

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 23, 2020 due to the **10th day falling on Sunday, March 22, 2020**. (Sec. 1.006).

Wednesday, March 25, 2020 (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 15, 2020).

April

Wednesday, April 1, 2020 (20th day after local canvass of primary election)

Deadline for county chair to post notice of the secretary of state's website the names of the persons elected as county chair and precinct chairs for the county. (Sec. 172.118).

NOTE: Section 172.118 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 2, 2020 (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 SOS must be made through the electronic system for submission of the report. (Secs. 67.017 & 172.124).

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.

Saturday, April 18, 2020 (3rd Saturday in April)

State convention for minor party that is nominating candidates for statewide offices. (Sec. 181.061(a)). This date is moved from the second Saturday in April to the third Saturday in April due to the fact that the Sunday after the second Saturday in April is Easter. (Sec. 181.061(a)).

May

Sunday, May 3, 2020 (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 3, 2020; the custodian may choose to transfer the voted ballots to another secure container for the remainder of the preservation period on Monday, May 4, 2020 or a later date**

Thursday, May 14, 2020 (61st day before runoff primary election)

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).

Friday, May 15, 2020 (60th day before runoff primary election)

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 election will be held in the county, presiding judges for the early voting ballot board and 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.

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).

Tuesday, May 26, 2020 (77th day after precinct conventions; 51st day before runoff primary election day)

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

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).

Saturday, May 30, 2020 (45th day before runoff primary election day)

Deadline for early voting clerk to mail ballots to military and overseas voters. If the clerk cannot meet this 45th-day deadline, the clerk must notify Secretary of State within 24 hours. If a federal postcard application ("FPCA") is received after the 45th-day deadline, the ballot should be mailed not later than the **7th calendar day** after the date the FPCA is received.

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, May 30, 2020.

Reminder: In regards to mail ballots for other voters (not military or overseas), the early voting clerk must mail a ballot not later than the 7th day after the later of: (1) the date the early voting clerk has accepted a voter's application for a ballot by mail or (2) the date the ballots become available for mailing. However, if the 7th day falls earlier than the 37th day before runoff primary election day, the voter's mail ballot must be mailed no later than the 30th day before runoff primary election day. (Sec. 86.004(a)).

June

Friday, June 12, 2020 (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 calling for appointment of signature verification committee for the runoff 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, June 24, 2020, **recommended date** early voting clerk should post copy of the order calling for appointment of the signature verification committee. (Saturday, June 13, and Sunday, June 14, 2020 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, June 15, 2020 (29th day before runoff primary election day)

Last day to register to vote or make a change of address effective for the Tuesday, July 14, 2020 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 “outside the U.S. indefinitely” (2005) form or “do not intend to return” (2011 form)**. The early voting clerk should make a copy (for mailing ballots, keeping records, etc.), then should forward the original to the county voter registrar, as soon as practicable, but no later than within 5 days. (Sec. 101.055, 1 Tex. Admin. Code Sec. 81.40(a), (c)(2)).

Wednesday, June 17, 2020 (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, June 12, 2020), this is the deadline for the county chair to appoint the members to the committee. See [entry](#) under Friday, June 12, 2020. (Sec. 87.027).

Tuesday, June 23, 2020 (21st day before runoff primary election day)

Last day for county clerk 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 that the county clerk, rather than the county chair, post the notice of election for the primary election.

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, June 24, 2020 (20th day before runoff primary election day)

Deadline for a person who is not permanently registered to vote to submit a postmarked FPCA, in order to receive a ballot for any non-federal election held on May 2, 2020. A person submitting who is not permanently registered to vote and submits a postmarked FPCA after this date and before election day is not entitled to receive a ballot for any non-federal election. See [entry](#) below for FPCA without postmark at the 15th day before runoff primary election day, Monday, June 29, 2020. (Sec. 101.052(e), (i)).

NOTE: Be sure to check the list of registered voters for **permanent registration** status. Also, state law authorizes an FPCA to also serve as an application for permanent registration; therefore, the person might be permanently-registered based on a prior-FPCA. Even if the FPCA arrives too late for a particular election, the early voting clerk will still need to forward the original FPCA to the county voter registrar, after making a copy for your early voting clerk's use (mailing ballots, etc.) and records unless the voter marked **“my return is not certain” (2013 form), or “my return is uncertain” (2017 form)** in which case, it will not serve as a permanent registration. (Sec. 101.055; 1 Tex. Admin. Code Sec. 81.40).

