

## November 8, 2022 Election Law Calendar

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The uniform election date in November of even-numbered years, by statute, is the general election date for federal, state, and county officers. Additionally, many local political subdivisions have their regular general election for members of their governing bodies in November of even-numbered years, or they may order special elections for this date to vote on propositions or to fill vacancies. Therefore, this calendar is required to meet the needs of many different governmental bodies. If there are questions about the applicability of something in this calendar to your specific election, do not hesitate to call the Elections Division of the Office of the Texas Secretary of State at 1-800-252-VOTE (8683).

- [Downloadable PDF Calendar](#)

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**NOTE REGARDING CERTAIN STATUTES AND GOVERNMENTAL ACTIONS THAT RELATE TO THE FEDERAL CENSUS:** Pursuant to HB 2025 (2021), the population figures from the 2010 federal census will continue to apply with respect to a statute that applies to a political subdivision having a certain population according to the most recent federal census until September 1, 2023. The bill specifies that a statute does not apply to a political subdivision to which the statute did not apply under the 2010 federal census, regardless of whether the political subdivision has the population prescribed by the statute according to the 2020 federal census.

### 1. Note on Campaign Information

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

## 2. 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."

## 3. Note on Web Posting Requirements

Please see [Tex. Sec'y of State Election Advisory No. 2019-19](#) for more details on web posting requirements; however, the requirements are summarized below.

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

A political subdivision with the authority to impose a tax that maintained a publicly accessible website at any time on or after January 1, 2019, and that is not subject to Section 2051.202 of the Government Code must post the following items on the entity's Internet website (Secs. 2051.201, 2051.202, Government Code). See [Internet Posting Requirements for Political Subdivisions \(PDF\)](#):

1. The political subdivision's contact information, including a mailing address, telephone number, and e-mail address;
2. Each elected officer of the political subdivision;
3. The date and location of the next election for officers of the political subdivision;
4. The requirements and deadline for filing for candidacy of each elected office of the political subdivision, which shall be continuously posted for at least one year before the Election Day for the office;
5. Each notice of a meeting of the political subdivision's governing body under Subchapter C, Chapter 551 of the Government Code; and
6. Each record of a meeting of the political subdivision's governing body under Section 551.021 of the Government Code. (Sec. 2051.201, Government Code).

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

1. A county with a population of less than 10,000;
2. A municipality with a population of less than 5,000 located in a county with a population of less than 25,000; or
3. A school district with a population of less than 5,000 in the district's boundaries and located in a county with a population of less than 25,000.

**NOTE-NEW LAW:** HB 1154 (2021, R.S.) amended the Government Code to include Section 2051.202, effective September 1, 2021. Section 2051.202 of the Government Code requires a special purpose district with certain financial and population characteristics to post specific information on an Internet website. "Special purpose district" excludes from the term a municipality, county, junior college district, independent school district, groundwater conservation district, river authority, or political subdivision with statewide jurisdiction. (Sec. 2051.202, Government Code).

During the 21 days before the election, a debt obligation order under Section 3.009 must be posted on the political subdivision's Internet website, prominently and together with the notice of the election, a copy of the sample ballot, and the contents of the proposition, if the political subdivision maintains an Internet website. (Sec. 4.003(f)).

**NOTE-NEW LAW:** SB 1116 (2021, R.S.) amended Chapter 4 of the Election Code by adding Section 4.009 regarding candidate and polling place information which must be posted on county, city, and school district websites. Specifically, not later than the 21st day before election day, a county that holds an election or provides election services for an election must post certain information related to their upcoming elections. A city or independent school district that holds an election and maintains an Internet website must also post this same election information on their website even if the county is also posting this data.

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

**NOTE-NEW LAW:** SB 1116 (2021, R.S.) amended Chapter 65 of the Election Code by adding Section 65.016 of the Code regarding election results information which must be posted on county, city, and school district websites. Specifically, a county that holds an election or provides election services for an election for a public entity must post certain information on their website. A city or independent school district that holds an election and maintains an Internet website must also post certain information on their website related to election results, even if the county is also posting such information. Information should be posted as soon as practicable after the election and must be accessible without having to make more than two selections or view more than two network locations after accessing the home page of the county, city or school district, whichever is applicable. Required information on the websites must include:

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

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

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

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

**NOTE:** If a political subdivision is located in more than one county, the political subdivision is required to use the county election precincts and county polling places that serve the political subdivision's voters in **each** county.

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

**NOTE:** When a county is using the countywide polling place program and a court order requires any of the polling locations to remain open past 7 p.m., then ALL countywide polling place locations **MUST** remain open for the same amount of time, as required by the court order. (Sec. 43.007).

In an election held by a political subdivision other than a county on the November uniform election date, and in which the political subdivision is not holding a joint election with a county in accordance with Chapter 271 of the Code, or has not executed a contract for election services with a county elections officer pursuant to Chapter 31 of the Code under which

the political subdivision and the county share early voting polling places for the election, the political subdivision **must** designate as one of its own early voting sites one of the early voting sites established by the county that is located in the political subdivision. If such a shared polling place is designated as the **main** early voting polling place by the political subdivision, it must be open for voting for all political subdivisions the polling place serves for at least the days and hours required of a main early voting polling place for the political subdivision making the designation. (Secs. 85.010, 85.002, 85.062(e)).

**NOTE:** The deadline for counties who were not previously designated as “successful” or counties applying to the countywide polling place program for the first time to submit their proposed written plans to participate in the program for the November 8, 2022 general election date is Monday, August 1, 2022. See [2022 Opportunities to Use Countywide Polling Places and Countywide Polling Place Program FAQs](#).

## 5. Note on Notice of Candidate Filing Periods

The authority with whom an application for a place on the ballot is filed must post a [Notice of Deadline to File an Application for Place on the Ballot \(PDF\)](#), listing the filing period dates in a building in which the authority maintains an office. The notice must be posted not later than the 30th day **before** the first day to file. (Sec. 141.040). If you order a special election to fill a vacancy, the order must include the filing deadline; we recommend posting the notice of the filing period as soon as practicable after a special election is ordered. Note that an application for a place on the ballot for a special election may not be filed before the election is ordered. (Sec. 201.054).

**NOTE-NEW LAW:** HB 3107 (2021, R.S.) requires the authority with whom an application for a place on the ballot is filed to designate an e-mail address in the notice required by Section 141.040 of the Code for the purpose of filing an application for a place on the ballot. (Sec. 141.040).

Most elective offices now require that a candidate be a registered voter of the territory that the office is elected from as of the filing deadline or as of other statutory deadlines. (Sec. 141.001). For more information on the candidate voter registration requirement, see [Voter Registration Requirements for Candidates](#).

## 6. Note on Joint Election Requirement for School Districts

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

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

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

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

## 7. Note on Joint Elections Generally

Many entities will have joint elections for the November 8, 2022 election. Note that the entries in this calendar are generally written in terms of elections held individually rather than jointly. For example, counties with populations of 55,000 or more are advised about conducting 12-hour days on each weekday during the last week of early voting. However, we have long advised different entities who conduct early voting together to coordinate their early voting hours, which may result in entities other than those counties also holding early voting for 12-hour days on each weekday during the last week of early voting. On the other hand, depending on the plan, different entities may choose

to do different things separately, i.e., not holding early voting together. Not all joint election plans are alike. With a few exceptions, we do not discuss the impact of coordinating rules for a joint election, as we think this would make the calendar longer and confusing. We encourage joint election partners to read through the entire calendar, taking note of the rules affecting the partner entities and to address the differences within the agreement itself. If you have questions about how different rules apply to a particular joint election plan, please contact our office by phone or email.

## 8. Note on Notice of Elections

Political subdivisions other than cities and school districts may have specific statutory notice requirements. In the absence of specific statutory requirements, political subdivisions must post a notice of election, which must include the location of each polling place, on the bulletin board used for posting notices of the meetings of the governing body of the political subdivision that the authority serves, on or before the 21st day before the election. (Sec. 4.003(b)). For the Tuesday, November 8, 2022 election, this notice must be posted on or before Tuesday, October 18, 2022. The general rule is that, additionally, notice must be given using one of the following methods:

- A. By posting a notice at a public place in each election precinct in which the election is to be held on or before the 21st day before the election, Tuesday, October 18, 2022. (Sec. 4.003(a)(2)).
- B. By publishing the notice at least once not earlier than the 30th day or later than the 10th day before the election, Sunday, October 9, 2022 – Saturday, October 29, 2022. (Sec. 4.003(a)(1)).
- C. By mailing a copy of the notice to each registered voter of the territory covered by the election, not later than the 10th day before election day, Saturday, October 29, 2022. (Sec. 4.003(a)(3)).

**Note for All Political Subdivisions, Except Counties:** The governing body of a political subdivision must deliver notice of the election to the county election officer and voter registrar of each county in which the political subdivision is located not later than the 60th day before election day, Friday, September 9, 2022. (Sec. 4.008).

**Note for Counties:** Section 4.003 requires that counties post on the county website the notice and list of polling locations of any political subdivision that delivers their notice to the county under Section 4.008. This is **regardless** of whether the county is contracting with the entity. See Note for All Political Subdivisions above.

### 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. The notice must designate which location is the main early voting polling place;**
- 5. The regular dates and hours for early voting by personal appearance;
- 6. The dates and hours of any Saturday or Sunday early voting; and
- 7. The early voting clerk's official mailing address, or street address at which the clerk may receive delivery by common or contract carrier, if different, phone number, e-mail address and Internet website, if available;
- 8. We **recommend** that the information regarding branch early voting locations be included as part of your notice.

**NOTE-NEW LAW:** HB 3107 (2021, R.S.) amended Section 4.004 of the Code to require the notice of election to include the Internet website of the authority conducting the election. (Sec. 4.004(a)).

**NOTE-NEW LAW:** HB 3107 (2021, R.S.) amended Section 83.010 of the Code to require an election order and the election notice to state the early voting clerk's official mailing address or street address at which the clerk may receive delivery by common or contract carrier, if different, phone number, e-mail address, and the Internet website, if the early voting clerk has an Internet website. (Sec. 83.010).

**NOTE-NEW LAW:** HB 3107 (2021, R.S.) amended Section 85.004 of the Code to provide that an election order and election notice must designate which location is the main early voting polling place. (Sec. 85.004).

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

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

The following forms may be used:

- [Notice of General Election for Counties \(PDF\)](#)
- [Notice of General Election for Cities \(PDF\)](#)
- [Notice of General Election for Other Political Subdivisions \(Including Schools\) \(PDF\)](#)
- [Notice of Special Election for Counties \(PDF\)](#)
- [Notice of Special Election \(Cities, Schools, and Other Political Subdivisions\) \(PDF\)](#)

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

**Note for Counties:** The election notice must be subsequently amended to include voting ordered for **ANY** Saturday or Sunday and must be posted on the political subdivision’s website, if maintained.

