

If county election precincts are consolidated, county clerk must post at the polling place used in the preceding general election for state and county officers a notice of consolidation and location of the polling place. For purposes of conducting a runoff primary election, the “preceding general election” is the **preceding primary election**. (Secs. 4.003(b) & 172.1112). (The deadline is extended to the next regular business day which is Monday, July 6, 2020 due to the 10th day falling on Saturday, July 4, 2020.) (Sec. 1.006).

NOTE: Section 172.1112 requires that the county clerk, rather than the county chair, post the notice of consolidation. The notice should be posted on the county’s website if the county maintains a website. If the county does not maintain a website, then it should be posted on the commissioners court bulletin board.

NEW LAW NOTE: HB 2640, as enacted by the 86th Legislature (2019), amended 172.1112 to require the county to post the notice of election and notice of consolidated precincts on the county’s website if the county maintains a website. Under the prior version of the law, the notice was required to be posted on the party’s website.

Wednesday, July 8, 2020 (4th business day before runoff primary election day)

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

Thursday, July 9, 2020 (day before the last day of early voting in person; 5th day before runoff primary)

A voter who will be absent from his county of residence due to a death of an immediate family member occurring on or after this day may apply for a late ballot. Application may be made after the last day of early voting in person, up to the close of business on the day before runoff primary election day. (Secs. 103.001 & 103.003). See [entry](#) under Saturday, July 11, 2020.

If delivery of early voting ballots and materials will be made to the early voting ballot board between the end of the period for early voting by personal appearance and the opening of the polls on runoff primary election day (see [Note](#) in entry under July 14, 2020), notice must be posted of such delivery 24 hours in advance. (Secs. 87.0221, 87.0222, 87.023, 87.024 & 87.0241).

Friday, July 10, 2020 (4th day before runoff primary election day)

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

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, July 12, 2020. 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).

Saturday, July 11, 2020 (day after last day of early voting in person; 3rd day before runoff primary election day)

First day to **submit an application for and vote** a late ballot because of a death in the immediate family that occurred on or after Thursday, July 9, 2020 (“the day before the last day for early voting by personal appearance”), and will require absence from the county on election day. May submit application through July 13, 2020, the day before runoff primary election day. (Secs. 103.001 & 103.003(b)).

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

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

Last day to publish notice of the public L&A test of a voting system that uses DRE voting machines (or an electronic voting system which is subject to L&A testing under advisories issued by Secretary of State) that will be used for the first time on election day, if test will be held on Monday, July 13, 2020. The last date to perform this test for DREs that will be used for the first time on election day is Monday, July 13, 2020. 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).

Sunday, July 12, 2020 (2nd day before primary election day)

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

Monday, July 13, 2020 (day before runoff primary election day)

Last day to submit an application for and vote a late ballot by personal appearance due to death in immediate family that occurred on or after Thursday, July 9, 2020. (Sec. 103.003).

Last day to for early voting clerk to mark the precinct list of registered voters with a notation beside each name of voter who voted early, and deliver list to election judges. The early voting clerk must also deliver the precinct early voting list. (Sec. 87.122).

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

Deadline for Voter Registrar to post notice of election night transfer of provisional ballots, IF the voter registrar wants to take possession of the provisional ballots and forms on election night (Tuesday, July 14, 2020). The voter registrar must inform the custodian of the election records and post a notice of the election night transfer no later than 24 hours before election day. (1 T.A.C. §§ 81.172 – 81.174).

NOTE: Under this type of delivery, the voter registrar **must** go to the office of the custodian of election records and pick up the provisional ballots and forms. (1 T.A.C. §81.174(d)(3)).

Tuesday, July 14, 2020 (RUNOFF PRIMARY ELECTION DAY)

