establish one or more temporary polling places, other than the main early voting polling place, in each state representative district containing territory covered by the election;
2. in a county with a population of 120,000 or more but less than 400,000, the commissioners court **must** establish one or more temporary polling places, other than the main early voting polling place, in each commissioners precinct containing territory covered by the election;
3. in a county with a population of 100,000 or more but less than 120,000, the early voting clerk **must** establish one or more early voting polling places in each commissioners precinct for which the early voting clerk receives a **timely filed written request by at least 15 registered voters of that precinct**. (Sec. 85.062(d)).

**NOTE - NEW LAW:** HB 1217 (2023, R.S.) amended Section 85.064 of the Code, effective September 1, 2023, to establish uniform early voting requirements **for all counties regardless of population size**. Any established temporary branch location must remain open for at least 8

hours on each of the days that voting is required to be conducted at the main early voting location. See Tex. Sec'y of State Election Advisory No. 2023-10.

**NOTE** – Section 85.062 of the Code provides that the location of temporary branch polling places in an election in which countywide polling places are used must be determined with the same methodology that is used for the location of countywide polling places.

**NOTE** – Section 61.002 of the Code provides that immediately before the opening of the polls on the first day of early voting and on election day, the presiding judge or alternate judge shall confirm that the public counters on each voting machine are set to zero and shall print the tape that shows that there are zero votes for each candidate or measure on the ballot. Each election judge and alternate judge shall sign the printed tapes.

**NOTE - NEW LAW:** HB 1217 (2023, R.S.) amended Sections 85.005 and 85.006 of the Code, effective September 1, 2023, to modify the required weekend days and hours for early voting by personal appearance at the main early voting polling place for counties. House Bill 1217 removed the population threshold that required only counties above a certain population to provide extended weekend early voting hours for the primary election and the general election for state and county officers. House Bill 1217 also repealed the provision that required counties below a certain population threshold to provide extended weekend early voting in these elections if the early voting clerk received a written request submitted by at least 15 registered voters of the county. **As a result, the same extended weekend early voting hours now apply to ALL counties regardless of their population for the primary election and the general election for state and county officers.** Therefore, 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)). See Note 7 above.

**NOTE** - The notice of precinct conventions must be posted continuously during the early voting period. Prior to opening the polls, the presiding judge of each precinct must post at each entrance to the building a notice of the time and place for convening the precinct, county, senatorial, and state conventions. This notice must remain posted continuously during the early voting period and on election day. (Sec. 172.1111).

Deadline to receive an FPCA **without** a postmark. If an FPCA is received by this date **without** a postmark to prove mailing date, the early voting clerk will accept the FPCA and mail the applicant a full ballot even if the applicant is **not** a permanently registered voter but meets the requirements under Title 2 of the Election Code (unless the voter marks the FPCA form **“my intent to return is uncertain” (2019 form)**, or **“my return is uncertain (2017 form)**, in which case the voter receives a federal-only ballot). (Secs. 101.052(i)(1), 1.006).

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

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

(Sec. 4.007).

**NOTE** – For more information on corrective action procedures, see Note 17.

**Wednesday, February 21, 2024 (72 hours preceding first hour Saturday early voting will be conducted; 13th day before primary election day)**

Deadline to post notice of **Saturday** early voting on county website. The notice must be posted continuously for at least 72 hours preceding the first hour that early voting on Saturday, February 24, 2024 will be conducted. (Sec. 85.007(b), (c)).

In counties with a population of 100,000 or more, deadline to post notice of **Saturday** early voting at any required temporary branch locations (created under Section 85.062(d) of the Texas Election Code). The notice must be posted continuously for at least 72 hours preceding the first hour that early voting on Saturday, February 24, 2024 will be conducted. (Secs. 85.006(e), 85.007(c), 85.062(d), 85.064(d), 85.068).

**Thursday, February 22, 2024 (72 hours preceding first hour Sunday early voting will be conducted; 12th day before primary election day)**

Deadline to post notice of **Sunday** early voting on county website. The notice must be posted continuously for at least 72 hours preceding the first hour that early voting on Sunday, February 25, 2024 will be conducted. (Sec. 85.007(b), (c)).

In counties with a population of 100,000 or more, deadline to post notice of **Sunday** early voting at any required temporary branch locations (created under Section 85.062(d) of the Texas Election Code). The notice must be posted continuously for at least 72 hours preceding the first hour that early voting on Sunday, February 25, 2024 will be conducted. (Secs. 85.006(e), 85.007(c), 85.062(d), 85.064(d), 85.068).

**NOTE - NEW LAW:** HB 1217 (2023, R.S.) amended Section 85.006(e) of the Code, effective September 1, 2023, to require the early voting clerk to order early voting in accordance with Section 85.006(e) of the Code (extended weekend early voting) at each temporary branch location established under Section 85.062(d). Therefore, in a primary election, the general election for state and county officers, or a special election to fill a vacancy in the legislature or Congress, early voting must be conducted for at least 12 consecutive hours on the last Saturday and at least 6 consecutive hours on the last Sunday of the early voting period at the mandatory

temporary branch polling places established under Section 85.062(d) of the Code. (Secs. 85.006, 85.062, 85.064). Voting may not be conducted earlier than 6:00 AM or later than 10:00 PM on the last Saturday of the early voting period. Voting may not be conducted earlier than 9:00 AM or later than 10:00 PM on the last Sunday of the early voting period. (Sec. 85.006). See Note 7.

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

**NOTE** – For more information on corrective action procedures, see Note 17.

### **Friday, February 23, 2024 (11th day before primary election day)**

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

Last day to receive an FPCA (PDF) from a registered voter. If the voter is **not** registered in the county (and/or marked intent to return “uncertain”), **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)).

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.

**NOTE** - A member of the Texas National Guard or the National Guard of another state or a member of a reserve component of the armed forces of the United States serving on active duty under an order of the President of the United States or activated on state orders, or the spouse or dependent of a member, may submit an FPCA. (Sec. 101.001).

An applicant for a ballot to be voted by mail (ABBM or FPCA) may submit the application by delivering it in person to the early voting clerk if the application is submitted not later than the close of regular business in the clerk's office on Friday, February 23, 2024. (Sec. 84.008).

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

**NOTE** - Section 84.008 of the Code provides that an applicant for a ballot to be voted by mail may submit the application by delivering it in person to the early voting clerk if the application is submitted not later than the deadline provided by Section 84.007(c) of the Code. This means that voters may personally deliver their ABBM or FPCA to the early voting clerk not later than the close of regular business in the early voting clerk's office or 12 noon, whichever is later, on the 11th day before election day (unless that day is a Saturday, Sunday, or legal state or national holiday, in which case the last day is the first preceding regular business day).

**NOTE - NEW LAW:** SB 1599 (2023, R.S.) amended Section 86.008 of the Code, effective September 1, 2023, to require that if the early voting clerk determines that it would not be possible for the applicant to correct certain defects in a mail ballot application and return an application form by mail before the deadline, the clerk may notify the applicant by telephone or e-mail of the defect, and inform the applicant that the applicant may come to the early voting clerk's office before the deadline and correct the defect in person. The clerk shall notify the applicant of a defect discovered and provide the information required to permit the applicant to correct the defect using the Secretary of State's online Ballot by Mail Tracker, if possible. See Note 17.

**Saturday, February 24, 2024 (10th day before primary election day)**

**Extended weekend early voting for ALL counties (regardless of population).** Early voting must be conducted for **at least 12 consecutive hours** on the last Saturday of the early voting period at the main early voting polling place. In counties with a population of 100,000 or more, early voting must be conducted for at least 12 hours on the last Saturday of the early voting period at any required temporary branch locations (created under Section 85.062(d) of the Texas Election Code). (Secs. 85.006(e), 85.062(d), 85.064(d)). See Note 7 and Tex. Sec'y of State Election Advisory No. 2023-10.

**NOTE:** The Notice of Delivery of Early Voting Balloting Materials serves as notice of the convening of the early voting ballot board. This notice should be posted every time the early voting ballot board reconvenes.

**Sunday, February 25, 2024 (9th day before primary election day)**

**Extended weekend early voting for ALL counties (regardless of population).** Early voting must be conducted for **at least 6 consecutive hours** on the last Sunday of the early voting period at the main early voting polling place. In counties with a population of 100,000 or more, early voting must be conducted for at least 6 hours on the last Sunday of the early voting period at any required temporary branch locations (created under Section 85.062(d) of the Texas Election Code). (Secs. 85.006(e), 85.062(d), 85.064(d)).

**NOTE:** There is no petition process to require a county with a population less than 100,000 to conduct weekend early voting at temporary branch locations. However, the early voting clerk may voluntarily order weekend early voting at temporary branch locations by written order if they choose to do so.

**NOTE:** The Notice of Delivery of Early Voting Balloting Materials serves as notice of the convening of the early voting ballot board. This notice should be posted every time the early voting ballot board reconvenes.

**Monday, February 26, 2024 — Friday, March 1, 2024 (8th day — 4th day before primary election day)**

**Extended weekday early voting for ALL counties (regardless of population).** Early voting must be conducted for **at least 12 consecutive hours** on each weekday of the last week of the early voting period at the main early voting polling place. Voting may not be conducted earlier than 6:00 AM or later than 10:00 PM. (Sec. 85.005(c)).

**Monday, February 26, 2024 (8th day before primary election day)**

**Extended weekday early voting for ALL counties (regardless of population).** Early voting must be conducted for **at least 12 consecutive hours** on each weekday of the last week of the early voting period at the main early voting polling place. Voting may not be conducted earlier than 6:00 AM or later than 10:00 PM. (Sec. 85.005(c)).