For more information on notice requirements related to early voting in person, see [Tex. Sec’y of State Election Advisory No. 2022-07](#).

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

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

**The same requirements apply to the voter information document required by Government Code Section 1251.052(b) (see law for full contents of notice). The requirement referenced in Section 1251.052(b) of the Government Code applies to a political subdivision with at least 250 registered voters on the date the governing body of the political subdivision adopts the debt obligation election order.**

**Note for Counties for the General Election for State and County Officers:** Counties are required to publish their notice in a newspaper in accordance with Section 4.003(a)(1). Counties must also post a copy of the notice on the governmental bulletin board used for posting notice of public meetings no later than the 21st day before election day, Tuesday, October 18, 2022. (Sec. 4.003(b)).

**Note for Cities and School Districts:** Cities and school districts are required to publish their notice in a newspaper in accordance with Section 4.003(a)(1)(See B, above) and may also give any additional notice. (Sec. 4.003(c)). If a county maintains a website, the county must post any notice provided to the county by a political subdivision conducting an election in the county to the county’s website no later than the 21<sup>st</sup> day before election day, Tuesday, October 18, 2022. (Sec. 4.003(b)). If the county does not maintain a website, school districts and cities must also post a copy of the notice on the governmental bulletin board used for posting notice of public meetings no later than the 21st day before election day, Tuesday, October 18, 2022. (Sec. 4.003(b)).

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

**Notice for Political Subdivisions, Except Counties, School Districts, and Cities:** Political subdivisions other than counties, school districts, and cities may have specific statutory election notice requirements either in their enabling acts or in the code governing them (such as the Water Code). If a county maintains a website, the county must post any notice provided to the county by a political subdivision conducting an election in the county to the county's website no later than the 21st day before election day, Tuesday, October 18, 2022. (Sec. 4.003(b)). If the county does not maintain a website and a political subdivision is not subject to other specific statutory election notice requirements, such political subdivisions must post a copy of the notice on the governmental bulletin board used for posting notice of public meetings no later than the 21st day before election day, Tuesday, October 18, 2022. (Sec. 4.003(b)).

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

## 9. Note on Regular Days and Hours for Voting

**NOTE – NEW LAW:** SB 1 (2021, 2nd C.S.) amended Section 85.005 to modify the required days and hours for early voting by personal appearance at the main early voting location.

**Counties:** For elections in which the county is serving as the early voting clerk, early voting must be conducted at the main early voting location on each weekday that is not a legal state holiday for a period of at least **nine (9) hours**. Voting may not be conducted earlier than 6:00 AM or later than 10:00 PM.

**Political Subdivisions Other Than Counties:** For all other elections in which the county is **NOT** the early voting clerk, early voting must be conducted at the main early voting location on each weekday that is not a legal state holiday for a period of at least **nine (9) hours** unless the territory has fewer than 1,000 registered voters. For territories with fewer than 1,000 registered voters, voting shall be conducted for at least **four (4) hours** each day. (Sec. 85.005(b)).

**NOTE for Cities:** SB 1 (2021, 2nd C.S.) amended Section 85.005(d) to remove the provision that required cities to choose two weekdays for the main early voting polling place location to be open for at least 12 hours during the regular early voting period. (Sec. 85.005).

## 10. Note on Extended Early Voting Hours and Temporary Branch Locations

### Extended Early Voting Hours

In an election where the county election official is the early voting clerk, the early voting clerk may order early voting on a Saturday or Sunday, and determine the hours for such Saturday or Sunday early voting. This must be done by written order. (Secs. 85.006(b), 85.006(c)). Notice of Saturday or Sunday early voting must be posted continuously for at least 72 hours immediately preceding the first hour that voting will be conducted. (Sec. 85.007(c)). The notice shall be posted on the bulletin board used for posting notice of meetings of the commissioners court. The notice must also be posted on the county's website, if maintained. (Secs. 85.007(c), 85.007(d)).

**NOTE:** The election notice must be subsequently amended to include voting later ordered for ANY Saturday or Sunday and must be posted on the county's website, if maintained. (Sec. 85.007).

**NOTE – NEW LAW:** SB 1 (2021, 2nd C.S.) amended Sections 85.005 and 85.006 to modify the requirements relating to extended early voting hours and weekend early voting in a general election for state and county officers.

**In a county with a population of 55,000 or more:**

- Voting in the general election for state and county officers shall be conducted at the main early voting location for at least 12 hours on each weekday of the last week of the early voting period. Voting may not be conducted earlier than 6:00 AM or later than 10:00 PM.

- Voting in the general election for state and county officers shall be conducted at the main early voting location on the last Saturday of the early voting period for at least 12 hours. Voting may not be conducted earlier than 6:00 AM or later than 10:00 PM.
- Voting in the general election for state and county officers shall be conducted at the main early voting location on the last Sunday of the early voting period for at least six hours. Voting may not be conducted earlier than 9:00 AM or later than 10:00 PM.

**In a county with a population of less than 55,000:**

- Voting in the general election for state and county officers shall be conducted at the main early voting location for at least 12 hours on each weekday of the last week of the early voting period if the early voting clerk receives a written request (PDF) submitted by at least 15 registered voters of the county requesting extended weekday hours. Voting may not be conducted earlier than 6:00 AM or later than 10:00 PM. The request must be submitted in time to enable compliance with Sec. 85.067. See Notice of Extended Weekday Voting at Main Early Voting Location for County Elections (PDF).
- On receipt of a written request submitted by at least 15 registered voters, voting shall be conducted at the main early voting location on the last Saturday of the early voting period for at least 12 hours. Voting may not be conducted earlier than 6:00 AM or later than 10:00 PM. The request must be submitted in time to enable compliance with Section 85.007. See Notice for Additional Early Voting on Saturday and/or Sunday (PDF).
- On receipt of a written request submitted by at least 15 registered voters, voting shall be conducted at the main early voting location on the last Sunday of the early voting period for at least six hours. Voting may not be conducted earlier than 9:00 AM or later than 10:00 PM. The request must be submitted in time to enable compliance with Section 85.007. See Notice for Additional Early Voting on Saturday and/or Sunday (PDF).

**Note for All Political Subdivisions, Except Counties:** Voting on **ANY** Saturday or Sunday **must** be included in the order and notice of election. The order and notice must include the dates and hours of Saturday or Sunday voting. (Secs. 85.006, 85.007). The election notice must be posted on the political subdivision's website, if the political subdivision maintains a website. (Sec. 85.007). The political subdivision **must** have early voting on Saturday or Sunday, *if a written request* is received from at least 15 registered voters of the political subdivision prior to the election being ordered. (Sec. 85.006(d)).

**NOTE for Cities – NEW LAW:** SB 1 (2021, 2nd C.S.) provides that in an election in which a city secretary is the early voting clerk, voting on any Saturday or Sunday **must** be included in the order and notice of election. City secretaries no longer have the authority to order Saturday or Sunday early voting 72 hours immediately preceding the first hour that voting will be conducted. However, the city **must** have early voting on Saturday or Sunday, *if a written request (PDF)* is received from at least 15 registered voters of the political subdivision prior to the election being ordered. (Secs. 85.006, 85.007). See [Tex. Sec'y of State Election Advisory No. 2022-07](#).

Temporary Branch Locations

In the general election for state and county officers, a certain number of temporary branch locations must be established depending on the population size of the county:

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

The temporary polling place(s) must remain open for each weekday of the early voting period that the main early voting polling place will be open. The temporary branch polling place(s) must be open at least eight hours each day. (Secs. 85.062, 85.064).

**NOTE – NEW LAW:** SB 1 (2021, 2nd C.S.) amended Section 85.062 to provide that the location of temporary branch polling places in an election in which countywide polling places are used must be determined with the same methodology that is used for the location of countywide polling places.

**NOTE – NEW LAW:** HB 3107 (2021, R.S.) amended Section 85.064 and created Section 85.065 to modify the required dates and hours for temporary branch locations based on the population size of the county.

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

**Effective September 1, 2021, the rules for temporary branch locations are different for counties with a population of 100,000 or more.**

**Note for Counties with a Population of 100,000 or More and Political Subdivisions Situated in Such a County:** Early voting at any temporary branch polling place **MUST** be conducted on the same days that voting is required to be conducted at the main early voting polling place under Section 85.005 of the Code and **MUST** remain open for at least eight hours each day. For certain political subdivisions, this will require your temporary branch locations to be open on every weekday of the early voting period, for at least eight hours on each of those days. Early voting must be conducted for at least 12 hours on the last Saturday and at least 6 hours on the last Sunday of the early voting period at the mandatory temporary branch locations established under Section 85.062(d). In addition, the authority authorized under Section 85.006 to order early voting on a Saturday or Sunday may also order, in the manner prescribed by that section, early voting to be conducted on a Saturday or Sunday at any one or more of the temporary branch polling places. **This only applies to an election in which the territory served by the early voting clerk is situated in a county with a population of 100,000 or more. In an election in which the territory served by the early voting clerk is situated in more than one county, this section applies if the sum of the populations of the counties is 100,000 or more.** (Secs. 85.005, 85.064).

**NOTE – NEW LAW:** HB 3107 (2021, R.S.) amended Section 85.068 of the Code to provide that if the early voting clerk is a county election officer, the clerk must post [notice \(PDF\)](#) for each election stating any dates and the hours that voting on Saturday or Sunday will be conducted under Sections 85.064(d) or 85.065(b). (Sec. 85.068).

**NOTE for political subdivisions other than city or county** – If the city or county election officer does not serve as the early voting clerk for the territory holding the election and the territory has fewer than 1,000 registered voters, the temporary branch polling place(s) must be open for at least three hours each day that voting is required to be conducted at the main early voting polling place under Section 85.005 of the Code. **This applies if the territory served by the early voting clerk is in a county with a population of 100,000 or more. In an election in which the territory served by the early voting clerk is situated in more than one county, this also applies if the sum of the populations of the counties is 100,000 or more.** (Secs. 85.005, 85.064).

**NOTE - NEW LAW:** HB 3107 (2021, R.S.) amended Section 85.064 of the Code to provide that the section only applies to an election in which the territory served by the early voting clerk is situated in a county with a population of 100,000 or more. In an election in which the territory served by the clerk is situated in more than one county, this section applies if the sum of the populations of the counties is 100,000 or more. (Sec. 85.064).

**NOTE - NEW LAW:** HB 3107 (2021, R.S.) amended Section 85.068 of the Code to provide that if the early voting clerk is a county election officer or city secretary, the clerk must post [notice \(PDF\)](#) for each election stating any dates and the hours that voting on Saturday or Sunday will be conducted under Sections 85.064(d) or 85.065(b). (Sec. 85.068).