7:00 a.m. – 7:00 p.m.	Polls are open.(Sec. 41.031(a)). Voter registrar's and early voting clerk's offices are open. (Secs. 12.004(c), 83.002(2) & 83.011).
7:00 a.m. to 7:00 p.m.	Sick and disabled persons may vote at the main early voting polling place if voting machine are used at regular polling place(s) on election day and the voter has a sickness or condition that prevents the voter from voting in the regular manner without personal assistance or likelihood of injury. (Secs. 104.001 & 104.003). However, if the early voting ballots by mail are processed at a location other than the main early voting polling place, the early voting clerk may require the voting to be conducted at that location. (Sec. 104.003).
5:00 p.m.	Deadline for receiving applications for late ballots to be voted by persons who became sick or disabled on or after Wednesday, July 1, 2020 (12th day before runoff primary election day). (Secs. 84.007(c), 102.001 & 102.003(b)). See entries at Wednesday, July 1, 2020 and Thursday, July 2, 2020 .
7:00 p.m.	Regular deadline for receiving early voting ballots by mail. BUT see entry for Wednesday, July 15, 2020 on “late domestic ballots,” and entry for Monday, July 20, 2020 on other “late” ballots. This is also the deadline for receiving early voting ballots by mail and late ballots cast by voters who became sick or disabled on or after Thursday, July 2, 2020 (12th day before runoff election day). (Secs. 84.007(c), 86.007(a) & 102.006(c)). (See late ballot exception to the by-mail rule under entry for July 20, 2020). See entries at Wednesday, July 1, 2020 and Thursday, July 2, 2020.
7:00 p.m.	County election officer begins transmitting results to Secretary of State and transmits continuously until results are final. (Sec. 68.034).

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

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 under 86.007(d), which applies to ballots mailed from outside the United State (Sec. 86.007(d)), late domestic ballots (Sec. 86.007(a)(2)), and ballots from members of the armed forces and merchant marine of the United States, their spouses and dependents (Sec. 101.057). See [entry](#) for Wednesday, July 15, 2020, and [entry](#) for Monday, July 20, 2020.

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).

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

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

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

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

Wednesday, July 15, 2020 (1st business day after runoff primary election day)

5:00 p.m. – Deadline to receive “late domestic ballots” mailed **within** the United States from **non-military voters and from any military voters** who submitted an **Application for Ballot by Mail** (“ABBM”) (**not** a Federal Postcard Application – “FPCA”), if the carrier envelope was placed for delivery by mail or common or contract carrier **AND** bears a cancellation mark of a postal service or a receipt mark of a common or contract carrier or a courier indicating a time not later than **7:00 p.m.** at the location of the election on runoff primary election day, July 14, 2020.(Secs. 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: 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 a FPCA; those voters have until the 6th day after election day to return their ballots. See [entry](#) for July 20, 2020.

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

NOTE: If the voter registrar wants to take possession of the provisional ballots and forms on election night (Tuesday, July 14, 2020), the voter registrar must inform the custodian of the election records and post a notice of the election night transfer no later than 24 hours before election day. However, under this type of delivery, the voter registrar **must** go to the office of the

custodian of election records and pick up the provisional ballots and forms. Also, note that the voter registrar may take possession of provisional ballots prior to election night if ballots are kept separate and may be provided without unlawful entry into ballot box. (1 T.A.C. §§ 81.172 – 81.174).

Monday, July 20, 2020 (6th day after runoff primary election day)

Last day to receive ballots from **non-military and any military voters** casting ballots from outside of the United States, who submitted an **ABBM**, (not an FPCA) **AND** who placed their ballots in delivery by 7:00 p.m. on runoff primary election day, Tuesday, July 14, 2020, 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. (Secs. 86.007(c), (e), & (f)). The deadline is extended to the next regular business day which is Monday, July 20, 2020, due to the **5th day falling on Sunday, July 19, 2020. (Secs. 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 p.m.** on election day.

Last day to receive ballots from **non-military voters** casting ballots from overseas, who submitted a **FPCA, AND** who placed their ballots in delivery by 7:00 p.m. on runoff primary election day, Tuesday, July 14, 2020. (Sec. 86.007(d) & (e)). The deadline is extended to the next regular business day which is Monday, July 20, 2020 due to the **5th day falling on Sunday, July 15, 2020. (Secs. 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.** (Secs. 101.057 and 101.001).

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

Last day to post notice of 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, July 23, 2020. 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).

NEW LAW NOTE: HB 2640, as enacted by the 86th Legislature (2019), amended Section 172.116 to provide 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.

Deadline for provisional voter to (1) present acceptable identification to county voter registrar; or (2) execute an affidavit relative to "natural disaster" or "religious objection" in presence of county voter registrar. (Secs. 65.054 & 65.0541; 1 T.A.C. § 81.175).