NOTE: Overseas (non-military) voters marking the FPCA “do not intend to return” (2011 form) or “my return is not certain” (2017 form) receive a federal ballot only regardless of the date filed. (Chapter 114). If there is no federal office on the ballot, this means there is **no ballot to send the voter**.

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

Friday, June 26, 2020 (18th day before runoff primary election day)

If a defective application to vote early by mail is received on or before this date, the early voting clerk must mail the applicant a new application form with explanation of defects, a statement that the voter is not entitled to vote early by mail unless he or she submits a sufficient application by the deadline, and instructions for submitting the new application. For defective

applications received after this date and before the end of early voting by personal appearance, the early voting clerk must mail only the notice of defect and a statement that the voter is not entitled to vote early by mail unless he or she submits a sufficient application by the deadline. (Sec. 86.008).

Monday, June 29, 2020 (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 indicating **the “my intent to return is uncertain”** ([2019 form \(PDF\)](#)), or **“my return is uncertain”** ([2017 form \(PDF\)](#)), in which case the voter receives a federal-only ballot). (Sec. 101.052(i)). See Note under [entry](#) for Wednesday, June 24, 2020.

Deadline to notify election judges of duty to hold election (Writ of Election). Written notice must be given to the presiding judge of the duty to hold the election, purpose of election, the election date, location of the polling place, hours the polls are open, and the maximum number of clerks that may be appointed. (Sec. 4.007).

Tuesday, June 30, 2020 (14th day before runoff primary election day)

Last day to publish notice of L&A test if test is to be conducted on Thursday, July 2, 2020, because notice must be published 48 hours before 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. (Sec. 129.023).

July

Wednesday, July 1, 2020 (day before the last day to apply for a ballot by mail; 13th day before runoff primary election day)

A voter who becomes sick or disabled on or after this date may vote a late ballot if the sickness or disability prevents the voter from appearing at the polling place without the likelihood of needing personal assistance or of injuring his or her health. (Sec. 102.001).

First day to submit an application for and vote a late ballot because of sickness or disability that arose on or after this date. May submit application through 5:00 p.m. on runoff primary election day, July 14, 2020. (Secs. 102.001 & 102.003).

Thursday, July 2, 2020 (12th day before runoff primary election day; last business day before the 11th day before runoff primary election day; 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 e-mail. The early voting clerk will need to designate an e-mail address for the receipt of applications for ballot by mail. (Sec. 84.007(c)). (This deadline is moved **backward to the preceding business day** from the 11th day before runoff primary election day, Friday, July 3, 2020, because Friday, July 3, 2020 is the observed date for the July 4, 2020 national holiday. (Sec. 84.007(c)).)

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 requirement to mail the original application does not apply to an **emailed** FPCA. For additional information, please see [Note 11](#), above.

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 “not certain”), **the voter is still eligible for a ballot containing federal offices only**. If there are no federal offices on the ballot, then this means there is **no ballot** to send the voter. (Secs. 101.052(b), (f); 114.004(c)).

First day in counties with a population of 100,000 or more that early voting ballot boards may be convened and have delivered to them by mail ballots to begin processing and qualifying mail ballots; however, the mail ballots may not be counted until the end of the period for early voting in person and results may not be released until the polls close on election day. (Secs. 87.0221, 87.0222, 87.023, 87.024, 87.0241 & 87.042). The early voting clerk shall continuously post notice for 24 hours preceding each delivery of voting materials that is to be made before the time for opening the polls on election day. (Sec. 87.0222).

Last day to conduct 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) used in early voting. We highly recommend that this test be done on an earlier date to allow time for corrections to programming, if necessary. (See [Note 6](#) prior to Calendar of Events.) The 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. (Sec. 129.023).