**Note for Counties with a Population of Less than 100,000 and Political Subdivisions Situated in Such a County:** Early voting at any temporary branch polling place may be conducted on any days and during any hours of the period for early voting by personal appearance, as determined by the authority establishing the branch. However, voting at a temporary branch polling place must be conducted on at least two consecutive business days and for at

least eight consecutive hours on each of those days. The authority authorized under Section 85.006 of the Code to order early voting on a Saturday or Sunday may also order, in the manner prescribed by that section, early voting to be conducted on a Saturday or Sunday at any one or more of the temporary branch polling places. The schedules for conducting voting are not required to be uniform among the temporary branch polling places. (Sec. 85.065). **This applies only to an election in which the territory served by the early voting clerk is situated in a county with a population under 100,000. In an election in which the territory served by the early voting clerk is situated in more than one county, this applies if the sum of the populations of the counties is under 100,000.** (Sec. 85.065).

**NOTE - NEW LAW:** HB 3107 (2021, R.S.) added Section 85.065 of the Code to modify the requirements regarding the days and hours for early voting by personal appearance at any temporary branch polling place if the territory served by the early voting clerk is situated in a county with a population under 100,000 or if the territory served by the early voting clerk is situated in more than one county and the sum of the populations of the counties is under 100,000. (Sec. 85.065).

**NOTE – NEW LAW:** HB 3107 (2021, R.S.) amended Section 85.068 of the Code to provide that if the early voting clerk is a county election officer **or city secretary**, the clerk must post [notice \(PDF\)](#) for each election stating any dates and the hours that voting on Saturday or Sunday will be conducted under Sections 85.064(d) or 85.065(b). (Sec. 85.068).

**NOTE:** There is no petition process to require weekend early voting at temporary branch locations in counties with a population of less than 100,000. However, the authority authorized under Section 85.006 to order early voting on a Saturday or Sunday may also order, in the manner prescribed by that section, early voting to be conducted on a Saturday or Sunday at any one or more of the temporary branch polling places.

**NOTE for Cities – NEW LAW:** SB 1 (2021, 2nd C.S.) provides that in an election in which a city secretary is the early voting clerk, voting on any Saturday or Sunday **must** be included in the order and notice of election. City secretaries no longer have the authority to order Saturday or Sunday early voting 72 hours immediately preceding the first hour that voting will be conducted. However, the city **must** have early voting on Saturday or Sunday, *if a [written request \(PDF\)](#) is received from at least 15 registered voters of the political subdivision prior to the election being ordered.* (Secs. 85.006, 85.007).

**NOTE for Cities:** If a city is contracting for election services with a county or is holding a joint election with the county, the city **must** amend their order and notice of election to include any weekend early voting that the county is conducting.

## 11. Note on Notice of Previous Polling Place

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

## 12. Note on Notice of Change of Polling Place Location

For elections ordered by the **Governor or county judge only**, if the location of the polling place changes after notice has been given under Section 4.003 of the Texas Election Code, and the county election officer maintains a website to inform voters about elections, the notice of the change must be posted on the website. The notice on the website must be posted not later than the earlier of (1) 24 hours after the location was changed; or (2) 72 hours before the polls open on election day. (Sec. 43.061). If the county election officer is conducting a legislative vacancy election, the candidates listed on the ballot are entitled to receive notice directly from the county judge. **As a reminder, notice should also be provided to the Secretary of State regarding any changes made to the location of polling places.** [Notice of Change to Polling Place \(PDF\)](#)

### 13. Note on Testing Tabulating and Electronic Voting Equipment

#### Ballot Testing:

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

#### Logic and Accuracy Test:

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

**NOTE – NEW LAW:** SB 1 (2021, 2nd C.S.) provides that for the general election for state and county officers, the general custodian of election records must notify each member of the county election board of the test at least 48 hours before the date of the test. If the county election board chooses to witness the test, each member shall sign a statement attesting to the qualifications of each direct recording electronic voting machine that was successfully tested; any problems discovered; and the cause of any problem if it can be identified. (Secs. 129.023(b-2), 129.023(e)(1)).

**NOTE – NEW LAW:** SB 1 (2021, 2nd C.S.) requires the general custodian of election records to perform a hash validation to demonstrate, using a representative sample of voting system equipment, that the source code of the equipment has not been altered. (Sec. 129.023(c-1)).

#### Testing Tabulating Equipment:

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

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

Our recommendation is that both L&A testing and testing of the automatic tabulating equipment take place prior to ballots by mail being sent out. However, should there be a reason to delay testing, please be advised that L&A testing must be conducted at least 48 hours before voting begins on a voting system. This means that L&A testing should be completed before early voting and possibly, before election day, if your election day system is different than your early voting system. Additionally, the automatic tabulating equipment may not be used to count ballots voted in the election until a test is successful. (See Chapters 127 and 129, Election Code.)

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.

## 14. Note on Accepting Voters with Certain Disabilities

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

1. at one or more locations in each polling place where it can be read by persons waiting to vote;
2. on the website of the Secretary of State; **and**
3. on each website relating to elections maintained by a county. (Sec. 63.0015).

**NOTE – NEW LAW:** SB 1 (2021, 2nd C.S.) provides that a qualified individual with a disability may request a reasonable accommodation or modification to any election standard, practice, or procedure mandated by law or rule that the individual is entitled to request under federal or state law. (Sec. 1.022).

The voting order priority notice required under Section 63.0015 **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 the voting order priority notice on a county website is when the Notice of Election is also posted on the website. (Sec. 85.007(d)). See [Note](#) regarding Notice of Elections.

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

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

**NOTE – NEW LAW:** SB 1 (2021, 2nd C.S.) provides that a person who simultaneously assists seven or more curbside voters by providing the voters transportation to the polling place must complete and sign a form, provided by an election officer, that contains the person's name and address and whether the person is providing assistance solely under Section 64.009 or if the person is providing additional assistance to the voter under Chapter 64, Subchapter B. Completed forms shall be delivered to the SOS as soon as practicable. The SOS shall retain a form delivered under Section 64.009 for the period for preserving the precinct election records and shall make the form available to the attorney general for inspection upon request. This provision does not apply if the person assisting is related to each voter within the second degree by affinity (marriage) or the third degree by consanguinity (blood).

## 15. Note on Law Regarding Faxed or Emailed ABBMs and Faxed FPCAs

If an ABBM is faxed or emailed or if an FPCA is faxed, then the applicant must submit the ORIGINAL application BY MAIL to the early voting clerk so that the early voting clerk **receives the original no later than the 4th business**

**day after receiving the emailed or faxed ABBM or faxed FPCA.** If the early voting clerk does not receive the original ABBM or FPCA by that deadline, then the emailed or faxed ABBM or faxed FPCA will be considered incomplete, and the early voting clerk may NOT send the applicant a ballot. The early voting clerk should retain a copy of the FPCA for their own records, but should send the FPCA submitted by the voter to the Voter Registrar for registration purposes. (Sec. 84.007).

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

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

**NOTE – NEW LAW:** HB 3107 (2021, R.S.) amended Section 101.001 of the Code regarding FPCAs. Effective September 1, 2021, a member of the Texas National Guard or the National Guard of another state or a member of a reserve component of the armed forces of the United States serving on active duty under an order of the President of the United States or activated on state orders, or the spouse or dependent of a member, may submit an FPCA. (Sec. 101.001).

**NOTE – NEW LAW:** HB 3107 (2021, R.S.) amended Section 101.052 of the Code regarding FPCAs. Effective September 1, 2021, an FPCA may be submitted by in-person delivery by the voter in accordance with Section 84.008 of the Code or by common or contract carrier. (Sec. 101.052).

**NOTE – NEW LAW:** HB 3107 (2021, R.S.) amended Section 84.008 of the Code to provide that an applicant for a ballot to be voted by mail may submit the application by delivering it in person to the early voting clerk if the application is submitted not later than the deadline provided by Section 84.007(c) of the Code. This means that voters may now personally deliver their ABBM or FPCA to the early voting clerk not later than the close of regular business in the early voting clerk's office or 12 noon, whichever is later, on the 11th day before election day (unless that day is a Saturday, Sunday, or legal state or national holiday, in which case the last day is the first preceding regular business day). (Sec. 84.008).

## **16. Note on Opportunity to Correct Defects in Mail Ballots**

**NEW LAW:** Pursuant to SB 1 (2021, 2nd C.S.), effective December 2, 2021, the early voting ballot board, or signature verification committee (if one is appointed), will need to provide voters voting a ballot by mail the opportunity to correct certain defects in the voter's carrier envelope containing the voter's ballot.

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

**Early Voting Ballot Board:** Section 87.0411 provides a procedure by which a voter can correct certain defects in their carrier envelope containing their voted ballot. Not later than the second business day after an early voting ballot board discovers the defect and before the board decides whether to accept or reject a timely delivered ballot under Section 87.041, the board shall: (1) determine if it would be possible for the voter to correct the defect and return the carrier envelope before the time the polls are required to close on election day; and (2) return the carrier envelope to the voter by mail, if the board determines that it would be possible for the voter to correct the defect and return the carrier envelope before the time the polls are required to close on election day. If the board determines that it would not be possible for the voter to correct the defect and return the carrier envelope before the time the polls are required to close on election day, the board may notify the voter of the defect by phone or email and inform the voter that the voter may cancel their mail ballot in accordance with Section 84.032 or come to the early voting clerk's office in person not later than the sixth day after election day to correct the defect. If the ballot board takes one of the actions described above, the board must take that action with respect to each ballot in the election that to which these options apply. Poll watchers are entitled to observe these activities by the early voting ballot board.

**Signature Verification Committee (if appointed):** Section 87.0271 provides a procedure by which a voter can correct certain defects in their carrier envelope containing their voted ballot. Not later than the second business day after a signature verification committee discovers the defect and before the committee decides whether to accept or reject a timely delivered ballot under Section 87.027, the committee shall: (1) determine if it would be possible for the voter to correct the defect and return the carrier envelope before the time the polls are required to close on election day; and (2) return the carrier envelope to the voter by mail, if the committee determines that it would be possible for the voter to correct the defect and return the carrier envelope before the time the polls are required to close on election day. If the committee determines that it would not be possible for the voter to correct the defect and return the carrier envelope before the time the polls are required to close on election day, the signature verification committee may notify the voter of the defect by phone or email and inform the voter that the voter may cancel their mail ballot in accordance with Section 84.032 or come to the early voting clerk's office in person not later than the sixth day after election day to correct the defect. If the signature verification committee takes one of the actions described above, the committee must take that action with respect to each ballot in the election to which these options apply. Poll watchers are entitled to observe these activities by the signature verification committee.

For more information on the corrective action procedures, please see [Tex. Sec'y of State Election Advisory No. 2022-08](#) and [Tex. Sec'y of State Election Advisory No. 2022-12](#).