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

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

Thursday, July 23, 2020 (9th day after runoff primary election day; 2nd Thursday after runoff primary election day)

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

1. any late **domestic** ballots (non-military) that bear a cancellation mark or receipt mark indicating they were placed for delivery by mail or common or contract carrier not later than 7:00 p.m. on election day, July 14, 2020, and were received not later than 5:00 p.m. on July 15, 2020. (Secs. 86.007(a)(2) and 87.125(a)).
2. any late ballots that were submitted from **outside** the United States by voters who applied for the ballot using an ABBM and were received by July 20, 2020. (Secs. 86.007(d) and 87.125(a)).

NEW LAW NOTE: HB 2640, as enacted by the 86th Legislature (2019), amended Sections 67.017 and 172.124 to 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.

Wednesday, August 31, 2020

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

September

Wednesday, September 2, 2020 (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, September 13, 2020 (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, September 13, 2020; the custodian may choose to transfer the voted ballots to another secure container for the remainder of the preservation period on Monday, September 14, 2020 or a later date.**

2022

January 2022 (Twenty-two (22) months after 2020 primary election day)

Contents of ballot box(es) may be destroyed if no contest or criminal investigation has arisen (Secs. 66.058 and 1.013; 52 U.S.C. 20701), and if no open records request has been filed (Tex. Att'y Gen. ORD-505 (1988)).

March 2022 (Two years after 2020 primary election day)

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

May 2022 (Twenty-two (22) months after 2020 runoff primary election day)

Contents of ballot box(es) may be destroyed if no contest or criminal investigation has arisen (Secs. 66.058 and 1.013; 52 U.S.C. 20701) and if no open records request has been filed (Tex. Att'y Gen. ORD-505 (1988)).

2024

March 2024 (Four years after 2020 election day)

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

July 2024 (Four years after 2020 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)).

PROCLAMATION

BY THE

Governor of the State of Texas

TO ALL TO WHOM THESE PRESENTS SHALL COME:

WHEREAS, the resignation of the Honorable Kirk Watson, and its acceptance, has caused a vacancy to exist in Texas State Senate District No. 14, which consists of Bastrop and parts of Travis counties; and

WHEREAS, Article III, Section 13 of the Texas Constitution and Section 203.002 of the Texas Election Code require that a special election be ordered upon such a vacancy, and Section 3.003 of the Texas Election Code requires the special election to be ordered by proclamation of the Governor; and

WHEREAS, the vacancy occurred on February 25, 2020, and, therefore, pursuant to Section 203.004(a) of the Texas Election Code, the special election would ordinarily be held on the first uniform date occurring on or after the 36th day after the date the election is ordered; and

WHEREAS, on March 13, 2020, the Governor of Texas certified that the novel coronavirus (COVID-19) poses an imminent threat of disaster and, under the authority vested in the Governor by Section 418.014 of the Texas Government Code, declared a state of disaster for all counties in Texas; and

WHEREAS, pursuant to Section 418.016 of the Texas Government Code, the Governor has the express authority to suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business or the orders or rules of a state agency if strict compliance with the provisions, orders, or rules would in any way prevent, hinder, or delay necessary action in coping with a disaster; and

WHEREAS, Saturday, May 2, 2020, is the first uniform election date occurring on or after the 36th day after the date the special election is being ordered, but holding the special election on that date would prevent, hinder, or delay necessary action in coping with the declared disaster by placing the public's health at risk and threatening to worsen the ongoing public health crisis; and

WHEREAS, Section 41.0011 of the Texas Election Code provides that the Governor may order an emergency special election before the November uniform election date; and

WHEREAS, the circumstances presented by COVID-19 that justified declaring a state of disaster also constitute an emergency within the meaning of Section 41.0011 of the Texas Election Code.

NOW, THEREFORE, I, GREG ABBOTT, Governor of Texas, under the authority vested in me by the Constitution and Statutes of the State of Texas, do hereby suspend Section 203.004 of the Texas Election Code to the extent necessary to avoid holding a special election for a vacancy in the legislature on or before May 2, 2020, and I do hereby order the special election to be held in Texas State Senate District No. 14 on Tuesday, July 14, 2020, for the purpose of electing a state senator to serve out the unexpired term of the Honorable Kirk Watson.

Candidates who wish to have their names placed on the special election ballot must file their applications with the secretary of state beginning Wednesday, April 29, 2020, with a deadline of no later than 5:00 p.m. on Wednesday, May 13, 2020.