**NOTE** - Section 127.1232 provides that in counties with a population of 100,000 or more, the general custodian of election records shall implement a video surveillance system that retains a record of all areas containing voted ballots: (1) from the time the voted ballots are delivered to the central counting station until the canvass of the precinct election returns; and (2) from the time the voted ballots are delivered to the signature verification committee or early voting ballot board until the canvass of precinct election returns. Video from the surveillance system shall be made available to the public by live stream. The recorded video is considered an election record and shall be retained by the general custodian until the end of the calendar year in which an election is held or until an election contest filed in the county has been resolved, whichever is later. (Sec. 127.1232). Tex. Sec'y of State Election Advisory No. 2022-10.



**NOTE - NEW LAW:** SB 1599 (2023, R.S.) amended Section 87.0222 of the Code, effective September 1, 2023, to provide that not later than the ninth day before election day, the jacket envelopes containing early voting ballots voted by mail **MUST** be delivered to the early voting ballot board. **This requirement applies regardless of the county's population size.** Any jacket envelopes of early voting ballots voted by mail returned after delivery of the ballots to the early voting ballot board may be delivered to the presiding judge of the early voting ballot board between the end of the ninth day before election day and the closing of the polls on election day, or as soon after closing as practicable, at the time or times specified by the presiding judge. The early voting clerk shall post notice of each delivery of balloting materials that is to be made before the time for opening the polls on election day. The notice must be posted at the main early voting polling place continuously for at least 24 hours immediately preceding the delivery.

Because the ninth day falls on Sunday, February 25, 2024, the deadline is extended to Monday, February 26, 2024. (Sec. 1.006).

**NOTE** - The early voting ballot board can meet as soon as the county has received voted ballots by mail from voters and those materials are delivered to the ballot board. The ballot board does not have to wait until this ninth-day deadline to meet.

**Tuesday, February 27, 2024 (7th day before primary election day)**

**Extended weekday early voting for ALL counties (regardless of population).** Early voting must be conducted for **at least 12 consecutive hours** on each weekday of the last week of the early voting period at the main early voting polling place. Voting may not be conducted earlier than 6:00 AM or later than 10:00 PM. (Sec. 85.005(c)).

If county election precincts are consolidated, the county election officer must post at the polling place used in the preceding general election for state and county officers a notice of consolidation and location of the polling place in the consolidated precinct. For purposes of conducting a primary election, the "preceding general election" is the preceding primary election. (Secs. 4.003(b), 172.1112).

**NOTE:** Section 172.1112 provides that the county election officer is required to post the notice of consolidation, if polling places are consolidated. The notice of consolidation should be posted on the county's website.

**NOTE:** Section 172.1112 requires the county to post the notice of election and notice of consolidated precincts on the county's website if the county maintains a website.

**Wednesday, February 28, 2024 (4th business day before primary election day)**

**Extended weekday early voting for ALL counties (regardless of population).** Early voting must be conducted for **at least 12 consecutive hours** on each weekday of the last week of the early

voting period at the main early voting polling place. Voting may not be conducted earlier than 6:00 AM or later than 10:00 PM. (Sec. 85.005(c)).

Last day for Secretary of State to receive a Request for Election Inspectors for the general primary election. The request must be a written request by 15 or more registered voters of the county for which the inspector is requested. (Sec. 34.001).

#### **Thursday, February 29, 2024 (day before the last day of early voting in person)**

**Extended weekday early voting for ALL counties (regardless of population).** Early voting must be conducted for **at least 12 consecutive hours** on each weekday of the last week of the early voting period at the main early voting polling place. Voting may not be conducted earlier than 6:00 AM or later than 10:00 PM. (Sec. 85.005(c)).

Deadline to receive a voter's original ABBM by mail or common or contract carrier if the voter submitted a copy of their application by fax or email.

A voter is eligible to vote a late ballot if they will be out of the county of residence on election day due to a death in the immediate family (related within 2nd degree of consanguinity or affinity) that occurs on or after this day. The voter may submit the Application for Emergency Early Voting Ballot Due to Death in the Family starting Saturday, March 2, 2024 (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 and before the close of business on the day before election day. (Sec. 103.003).

Early voting clerk must post Notice of Delivery of Early Voting Balloting Materials to the early voting ballot board if materials are to be delivered to the board on March 1, 2024. 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. This notice should be posted every time the early voting ballot board reconvenes.

#### **March**

#### **Friday, March 1, 2024 (4th day before primary election day)**

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

**Extended weekday early voting for ALL counties (regardless of population).** Early voting must be conducted for **at least 12 consecutive hours** on each weekday of the last week of the early voting period at the main early voting polling place. Voting may not be conducted earlier than 6:00 AM or later than 10:00 PM. (Sec. 85.005(c)).

Last day to publish notice of public test of automatic tabulating equipment, if test will be held on Sunday, March 3, 2024, and testing was not already completed. The public notice of the test of automatic tabulating equipment must be published at least 48 hours before the test begins.

**NOTE:** Section 127.096 requires that for a primary election, the custodian of election records must give the county chair 48 hours of notice prior to the test. The county chair is required to confirm receipt of the notice.

**After the polls close at the end of early voting,** the ballot board and/or central counting station may convene to perform the following activities, depending on the population size of the county:

**Counties with a population of 100,000 or more that use electronic voting systems:**

In an election conducted by an authority of a county with a population of 100,000 or more that uses electronic voting systems, or conducted jointly with such a county or conducted with such a county through a contract for election services, the early voting ballot board may begin counting at the end of the period for early voting by personal appearance. (Sec. 87.0241(b)(2)).

**After the polls close at the end of early voting by personal appearance,** counties with a population of 100,000 or more may convene their early voting ballot board and/or central counting station 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 party is conducting a joint primary or contracting with a county that has a population of 100,000 or more and is convening their early voting ballot board and/or central counting station early to begin **counting** ballots, the test of the tabulation equipment will need to be completed at least 48 hours before the equipment is used to count ballots. (Secs. 87.0222, 87.0241, 127.096).

**NOTE** - If ballots are to be delivered before Election Day, the early voting clerk must post [notice \(PDF\)](#) 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** - Section 127.1232 provides that in counties with a population of 100,000 or more (or political subdivisions contracting with a county with a population of 100,000 or more), the general custodian of election records shall implement a video surveillance system that retains a record of all areas containing voted ballots: (1) from the time the voted ballots are delivered to the central counting station until the canvass of the precinct election returns; and (2) from the time the voted ballots are delivered to the signature verification committee or early voting ballot board until the canvass of precinct election returns. Video from the surveillance system shall be made available to the public by live stream. The recorded video is considered an election record and shall be retained by the general custodian until the end of the calendar year in which an

election is held or until an election contest filed in the county has been resolved, whichever is later. (Sec. 127.1232). See Tex. Sec'y of State Election Advisory No. 2022-10.

**Counties with a population of less than 100,000:**

These counties 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. These counties can meet whenever they have ballots, but at the very least have to meet at some point on or before the 9th day before election day. These counties cannot begin counting ballots until the polls open on election day. The early voting clerk shall continuously post notice for 24 hours preceding each delivery of voting materials that is to be made before the time for opening the polls on election day. (Secs. 87.0221, 87.023, 87.024, 87.0241). See Notice of Delivery of Early Voting Balloting Materials (PDF).

**NOTE** – For more information on corrective action procedures, see Note 17.

**Saturday, March 2, 2024 (day after last day of early voting in person; 3rd day before primary election day) (Texas Independence Day)**

First day to submit an Application for Emergency Early Voting Ballot Due to Death in the Family because of a death in the immediate family that occurred on or after Thursday, February 29, 2024 (“the day before the last day of the period for early voting by personal appearance”), and will require absence from the county of residence on election day. The application may be submitted through the close of business on Monday, March 4, 2024, the day before primary election day. (Secs. 103.001, 103.003(b)).

Last day to conduct public test of automatic tabulation equipment. Per Section 127.093, the test shall be conducted at least 48 hours before the automatic tabulating equipment is used to count ballots voted in an election and was not previously tested. We highly **recommend** that this test is done on an earlier date to allow time for corrections to programming, if necessary. (See Note 12 above).

**Monday, March 4, 2024 (day before primary election day)**

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 the list to election judges. The early voting clerk must also deliver the precinct early voting list. The list may be delivered electronically if the county will be using an electronic pollbook. (Sec. 87.122).

Last day to submit Application for Emergency Early Voting Ballot Due to Death in the Family and vote a late ballot by personal appearance due to death in immediate family that occurred on or after Thursday, February 29, 2024. (Sec. 103.003).

Deadline for county election officer to post notice of changed polling places. The notice must be posted at the entrance of the polling place used in the last primary election and must provide the location of the new polling place. (Sec. 43.062).

**Delivery of Provisional Ballots and Forms:** If the voter registrar wants to take possession of the provisional ballots and forms on election night, the voter registrar must inform the custodian of the election records and post a Notice of Election Night Transfer no later than Monday, March 4, 2024, 24 hours before election day. (1 T.A.C. § 81.174(d)(3)).

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

**NOTE:** The general custodian of election records (or the early voting clerk, if applicable) must 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, March 5, 2024, PRIMARY ELECTION DAY (Sec. 41.007(a), (c)).**

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

|                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|---------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>7:00 AM – 7:00 PM</b></p> | <p>Polls open. (Sec. 41.031).</p> <p>Voter registrar’s office is open. (Sec. 12.004(c)).</p> <p>Early voting clerk’s office is open for early voting activities. (Sec. 83.011). A voter may deliver a marked ballot by mail to the early voting clerk’s office while the polls are open on election day. The voter must provide an acceptable form of identification under Section 63.0101 upon delivery. The identification procedure is the same as that used for personal appearance voting. (Secs. 63.0101, 86.006).</p> |
| <p><b>5:00 PM</b></p>           | <p>Deadline for receiving <u>Application for Emergency Early Voting Ballot Due to Sickness or Physical Disability</u> for late ballots to be voted by persons who became sick or disabled on or after Thursday, February 22, 2024 (12th day before election day). (Sec. 102.003(b)). See entry at <u>Thursday, February 22, 2024</u>.</p>                                                                                                                                                                                    |

|                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|-----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>7:00 PM</b></p> | <p>Regular deadline for receiving <b>early voting ballots</b> by mail. <b>BUT see <u>entry</u> for Wednesday, March 6, 2024 on “late domestic ballots,” and <u>entry</u> for Monday, March 11, 2024 on other “late” ballots.</b></p> <p>This is also the deadline to receive <b>late ballots cast by voters who became sick or disabled</b> on or after Thursday, February 22, 2024 (12th day before election day). (Secs. 86.007(a), 102.006(c)). See entry at <u>Thursday, February 22, 2024</u>.</p> |
| <p><b>7:00 PM</b></p> | <p>County election officer begins transmitting results to Secretary of State and transmits continuously until results are final. (Sec. 68.034).</p>                                                                                                                                                                                                                                                                                                                                                     |

**NOTE** - Section 61.002 provides that immediately before the opening of the polls on election day, the presiding judge or alternate judge shall confirm that the public counters on each voting machine are set to zero and shall print the tape that shows that there are zero votes for each candidate or measure on the ballot. Immediately after the closing of the polls on election day, the presiding judge or alternate judge shall print the tape to show the number of votes cast for each candidate or measure. Each election judge and alternate judge shall sign the printed tapes. (Sec. 61.002).