## 17. Note on Reconciliation Forms

**NEW LAW:** Pursuant to SB 1 (2021, 2nd C.S.), effective December 2, 2021, the presiding judge of the central counting station must prepare a [preliminary reconciliation form](#) on election night and a [final reconciliation form](#) after the canvass. The reconciliation form requirement only applies to entities that conducted voting in such a manner that they had a central counting station. The reconciliation forms must be posted on the county website with election returns and results after they are completed and signed. This posting requirement applies regardless of whether a local entity is contracting with the county for election services. We recommend that local entities post the reconciliation form on their website, if the entity maintains a website. We further recommend that the reconciliation forms remain posted at least until the next election, and that the forms are available for the full 22 month retention period for election records. An entity may choose to make older reconciliation forms available as part of historical results on its website.

# Calendar of Events

## May

### Monday, May 23, 2022 (76th day after minor party precinct conventions)

Deadline for minor party chairs to submit petitions and precinct convention lists to Secretary of State and to the appropriate county clerk (or other county election official) for placement on the ballot. (Secs. 1.006, 181.005(a), 181.006(b)(3), 182.003, 182.004). **The deadline is extended to the next regular business day which is Monday, May 23, 2022 due to the 75th day falling on Sunday, May 22, 2022. (Sec. 1.006).**

# June

## Monday, June 13, 2022 (20th day after Runoff Primary Election Day)

First day of new term for political party county chairs elected in the March 1, 2022 Primary Election and precinct chairs elected in the May 24, 2022 Primary Runoff Election. (Sec. 171.022(c)).

## Thursday, June 23, 2022 (30th day before Saturday, July 23, 2022, “first day to file”; 30th day after Runoff Primary Election Day)

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

**Cities, Schools and Other Political Subdivisions:** Deadline to post [Notice of Deadline to File an Application for Place on the Ballot \(PDF\)](#) in a public place in a building in which the authority maintains an office. The notice must be posted not later than the 30th day before the first day to file. (Sec. 141.040; Sec. 49.113, Water Code). [Note 5](#).

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

**NOTE:** The delivery, submission, or filing of an application with an employee of the filing authority at the authority’s usual place for conducting official business constitutes filing with the authority. (Sec. 1.007).

**NOTE - NEW LAW:** HB 3107 (2021, R.S.) requires the authority with whom an application for a place on the ballot is filed to designate an e-mail address in the notice required by Section 141.040 of the Code for the purpose of filing an application for a place on the ballot.

**NOTE - NEW LAW:** HB 4555 (2021, R.S.) amended Sections 141.031 and 141.039 of the Code by modifying the application requirements related to a candidate’s final felony conviction status and what must be included on the candidate application form. Specifically, candidates will need to provide an indication on their candidate application that the candidate has either not been finally convicted of a felony, or if so convicted, has been pardoned or otherwise released from the resulting disabilities. A person who has been convicted of a felony will need to include with the application proof that the person has been pardoned or otherwise released from the resulting disabilities. The application form must include a statement informing candidates of the requirement to submit this information. Further, the official application form will need to include a statement informing candidates that knowingly providing false information on their application related to their final felony conviction status is a Class B misdemeanor. (Secs. 141.031, 141.039).

**School Districts:** In addition to the general felony rule at Election Code Sec. 141.001 (finally convicted), a candidate for school board must not have been convicted (finally convicted or otherwise) of specific crimes under the Education Code in time to serve. (Sec. 11.066, Education Code).

## Thursday, June 30, 2022 (last day in June)

In a county with a population of **over 500,000**, deadline for party chairs to submit to county commissioners court a list of eligible persons for precinct presiding election and alternate presiding judges for appointments, as well as for presiding and alternate presiding judges of central counting station for appointments for the November General Election for state and county officers. (Secs. 1.006, 32.002(a)(1), (c), 127.005(e)).

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

Recommended date that party chairs, in a county with a population of **over 500,000**, submit to the county election board a list of names of eligible persons to serve on the early voting ballot board for the November General Election for state and county officers. (Sec. 87.002(c), (d)). **NOTE: This is not a deadline; just a recommendation.**

**NOTE – NEW LAW:** SB 1 (2021, 2nd C.S.) amended Section 87.002 to require the early voting ballot board to have an alternate judge. The alternate judge is appointed in the same manner as the presiding judge.

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

**Political Subdivisions Other than Counties:** For recommended date to appoint your presiding election judges, see entry under [August 22, 2022](#).

## July

**Tuesday, July 5, 2022 – Monday, October 3, 2022**

Recommended timeframe for the **county election board** in a **county with a population of over 500,000** to appoint the members to the early voting ballot board for the November General Election for state and county officers. (Sec. 87.002(c), (d)). Section 87.002(c) of the Election Code does not provide a deadline for the county election board to make such appointments. **NOTE: This is not a deadline; just a recommendation. October 3 is the recommended deadline because of various notice requirements.**

**NOTE – NEW LAW:** SB 1 (2021, 2nd C.S.) amended Section 87.002 to require the early voting ballot board to have an alternate judge. The alternate judge is appointed in the same manner as the presiding judge.

It is also recommended that the commissioners court, in a county with a population of **over 500,000**, appoint during its July term the central counting station manager, tabulation supervisor, and assistants to the tabulation supervisor if it has established a central counting station. (Secs. 127.001, 127.002, 127.003, 127.004). **NOTE: This is not a deadline; just a recommendation.**

**Saturday, July 23, 2022 (30th day before Monday, August 22, 2022, regular filing deadline for a place on the ballot)**

**Counties:** First day to file a [Declaration of Write-In Candidacy \(PDF\)](#) and accompanying filing fee or nominating [petition \(PDF\)](#) in lieu of filing fee with the county judge or Secretary of State, as applicable, for the November General Election for state and county officers. (Secs. 146.023, 146.0231, 146.0232, 146.025(a), 172.024, 172.025). See [Write-In Candidates Guide](#).

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

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

**NOTE:** Most elective offices now require that a candidate be a registered voter of the territory that the office is elected from as of the filing deadline or as of other statutory deadlines. (Sec. 141.001). For more information on the candidate voter registration requirement, see [Voter Registration Requirements for Candidates](#).

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

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

**NOTE - NEW LAW:** HB 3107 (2021, R.S.) amended Sections 143.004 and 144.003 of the Code to provide that candidate applications, other than those that must be accompanied by a filing fee, may be filed via email. The application must be a scanned copy of the candidate application and must be sent to the filing authority's designated email address for accepting applications. (Secs. 143.004, 144.003).

### **Sunday, July 31, 2022 (last day “before August”)**

In a county with a population of **500,000 or less**, deadline for party chairs to submit to county commissioners court list of eligible persons for precinct presiding election and alternate presiding judges for appointments, as well as for presiding and alternate presiding judges of central counting station for appointments for the November General Election for state and county officers. (Secs. 32.002(a)(2), (c), 127.005(e)).

Recommended date that party chairs in a county with a population of **500,000 or less** submit to the county election board a list of names of eligible persons to serve on the early voting ballot board for the November General Election for state and county officers. (Sec. 87.002(c), (d)). **NOTE: This is not a deadline; just a recommendation.**

**NOTE – NEW LAW:** SB 1 (2021, 2nd C.S.) amended Section 87.002 to require the early voting ballot board to have an alternate judge. The alternate judge is appointed in the same manner as the presiding judge.

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

For more information on the appointment procedures for election workers, see [Tex. Sec'y of State Election Advisory No. 2021-7](#).

Recommended date that county election officials and local political subdivisions meet to discuss conducting elections at the same polling locations pursuant to Sections 42.002 & 42.0621. **NOTE: This is not a deadline; just a recommendation.**

## **August**

### **Monday, August 1, 2022 – Monday, October 3, 2022**

Recommended timeframe for the county election board in a county with a population of **500,000 or less** to appoint the members to the early voting ballot board for the November General Election for state and county officers. (Sec. 87.002(c), (d)). Section 87.002(c) of the Election Code does not provide a deadline for the county election board to make such appointments. **NOTE: This is not a deadline; just a recommendation. October 3 is the recommended deadline because of various notice requirements.**

Recommended date that commissioners court in a county with a population of **500,000 or less** appoint central counting station manager, tabulation supervisor, and assistants to the tabulation supervisor if it has established a

central counting station. (Secs. 127.001, 127.002, 127.003, 127.004). **NOTE: This is not a deadline; just a recommendation.**

### **Wednesday, August 10, 2022 (90th day before Election Day)**

Last day for eligible political subdivisions to submit [Notice of Exemption Under Section 61.013 \(PDF\)](#) or an [Application of Undue Burden Status \(PDF\)](#) to the Secretary of State for exemption from the accessible voting system requirement. (Sec. 61.013). For additional information, consult the most current advisory on this topic, [Tex. Sec'y of State Election Advisory No. 2021-02](#).

### **Friday, August 19, 2022 (81st day before Election Day, day before 2nd day before filing deadline)**

**Political Subdivisions Other Than Counties:** If a candidate dies on or before this date, his or her name is not placed on the ballot, if the filing deadline is Monday, August 22, 2022. (Sec. 145.094(a)(1)).

**NOTE:** Section 145.098 states if a candidate dies on or before the deadline for filing an application for a place on the ballot, the authority responsible for preparing the ballots MAY choose to omit the candidate. If the authority does choose to omit the candidate's name from the ballot due to the candidate's death after August 19, 2022, the deadline for filing an application for a place on the ballot is extended to the fifth day after the filing deadline, Saturday, August 27, 2022. This extended deadline only applies to the regular filing deadline. It **DOES NOT** apply to the write-in deadline.

**NOTE:** Because the extended deadline for filing an application for a place on the ballot falls on a weekend (Saturday, August 27, 2022), it is extended to the next regular business day, Monday, August 29, 2022. (Sec. 1.006). If the deadline is extended, the Notice of Candidate Filing period will need to be updated.

### **Monday, August 22, 2022 (78th day before Election Day)**

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

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

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

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

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

**Political Subdivisions Other Than Counties (General Election):** Deadline for political subdivisions to order a general election to be held on Tuesday, November 8, 2022. (Sec. 3.005). One of the following forms may be used:

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

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

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

**NOTE-NEW LAW:** HB 4555 (2021, R.S.) amended Sections 141.031 and 141.039 of the Code by modifying the application requirements related to a candidate's final felony conviction status and what must be included on the candidate application form. Specifically, candidates will need to provide an indication on their candidate application that the candidate has either not been finally convicted of a felony, or if so convicted, has been pardoned or otherwise released from the resulting disabilities. A person who has been convicted of a felony will need to include in the application proof that the person has been pardoned or otherwise released from the resulting disabilities. The application form must include a statement informing candidates of the requirement to submit this information. Further, the official application form will need to include a statement informing candidates that knowingly providing false information on their application related to their final felony conviction status is a Class B misdemeanor. (Secs. 141.031, 141.039).