Monday, July 6, 2020 — Friday, July 10, 2020 (8th — 4th day before runoff primary election day)

In counties with a population of 100,000 or more, the early voting clerk must keep the main polling place open for 12 hours each day during early voting for the runoff primary election. Early voting must be conducted at permanent branch locations for 12 hours each day. Early voting must be conducted for 12 hours on each **weekday** of the last week at required **temporary branch locations** (created under Section 85.062(d) of the Texas Election Code) if a written request signed by 15 registered voters was filed by Wednesday, July 1, 2020. Please note there is a 5-day notice posting requirement if the early voting clerk received petition requesting these extended hours. (Secs. 85.005(c), 85.063, 85.064 & 85.067).

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

Monday, July 6, 2020 (8th day before runoff primary election day)

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

NOTE: The early voting period for the runoff primary election begins 10 days prior to election day, but because this day falls on a weekend (Saturday, July 4, 2020), it is extended to the next regular business day, Monday, July 6, 2020. (Sec. 85.001(b), (c)).

NOTE: About branch early voting in a primary election. The commissioners court:

1. in a county with a population of 400,000 or more, **must** establish one or more temporary polling places, other than the main early voting polling place, in each state representative district containing territory covered by the election.
2. in a county with a population of 120,000 or more but less than 400,000, must establish one or more temporary polling places, other than the main early voting polling place, in each commissioners precinct containing territory covered by the election.
3. in a county with a population of 100,000 or more but less than 120,000, **must** establish one or more early voting polling places in each commissioners precinct for which the commissioners court receives a **timely filed written request 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: A temporary branch polling place that is "movable" may be established only with the approval of the county clerk. If a movable temporary branch polling place is established on the request of a political party, each political party, whose nominee for governor in the most recent gubernatorial general election received more than 10 percent of the total number of votes received by all candidates for governor in the 2018 election, is entitled to the establishment of such a polling place. The election officers serving a polling place covered by this subsection must be appointed from the list submitted by the county chairs to the early voting clerk. (Sec. 85.062(e)).

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, 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)

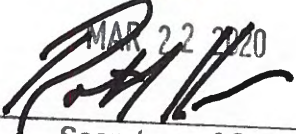
Voter registrar must retain list of registered voters for the **runoff primary election** for four years after election day. (Sec. 18.011(b)).



GOVERNOR GREG ABBOTT

March 22, 2020

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
4:30 PM O'CLOCK

MAR 22 2020

Secretary of State

The Honorable Ruth R. Hughs
Secretary of State
State Capitol Room 1E.8
Austin, Texas 78701

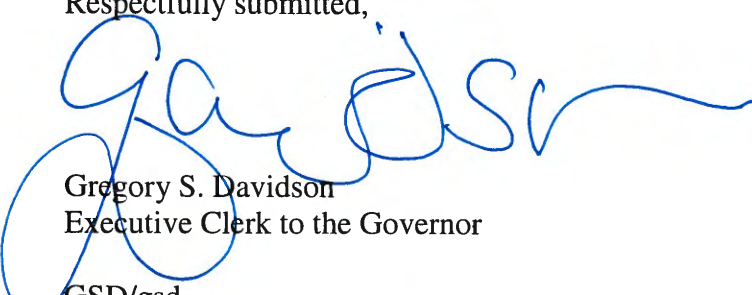
Dear Secretary Hughs:

Pursuant to his powers as Governor of the State of Texas, Greg Abbott has issued the following:

Executive Order No. GA-09 relating to hospital capacity during the COVID-19 disaster.

The original executive order is attached to this letter of transmittal.

Respectfully submitted,


Gregory S. Davidson
Executive Clerk to the Governor

GSD/gsd

Attachment

POST OFFICE BOX 12428 AUSTIN, TEXAS 78711 512-463-2000 (VOICE) DIAL 7-1-1 FOR RELAY SERVICES

Executive Order

BY THE
GOVERNOR OF THE STATE OF TEXAS

Executive Department
Austin, Texas
March 22, 2020

EXECUTIVE ORDER GA 09

Relating to hospital capacity during the COVID-19 disaster.