**NOTE** - The presiding judge of the central counting station must provide and attest to a written reconciliation (PDF) of votes and voters at the close of tabulation for election day and again after the central counting station meets for the last time to process late-arriving ballots by mail and provisional ballots. (Sec. 127.131). **Preliminary Election Reconciliation (PDF) – Unofficial Totals form (Election Day)**. Election Reconciliation Form (PDF) – Official Results (Canvass Form). See Note on Reconciliation.

**NOTE: Receipt of Mail Ballots:** All early voting ballots sent by mail from inside the United States that are received by 7:00 PM on election day, Tuesday, March 5, 2024, **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 pm on election day may not be counted unless the ballot may be counted late, which applies to late domestic ballots (Sec. 86.007(a)(2)), ballots mailed from outside the United States (Sec. 86.007(d)), and ballots from members of the armed forces and merchant marine of the United States, Texas National Guard**

or the National Guard of another state or members of the Reserves, as well as their spouses and dependents (Sec. 101.057). See [entry for Wednesday, March 6, 2024](#), and [entry for Monday, March 11, 2024](#). 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). (Sec. 66.060). The county judge may delegate the custody of the keys to their staff. Alternatively, if the county judge does not have enough staff that can assist with this function, the county judge may designate the county auditor or members of the county auditor's staff if the county has a designated county auditor. If ballots are to be delivered before election day, the early voting clerk must post [notice \(PDF\)](#) at least 24 hours before each delivery at the main early voting polling place. However, see the note below. See [Tex. Sec'y of State Election Advisory No. 2022-10](#).

**NOTE:** If ballots are to be delivered before election day, the early voting clerk must post [Notice of Delivery](#) at least 24 hours before each delivery at the main early voting polling place. (Secs. 87.021, 87.022).

**NOTE** - Section 127.1232 provides that in counties with a population of 100,000 or more (or political subdivisions contracting with a county with a population of 100,000 or more), the general custodian of election records shall implement a video surveillance system that retains a record of all areas containing voted ballots: (1) from the time the voted ballots are delivered to the central counting station until the canvass of the precinct election returns; and (2) from the time the voted ballots are delivered to the signature verification committee or early voting ballot board until the canvass of precinct election returns. Video from the surveillance system shall be made available to the public by live stream. The recorded video is considered an election record and shall be retained by the general custodian until the end of the calendar year in which an election is held or until an election contest filed in the county has been resolved, whichever is later. (Sec. 127.1232). See [Tex. Sec'y of State Election Advisory No. 2022-10](#).

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

**Note on Testing Tabulating Equipment:** The **second test of automatic tabulating equipment** used for counting ballots at a central counting station must be conducted immediately before the counting of ballots with equipment begins. The **third test** must be

conducted immediately after the counting is completed. (Secs. 127.093, 127.097, 127.098). (See Note 12 above).

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

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

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

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

**NOTE –** Section 65.016 of the Code requires a county that holds an election or provides election services for an election for a public entity to post certain information on their website. Information should be posted as soon as practicable after the election and must be accessible without having to make more than two selections or view more than two network locations after accessing the home page of the county. While these statutory web posting requirements do not specifically apply to primary elections, **we strongly recommend that you post this information for any primary election in which the county has contracted to provide election services.** Required information on the websites must include:

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



We recommend that election results information remain posted on the county's main page (or within two clicks of the main page) at least until the next election, and that the information continues to be available for the full 22-month retention period for election records. Counties may choose to make older election results information available on their website. See [Note 3](#).

**Counties with a Population of 250,000 or more:** Per Section 127.009 of the Election Code, counties with a population of 250,000 or more must forward a copy of the audit logs from the central counting station to the Secretary of State no later than the fifth day after voting is completed. The information may be forwarded to the Secretary of State by [email](#), use of a thumb drive, or by mail.

**Wednesday, March 6, 2024 (1st business day after primary election day)**

**5:00 PM** – 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 PM** at the location of the election on election day, March 5, 2024. (Sec. 86.007(a)(2)). A late domestic ballot **cannot be counted** if it does **not** bear a cancellation mark or a receipt mark. (Sec. 86.007(c), (e), (f)).

First day independent candidates for offices **not** involved in runoff primary election may collect signatures for petitions in connection with applications. (Sec. 142.009).

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

**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 primary 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 primary election day to return their ballots. See [entry](#) for March 11, 2024.

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

**NOTE:** For the primary election, if the voter registrar wants to take possession of the provisional ballots and forms on election night (Tuesday, March 5, 2024), the voter registrar must inform the custodian of the election records and post a notice of the election night transfer no later than 24 hours before election day. However, under this type of delivery, the voter registrar **must** go to the office of the custodian of election records and pick up the provisional ballots and forms. Also, note that the voter registrar may take possession of provisional ballots prior to election night if ballots are kept separate and may be provided without unlawful entry into ballot box. (1 T.A.C. §§ 81.172 – 81.174).

**Friday, March 8, 2024 (3rd day after primary election day)**

Last day to begin the **partial manual count** for entities using electronic voting systems for the counting of ballots. This is the last day to **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 the manual count must be delivered to the Secretary of State not later than the 3rd day after the manual count is completed. (Sec. 127.201(e)). No partial manual count needs to be done of ballots cast on DRE voting machines, but partial manual count must be completed for mail ballots. (Sec. 127.201(g)).

**NOTE:** For information on how to begin the partial manual count, please see [Tex. Sec’y of State Election Advisory No. 2018-30](#).

**Sunday, March 10, 2024 (Daylight Saving Time Starts)**

**Monday, March 11, 2024 (6th day after primary election day)**

**NOTE** - Last day a voter may come to the early voting clerk’s office in person to correct certain defects on their carrier envelope. (Secs. 87.0271, 87.0411). See [Note 17](#).

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

Deadline for county voter registrar to complete the review of provisional ballots. (1 T.A.C. §§ 81.175, 81.176).

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 PM on primary election day, Tuesday, March 5, 2024, as evidenced by a postal service cancellation mark or a receipt mark of a common or contract carrier or a courier. (Sec. 86.007(d)). 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. (Sec. 86.007(c), (e), (f)). The deadline is extended to the next regular business day which is Monday, March 11, 2024 due to the 5th day falling on a Sunday. (Sec. 86.007(d-1)).

**NOTE:** 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 PM** on primary election day.

Last day to receive ballots from **non-military voters** casting ballots from overseas, who submitted a **FPCA, AND** who placed their ballots in delivery by 7:00 PM on primary election day, Tuesday, March 5, 2024. (Sec. 86.007(d), (e)). The deadline is extended to the next regular business day which is Monday, March 11, 2024 due to the 5th day falling on a Sunday. (Sec. 86.007(d-1)).

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

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

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

Last day to post notice of the county chair (or county chair's designee) and at least one member of the county executive committee's canvass of the returns for the primary election because canvass must take place on Thursday, March 14, 2024. This notice must be posted at least 72 hours before the scheduled time of the meeting. (Sec. 172.116; Secs. 551.002, 551.041, 551.043, Texas Government Code).

**NOTE:** Section 172.116 provides that a county chair may designate another individual to conduct the local canvass on the county chair's behalf. That designee must be a member of the county executive committee. If no member of the county executive committee is available to act as the county chair's designee, then any individual who is a resident of the county and is affiliated with the same political party may act as the county chair's designee.

**Tuesday, March 12, 2024 (7th day after primary election day; 2nd Tuesday in March)**

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

Deadline for custodian of election records or presiding judge of the early voting ballot board to retrieve provisional ballots from county voter registrar. (1 T.A.C. §§ 81.175, 81.176).

**Thursday, March 14, 2024 (2nd Thursday after primary election day, 9th day after Primary Election Day)**

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

1. any late **domestic** ballots (from non-military and from any military voters who submitted an ABBM) that bear a cancellation mark or receipt mark indicating they were placed for delivery by mail or common or contract carrier not later than 7:00 PM on election day, March 5, 2024, and were received not later than 5:00 PM on the first business day after election day, Wednesday, March 6, 2024. (Secs. 86.007(a) & (d-1), 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 6th day after election day, Monday, March 11, 2024. (Secs. 86.007(d) & (d-1), 87.125(a)). The deadline is extended to the next regular business day which is Monday, March 11, 2024 due to the 5th day falling on a Sunday. (Sec. 86.007(d-1)).
3. any ballots received by the 6th day after election day, Monday, March 11, 2024, from voters who are members of the armed forces of the United States, or the spouse or a dependent of a member of the armed forces, members of the merchant marines of the United States, or the spouse or a dependent of a member of the merchant marine, members of the Texas National Guard, or the spouse or a dependent of a member of the Texas National Guard, a member of the National Guard of another state, or the spouse or a dependent of a member of the National Guard of another state, or members of the Reserves, or the spouse or a dependent of a member of the Reserves, and who applied for a ballot using an FPCA. (Secs. 101.057, 87.125(a)).
4. any provisional ballots that have been reviewed by the voter registrar. (Sec. 65.051(a)).
5. ballots contained in defective carrier envelopes corrected by voters. (Sec. 86.011(d)).