**NOTE - School Districts:** In addition to the general felony rule at Election Code Sec. 141.001 (finally convicted), a candidate for school board must not have been convicted (finally convicted or otherwise) of specific crimes under the Education Code in time to serve. ([Sec. 11.066](#), Education Code).

**Counties:** Deadline for counties to order a general election or a special election on a measure to be held on Tuesday, November 8, 2022. (Secs. 3.004, 3.005). The following forms may be used:

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

**The order must include:**

1. The date of the election;
2. The offices or measures to be voted on;
3. The location of the main early voting polling place, **including the street address, room number, and building name. The order must designate which location is the main early voting polling place;**
4. **(Recommended)** Branch early voting polling places (see [Note 8](#), above);
5. The dates and hours for early voting (recommended for counties and cities, but required for all other entities);
6. The dates and hours of any Saturday and Sunday early voting (if applicable, it is recommended that this information be included in the order for counties, but it must be included for all other entities); and
7. The early voting clerk's official mailing address or street address at which the clerk may receive delivery by common or contract carrier, if different, phone number, e-mail address, and the Internet website, if the early voting clerk has an Internet website.

**NOTE-NEW LAW:** HB 3107 (2021, R.S.) amended Section 83.010 of the Code to require an election order and the election notice to state the early voting clerk's official mailing address or street address at which the clerk may receive delivery by common or contract carrier, if different, phone number, e-mail address, and the Internet website, if the early voting clerk has an Internet website. (Sec. 83.010).

**NOTE-NEW LAW:** HB 3107 (2021, R.S.) amended Section 85.004 of the Code to provide that an election order and election notice must designate which location is the main early voting polling place. (Sec. 85.004).

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

1. the proposition language that will appear on the ballot;

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

**Recommended** date to order the lists of registered voters from the county voter registrar. The list should include both the voters' residences and mailing addresses in order to conduct early voting by mail. (Sec. 18.006). The political subdivision should confirm that the most recent maps or boundary changes have been provided to the voter registrar.

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

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

**Political Subdivisions Other Than Counties: Recommended** date to appoint **presiding and alternate judges**. Currently, the Election Code does not establish a deadline for appointing election officials; there is only a notification deadline. For further information concerning procedures for appointing judges and their alternates, see Sections 32.005, 32.008, and 32.011. General eligibility requirements are found in Subchapter C, Chapter 32. In addition to appointing a judge and alternate judge for each election precinct pursuant to Sections 32.001 and 32.005, the governing body must allow the judge to appoint no less than two clerks; however, the alternate judge must serve as one of the clerks as a matter of law. (Secs. 32.032, 32.033). The presiding judge then appoints an additional clerk(s), but not more than the maximum set by the governing body. (Sec. 32.033). Presiding judges and their alternates must be given a [Notice of Appointment \(PDF\)](#) not later than the 20th day after the appointment is made. (Sec. 32.009). If the appointment is for a single election, the notice may be combined with the [Writ of Election \(PDF\)](#), which is required to be delivered to each presiding judge not later than the 15th day before the election, Monday, October 24, 2022. (Secs. 4.007, 32.009(e)). If the notices are combined, both must be delivered by the date required by the earlier notice.

**NOTE:** If you are conducting a joint election with the county, please be advised that the Election Code places many requirements on the method of selecting people who must be appointed by the county to work in the November General Election for state and county officers. See Sections 32.002 and 32.034, Election Code.

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

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

**NOTE – NEW LAW:** SB 1 (2021, 2nd C.S.) amended Section 87.002 to require the early voting ballot board to have an alternate judge. The alternate judge is appointed in the same manner as the presiding judge.

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

**Recommended** date that local political subdivisions and county election officials meet to discuss contracting for election services or holding a joint election. **NOTE: This is not a deadline; just a recommendation.**

#### **Thursday, August 25, 2022 (75th day before Election Day, 4th day before recommended ballot drawing date)**

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

The authority conducting the ballot position drawing shall provide notice of the date, hour, and place of the drawing to candidates by this date if the drawing is to be conducted on Monday, August 29, 2022, as recommended. (Sec. 52.094(d)). If a candidate in a special election files on this date, they should be given a copy of the notice at the time they file.

**NOTE-NEW LAW:** Effective September 1, 2021, HB 3107 (2021, R.S.) amended Section 52.094 of the Code to require the authority conducting the drawing to provide notice of the date, hour, and place of the drawing to each candidate by: 1) written notice that is mailed to the address stated on the candidate's application not later than the fourth day before the date of the drawing; or 2) provided at the time the candidate files an application with the appropriate authority. If notice was not provided at the time the candidate filed an application, the notice may be provided by telephone, if a telephone number is provided on the candidate's application or by e-mail, if an e-mail address was provided on the candidate's application. (Sec. 52.094).

#### **Friday, August 26, 2022 (74th day before Election Day)**

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

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

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

If a vacancy occurs on or before this date in a state, district, or county office not regularly scheduled for election in 2022, due to **death, resignation, or removal** of the officeholder, the unexpired term of the office shall be placed on the November 8, 2022 election ballot. (Sec. 202.002(a)). An appointment to fill the vacancy continues until the next succeeding general election and until a successor has been elected and has qualified for the office. Also, depending on the effective date of the vacancy, the office may also be voted on in the next succeeding primary election. (Secs. 202.002(b), 202.004). See [Tex. Sec'y of State Election Advisory No. 2021-19](#).

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

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

**Political Subdivisions Other Than Counties:** If you plan on holding your ballot position drawing on Monday, August 29, 2022, then your [Notice of Drawing for Place on Ballot \(PDF\)](#) of such drawing should be posted today. The notice must be posted for 72 hours immediately preceding the time of the drawing. (Sec. 52.094(c)).

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

A special election of a political subdivision is considered to be a separate election with a separate ballot from a general election for officers of the same political subdivision held at the same time as the special election. Therefore, the fact that there may be a proposition on the ballot will not prevent a cancellation of an election for candidates who are unopposed. (Sec. 2.051(a)). If any members of the political subdivision's governing body are elected from territorial units, such as single member districts, an election may be cancelled in a particular territorial unit if each candidate for an office that is to appear on the ballot in that territorial unit is unopposed **and no** opposed at-large race is to appear on the ballot. An unopposed at-large race may be cancelled in an election regardless of whether an opposed race is to appear on the ballot in a particular territorial unit. (Sec. 2.051(b)). **This recommended cancellation deadline considers a regular filing deadline of Monday, August 22, 2022, a special election filing deadline of Thursday, August 25, 2022, and a regular write-in deadline of Friday, August 26, 2022. For additional information, consult the outline on [Cancellation of Election for Local Political Subdivisions](#).**

**NOTE – NEW LAW:** SB 1 (2021, 2nd C.S.) amended Sections 2.053 and 2.056 of the Texas Election Code to make this cancellation process mandatory, rather than discretionary. **For additional information, consult the outline on [Cancellation of Election for Local Political Subdivisions](#).**

**State and County Offices:** The certifying authority must certify, in writing, that a candidate is unopposed in an election for office. The certifying authority is the secretary of state (for statewide or district offices) or the county clerk (for county and precinct offices). If an unopposed candidate is declared elected by the certifying authority, the election for that office is not held and the name of the candidate is listed on the ballot as elected to the office. Offices and names of any candidates declared elected shall be listed separately after the contested races in the election under the heading "Unopposed Candidates Declared Elected." The candidates shall be grouped according to their respective political party affiliations or status as independents in the same relative order prescribed for the ballot generally. For more information, see [Tex. Sec'y of State Election Advisory No. 2022-16](#).

### **Monday, August 29, 2022 (71st day before Election Day)**

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

**NOTE:** After the ballot drawing has occurred, the Elections Division recommends that you proof and test your ballot programming as soon as possible and **prior to the deadline to mail a ballot** if the political subdivision will be using automatic tabulating equipment to count the mail ballots or if your mail ballots are printed from the same database used to program your precinct scanners and/or DREs (See [Note 13](#) above). **The Elections Division also recommends that you provide candidates with copies of ballot proofs so that candidates may verify the correctness of their names, positions sought, and order of names on the ballot.**

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

**Counties: 5:00 p.m.** — Deadline for party chair to deliver replacement nominee or nominee to fill vacancy in an unexpired term to the appropriate officer (for a vacancy in an office that would not normally be on the 2022 ballot and that occurred after December 8, 2021 but not later than August 26, 2022). (Secs. 145.036, 145.037(e), 171.022, 201.022, 202.006). See [Texas Sec'y of State Election Advisory No. 2021-19](#) for further information on this deadline and related procedures.

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

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

### **Tuesday, August 30, 2022 (70<sup>th</sup> day before Election Day)**

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

**Political Subdivisions Other Than Counties: 5:00 p.m.** — Last day for a candidate to withdraw from a special election, by submission of a notarized [Certificate of Withdrawal \(PDF\)](#) or a notarized letter, or to be declared ineligible. **If a candidate withdraws or is declared ineligible by this date, his or her name is omitted from the ballot.** (Sec. 145.092(a)).

## **September**

### **Thursday, September 1, 2022 (68<sup>th</sup> day before Election Day)**

Deadline for Secretary of State (federal, state and district offices) and county judge (countywide and precinct offices) to certify names of independent and declared write-in candidates to county election officer for placement on the November 8, 2022 ballot. (Secs. 142.010, 146.029(c)).

Deadline for Secretary of State to certify to county election officer names of party nominees for statewide and district offices for placement on November 8, 2022 ballot, and deadline for Secretary of State to post major party nominees for county and precinct offices. (Secs. 161.008, 172.117).

### **Friday, September 9, 2022 (60<sup>th</sup> day before Election Day)**

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

**NOTE FOR COUNTIES** - Section 4.003 requires that counties post on the county website the notice and list of polling locations of any political subdivision that delivers their notice to the county under Section 4.008. This is regardless of whether the county is contracting with the entity. See [Note 8](#) for more information on the requirements related to the Notice of Election.

**NOTE-NEW LAW:** HB 3107 (2021, R.S.) requires the notice of election to include the Internet website of the authority conducting the election. (Sec. 4.004(a)).

**NOTE-NEW LAW:** HB 3107 (2021, R.S.) amended Section 83.010 to require an election order and the election notice to state the early voting clerk's official mailing address or street address at which the clerk may receive delivery by common or contract carrier, if different, phone number, e-mail address, and the Internet website, if the early voting clerk has an Internet website. (Sec. 83.010) .

**Recommended** date for county clerk/county elections administrator to deliver an initial list of voters who have submitted annual applications for ballot by mail under Section 86.0015 and scans or photocopies of those applications to the early voting clerk of any political subdivision located within the county that is holding an election on November 8, 2022. The list should only include voters that reside in the political subdivision holding the election. The list should only be created and sent to those political subdivisions that have provided notice of the election to the county clerk/elections administrator. See *a/so*, the note below and the [entry](#) at Friday, October 28, 2022 for more information about delivery of a final list of voters. See [entry](#) at October 27, 2022 for more information on the delivery of copies/images of the applications. The county election officer should transmit copies of the applicable ABBMs and FPCAs through a secure method. This may include hand-delivering the copies, arranging for the local entity to pick up the copies, or utilizing an encrypted email or file transfer protocol. See Answer 17 in [Tex. Sec'y of State Election Advisory No. 2022-08](#).