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
1:20 P.M. O'CLOCK

MAR 16 2020

Early voting by personal appearance shall begin on Monday, June 29, 2020, in accordance with Sections 85.001(a) and (c) of the Texas Election Code.

A copy of this order shall be mailed immediately to the County Judges of all counties contained within Texas State Senate District No. 14, and all appropriate writs shall be issued and all proper proceedings shall be followed to the end that said election may be held to fill the vacancy in Texas State Senate District No. 14 and its result proclaimed in accordance with law.



IN TESTIMONY WHEREOF, I have hereunto signed my name and have officially caused the Seal of State to be affixed at my office in the City of Austin, Texas, this the 16th day of March, 2020.

A handwritten signature in black ink, reading "Greg Abbott", written over a horizontal line.

GREG ABBOTT
Governor

ATTESTED BY:

A handwritten signature in black ink, reading "Ruth R. Hughs", written over a horizontal line.

RUTH R. HUGHS
Secretary of State

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
7:30pm O'CLOCK

MAR 16 2020



COVID-19 - As recommended precautions continue to increase for COVID-19, the James E. Rudder Building will be closed to visitors and customers beginning Wednesday, March 18, 2020. The Office of the Secretary of State is committed to continuing to provide services to ensure business and public filings remain available 24/7 through our online business service, [SOSDirect](#), as well as [United States Postal mail](#), email, and faxes. If needed, you may schedule an appointment related to apostilles by calling (512) 463-5705. Calls will be accepted Monday – Friday, 8:00 am – 5:00 pm. Thank you in advance for your patience during this difficult time.

Note - Navigational menus along with other non-content related elements have been removed for your convenience. Thank you for visiting us online.

Election Advisory No. 2020-13

Updated July 14, 2020 Primary Runoff Calendar

Note: For deadlines affecting all candidates, refer to our online [2020 Candidates' Guide Important Dates](#) calendar. **Remember that under Section 41.007(d) of the Texas Election Code, no other elections may be conducted on primary or runoff primary election day.**

[Download PDF version of the Calendar](#)

MARCH 2020						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
<u>15</u>	16	17	<u>18</u>	19	20	<u>21</u>
22	<u>23</u>	24	<u>25</u>	26	27	28
29	30	31				

APRIL 2020						
S	M	T	W	T	F	S
			<u>1</u>	<u>2</u>	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	<u>18</u>
19	20	21	22	23	24	25
26	27	28	29	30		

MAY 2020						
S	M	T	W	T	F	S
					1	2
<u>3</u>	4	5	6	7	8	9
10	11	12	13	<u>14</u>	<u>15</u>	16
17	18	19	20	21	22	23
24	25	<u>26</u>	27	28	29	<u>30</u>
31						

JUNE 2020						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	<u>12</u>	13
14	<u>15</u>	16	<u>17</u>	18	19	20
21	22	<u>23</u>	<u>24</u>	25	<u>26</u>	27

JULY 2020						
S	M	T	W	T	F	S
			<u>1</u>	<u>2</u>	3	4
5	<u>6</u>	7	<u>8</u>	<u>9</u>	<u>10</u>	<u>11</u>
<u>12</u>	<u>13</u>	<u>14</u>	<u>15</u>	16	17	18
19	<u>20</u>	21	22	<u>23</u>	<u>24</u>	25

AUGUST 2020						
S	M	T	W	T	F	S
						<u>1</u>
2	<u>3</u>	4	5	6	7	8
9	10	11	<u>12</u>	<u>13</u>	14	15
16	17	18	19	20	21	22

28	<u>29</u>	<u>30</u>				
----	-----------	-----------	--	--	--	--

26	27	28	29	30	31	
----	----	----	----	----	----	--

23	24	25	26	27	28	29
30	<u>31</u>					

SEPTEMBER 2020						
S	M	T	W	T	F	S
		1	<u>2</u>	3	4	5
7	8	9	10	11	12	<u>13</u>
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

Notes

1. [Note on July 14 Primary Runoff Election Day](#)
2. [Campaign Information](#)
3. [Submissions to the U.S. Department of Justice](#)
4. [Statutory and Administrative Code References](#)
5. [Notice of Elections](#)
6. [Joint Primaries](#)
7. [Testing Tabulating Equipment](#)
8. [Conventions of Parties Holding Primary Elections](#)
9. [Party Electoral Rules](#)
10. [Accepting Voters With Certain Disabilities](#)
11. [Note regarding faxed or emailed ABBMs and faxed FPCAs](#)
12. [Note on Temporary Branch Polling Places](#)

1. Note on July 14 Primary Runoff Election Day

Pursuant to Governor Abbott's proclamation on March 20, 2020, the primary runoff election has been postponed from the May 26, 2020 date to July 14, 2020. This calendar will cover the different changes to the election law calendar resulting from the postponed election date. Note that some dates will remain unchanged because they are based on the date of the primary election or the party conventions rather than the date of the runoff primary election.