**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. (Sec. 86.007).

**NOTE:** If the early voting ballot board needs to meet after this date, it will require a court order to do so. The time the board reconvenes is set by the presiding judge of the early voting ballot board. (Secs. 86.007(d), 87.125).

**NOTE** - Section 65.0581 provides that provisional voting records do not become public information until after the provisional ballots and other voting records have been delivered back to the custodian of election records. (Sec. 65.0581).

**NOTE** - The presiding judge of the central counting station is required to provide and attest to a written reconciliation (PDF) of votes and voters at the close of tabulation for election day and again after the central counting station meets for the last time to process late-arriving ballots by mail and provisional ballots. (Sec. 127.131). See Note 19 on Reconciliation.

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

**NOTE:** Section 172.116 provides that a county chair may designate another individual to conduct the local canvass on the county chair's behalf. That designee must be a member of the county executive committee. If no member of the county executive committee is available to act as the county chair's designee, then any individual who is a resident of the county and is affiliated with the same political party may act as the county chair's designee.

**NOTE:** Section 172.084(a) requires that the order of candidates on the ballot for the runoff primary election be the same as the order of candidates on the ballot for the general primary election. Therefore, a second ballot drawing for ballot order for the runoff primary election is no longer required.

**NOTE - NEW LAW:** HB 5180 (2023, R.S.) amended Section 1.012 of the Code, effective September 1, 2023, to provide that on the first day after the final canvass of an election is completed, the general custodian of election records shall make images of voted ballots and cast vote records available for public inspection. See Note 22 above.

Last day to post notice of state executive committee's meeting to canvass returns of primary election because state canvass must take place on Sunday, March 17, 2024, the deadline for state executive committees to conduct the state canvass for all races with potential runoffs (races with three or more candidates.) This notice must be posted at least 72 hours before the scheduled time of the meeting. (Sec. 172.120; Secs. 551.002, 551.041, 551.043, Texas Government Code).

**Friday, March 15, 2024 (10th day after primary election day; 24 hours after local canvass)**

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

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

**NOTE - NEW LAW:** HB 5180 (2023, R.S.) amended Section 1.012 of the Code, effective September 1, 2023, to provide that on the first day after the final canvass of an election is completed, the general custodian of election records shall make images of voted ballots and cast vote records available for public inspection. See [Note 22](#) above.

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

**Saturday, March 16, 2024 (1st Saturday after 2nd Tuesday in March)**

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

**Sunday, March 17, 2024 (2nd Sunday after the primary election day)**

Deadline for state executive committee to conduct state canvass for all races with potential runoffs (races with three or more candidates). See [entry](#) under Wednesday, March 27, 2024. State chair must certify these candidates for statewide and district offices for placement on runoff primary election ballot to county chair as soon as practicable after canvass is completed. The certification will be posted to the Secretary of State's website. (Secs. 172.120(b)(1), 172.121).

**NOTE - NEW LAW:** HB 5180 (2023, R.S.) amended Section 1.012 of the Code, effective September 1, 2023, to provide that on the first day after the final canvass of an election is completed, the general custodian of election records shall make images of voted ballots and cast vote records available for public inspection. See [Note 22](#) above.

**NOTE:** Section 172.121 requires the state chair to certify runoff candidates for state or district offices by posting the candidates and their respective outcomes to the Secretary of State's website.

**NOTE:** Section 172.084(a) requires that the order of candidates on the ballot for the runoff primary election be the same as the order of candidates on the ballot for the general primary election. Therefore, a second ballot drawing for ballot order for the runoff primary election is not required.

**Wednesday, March 20, 2024 (3rd day after state canvass of races with potential runoffs; 15th day after general primary election day)**

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

Election records from the general primary election must be available in an electronic format no later than this day, for a fee of not more than \$50.00. (Sec. 1.012(e)).

**NOTE - NEW LAW:** HB 5180 (2023, R.S.) amended Section 1.012 of the Code, effective September 1, 2023, to provide that on the first day after the final canvass of an election is completed, the general custodian of election records shall make images of voted ballots and cast vote records available for public inspection. See Note 22 above.

**Thursday, March 21, 2024 (4th day after state canvass of races with potential runoffs; 68th day before runoff primary election day)**

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

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

**Monday, March 25, 2024 (64th day before runoff primary election day, 11th day after local canvass)**

Deadline for the presiding judge of the early voting ballot board to notify provisional voters whether their ballots were counted and if not, the reason why they were not counted. (Sec. 65.059; 1 T.A.C. § 81.176(e)). (The deadline is extended to the next regular business day which is Monday, March 25, 2024 due to the **10th day falling on Sunday, March 24, 2024**. (Sec. 1.006).)

**Wednesday, March 27, 2024 (22nd day after primary election day)**

Deadline for state chair to conduct the state canvass for races with no potential runoff. (Sec. 172.120(b)(2)). See entry under Sunday, March 17, 2024.

**NOTE - NEW LAW:** HB 5180 (2023, R.S.) amended Section 1.012 of the Code, effective September 1, 2023, to provide that on the first day after the final canvass of an election is completed, the general custodian of election records shall make images of voted ballots and cast vote records available for public inspection. See Note 22 above.

**Friday, March 29, 2024 (60th day before runoff primary election) (Good Friday)**

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

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

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

**NOTE** – Section 87.002 requires the early voting ballot board to have an alternate judge. The alternate judge is appointed in the same manner as the presiding judge.

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

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

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

**Sunday, March 31, 2024 (Easter Sunday)**

**April**

**Wednesday, April 3, 2024 (20th day after local canvass of primary election)**

Deadline for county chair to post notice on the Secretary of State’s website of the names of the persons elected as county chair for the county. (Sec. 172.118).

**NOTE:** Section 172.118 of the Code does not require the county chair to provide written notice to the state chair and county clerk of new party officers. Instead, the county chair will post this information on the Secretary of State’s website.

**Thursday, April 4, 2024 (30th day after primary election day)**



Deadline for county clerk to deliver to Secretary of State precinct returns of primary election for all offices other than party offices, including precinct-by-precinct returns for early voting. The report must include early voting votes cast by mail and early voting votes cast by personal appearance. That delivery to the Secretary of State must be made through the electronic system for submission of the report. (Secs. 67.017, 172.124).

**NOTE:** Sections 67.017 and 172.124 of the Code requires this report to include all offices other than party offices in the precinct-by-precinct reports under this section. That report must include separate totals for early voting votes by mail and early voting votes by personal appearance.

**Monday, April 8, 2024 (50th day before runoff primary election day)**

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

Last day to publish notice for testing of automatic tabulation equipment testing and logic and accuracy testing (L&A testing) of a voting system if test will be completed by recommended deadline of Wednesday, April 10, 2024. Notice of the public tests must be published at least 48 hours before the test begins. The notice must be posted on the county's website if the county maintains a website. If the county does not maintain a website, the notice must be posted on the commissioners court bulletin board. Additionally, for a primary election, the custodian must notify the county chair of the test 48 hours prior to the test. The county chair must confirm receipt of the notice. (Secs. 127.093, 127.096, 129.022, 129.023).

**NOTE** – Section 129.023 of the Code provides that if logic and accuracy testing is being conducted for a primary election, the general custodian of election records shall notify the county chair of the test at least 48 hours before the date of the test. The county chair must confirm receipt of the notice. (Sec. 129.023(b-1)).

**Wednesday, April 10, 2024 (48th day before runoff primary election day)**

**Recommended** date to conduct the first test of the automatic tabulating equipment and for logic and accuracy (L&A test) test on voting system. (Secs. 127.093, 127.096, 129.022, 129.023). The Secretary of State recommends you complete your first round of testing prior to mailing your mail ballots if those ballots will be counted using automatic tabulation equipment. If you conduct your first round of testing by this date, you must publish notice of the test 48 hours prior to testing. See Note 12, above.

**NOTE** – Section 129.023 of the Code requires the general custodian of election records to demonstrate, using a representative sample of voting system equipment, that the source code of the equipment has not been altered. (Sec. 129.023(c-1)). See Tex. Sec'y of State Election Advisory No. 2022-30.

**Saturday, April 13, 2024 (45th day before runoff primary election day; 2nd Saturday in April)**

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

**NOTE** - A member of the Texas National Guard or the National Guard of another state or a member of a reserve component of the armed forces of the United States serving on active duty under an order of the President of the United States or activated on state orders, or the spouse or dependent of a member, may submit an FPCA. (Sec. 101.001).

**NOTE: The 45th-day deadline under Section 86.004(b) is *not* extended by Section 1.006 to the next business day. The ballots covered by Section 86.004(b) should be sent out on or before Saturday, April 13, 2024.**

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

**Reminder:** In regards to mail ballots for other voters (not military voters using an FPCA or overseas voters using an FPCA or ABBM), the early voting clerk **must** mail a ballot not later than the 7th day after the later of: (1) the date the early voting clerk has accepted a voter's application for a ballot by mail or (2) the date the ballots become available for mailing. However, if the 7th day falls earlier than the 37th day before election day (Sunday, April 21), the voter's mail ballot must be mailed no later than the 30th day (Sunday, April 28) before election day. (Sec. 86.004(a)). This means that for every application that is accepted by the early voting clerk before the 37th day before election day, the balloting materials must be mailed by the 30th day before election day. Any application that comes in after the 37th day before election day will follow the 7-day timeline in Section 86.004.

**NOTE** - Information on the early voting roster for both early voting in person and early voting by mail must be made available for public inspection and on the county's website if the county clerk or elections administrator is serving as the early voting clerk. The early voting roster shall be posted by 11:00 a.m. on the day after the information is entered on the roster (for early voting in person) or by 11:00 a.m. on the day after the early voting clerk receives a ballot voted by mail. If the entity does not maintain a website, the information must be made available on the bulletin board used for posting notices. (Sec. 87.121). *See Note 21*.