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

#### **Monday, September 12, 2022 (57th day before Election Day; 21st day after August 22, 2022)**

**Political Subdivisions Other Than Counties:** Last day to notify election judges of their appointment if they were appointed, as recommended, on **Monday, August 22, 2022**. (Secs. 1.006, 32.009(b)). Presiding and alternate judges must be [notified \(PDF\)](#) of their appointment in writing, not later than the 20th day after the date the appointment is made. **The deadline is extended to the next regular business day which is Monday, September 12, 2022 due to the 20th day falling on Sunday, September 11, 2022.**

The notice of the judge's duty to conduct the election ([Writ of Election \(PDF\)](#)) pursuant to Section 4.007 may be combined with the above notice, if the appointment is for a single election only. If the notices are **NOT** combined, then the notice of the judge's duty to conduct the election (writ of election) must be delivered not later than the 15th day before election day, Monday, October 24, 2022.

#### **Monday, September 19, 2022 (50th day before Election Day)**

Deadline to challenge the filing of an application for a place on the ballot as to form, content, and procedure. (Sec. 141.034).

**NOTE-NEW LAW:** HB 3107 (2021, R.S.) amended Section 141.034 of the Code to provide that a candidate application cannot be challenged for "Form, Content, and Procedure" defects after the 50th day before the date of the election for which the application is made. (Sec. 141.034).

Last day to publish [notice \(PDF\)](#) for testing of automatic tabulation equipment testing and logic and accuracy testing (L&A testing) of a voting system that uses direct recording electronic (DRE) voting machines and precinct scanners **if test will be completed by recommended deadline of Wednesday, September 21, 2022**. Notice of the public tests must be published at least 48 hours before the test begins. (Secs. 127.093, 127.096, 129.022, 129.023). See [Note 13](#), above.

#### **Monday, September 19, 2022 - Sunday, December 18, 2022 (50th day before Election Day through 40th day after Election Day)**

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

**NOTE for Independent School Districts:** A “regular business day” means a day on which the school district’s main business office is regularly open for business. (Sec. 31.122(b)).

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

**NOTE-NEW LAW:** HB 3107 (2021, R.S.) amended Section 31.096 of the Code, which addresses nontransferable functions under an election services contract. Specifically, an election services contract may not change the political subdivision’s requirement to maintain office hours under Section 31.122. The amendment to Section 31.096 of the Code also allows a county that has contracted with a city to be the custodian of voted ballots for a city election. (Sec. 31.096).

### **Wednesday, September 21, 2022 (48th day before Election Day)**

**Recommended** date to conduct the first test of the automatic tabulating equipment and for logic and accuracy (L&A test) test on precinct scanners and DREs. (Secs. 127.093, 127.096, 129.022, 129.023). The SOS recommends you complete your first round of testing **prior to mailing your mail ballots** if those ballots will be counted using automatic tabulation equipment. If you conduct your first round of testing by this date, you must publish notice of the test 48 hours prior to testing. See [Note 13](#), above.

**NOTE-NEW LAW:** SB 1 (2021, 2nd C.S.) requires the general custodian of election records to demonstrate, using a representative sample of voting system equipment, that the source code of the equipment has not been altered. (Sec. 129.023(c-1)). See Tex. Sec’y of State Election Advisory No. 2019-23 for more information on voting system procedures.

### **Saturday, September 24, 2022 (45th day before Election Day)**

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

**NOTE: The 45th Day deadline under Section 86.004(b) is not extended by Section 1.006 to the next business day. The ballots covered by Section 86.004(b) should be sent out on or before Saturday, September 24, 2022.**

**NOTE-NEW LAW:** HB 3107 (2021, R.S.) amended Section 101.001 of the Code regarding FPCAs. Effective September 1, 2021, a member of the Texas National Guard or the National Guard of another state or a member of a reserve component of the armed forces of the United States serving on active duty under an order of the President of the United States or activated on state orders, or the spouse or dependent of a member, may submit an FPCA. (Sec. 101.001).

**NOTE-NEW LAW:** HB 3107 (2021, R.S.) amended Section 101.052 of the Code regarding FPCAs. Effective September 1, 2021, an FPCA may be submitted by in-person delivery by the voter in accordance with Section 84.008 of the Code or by common or contract carrier. Further, an application is considered submitted in the following calendar year if: 1) the applicant is eligible to vote in an election occurring in January or February of the next calendar year; and 2) the application is submitted in the last 60 days of a calendar year but not earlier than the 60th day before the date of the January or February election. (Sec. 101.052).

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

**Reminder:** In regards to mail ballots for other voters (not military voters using an FPCA or overseas voters using an FPCA or ABBM), the early voting clerk **must** mail a ballot not later than the 7th day after the later

of: (1) the date the early voting clerk has accepted a voter's application for a ballot by mail or (2) the date the ballots become available for mailing. However, if the 7th day falls earlier than the 37th day before election day, the voter's mail ballot must be mailed no later than the 30th day before election day. (Sec. 86.004(a)). This means that for every application that is accepted by the early voting clerk before the 37th day before election day, the balloting materials must be mailed by the 30th day before election day. Any application that comes in after the 37th day before election day will follow the 7-day timeline in Sec. 86.004.

**NOTE:** Information on the early voting roster for both early voting in person and early voting by mail must be made available for public inspection and on the county's website if the county clerk or elections administrator is serving as the early voting clerk. For an election held by a political subdivision in which the county clerk or elections administrator is not serving as the political subdivision's early voting clerk, then the information on the roster must be made available on the Internet website of the authority ordering the election. The early voting roster shall be posted by 11:00 AM on the day after the information is entered on the roster (for early voting in person) or by 11:00 AM on the day after the early voting clerk receives a ballot voted by mail. If the entity does not maintain a website, the information must be on the bulletin board used for posting notices. (Sec. 87.121).

**NOTE-NEW LAW:** HB 1622 (2021, R.S.) amended Section 87.121 of the Code to provide that if an early voting clerk fails to post their early voting rosters in accordance with Section 87.121, a person registered to vote in the county where the early voting clerk is conducting early voting may file a complaint with the Secretary of State regarding the early voting clerk's noncompliance. The Secretary of State by rule shall create and maintain a system for receiving and recording these complaints. (Sec. 87.121).

#### **Monday, September 26, 2022 (43rd day before Election Day, 28th day before early voting begins)**

Last day for county chairs to supplement list of names for early voting officer list. (Secs. 1.006, 85.009). **The deadline is extended to the next regular business day which is Monday, September 26, 2022 due to September 24, 2022 falling on a Saturday.**

## **October**

#### **Monday, October 3, 2022 (36th day before Election Day)**

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

**Counties:** Deadline to receive a petition signed by 15 registered voters by the early voting clerk requesting that a signature verification committee be created. A request submitted by mail is considered to be submitted at the time of its **receipt** by the early voting clerk. (Sec. 87.027(a-1)). **The deadline is extended to the next regular business day, Monday, October 3, 2022 due to October 1 falling on Saturday.**

#### **Friday, October 7, 2022 (32nd day before Election Day)**

**Recommended** date for early voting clerk to issue order calling for appointment of signature verification committee. (Sec. 87.027). This form may be used to issue order: [Order Calling for Signature Verification Committee \(PDF\)](#). If the signature verification committee will start meeting on October 19, 2022, early voting clerk must post a copy of the order calling for appointment of the signature verification committee on or before this date, in order to give notice of the meeting. The order must remain posted continuously for at least 10 days before the first day the committee meets. (Sec. 87.027).

#### **Sunday, October 9, 2022 (30th day before Election Day)**

First day of period during which notice of the general election for state and county officers and other elections must be published in a newspaper of general circulation **if method of giving notice is not specified by a law outside the Texas Election Code**, and this method of giving notice is selected. The notice for elections ordered by the governor or by an authority of a city or school district must be given by publication in a newspaper in addition to any

other method specified by a law outside the Election Code. (Sec. 4.003(a)(1), (c), (d)). This notice may be combined with the other notices you are required to publish. The election notice shall be posted on the political subdivision's website. See [Note 8](#).

**NOTE-NEW LAW:** HB 3107 (2021, R.S.) requires the notice of election to include the Internet website of the authority conducting the election. (Sec. 4.004(a)).

**NOTE-NEW LAW:** HB 3107 (2021, R.S.) amended Section 83.010 of the Code to require an election order and the election notice to state the early voting clerk's official mailing address and also the street address at which the clerk may receive delivery by common or contract carrier, if different, phone number, e-mail address, and the Internet website, if the early voting clerk has an Internet website. (Sec. 83.010).

**Cities, Schools, and Other Political Subdivisions:** It is ***strongly recommended*** that the [Notice of Voting Order Priority](#) for voters with mobility issues also be posted on the subdivision's website, if one is maintained by the political subdivision. (Secs. 63.0015, 85.007(d)). For more information on this requirement, see [Note 14](#).

**Counties:** The ***recommended*** time to include this notice on a county website is when the notice of election is also posted on the website. (Secs. 63.0015, 85.007(d)).

**NOTE: Notice of Change of Polling Place Location:** For elections **ordered by the governor or county judge only**, if the location of the polling place changes after notice has been given under Section 4.003, and the county election officer maintains a website to inform voters about elections, the notice of the change must be posted on the website. The notice on the website must be given not later than the earlier of (1) 24 hours after the location was changed; or (2) 72 hours before the polls open on election day. (Sec. 43.061). The [Notice of Change to Polling Place \(PDF\)](#) form may be used for this notice.

**NOTE: Notice of Previous Polling Place:** If a different polling place is being used than at the previous election held by the same authority, [Notice of Change to Polling Place \(PDF\)](#) must be posted at the entrance of the previous polling place informing voters of the current polling place location, if possible. (Sec. 43.062).

### **Monday, October 10, 2022 (Columbus Day)**

### **Tuesday, October 11, 2022 (28th day before Election Day)**

Last day to register to vote for the Tuesday, November 8, 2022 election. (Secs. 1.006, 13.143). **The deadline is extended to the next regular business day which is Tuesday, October 11, 2022 due to the 30th day falling on Sunday, October 9, 2022 and Monday, October 10, 2022 is a holiday, Columbus Day.** (Secs. 13.143(e), 15.025(d)).

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

Last day for a voter to make a change of address that will be effective for the November 8, 2022 election. A voter who submits a change of address after this date may still be eligible to return to his or her previous precinct to vote under "fail-safe" voting, if he or she still resides in the **same** county and the same local political subdivision, if applicable, conducting the election. (Secs. 15.025, 63.0011).