2. Note on Campaign Information

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

3. Note on Submissions to the U.S. Department of Justice

On June 25, 2013, the United States Supreme Court issued its decision in **Shelby County, Alabama v. Holder**, 133 S. Ct. 2612 (2013). That decision held that Section 4 of the federal Voting Rights Act of 1965 is unconstitutional and its formula can no longer be used as a basis for subjecting jurisdictions to preclearance. We suggest that Texas counties or other Texas political subdivisions discuss the effect of **Shelby** and the continuing applicability of other provisions of the Voting Rights Act with their legal counsel.

4. Note on Statutory and Administrative Code References

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

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

5. Note on Notice of Elections

The county clerk must post a notice of election on or before the 21st day before the election. (Secs. 4.003(b), 172.1112). (**NOTE:** There is no requirement to publish notice of the primary or runoff primary elections in a newspaper, and the cost of any such publication will not be reimbursed with primary funds.) For the Tuesday, March 3, 2020 Primary Election, this notice must be posted on the county's website (or, if the county does not have a website, on the commissioners court bulletin board) on or before Tuesday, February 11, 2020. For the Tuesday, July 14, 2020 Runoff Primary Election, the notice must be posted on or before Tuesday, June 23, 2020.

This notice **must** include:

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

(Secs. 4.004, 83.010, 85.004, 85.007)

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. (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. (Sec. 4.003, 172.1112)

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

Notice of Nearest Polling Places in Countywide Election (NEW LAW NOTE): HB 3965, as enacted by the 86th Legislature (2019), amended Section 43.007 to require counties who participate in the countywide polling place program to post a notice at EACH countywide polling place listing the four nearest locations to that polling place by driving distance.

NEW LAW NOTE: HB 1241, as enacted by the 86th Legislature (2019), adds Section 1.021, which requires that in any situation where the Election Code requires notice of a polling place location, the written notice must state the building name, if any, and the street address (including any suite or room number) of the polling place.

NEW LAW NOTE: HB 933, as enacted by the 86th Legislature (2019), amends Section 4.003(b) to require the county to post a copy of the election notice on the county's website, if the county maintains a website. 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.

NEW LAW NOTE: HB 933, as enacted by the 86th Legislature (2019), amends Section 85.007 to require the notice of the early voting dates and hours that must be posted continuously for 72 hours before voting begins to be posted on the county's website. 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.

NEW LAW NOTE: HB 2640, as enacted by the 86th Legislature (2019), amended 172.1112 to require the county to post the notice of election and notice of consolidated precincts on the county's website if the county maintains a website. Under the prior version of the law, the notice was required to be posted on the party's website.

6. Note on Joint Primaries

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

7. Note on Testing Tabulating and Electronic Voting Equipment

Note on Ballot Testing:

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

Note on Logic and Accuracy Test:

We recommend establishing a date to perform the first test of your electronic voting equipment (L&A, or Logic and Accuracy Test) as soon as possible. We recommend that this test be performed on a date that allows time to correct programming and retest, if necessary. A notice of this test must be published by the custodian of the electronic voting equipment at least 48 hours before the date of the test. That notice must be posted on the county's website if the county maintains a website, otherwise it must be posted on the commissioners court bulletin board. (Sec. 129.023; [Tex. Sec'y of State Election Advisory No. 2019-23](#)). Additionally, for a primary election, the custodian must notify the county chair of the test 48 hours prior to the test. The L&A test must be conducted not later than 48 hours before voting begins on a voting system. (Sec. 129.023).

Note on Testing Tabulating Equipment:

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

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

Our recommendation is that both L&A testing and testing of the automatic tabulating equipment take place prior to ballots by mail being sent out. However, should there be a reason to delay testing, please be advised that L&A testing must be conducted at least 48 hours before voting begins on a voting system. This means that L&A testing should be completed before early voting and possibly, before election day, if your election day system is different than your early voting system. Additionally, the automatic tabulating equipment may not be used to count ballots voted in the election until a test is successful.