**NOTE** - Section 87.121 of the Code provides that if an early voting clerk fails to post their early voting rosters in accordance with Section 87.121, a person registered to vote in the county where the early voting clerk is conducting early voting may file a complaint with the Secretary of State

regarding the early voting clerk's noncompliance. The Secretary of State by rule shall create and maintain a system for receiving and recording these complaints. (Sec. 87.121).

**Sunday, April 21, 2024 (San Jacinto Day)**

**Friday, April 26, 2024 (32nd day before runoff primary election day and 12th day before first day signature verification committee may convene)**

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

If the signature verification committee will start meeting on Wednesday, May 8, 2024, **recommended date** early voting clerk should post copy of the order calling for appointment of the signature verification committee. (Saturday, April 27, and Sunday, April 28, 2024 are the 10th and 11th days before the first day the committee may meet.) The notice must remain posted continuously for at least 10 days before the first day the committee meets. The notice must be posted on the county's website if the county maintains a website. If the county does not maintain a website, the notice must be posted on the commissioners court bulletin board. (Sec. 87.027).

**Monday, April 29, 2024 (29th day before runoff primary election day)**

Last day to register to vote or make a change of address effective for the Tuesday, May 28, 2024 primary runoff election. (Secs. 13.143, 15.025).

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

Deadline for early voting clerk to mail a ballot by mail to a voter if the voter's Application for Ballot by Mail (ABBM) was accepted by the early voting clerk on or before Sunday, April 21, 2024. (Sec. 86.004(a)).

**Reminder:** In regards to mail ballots for other voters (not military voters using an FPCA or overseas voters using an FPCA or ABBM), the early voting clerk **must** mail a ballot not later than the 7th day after the later of: (1) the date the early voting clerk has accepted a voter's application for a ballot by mail or (2) the date the ballots become available for mailing. However, if the 7th day falls earlier than the 37th day before election day (Sunday, April 21), the voter's mail ballot must be mailed no later than the 30th day (Sunday, April 28) before election day. (Sec. 86.004(a)). This means that for every application that is accepted by the early voting clerk before the 37th day before election day, the balloting materials must be mailed by the 30th day before election

day. Any application that comes in after the 37th day before election day will follow the 7-day timeline in Section 86.004.

## **May**

### **Wednesday, May 1, 2024 (5th day after recommended date to order signature verification committee)**

If the early voting clerk issues order calling for appointment of signature verification committee on the recommended date for issuing that order (Friday, April 26, 2024), this is the deadline for the county chair to appoint the members to the committee. See entry under Friday, April 26, 2024. (Sec. 87.027).

### **Sunday, May 5, 2024 (61st day after primary election day)**

First day the general custodian of election records may (1) require a person who has possession of a key that operates the lock on a ballot box containing voted ballots to return the key to the custodian; and (2) unlock the ballot box and transfer the voted ballots to another secure container for the remainder of the preservation period. (Sec. 66.058(b)). **Please note that the custodian is not required by law to do this on Sunday, May 5, 2024; the custodian may choose to transfer the voted ballots to another secure container for the remainder of the preservation period on Monday, May 6, 2024 or a later date.**

**NOTE - NEW LAW:** HB 5180 (2023, R.S.) amended Section 1.012 of the Code, effective September 1, 2023, to provide that on the 61st day after election day, the general custodian of election records shall make the original voted ballots available for public inspection.

**NOTE** - Our office recommends that the county elections office work closely with its county attorney and its public information division in ensuring that records have been properly redacted before being made publicly available. Please direct any questions about the procedures for responding to a public information request, including the timeframes for such responses, to the Office of the Attorney General via its Open Government Hotline, (877) OPEN TEX (673-6839). See Note 22 above.

**NOTE** - For guidance on retention of electronic voting system media, please see Tex. Sec'y of State Election Advisory No. 2019-23.

### **Tuesday, May 7, 2024 (21st day before runoff primary election day)**

Last day for county election officer to post notice of the runoff primary election on the county's website. The notice must also be posted on the county's website if the county maintains a website. If the county does not maintain a website, the notice must be posted on the commissioners court bulletin board. (Secs. 4.003, 172.1112).

**NOTE:** Section 172.1112 requires the county to post the notice of election and notice of consolidated precincts on the county's website if the county maintains a website.

**NOTE:** Section 172.1112 requires that the county election officer, rather than the county chair, post the notice of election for the primary election.

**NOTE –** Section 4.009 of the Code requires a county to post certain information on its website for elections held by a county or elections for any local political subdivision in which the county has contracted to provide election services. While these statutory web posting requirements do not specifically apply to primary elections, **we strongly recommend that you post this information for any primary election in which the county has contracted to provide election services.** Accordingly, the following information should be posted on the county's website not later than the 21st day before election day:

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

**Wednesday, May 8, 2024 (20th day before runoff primary election day)**

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

**NOTE -** Section 127.1232 provides that in counties with a population of 100,000 or more, the general custodian of election records shall implement a video surveillance system that retains a record of all areas containing voted ballots: (1) from the time the voted ballots are delivered to the central counting station until the canvass of the precinct election returns; and (2) from the time the voted ballots are delivered to the signature verification committee or early voting ballot board until the canvass of precinct election returns. Video from the surveillance system shall be made available to the public by live stream. The recorded video is considered an election record and shall be retained by the general custodian until the end of the calendar year in which an election is held or until an election contest filed in the county has been resolved, whichever is later. (Sec. 127.1232). See Tex. Sec'y of State Election Advisory No. 2022-10.

**NOTE –** For more information on corrective action procedures, see Note 17.

Deadline for a person who is not permanently registered to vote to submit a postmarked FPCA, in order to receive a full ballot by mail for the May 28, 2024 primary runoff election. A person who is **not** permanently registered to vote and submits a postmarked FPCA after this date (20th day) and before the deadline to submit an application for ballot by mail, is not entitled to receive a ballot for any non-federal election. See Monday, May 13, 2024 entry for timeliness of an FPCA received without a postmark. (Secs. 101.052(e), 101.052(i)(2)).

An applicant for a ballot to be voted by mail (ABBM or FPCA) may submit the application by delivering it in person to the early voting clerk if the application is submitted not later than the close of regular business in the clerk's office on Friday, May 17, 2024. (Sec. 84.008).

**NOTE** - A member of the Texas National Guard or the National Guard of another state or a member of a reserve component of the armed forces of the United States serving on active duty under an order of the President of the United States or activated on state orders, or the spouse or dependent of a member, may submit an FPCA. (Sec. 101.001).

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

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

**Thursday, May 9, 2024 — Friday, May 17, 2024 (19th — 11th day before runoff primary election day)**

A person submitting an FPCA during this period who is **not** registered to vote is not entitled to receive a full ballot for the May 28, 2024 primary runoff election, meaning that 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). See entry below under Monday, May 13, 2024 (FPCA without a postmark). (Secs. 101.052(f), 114.004(c)).

**NOTE** - The early voting clerk is required to maintain a copy of this application since it may be used for other elections and forward the original to the voter registrar. (Secs. 84.007; 101.052(e), (f)).

**NOTE** - Be sure to check the list of registered voters for permanent registration status. Also, state law authorizes an FPCA to also serve as an application for **permanent registration**; therefore, the person might be permanently registered based on a prior FPCA. Even if the FPCA arrives too late for a particular election, the early voting clerk will still need to forward the original FPCA to the county voter registrar, after making a copy for your early voting clerk's use (mailing ballots, etc.) and records unless the voter marked **"my intent to return is uncertain"** (2019 form), or **"my**

**return is uncertain”** (2017 form) in which case, it will not serve as a permanent registration. (Sec. 101.055; 1 T.A.C. § 81.40).

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

**Monday, May 13, 2024 (15th day before runoff primary election day)**

Deadline to receive an FPCA **without** a postmark. If an FPCA is received by this date **without** a postmark to prove mailing date, the early voting clerk will accept the FPCA and mail the applicant a full ballot even if the applicant is **not** a permanently registered voter but meets the requirements under Title 2 of the Election Code (unless the voter marks the FPCA form **“my intent to return is uncertain”** (2019 form), or **“my return is uncertain** (2017 form), in which case the voter receives a federal-only ballot). (Sec. 101.052(i)(1)). See note under entry for Wednesday, May 8, 2024.

Last day to notify election judges of duty to hold election (Writ of Election). 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).

**Wednesday, May 15, 2024 (13th day before runoff primary election day)**

Last day to publish notice of L&A test if test is to be conducted on Friday, May 17, 2024, if testing was not already completed by Wednesday, April 10, 2024. Notice of the public L&A Test must be published at least 48 hours before the test begins. The notice must be posted on the county’s website if the county maintains a website. If the county does not maintain a website, the notice must be posted on the commissioners court bulletin board. Additionally, for a primary election, the custodian must notify the county chair of the test 48 hours prior to the test. The county chair is required to confirm receipt of the notice. (Secs. 129.001, 129.023). See Note 12, above.

**Thursday, May 16, 2024 (day before the last day to apply for a ballot by mail; 12th day before runoff primary election day)**

First day a voter who becomes sick or disabled on or after this date may submit an application for a late ballot if the sickness or physical condition prevents the voter from appearing at the

polling place without the likelihood of needing personal assistance or of injuring his or her health. (Sec. 102.001). See [Application for Emergency Early Voting Ballot Due to Sickness or Physical Disability \(PDF\)](#). Applications may continue to be submitted until 5:00 PM on Election Day. (Sec. 102.003).

**Friday, May 17, 2024 (11th day before runoff primary election; last business day 48 hours before start of early voting in person)**

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

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

**NOTE** - A member of the Texas National Guard or the National Guard of another state or a member of a reserve component of the armed forces of the United States serving on active duty under an order of the President of the United States or activated on state orders, or the spouse or dependent of a member, may submit an FPCA. (Sec. 101.001).