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

**NOTE-** Per Sections 18.002 and 18.003 of the Code, supplemental and corrected voter registration lists must be provided as needed to ensure all eligible voters appear on the official list of registered voters. (Secs. 18.002, 18.003).

**Wednesday, October 12, 2022 (27th day before Election Day)**

Deadline for the county election board (or governing body of political subdivision, as appropriate) to [appoint \(PDF\)](#) a signature verification committee (if one was ordered by the early voting clerk not later than Friday, October 7, 2022 and not required due to petition by 15 registered voters). See [entry](#) under Friday, October 7, 2022. The members must be appointed not later than the fifth day after the order was issued by the early voting clerk. The appointing authority must post a notice of the appointment of committee members continuously until the last day the signature verification committee meets. (Sec. 87.027). This form may be used for the notice: [Notice of Appointment of Signature Verification Committee \(PDF\)](#). **We strongly recommend that all entities create a signature verification committee so that voters will be timely notified of defects in their carrier envelopes.**

**Friday, October 14, 2022 (25th day before Election Day)**

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

**Monday, October 17, 2022 (22nd day before Election Day)**

**Counties:** Deadline for county election board to [appoint \(PDF\)](#) signature verification committee if a valid petition requesting one to be created was presented to the early voting clerk by the deadline, Monday, October 3, 2022. (Sec. 87.027(a-1), (c)).

**Tuesday, October 18, 2022 (21st day before Election Day)**

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

Last day to post notice of election in each election precinct, if the method of giving notice is **not** specified by a law outside the Election Code and notice is given by this method in lieu of publication. (Sec. 4.003(a)(2)). Cities and school districts **must** publish their notice in the newspaper. A [Record of Posting Notice of Election \(PDF\)](#) should be completed at the time of posting. (Sec. 4.005).

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

**NOTE FOR COUNTIES** - Section 4.003 requires that counties post on the county website the notice and list of polling locations of any political subdivision that delivers their notice to the county under Section 4.008. This is regardless of whether the county is contracting with the entity and regardless of whether the entity is conducting their own election or contracting with the county.

**For Bond Elections:** First day a political subdivision must post on their Internet website prominently and together with the notice of the election, a copy of the sample ballot, and the contents of the proposition, if the political subdivision maintains an Internet website. (Sec. 4.003(f)).

The **recommended** time to include the notice of accepting voters with certain disabilities on a county website is when the notice of election is also posted on the website. (Secs. 63.0015, 85.007(d)). See [Note 14](#) regarding notice on accepting voters with certain disabilities.

**Counties, Cities, and School Districts: NEW LAW:** SB 1116 (2021, R.S.) amended Chapter 4 of the Election Code by adding Section 4.009 regarding candidate and polling place information which must be posted on county, city, and school district websites. Last day for a county that holds an election or provides election services for an election to post certain information regarding the upcoming election(s) on the county’s website per Section 4.009. A city or independent school district that holds an election and maintains an Internet website must also post this same election information on their website even if the county is also posting this data. The information posted on the website must include:

1. the date of the election;
2. the location of each polling place;
3. each candidate for an elected office on the ballot; and
4. each measure on the ballot. (Sec. 4.009).

**Wednesday, October 19, 2022 (20th day before Election Day; 5th day before the first day of early voting in person)**

**Counties:** Last day to petition for temporary branch polling place(s) in a county with a population of 100,000 to 120,000, if the voting at those branch locations is to begin on the first day of early voting, Monday, October 24, 2022. (Secs. 85.062(d)(3), 85.067).

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

Last day for a person to apply for a full ballot by mail using an FPCA, if the person is not a registered voter but meets the requirements under Title 2 of the Texas Election Code. (Secs.101.052(e), 101.055(a)). (If the voter marks the FPCA “**my intent to return is uncertain**” (2019 form) or “**my return is uncertain**” (2017 form), the voter receives a federal-only ballot.) Postmark with this date on the FPCA is proof that the applicant submitted the FPCA by this deadline. See [Monday, October 24, 2022](#) for timeliness of an FPCA received without a postmark. (Sec. 101.052(e), (i)).

**NOTE-NEW LAW:** HB 3107 (2021, R.S.) amended Section 101.052 regarding FPCAs. Effective September 1, 2021, an FPCA may be submitted by in-person delivery by the voter in accordance with Section 84.008 of the Code or by common or contract carrier. Further, an application is considered submitted in the following calendar year if: 1) the applicant is eligible to vote in an election occurring in January or February of the next calendar year; and 2) the application is submitted in the last 60 days of a calendar year but not earlier than the 60th day before the date of the January or February election. (Sec. 101.052).

**NOTE-NEW LAW:** HB 3107 (2021, R.S.) amended Section 101.001 regarding FPCAs. Effective September 1, 2021, a member of the Texas National Guard or the National Guard of another state or a member of a reserve component of the armed forces of the United States serving on active duty under an order of the President of the United States or activated on state orders, or the spouse or dependent of a member, may submit an FPCA. (Sec. 101.001).

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

**to return is uncertain” (2019 form) or “my return is uncertain” (2017 form)**, in which case it will not serve as a permanent registration. (Sec. 101.055; 1 T.A.C. § 81.40).

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

Last day to publish notice of L&A test for voting systems if test will be held on Friday, October 21, 2022, if testing has not already been completed by September 21, 2022. Notice of the public L&A Test must be published at least 48 hours before the test begins. (Secs. 129.001, 129.023). See [Note 13](#), above.

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

#### **Thursday, October 20, 2022 – Friday, October 28, 2022 (19th day before Election Day - 11th day before Election Day)**

A person submitting an [FPCA \(PDF\)](#) during this period who is **not** registered to vote is not entitled to receive a ballot for any non-federal election held on Tuesday, November 8, 2022. See [entry](#) below under October 24, 2022 (FPCA without a postmark). (Secs. 84.007, 101.052(e), (f)). The early voting clerk is required to maintain this application since it may be used for other elections.

**NOTE-NEW LAW:** HB 3107 (2021, R.S.) amended Section 101.052 regarding FPCAs. Effective September 1, 2021, an FPCA may be submitted by in-person delivery by the voter in accordance with Section 84.008 of the Code or by common or contract carrier. Further, an application is considered submitted in the following calendar year if: 1) the applicant is eligible to vote in an election occurring in January or February of the next calendar year; and 2) the application is submitted in the last 60 days of a calendar year but not earlier than the 60th day before the date of the January or February election. (Sec. 101.052).

**NOTE-NEW LAW:** HB 3107 (2021, R.S.) amended Section 101.001 of the Code regarding FPCAs. Effective September 1, 2021, a member of the Texas National Guard or the National Guard of another state or a member of a reserve component of the armed forces of the United States serving on active duty under an order of the President of the United States or activated on state orders, or the spouse or dependent of a member, may submit an FPCA. (Sec. 101.001).

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

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

#### **Friday, October 21, 2022 (18th day before Election Day; at least 48 hours before early voting begins)**

If a **defective application to vote early by mail** is received on or before this date, the early voting clerk must mail the applicant a new application with explanation of defects and instructions for submitting the new application. For defective applications received after this date and before the end of early voting by personal appearance, the early voting clerk must mail only the [Notice of Rejected Application for Ballot by Mail \(PDF\)](#) and a statement that the voter is not entitled to vote early by mail unless he or she submits a sufficient application by the deadline, which is Friday, October 28, 2022. (Secs. 84.007(c), 86.008).

**NOTE – NEW LAW:** SB 1 (2021, 2nd C.S.) amended Section 86.001 to provide that if the information required by Section 84.002(a)(1-a) included on the application does not identify the same voter identified on the applicant's voter registration application, the clerk shall reject the application. (Sec. 86.001(f)). If an application is rejected under Section 86.001(f), the clerk shall provide notice of the rejection. The notice must include information regarding the ability to correct or add the required information through the online ballot by mail tracker described in Section 86.015(c). (Sec. 86.001(f-1)). If the applicant corrects the application for ballot by mail online and that application subsequently identifies the same voter identified on the applicant's voter registration application, the clerk shall provide a ballot to the voter. (Sec. 86.001(f-2)).

Last day to conduct public L&A test of a voting system. We highly **recommend** that this test is done on an earlier date to allow time for corrections to programming, if necessary. (See [Note 13](#), above). Per Section 129.023, the L&A test shall be conducted not later than 48 hours before voting begins on such voting systems, assuming that the voting system will first be used for early voting in person.

### **Monday, October 24, 2022 (15th day before Election Day)**

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

**NOTE:** The early voting period for the general election begins 17 days prior to election day, but because this day falls on a weekend (Saturday, October 22, 2022), it is extended to the next regular business day, Monday, October 24, 2022. (Sec. 85.001(c)).

**NOTE:** In the general election for state and county officers, a certain number of temporary branch locations must be established depending on the population size of the county:

1. in a county with a population of 400,000 or more, the commissioners court **must** establish one or more temporary polling places, other than the main early voting polling place, in each state representative district containing territory covered by the election. The temporary polling place(s) must remain open the same days as the main early voting polling place for at least 8 hours each day or 3 hours each day if the city or county clerk does not serve as the early voting clerk for the territory holding the election and the territory has fewer than 1,000 registered voters;
2. in a county with a population of 120,000 or more but less than 400,000, the commissioners court **must** establish one or more temporary polling places, other than the main early voting polling place, in each commissioners precinct containing territory covered by the election. The temporary polling place(s) must remain open the same days as the main early voting polling place for at least 8 hours each day or 3 hours each day if the city or county clerk does not serve as the early voting clerk for the territory holding the election and the territory has fewer than 1,000 registered voters; or
3. in a county with a population of 100,000 or more but less than 120,000, the early voting clerk **must** establish one or more early voting polling places in each commissioners precinct for which the early voting clerk receives a timely filed written request signed by at least 15 registered voters of that precinct. The temporary polling place(s) must remain open the same days as the main early voting polling place for at least 8 hours each day or 3 hours each day if the city or county clerk does not serve as the early voting clerk for the territory holding the election and the territory has fewer than 1,000 registered voters. (Secs. 85.062, 85.064).

**NOTE:** If a county has a population under 100,000, voting at a temporary branch polling place may be conducted on any days and during any hours of the period for early voting by personal appearance except that voting at a temporary branch polling place must be conducted on at least two consecutive business days and for at least 8 consecutive hours on each of those days. (Sec. 85.065).

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

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

**Political subdivisions other than cities and counties:** Early voting in person must be conducted for at least nine (9) hours each weekday that is not a legal state holiday unless the political subdivision has fewer than 1,000 registered voters, in which case early voting in person must be conducted for at least four (4) hours per day. (Sec. 85.005).