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

8.Note on Conventions of Parties Holding Primary Elections

Precinct Conventions

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

NEW LAW NOTE: HB 2640, as enacted by the 86th Legislature (2019), amends Section 174.021(b) to allow 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)).

NEW LAW NOTE: HB 2640, as enacted by the 86th Legislature (2019), repealed Section 174.023(b). 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.

NEW LAW NOTE: HB 2640, as enacted by the 86th Legislature (2019), amends Section 174.021(b) to allow 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.

NEW LAW NOTE: HB 2640, as enacted by the 86th Legislature (2019), repealed Section 174.023(b). The county chair is no longer required to deliver written notice to the county clerk of the date, time and place of the county and senatorial district conventions 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 19, 2019. 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.

9. Note on Party Electoral Rules

Section 163.006(a) of the Texas Election Code provides that a rule on electoral affairs that is to become effective in a year in which the party will hold precinct conventions must be posted on the party's Internet website, as well as filed with Secretary of State, **not later than the 30th day before the date the party convenes its earliest precinct conventions**. It should be noted that the date of precinct conventions is no longer fixed by statute. (See [Note 8](#) above.) Accordingly, this calendar does not show any deadline for the posting or filing of such electoral rules.

10. Note on Accepting Voters with Certain Disabilities

Section 63.0015 provides that an election officer may accept a person with a mobility problem that substantially impairs a person's ability to ambulate who is offering to vote before accepting others offering to vote at the polling place who arrived **before** the person. "Mobility problem that substantially impairs a person's ability to ambulate" has the meaning assigned by Section 681.001, Transportation Code. A person assisting an individual with a mobility problem may also, at the individual's request, be given voting order priority. Notice of the priority given to persons with a mobility problem that substantially impairs a person's ability to ambulate **shall** be posted:

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

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

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

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

11. Note regarding faxed or emailed ABBMs and faxed FPCAs

Section 84.007(b-1) provides that if an ABBM is faxed or emailed or if an FPCA is faxed, then the applicant **must** submit the ORIGINAL application BY MAIL to the early voting clerk so that the early voting clerk **receives the original no later than the 4th business day after receiving the emailed or faxed ABBM or faxed FPCA**. If the early voting clerk does not receive the original ABBM or FPCA by that deadline, then the emailed or faxed ABBM or faxed FPCA will be considered incomplete. An original hardcopy ABBM received after the 4th business day deadline but received by the 11th day before election day would entitle the voter to receive a ballot for the election.

The early voting clerk should retain a copy of the FPCA for their own records, but should send the FPCA submitted by the voter to the Voter Registrar for registration purposes.

If a voter faxes or emails the ABBM or faxes the FPCA, the date the early voting clerk receives the FAX or EMAIL is considered the date of submission. Essentially, the faxed or emailed form serves as a place-holder for the voter.

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

NOTE: The requirement to mail the original application does not apply to an **emailed** FPCA.

12. Note on Temporary Branch Polling Places (NEW LAW NOTE)

HB 1888, as enacted by the 86th Legislature (2019), amends Chapter 85 of the Election Code to modify the requirements for temporary branch polling places.

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

NOTE for political subdivisions other than cities or counties: For political subdivisions with fewer than 1000 registered voters, who did not contract with the city or county to act as their early voting clerk, the temporary branch locations must be open for at least three hours each day. (Sec 85.005 and 85.064)

For most political subdivisions, this will require your temporary branch locations to be open on every weekday of the early voting period and for at least eight hours on each of those days.

HB 1888 also repeals Section 85.064(a) and (c) and Section 85.065. Those statutes provided different rules for populous counties (population over 100,000) as opposed to less populous counties (population under 100,000). Those distinctions have been removed. **The rules for temporary branch locations are the same for populous and less populous counties under the current version of the law.**

Calendar of events

March

Sunday, March 15, 2020 (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 25, 2020. 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: 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. As thus, a second ballot drawing for ballot order for the runoff primary election is not required.

Wednesday, March 18, 2020 (3rd day after state canvass of races with potential runoffs)

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

Saturday, March 21, 2020 (2nd Saturday after 2nd Tuesday in March)

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

Monday, March 23, 2020 (11th day after local canvass of general primary election)