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

An applicant for a ballot to be voted by mail (ABBM or FPCA) may submit the application by delivering it in person to the early voting clerk if the application is submitted not later than the close of regular business in the clerk's office on Friday, May 17, 2024. (Sec. 84.008).

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



**NOTE** – Section 129.023 of the Code requires the general custodian of election records to demonstrate, using a representative sample of voting system equipment, that the source code of the equipment has not been altered. See Tex. Sec’y of State Election Advisory No. 2022-30.

**Saturday, May 18, 2024 (10th day before runoff primary election day)**

**NOTE:** The Notice of Delivery of Early Voting Balloting Materials serves as notice of the convening of the early voting ballot board. This notice should be posted every time the early voting ballot board reconvenes.

**Monday, May 20, 2024 — Friday, May 24, 2024 (8th — 4th day before runoff primary election day)**

**NOTE - NEW LAW:** HB 1217 (2023, R.S.) amended Section 85.005(c) of the Code, effective September 1, 2023, to require that in **ALL** counties (**regardless of population**), voting in a primary election runoff shall be conducted at the main early voting polling place for **at least 12 consecutive hours on each day between May 20, 2024 and May 24, 2024**. Voting may not be conducted earlier than 6:00 AM or later than 10:00 PM. Sec. 85.005(c)). For additional information, see Note 7 regarding extended early voting hours. (Secs. 85.005(c), 85.067). For more information regarding early voting rosters, see Note 21 and Tex. Sec’y of State Election Advisory No. 2023-10.

**Monday, May 20, 2024 (8th day before runoff primary election day)**

**First day to vote early in person.** (Sec. 85.001(b), (c)).

**NOTE:** The early voting period for the runoff primary election begins 10 days prior to election day, but because the first day of the early voting period falls on a weekend (Saturday, May 18, 2024), it is extended to the next regular business day, Monday, May 20, 2024. (Sec. 85.001(b), (c)).

**Extended weekday early voting for ALL counties (regardless of population).** Early voting must be conducted for **at least 12 consecutive hours** on each weekday of the early voting period at the main early voting polling place. Voting may not be conducted earlier than 6:00 AM or later than 10:00 PM. (Sec. 85.005(c)).

In a primary election, a certain number of temporary branch locations must be established depending on the population size of the county:

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

2. in a county with a population of 120,000 or more but less than 400,000, the commissioners court **must** establish one or more temporary polling places, other than the main early voting polling place, in each commissioners precinct containing territory covered by the election;
3. in a county with a population of 100,000 or more but less than 120,000, the early voting clerk **must** establish one or more early voting polling places in each commissioners precinct for which the early voting clerk receives a **timely filed written request 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. (Secs. 85.062, 85.064). See Tex. Sec'y of State Election Advisory No. 2023-10.

**NOTE** – Section 85.062 of the Code provides that the location of temporary branch polling places in an election in which countywide polling places are used must be determined with the same methodology that is used for the location of countywide polling places.

**NOTE** - Section 61.002 of the Code provides that immediately before the opening of the polls on the first day of early voting and on election day, the presiding judge or alternate judge shall confirm that the public counters on each voting machine are set to zero and shall print the tape that shows that there are zero votes for each candidate or measure on the ballot. Each election judge and alternate judge shall sign the printed tapes.

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

If county election precincts are consolidated, the county election officer must post at the polling place used in the preceding general election for state and county officers a notice of consolidation and location of the polling place. For purposes of conducting a runoff primary election, the "preceding general election" is the **preceding primary election**. (Secs. 4.003(b), 172.1112). (The deadline is extended to the next regular business day which is Monday, May 20, 2024 due to the 10th day falling on Saturday, May 18, 2024. (Sec. 1.006).

**NOTE:** Section 172.1112 requires the county to post the notice of election and notice of consolidated precincts on the county's website if the county maintains a website.

**Tuesday, May 21, 2024 (4th business day before runoff primary election day)**

**Extended weekday early voting for ALL counties (regardless of population).** Early voting must be conducted for **at least 12 consecutive hours** each weekday of the early voting period at the

main early voting polling place. Voting may not be conducted earlier than 6:00 AM or later than 10:00 PM. (Sec. 85.005(c)).

Last day for Secretary of State to receive a Request for Election Inspectors for the runoff primary election. The request must be a written request by 15 or more registered voters of the county for which the inspector is requested. (Sec. 34.001).

**Thursday, May 23, 2024 (day before the last day of early voting in person; 5th day before runoff primary)**

**Extended weekday early voting for ALL counties (regardless of population).** Early voting must be conducted for **at least 12 consecutive hours** each weekday of the early voting period at the main early voting polling place. Voting may not be conducted earlier than 6:00 AM or later than 10:00 PM. (Sec. 85.005(c)).

A voter is eligible to vote a late ballot if they will be out of the county of residence on election day due to a death in the immediate family (related within 2nd degree of consanguinity or affinity) that occurs on or after this day. The voter may submit the Application for Emergency Early Voting Ballot Due to Death in the Family starting Saturday, May 25, 2024 (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 and before the close of business on the day before election day. (Sec. 103.003).

Early voting clerk must post Notice of Delivery of Early Voting Balloting Materials to the early voting ballot board if materials are to be delivered to the board on Friday, May 24, 2024. 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).

Last day to publish notice of the public L&A test of a voting system that will be used for the first time on election day, if test will be held on Saturday, May 25, 2024. The last date to perform this test for voting systems that will be used for the first time on election day is Saturday, May 25, 2024. Notice of the public L&A test must be published at least 48 hours before the test begins. The notice must be posted on the county's website if the county maintains a website. If the county does not maintain a website, the notice must be posted on the commissioners court bulletin board. Additionally, for a primary election, the custodian must notify the county chair of the test 48 hours prior to the test. The county chair must confirm receipt of the notice. (Secs. 1.006, 129.001, 129.023).

**NOTE:** The Notice of Delivery of Early Voting Balloting Materials serves as notice of the convening of the early voting ballot board. This notice should be posted every time the early voting ballot board reconvenes.

**Friday, May 24, 2024 (4th day before runoff primary election day)**

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

**Extended weekday early voting for ALL counties (regardless of population).** Early voting must be conducted for **at least 12 consecutive hours** on each weekday of the early voting period at the main early voting polling place. Voting may not be conducted earlier than 6:00 AM or later than 10:00 PM. (Sec. 85.005(c)).

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

Deadline to publish notice of the first test of the automatic tabulating equipment, if the test is to be conducted as recommended on Sunday, May 26, 2024. The notice must be published at least 48 hours before the test. Additionally, for a primary election, the custodian must notify the county chair of the test 48 hours prior to the test. The county chair must confirm receipt of the notice. (Secs. 127.093, 127.096).

**After the polls close at the end of early voting,** the ballot board and/or central counting station may convene to perform the following activities, depending on the population size of the county:

**Counties with a population of 100,000 or more that use electronic voting systems:**

In an election conducted by an authority of a county with a population of 100,000 or more that uses electronic voting systems, or conducted jointly with such a county or conducted with such a county through a contract for election services, the early voting ballot board may begin counting at the end of the period for early voting by personal appearance. (Sec. 87.0241(b)(2)).

**After the polls close at the end of early voting by personal appearance,** counties with a population of 100,000 or more may convene their early voting ballot board and/or central counting station 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 party is conducting a joint primary or contracting with a county that has a population of 100,000 or more and is convening their early voting ballot board and/or central counting station early to begin **counting** ballots, the test of the tabulation equipment will need to be completed at least 48 hours before the equipment is used to count ballots. (Secs. 87.0222, 87.0241, 127.096).

**NOTE** - If ballots are to be delivered before Election Day, the early voting clerk must post notice (PDF) 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** - Section 127.1232 provides that in counties with a population of 100,000 or more (or political subdivisions contracting with a county with a population of 100,000 or more), the

general custodian of election records shall implement a video surveillance system that retains a record of all areas containing voted ballots: (1) from the time the voted ballots are delivered to the central counting station until the canvass of the precinct election returns; and (2) from the time the voted ballots are delivered to the signature verification committee or early voting ballot board until the canvass of precinct election returns. Video from the surveillance system shall be made available to the public by live stream. The recorded video is considered an election record and shall be retained by the general custodian until the end of the calendar year in which an election is held or until an election contest filed in the county has been resolved, whichever is later. (Sec. 127.1232). See [Tex. Sec'y of State Election Advisory No. 2022-10](#).

**Counties with a population of less than 100,000:**

Counties may begin convening their early voting ballot board as the county has received voted ballots by mail from voters and those materials are delivered to the ballot board, **but cannot begin counting the ballots until the polls open on election day**. The early voting clerk shall continuously post notice for 24 hours preceding each delivery of voting materials that is to be made before the time for opening the polls on election day. (Secs. 87.0221, 87.023, 87.024, 87.0241). See [Notice of Delivery of Early Voting Balloting Materials \(PDF\)](#).

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

**NOTE** – For more information on corrective action procedures, see [Note 17](#).

**Saturday, May 25, 2024 (day after last day of early voting in person; 3rd day before runoff primary election day)**

**NOTE** – Monday, May 27, 2024 is a holiday (Memorial Day).

First day to **submit an application for and vote** a late ballot because of a death in the immediate family that occurred on or after Thursday, May 23, 2024 (“the day before the last day of the period for early voting by personal appearance”), and will require absence from the county of residence on election day. The application may be submitted through the close of business on May 27, 2024, the day before runoff primary election day. (Secs. 103.001, 103.003(b)).

Because the deadline for the early voting clerk to mark the precinct list of registered voters with a notation beside each name of voter who voted early, and delivery of the list to election judges lands on Monday, May 27, 2024 (Memorial Day and the day before Election Day), our office recommends marking the precinct list no later than today. The early voting clerk must also deliver the precinct early voting list. The list may be delivered electronically if the county will be using an electronic pollbook. (Sec. 87.122).