WHEREAS, I, Greg Abbott, Governor of Texas, issued a disaster proclamation on March 13, 2020, certifying under Section 418.014 of the Texas Government Code that the novel coronavirus (COVID-19) poses an imminent threat of disaster for all counties in the State of Texas; and

WHEREAS, the Texas Department of State Health Services has determined that, as of March 19, 2020, COVID-19 represents a public health disaster within the meaning of Chapter 81 of the Texas Health and Safety Code; and

WHEREAS, on March 19, 2020, I issued an executive order in accordance with the President's Coronavirus Guidelines for America, as promulgated by President Donald J. Trump and the Centers for Disease Control and Prevention (CDC), and mandated certain obligations for Texans that are aimed at slowing the spread of COVID-19; and

WHEREAS, a shortage of hospital capacity or personal protective equipment would hinder efforts to cope with the COVID-19 disaster; and

WHEREAS, hospital capacity and personal protective equipment are being depleted by surgeries and procedures that are not medically necessary to correct a serious medical condition or to preserve the life of a patient, contrary to recommendations from the President's Coronavirus Task Force, the CDC, the U.S. Surgeon General, and the Centers for Medicare and Medicaid Services; and

WHEREAS, various hospital licensing requirements would stand in the way of implementing increased occupancy in the event of surge needs for hospital capacity due to COVID-19; and

WHEREAS, the "governor is responsible for meeting . . . the dangers to the state and people presented by disasters" under Section 418.011 of the Texas Government Code, and the legislature has given the governor broad authority to fulfill that responsibility; and

WHEREAS, under Section 418.012, the "governor may issue executive orders . . . hav[ing] the force and effect of law;" and

WHEREAS, under Section 418.016(a), the "governor may 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

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
4:39 PM O'CLOCK
MAR 22 2020

WHEREAS, under Section 418.173, failure to comply with any executive order issued during the COVID-19 disaster is an offense punishable by a fine not to exceed \$1,000, confinement in jail for a term not to exceed 180 days, or both fine and confinement.

NOW, THEREFORE, I, Greg Abbott, Governor of Texas, by virtue of the power and authority vested in me by the Constitution and laws of the State of Texas, do hereby order that, beginning now and continuing until 11:59 p.m. on April 21, 2020, all licensed health care professionals and all licensed health care facilities shall postpone all surgeries and procedures that are not immediately medically necessary to correct a serious medical condition of, or to preserve the life of, a patient who without immediate performance of the surgery or procedure would be at risk for serious adverse medical consequences or death, as determined by the patient's physician;

PROVIDED, however, that this prohibition shall not apply to any procedure that, if performed in accordance with the commonly accepted standard of clinical practice, would not deplete the hospital capacity or the personal protective equipment needed to cope with the COVID-19 disaster.

At the request of the Texas Health and Human Services Commission, I hereby suspend the following provisions to the extent necessary to implement increased occupancy in the event of surge needs for hospital capacity due to COVID-19:

25 TAC Sec. 133.162(d)(4)(A)(iii)(I);
25 TAC Sec. 133.163(f)(1)(A)(i)(II)–(III);
25 TAC Sec. 133.163(f)(1)(B)(i)(III)–(IV);
25 TAC Sec. 133.163(m)(1)(B)(ii);
25 TAC Sec. 133.163(t)(1)(B)(iii)–(iv);
25 TAC Sec. 133.163(t)(1)(C);
25 TAC Sec. 133.163(t)(5)(B)–(C); and
any other pertinent regulations or statutes, upon written approval of the Office of the Governor.

This executive order shall remain in effect and in full force until 11:59 p.m. on April 21, 2020, unless it is modified, amended, rescinded, or superseded by me or by a succeeding governor.



Given under my hand this the 22nd day of
March, 2020.

A handwritten signature in black ink, appearing to read "Greg Abbott", is written over a horizontal line.

GREG ABBOTT
Governor

ATTESTED BY:

A handwritten signature in black ink, appearing to read "Ruth R. Hughes", is written over a horizontal line.

RUTH R. HUGHES
Secretary of State

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
4:39 PM O'CLOCK

MAR 22 2020

**TEXAS DEMOCRATIC PARTY, et al.,
Plaintiffs**

IN THE DISTRICT COURT

and

**ZACHARY PRICE, LEAGUE OF
WOMEN VOTERS OF TEXAS,
LEAGUE OF WOMEN VOTERS
OF AUSTIN-AREA, MOVE TEXAS
ACTION FUND,
WORKERS DEFENSE
ACTION FUND,
Intervenors/Plaintiffs**

V.