Because the deadline for county election officer to post notices of changed polling places falls on Monday, May 27, 2024 (Memorial Day and the day before Election Day), our office recommends the county chair post the notices no later than today. The notice must be posted at the entrance of the polling place used in the last primary election and must provide the location of the new polling place. (Sec. 43.062).

**Sunday, May 26, 2024 (2nd day before runoff primary election day)**

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

**Monday, May 27, 2024 (day before runoff primary election day) (Memorial Day)**

Last day to submit an Application for Emergency Early Voting Ballot Due to Death in the Family to the county election officer and vote a late ballot by personal appearance due to death in immediate family that occurred on or after Thursday, May 23, 2024. (Sec. 103.003).

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 the list to election judges. The early voting clerk must also deliver the precinct early voting list. The list may be delivered electronically if the county will be using an electronic pollbook. (Sec. 87.122).

Deadline for county election officer to post notices of changed polling places. The notice must be posted at the entrance of the polling place used in the last primary election and must provide the location of the new polling place. (Sec. 43.062).

**Delivery of Provisional Ballots and Forms:** If the voter registrar wants to take possession of the provisional ballots and forms on election night, the voter registrar must inform the custodian of the election records and post a Notice of Election Night Transfer no later than Monday, May 27, 2024, 24 hours before election day. (1 T.A.C. § 81.174(d)(3)).

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

**NOTE:** The general custodian of election records (or the early voting clerk, if applicable) must 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, May 28, 2024 (4th Tuesday in May), RUNOFF PRIMARY ELECTION DAY (Sec. 41.007(b)).**

|                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|---------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>7:00 AM – 7:00 PM</b></p> | <p>Polls are open. (Sec. 41.031(a)).</p> <p>Voter registrar’s office is open. (Sec. 12.004(c)).</p> <p>Early voting clerk’s office is open for early voting activities. A voter may deliver a marked ballot by mail to the early voting clerk’s office while the polls are open on election day. The voter must provide an acceptable form of identification under Section 63.0101 upon delivery. The identification procedure is the same as that used for personal appearance voting. (Secs. 63.0101, 83.011, 86.006).</p> |
| <p><b>5:00 PM</b></p>           | <p>Deadline for receiving <u>Application for Emergency Early Voting Ballot Due to Sickness or Physical Disability</u> for late ballots to be voted by persons who became sick or disabled on or after Thursday, May 16, 2024 (12th day before election day). (Sec. 102.003(b)). See entry at <u>Thursday, May 16, 2024</u>.</p>                                                                                                                                                                                              |
| <p><b>7:00 PM</b></p>           | <p>Regular deadline for receiving <b>early voting ballots</b> by mail. <b>BUT see entry for Wednesday, May 29, 2024 on “late domestic ballots,” and entry for Monday, June 3, 2024 on other “late” ballots.</b></p> <p>This is also the deadline to receive <b>late ballots cast by voters who became sick or disabled</b> on or after Thursday, May 16, 2024 (12th day before election day). (Secs. 86.007(a), 102.006(c)). See entry at <u>Thursday, May 16, 2024</u>.</p>                                                 |
| <p><b>7:00 PM</b></p>           | <p>County election officer begins transmitting results to Secretary of State and transmits continuously until results are final. (Sec. 68.034).</p>                                                                                                                                                                                                                                                                                                                                                                          |

Deadline for convention 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. 181.005(a), 181.006(b)(3), 182.003, 182.004). (This date is extended to Tuesday, May 28, 2024 by Section 1.006 because the 75th day after the date of the precinct conventions is Sunday, May 26, 2024, and Monday, May 27, 2024 is Memorial Day.)

**NOTE** - Section 61.002 provides that immediately before the opening of the polls on election day, the presiding judge or alternate judge shall confirm that the public counters on each voting machine are set to zero and shall print the tape that shows that there are zero votes for each

candidate or measure on the ballot. Immediately after the closing of the polls on election day, the presiding judge or alternate judge shall print the tape to show the number of votes cast for each candidate or measure. Each election judge and alternate judge shall sign the printed tapes. (Sec. 61.002).

**NOTE** - The presiding judge of the central counting station must provide and attest to a written reconciliation (PDF) of votes and voters at the close of tabulation for election day and again after the central counting station meets for the last time to process late-arriving ballots by mail and provisional ballots. (Sec. 127.131). **Preliminary Election Reconciliation (PDF) – Unofficial Totals form (Election Day).** Election Reconciliation Form (PDF) – Official Results (Canvass Form). See Note on Reconciliation.

**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, May 28, 2024 **must be counted on election night.** If the carrier envelope does not bear a cancellation mark or a receipt mark, the ballot must arrive before the time the polls are required to close **on election day.** (Sec. 86.007(a)(1)). If the early voting clerk cannot determine whether a ballot arrived before the deadline, the ballot is considered to have arrived at the time the place at which the carrier envelopes are deposited was last inspected for removal of returned ballots. (Sec. 86.007(b)). The early voting clerk **must** check the mailbox for early voting mail ballots at least once after the time for regular mail delivery. (Sec. 86.007(b)).

**NOTE** - An early voting mail ballot that is not received by 7:00 p.m. on election day may not be counted unless the ballot may be counted late, which applies to late domestic ballots (Sec. 86.007(a)(2)), ballots mailed from outside the United States (Sec. 86.007(d)), and ballots from members of the armed forces and merchant marine of the United States, Texas National Guard or the National Guard of another state or members of the Reserves, as well as their spouses and dependents (Sec. 101.057). See entry for Wednesday, May 29, 2024, and entry for Monday, June 3, 2024. See Tex. Sec’y of State Election Advisory No. 2018-02.

#### **Note on Delivery of Early Voting by Personal Appearance and Mail Ballots:**

The early voting clerk delivers the voted ballots, the key to the double-locked ballot box, etc., to the early voting ballot board at the time or times specified by the presiding judge of the early voting ballot board, during the hours on election day that the polls are open or as soon after the polls close as practicable. (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). (Sec. 66.060). The county judge may delegate the custody of the keys to their staff. Alternatively, if the county judge does not have enough staff that can assist with this function, the county judge may designate the county auditor or members of the county auditor’s staff if the county has a designated county auditor. If ballots are to be delivered before election day, the early voting clerk must post notice



(PDF) at least 24 hours before each delivery at the main early voting polling place. See Tex. Sec'y of State Election Advisory No. 2022-10.

### **Note on Delivery of Early Voting Ballots to Early Voting Ballot Board Before Election Day**

Any jacket envelopes of early voting ballots voted by mail returned after delivery of the ballots to the early voting ballot board may be delivered to the presiding judge of the early voting ballot board between the end of the ninth day before election day and the closing of the polls on election day, or as soon after closing as practicable, at the time or times specified by the presiding judge. 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 (PDF) at least 24 hours before each delivery at the main early voting polling place.

**NOTE** - Counties with a population of 100,000 or more, or entities that are having joint elections with counties with a population of 100,000 or more or that are conducting an election through a contract for election services with such a county, may begin counting ballots no earlier than the end of the period for early voting by personal appearance; the results may not be released until the polls close on election day. (Secs. 87.0221, 87.0222, 87.023, 87.024, 87.0241(b), 87.042). If ballots are to be delivered before Election Day, the early voting clerk must post notice (PDF) 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** - Section 127.1232 provides that in counties with a population of 100,000 or more (or political subdivisions contracting with a county with a population of 100,000 or more), the general custodian of election records shall implement a video surveillance system that retains a record of all areas containing voted ballots: (1) from the time the voted ballots are delivered to the central counting station until the canvass of the precinct election returns; and (2) from the time the voted ballots are delivered to the signature verification committee or early voting ballot board until the canvass of precinct election returns. Video from the surveillance system shall be made available to the public by live stream. The recorded video is considered an election record and shall be retained by the general custodian until the end of the calendar year in which an election is held or until an election contest filed in the county has been resolved, whichever is later. (Sec. 127.1232). See Tex. Sec'y of State Election Advisory No. 2022-10.

**NOTE:** If ballots are to be delivered before election day, the early voting clerk must post Notice of Delivery at least 24 hours before each delivery at the main early voting polling place. (Secs. 87.021, 87.022).

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

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

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

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

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

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

**NOTE -** Section 65.016 of the Code requires a county that holds an election or provides election services for an election for a public entity to post certain information on their website. Information should be posted as soon as practicable after the election and must be accessible without having to make more than two selections or view more than two network locations after accessing the home page of the county. While these statutory web posting requirements do not specifically apply to primary elections, **we strongly recommend that you post this information for any primary election in which the county has contracted to provide election services.** Required information on the websites must include:

1. the results of each election;
2. the total number of votes cast;
3. the total number of votes cast for each candidate or for or against each measure;
4. the total number of votes cast by personal appearance on election day;

5. the total number of votes cast by personal appearance or mail during the early voting period; and
6. the total number of counted and uncounted provisional ballots cast. (Sec. 65.016).

**Wednesday, May 29, 2024 (1st business day after runoff primary election day)**

**5:00 PM** – 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 PM** at the location of the election on runoff primary election day, May 28, 2024. (Sec. 86.007(a)(2)). A late domestic ballot **cannot be counted** if it does **not** bear a cancellation mark or a receipt mark. (Sec. 86.007(c), (e), (f)).

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

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

First day independent candidates **for offices involved in runoff elections** may collect signatures for applications. (Sec. 142.009).

**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 entry for June 3, 2024.

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

**NOTE:** If the voter registrar wants to take possession of the provisional ballots and forms on election night (Tuesday, May 28, 2024), the voter registrar must inform the custodian of the election records and post a notice of the election night transfer no later than 24 hours before election day. However, under this type of delivery, the voter registrar **must** go to the office of the custodian of election records and pick up the provisional ballots and forms. Also, note that the voter registrar may take possession of provisional ballots prior to election night if ballots are kept separate and may be provided without unlawful entry into ballot box. (1 T.A.C. §§ 81.172 – 81.174).

**Friday, May 31, 2024 (3rd day after primary election day)**

Last day to begin the **partial manual count** for entities using electronic voting systems for the counting of ballots. This is the last day to **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 the manual count must be delivered to the Secretary of State not later than the 3rd day after the manual count is completed. (Sec. 127.201(e)). No partial manual count needs to be done of ballots cast on DRE voting machines, but partial manual count must be completed for mail ballots. (Sec. 127.201(g)).

**NOTE:** For information on how to begin the partial manual count, please see [Tex. Sec’y of State Election Advisory No. 2018-30](#).

**June**

**Monday, June 3, 2024 (6th day after primary election day)**

**NOTE -** Last day a voter may come to the early voting clerk’s office in person to correct certain defects on their carrier envelope. (Secs. 87.0271, 87.0411; 1 T.A.C. §§ 81.175, 81.176). See [Note 17](#).

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

Deadline for county voter registrar to complete the review of provisional ballots. (1 T.A.C. §§ 81.172 – 81.175, 81.176).

Last day to post notice of county chair (or county chair’s designee) and at least one member of county executive committee’s canvass of the returns for the runoff primary election because canvass must take place on Thursday, June 6, 2024. This notice must be posted at least 72 hours

before the scheduled time of the meeting. (Sec. 172.116; Secs. 551.002, 551.041, 551.043, Texas Government Code).

**NOTE:** Section 172.116 provides that a county chair may designate another individual to conduct the local canvass on the county chair's behalf. That designee must be a member of the county executive committee. If no member of the county executive committee is available to act as the county chair's designee, then any individual who is a resident of the county and is affiliated with the same political party may act as the county chair's designee.

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 PM on runoff primary election day, Tuesday, May 28, 2024 as evidenced by a postal service cancellation mark or a receipt mark of a common or contract carrier or a courier. (Sec. 86.007(d)). 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. (Sec. 86.007(c), (e), & (f)). The deadline is extended to the next regular business day which is Monday, June 3, 2024, due to the **5th day falling on Sunday, June 2, 2024. (Sec. 86.007(d-1)).**

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

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

**Thursday, June 6, 2024 (9th day after runoff primary election day; 2nd Thursday after runoff primary election day)**

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

Deadline for custodian of election records or presiding judge of the early voting ballot board to retrieve provisional ballots from county voter registrar. (1 T.A.C. §§ 81.172 – 81.175, 81.176).

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

1. any late **domestic** ballots (from non-military and from any military voters who submitted an ABBM) that bear a cancellation mark or receipt mark indicating they were placed for delivery by mail or common or contract carrier not later than 7:00 PM on election day, May 28, 2024, and were received not later than 5:00 PM on the first business day after election day, Wednesday, May 29, 2024. (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, June 3, 2024. (Secs. 86.007(d) & (d-1), 87.125(a)).
3. any ballots received by the 6th day after election day, Monday, June 3, 2024 from voters who are members of the armed forces of the United States, or the spouse or a dependent of a member of the armed forces, members of the merchant marines of the United States, or the spouse or a dependent of a member of the merchant marine, members of the Texas National Guard, or the spouse or a dependent of a member of the Texas National Guard, a member of the National Guard of another state, or the spouse or a dependent of a member of the National Guard of another state, or members of the Reserves, or the spouse or a dependent of a member of the Reserves, and who applied for a ballot using an FPCA. (Secs. 101.057, 87.125(a)).
4. any provisional ballots that have been reviewed by the voter registrar. (Sec. 65.051(a)).
5. ballots contained in defective carrier envelopes corrected by voters. (Sec. 86.011(d)).

**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. (Sec. 86.007).

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

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

**NOTE** - The presiding judge of the central counting station is required to provide and attest to a written reconciliation (PDF) of votes and voters at the close of tabulation for election day and again after the central counting station meets for the last time to process late-arriving ballots by mail and provisional ballots. (Sec. 127.131). See Note 19 on Reconciliation.

**NOTE:** Section 172.116 provides that a county chair may designate another individual to conduct the local canvass on the county chair's behalf. That designee must be a member of the county executive committee. If no member of the county executive committee is available to act as the county chair's designee, then any individual who is a resident of the county and is affiliated with the same political party may act as the county chair's designee.

**Friday, June 7, 2024 (10th day after runoff primary election day; 24 hours after local canvass)**

The presiding judge of the early voting ballot board shall mail a Notice of Rejected Ballot (PDF) 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 early voting ballot board last convenes. (Sec. 87.0431).

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

**Wednesday, June 12, 2024 (15th day after runoff primary election day)**

Election records from the runoff primary election must be available in an electronic format no later than this day, for a fee of not more than \$50.00. (Sec. 1.012(e)).

Last day to post notice of state executive committee's meeting to canvass returns of runoff primary election if state canvass takes place on June 15, 2024. Notice must be posted at least 72 hours before the scheduled time of the meeting. (Sec. 172.120; Secs. 551.002, 551.041, 551.043, Texas Government Code).

**NOTE - NEW LAW:** HB 5180 (2023, R.S.) amended Section 1.012 of the Code, effective September 1, 2023, to provide that on the first day after the final canvass of an election is completed, the general custodian of election records shall make images of voted ballots and cast vote records available for public inspection. See Note 22 above.

**Saturday, June 15, 2024 (3rd Saturday after runoff primary election day)**

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

**Monday, June 17, 2024 (11th day after local canvass; 20th day after runoff primary election day)**

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

Deadline for the presiding judge of the early voting ballot board to notify provisional voters whether their ballots were counted and if not, the reason why they were not counted. (Sec. 65.059; 1 T.A.C. § 81.176). (The deadline is extended to the next regular business day which is Monday, June 17, 2024 due to the **10th day falling on Sunday, June 16, 2024.** (Sec. 1.006).)

**NOTE - NEW LAW:** HB 5180 (2023, R.S.) amended Section 1.012 of the Code, effective September 1, 2023, to provide that images of voted ballots, if maintained, and cast vote records shall be made available for public inspection beginning on the first day after the date of the final canvass of an election is completed. The bill also provides that original voted ballots shall be made available for public inspection beginning on the 61st day after election day. The bill requires the general custodian of election records to adopt procedures to ensure the redaction of any personally identifiable information of the voter that is contained on the voted ballot, ballot images, or cast vote records before making them available for public inspection. See Note 22 above.

**Tuesday, June 18, 2024 (21st day after election day)**

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

**Wednesday, June 19, 2024 (Juneteenth)**

**Wednesday, June 26, 2024 (20th day after local canvass)**

Deadline for county chair to post notice to the Secretary of State's website of the names of the persons elected as county chair and precinct chairs for the county. The notice must include (1) each party officer's address, (2) each precinct chair's precinct number, and (3) each precinct officer's phone number and email address, if supplied by the officer. (Sec. 172.118).

**Thursday, June 27, 2024 (30th day after runoff primary election day)**

Deadline for county election officer to deliver to Secretary of State precinct returns of primary election for all offices other than party offices, including precinct-by-precinct returns for early voting. The report must include early voting votes cast by mail and early voting votes cast by personal appearance. That delivery to the Secretary of State must be made through the electronic system for submission of the report. (Secs. 67.017, 172.124).

**NOTE:** Sections 67.017 and 172.124 require this report to include all offices other than party offices in the precinct-by-precinct reports under this section. That report must include separate totals for early voting votes by mail and early voting votes by personal appearance.

Last day independent candidates may file applications and petitions (5 p.m.). (Sec. 142.006).

**July**



**Wednesday, July 17, 2024 (30th day after term of party office starts)**

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

**Sunday, July 28, 2024 (61st day after runoff primary election day)**

First day the general custodian of election records may (1) require a person who has possession of a key that operates the lock on a ballot box containing voted ballots to return the key to the custodian; and (2) unlock the ballot box and transfer the voted ballots to another secure container for the remainder of the preservation period. (Sec. 66.058(b)). **Please note that the custodian is not required by law to do this on Sunday, July 28, 2024; the custodian may choose to transfer the voted ballots to another secure container for the remainder of the preservation period on Monday, July 29, 2024 or a later date.**

**September**

**Wednesday, September 4, 2024**

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

**2025**

**January**

**January 1, 2025 (1st day after end of calendar year 2024)**

First day that surveillance video of areas containing voted ballots from the May 28, 2024 election may be destroyed IF there is no unresolved election contest.

**NOTE** - Section 127.1232 provides that in counties with a population of 100,000 or more (or political subdivisions contracting with a county with a population of 100,000 or more), the general custodian of election records shall implement a video surveillance system that retains a record of all areas containing voted ballots: (1) from the time the voted ballots are delivered to the central counting station until the canvass of the precinct election returns; and (2) from the time the voted ballots are delivered to the signature verification committee or early voting ballot board until the canvass of precinct election returns. Video from the surveillance system shall be made available to the public by live stream. The recorded video is considered an election record and shall be retained by the general custodian until the end of the calendar year in which an

election is held or until an election contest filed in the county has been resolved, whichever is later. (Sec. 127.1232). See Tex. Sec’y of State Election Advisory No. 2022-10.

## **2026**

### **January 2026 (Twenty-two (22) months after 2024 primary election day)**

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

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

#### **Notable Exceptions:**

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

**Electronic Voting Systems:** See advisories on our website for preservation procedures for electronic voting systems. (See Tex. Sec’y of State Election Advisory No. 2019-23.)

### **March 2026 (Twenty-two (22) months after 2024 runoff primary election day; two years after 2024 primary election day)**

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

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

#### **Notable Exceptions:**

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

**Electronic Voting Systems:** See advisories on our website for preservation procedures for electronic voting systems. (See Tex. Sec’y of State Election Advisory No. 2019-23.)

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

## **2028**

**March 2028 (Four years after 2024 election day)**

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

**May 2028 (Four years after 2024 runoff primary election day)**

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