TRAVIS COUNTY, TEXAS

**DANA DEBEAUVOIR IN HER
CAPACITY AS TRAVIS COUNTY
CLERK,
Defendant**

and

STATE OF TEXAS,
Intervenor/Defendant

201st JUDICIAL DISTRICT

ORDER MODIFYING CERTAIN EARLY VOTING PROCEDURES

On April 15, 2020, the Court considered Travis County Clerk Dana DeBeauvoir’s Counter-Petition to Modify Certain Early Voting Procedures. All parties were present and appeared through counsel of record. Having considered the pleadings, the evidence, the arguments of counsel, and the relevant law, this Court is of the opinion that the early voting periods for the special election for State Senate District No. 14 scheduled for July 14, 2020, and the primary runoff elections for candidates for the Texas Democratic Party and the Republican Party of Texas, also scheduled for Tuesday, July 14, 2020, should be aligned.

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, the Commissioner of the Texas Department of State Health Services has determined that, as of March 19, 2020, COVID-19 represents a public health disaster within the meaning of Chapter 81 of the Texas Health and Safety Code; and

WHEREAS, also on March 19, 2020 and March 31, 2020, the Governor issued executive orders in accordance with the President's Coronavirus Guidelines for America, as promulgated by President Donald Trump and the Centers for Disease Control and Prevention, and mandated certain obligations for Texans that are recommended by federal guidelines and aimed at slowing the spread of COVID-19, and additional guidance to the public has recommended use of face coverings in public settings while maintaining social distancing; and

WHEREAS, on March 16, 2020, the Governor ordered the special election for Texas State Senate District No. 14 to be held on Tuesday, July 14, 2020, for the purpose of electing a state senator to serve out the unexpired term of the Honorable Kirk Watson and indicated early voting by personal appearance in the special election for the State Senate District No. 14 should begin on Monday, June 29, 2020, in accordance with Sections 85.001(a) and (c) of the Texas Election Code; and

WHEREAS, on March 20, 2020, the Governor issued a proclamation postponing the Texas Democratic Party and Republican Party of Texas' primary runoff elections date to July 14, 2020, with early voting by personal appearance to begin on July 6, 2020, in accordance with Section 85.001(b) of the Texas Election Code; and

WHEREAS, pursuant to Section 85.001(d) of the Texas Election Code, Dana DeBeauvoir, Travis County Clerk, has the authority to determine the earliest practicable date on which the early voting by personal appearance period shall begin if it is not possible to begin on the prescribed date; and

WHEREAS, Senate District No. 14 encompasses portions of Travis and Bastrop Counties and the election officials for each County agree that aligning the in-person early voting periods for the special election for State Senate District No. 14 and the primary runoff elections for candidates for the Texas Democratic Party and the Republican Party of Texas as set forth in this order is necessary; and

WHEREAS, the parties reasonably anticipate that due to COVID-19, the associated executive orders and public health guidance issued by local, state, and federal authorities, and the difficulties of safely establishing and staffing polling locations for voting by personal appearance for an extended period of time will not be possible; and

WHEREAS, conducting multiple elections in overlapping voting precincts with the same election date but divergent early voting by personal appearance periods would likely cause voter confusion and would further require that many voters appear in person twice in order to vote, unnecessarily increasing activities contrary to the goals of Stay at Home Orders issued by the Governor, the County Judge, and the Mayor of the City of Austin; and

WHEREAS, aligning the early voting periods for the State Senate District No. 14 election and the party's respective primary runoff elections will allow individuals the right to vote by personal appearance while minimizing the risk of exposure to and spread of COVID-19 among poll workers, poll watchers, voters, and the community, conserving resources, and reducing confusion to voters.

THEREFORE, the Court hereby ORDERS that, in accordance with Section 85.001(d) of the Texas Election Code, early voting by personal appearance in the special election for the State Senate District No. 14 shall begin on Monday, July 6, 2020, and run through Friday, July 10, 2020 so that it runs concurrently with the early voting period for the parties' respective primary runoff elections.

Signed on April _____, 2020.

THE HONORABLE TIM SULAK
JUDGE PRESIDING

Agreed as to content and form:

Bryan Goertz, Bastrop County District Attorney