**NOTE – NEW LAW: Political Subdivisions Other than Counties:** Early voting in person at the main early voting polling place must be conducted for at least **nine (9) hours** each weekday that is not a legal state holiday unless the political subdivision has fewer than 1,000 registered voters, in which case early voting in person must be conducted for at least **four (4) hours** per day. (Sec. 85.005(b)).

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

**NOTE – NEW LAW: Cities:** SB 1 (2021, 2nd C.S.) amended Section 85.005(d) to remove the provision that requires cities to choose two weekdays for the main early voting polling place location to be open for at least 12 hours during the regular early voting period. (Sec. 85.005).

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

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

**NOTE – NEW LAW:** SB 1 (2021, 2nd C.S.) amended Section 61.002 to provide that immediately before the opening of the polls on the first day of early voting and on election day, the presiding judge or alternate judge shall confirm that the public counters on each voting machine are set to zero and shall print the tape that shows that there are zero votes for each candidate or measure on the ballot. Each election judge and alternate judge shall sign the printed tapes. (Sec. 61.002).

If an [FPCA \(PDF\)](#) is **received** by this date **without** a postmark to prove mailing date, the early voting clerk will accept the FPCA and mail the applicant a full ballot even if the applicant is not a permanently registered voter but meets the requirements under Title 2 of the Election Code (*unless the voter marks “my intent to return is uncertain” (2019 form (PDF), or “my return is uncertain” (2017 form))*) (Sec. 101.055; 1 T.A.C. § 81.40).

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

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

### **Tuesday, October 25, 2022 (14th day before Election Day)**

**NOTE for Counties:** Deadline to file a [petition \(PDF\)](#) in the November General Election for state and county officers to require the early voting clerk of a county with a population **under 55,000** to conduct extended early voting at the main early voting polling place for **12 hours on the last Saturday** of the early voting period, October 29, 2022. Voting may not be conducted earlier than 6:00 a.m. or later than 10:00 p.m. (Secs. 85.006(e), 85.007). [Notice of weekend voting](#) must be posted beginning no later than Wednesday, October 26, 2022 and continuing through Friday, October 28, 2022. (Sec. 85.007(c)).

Deadline to file a [petition \(PDF\)](#) in the November General Election for state and county officers to require the early voting clerk of a county with a population **under 55,000** to conduct extended early voting at the **main early voting polling place** for 12 hours on each **weekday** of the last week of the early voting period (Monday, October 31, 2022 through Friday, November 4, 2022). [Notice of extended hours \(PDF\)](#) must be posted beginning no later than Wednesday, October 26, 2022 and continuing through Friday, November 4, 2022. (Secs. 85.005(c), 85.067).

**NOTE:** For counties with a population under 55,000, extended early voting at the main early voting polling place for 12 hours on each weekday of the last week of the early voting must be conducted if a petition is submitted by at least 15 registered voters of the county requesting those extended hours.

**Wednesday, October 26, 2022 (13th day before Election Day; 72 hours preceding first hour Saturday early voting will be conducted)**

**NOTE for Counties :** Deadline to file a [petition \(PDF\)](#) in the November General Election for state and county officers to require the early voting clerk of a county with a population **under 55,000** to conduct extended early voting at the main early voting polling place for **6 hours on Sunday**, October 30, 2022. Voting may not be conducted earlier than 9:00 a.m. or later than 10:00 p.m.(Sec. 85.006(e)). [Notice of weekend voting](#) must be posted beginning no later than Thursday, October 27, 2022 and continuing through Saturday, October 29, 2022. (Sec. 85.007(c)).

**NOTE for Counties :** Last day to post notice on bulletin board for posting notice of meetings for the commissioners court and city council if early voting will be conducted on Saturday, October 29, 2022. (Sec. 85.007). Notice must be posted at least 72 hours before early voting begins on a Saturday or Sunday. If the county election officer on his/her own motion by written order orders early voting on Saturday or Sunday OR if the county election officer orders Saturday or Sunday voting after being petitioned to do so by at least 15 registered voters, such voting need not be included in the regular order or notice of the election. (Secs. 85.006(b), (d), 85.007(b), (c)).

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

**NOTE:** Section 85.007 requires that the election notice, which includes the days and hours of early voting, be posted on the political subdivision's website, if the political subdivision maintains a website.

**Thursday, October 27, 2022 (12th day before Election Day; day before the last day to apply for a ballot by mail)**

**Counties:** Last day to post [notice](#) on bulletin board for posting notice of meetings of the commissioners court or city council, if early voting will be conducted on Sunday, October 30, 2022. (Sec. 85.007). Notice must be posted at least 72 hours before early voting begins on a Saturday or Sunday. See [entry](#) at Wednesday, October 26, 2022.

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

**NOTE:** Section 85.007 requires that the election notice, which includes the days and hours of early voting, be posted on the political subdivision's website, if the political subdivision maintains a website.

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

First day a county with a population of 100,000 or more, or entities that are having joint elections or are contracting with such a county, may convene their early voting ballot board and begin processing and qualifying mail ballots but may not begin counting at this time.

**NOTE:** Mail ballots **may not be counted** until (i) the polls open on election day; or (ii) for a county with a population of 100,000 or more, or entities that are having joint elections with such a county or who are conducting their election with such a county through a contract for election services, the end of the period for early voting in person. (Secs. 87.0222, 87.0241). 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. (Sec. 87.0222). **NOTE: Results may not be released until the polls close on election day.**

**NOTE – NEW LAW:** HB 3107 (2021, R.S.) clarified that if a county with a population of 100,000 or more is conducting an election through a contract for election services for a political subdivision, the county’s ballot board timeframes apply to the election. (Secs. 87.0222, 87.0241).

**NOTE –** The county clerk/elections administrator must ensure that photocopies or scanned images of annual applications for ballot by mail have been delivered to the early voting clerk of every political subdivision holding an election before the ballots by mail are delivered to the early voting ballot board. The county election officer should transmit copies of the applicable ABBMs and FPCAs through a secure method. This may include hand-delivering the copies, arranging for the local entity to pick up the copies, or utilizing an encrypted email or file transfer protocol. See Answer 17 in [Tex. Sec’y of State Election Advisory No. 2022-08](#).

**NOTE – NEW LAW:** SB 1 (2021, 2nd C.S.) added Section 87.0411 to provide a procedure by which a voter can correct certain defects in their carrier envelope containing their voted ballot. Not later than the second business day after an **early voting ballot board** discovers the defect and before the board decides whether to accept or reject a timely delivered ballot under Section 87.041, the board shall: (1) determine if it would be possible for the voter to correct the defect and return the carrier envelope before the time the polls are required to close on election day; and (2) return the carrier envelope to the voter by mail, if the board determines that it would be possible for the voter to correct the defect and return the carrier envelope before the time the polls are required to close on election day. If the board determines that it would not be possible for the voter to correct the defect and return the carrier envelope before the time the polls are required to close on election day, the board may notify the voter of the defect by phone or email and inform the voter that the voter may cancel their mail ballot in accordance with Section 84.032 or come to the early voting clerk’s office in person not later than the sixth day after election day to correct the defect. If the ballot board takes one of the actions described above, the board must take that action with respect to each ballot in the election that to which these options apply. (Sec. 87.0411). See [Note 16](#).

#### **Friday, October 28, 2022 (11th day before Election Day)**

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

Last day for early voting clerk to receive applications for a ballot to be voted by mail. (Sec. 84.007(c)). All applications to vote by mail must be received by the early voting clerk before the close of regular business or 12 noon, **whichever is later**.

Applications to vote by mail must be submitted by mail, common or contract carrier, fax (if a fax machine is available in the office of the early voting clerk), e-mail, or personal delivery (see below). The early voting clerk’s designated email address must be posted on the Secretary of State’s website.

If an ABBM is faxed or emailed or if an FPCA is faxed, then the applicant must submit the ORIGINAL application BY MAIL to the early voting clerk so that the early voting clerk **receives the original no later than the 4th business day after receiving the emailed or faxed ABBM or faxed FPCA**. If the early voting clerk does not receive the original ABBM or FPCA by that deadline, then the emailed or faxed ABBM or faxed FPCA will be considered incomplete, and the early voting clerk may NOT send the applicant a ballot. The requirement to mail the original application does not apply to an **emailed FPCA**. For additional information on this law, please see [Note 15](#) above.

**NOTE-NEW LAW:** HB 3107 (2021, R.S.) amended Section 101.001 of the Code regarding FPCAs. Effective September 1, 2021, a member of the Texas National Guard or the National Guard of another state or a

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

An applicant for a ballot to be voted by mail (ABBM or FPCA) may also submit the application by delivering it in person to the early voting clerk if the application is submitted not later than the close of regular business in the clerk's office on Friday, October 28, 2022. (Sec. 84.008).

**NOTE-NEW LAW:** HB 3107 (2021, R.S.) amended Section 101.052 of the Code regarding FPCAs. Effective September 1, 2021, an FPCA may be submitted by in-person delivery by the voter in accordance with Section 84.008 of the Code or by common or contract carrier. Further, an application is considered submitted in the following calendar year if: 1) the applicant is eligible to vote in an election occurring in January or February of the next calendar year; and 2) the application is submitted in the last 60 days of a calendar year but not earlier than the 60th day before the date of the January or February election. (Sec. 101.052).

**NOTE-NEW LAW:** HB 3107 (2021, R.S.) amended Section 84.008 of the Code to provide that an applicant for a ballot to be voted by mail may submit the application by delivering it in person to the early voting clerk if the application is submitted not later than the deadline provided by Section 84.007(c) of the Code. This means that effective September 1, 2021, voters may now personally deliver their ABBM or FPCA to the early voting clerk not later than the close of regular business in the early voting clerk's office or 12 noon, whichever is later, on the 11th day before election day (unless that day is a Saturday, Sunday, or legal state or national holiday, in which case the last day is the first preceding regular business day.)

Last day for county clerk/elections administrator to deliver final list of voters that have submitted an annual application for ballot by mail to political subdivisions located within the county holding an election on November 8, 2022, for which the county clerk/elections administrator is not the early voting clerk via a joint election agreement or contract for election services.

#### **Saturday, October 29, 2022 (10th day before Election Day; last Saturday of early voting period)**

**Counties:** In counties with populations of 55,000 or more, early voting must be conducted at the main early voting polling place in the November General Election for state and county officers for at least 12 hours on last Saturday of the early voting period. (Sec. 85.006(e)). For counties under 55,000, voting on Saturday is only required if a proper [petition \(PDF\)](#) was received in a timely manner. See [entry](#) under Tuesday, October 25, 2022.

**Cities:** If a proper [petition \(PDF\)](#) was received before the election was ordered, early voting must be conducted on last Saturday of the early voting period.

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

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

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

#### **Sunday, October 30, 2022 (9th day before Election Day; last Sunday of early voting period)**

**Counties with a Population of 55,000 or More:** In counties with populations of 55,000 or more, early voting must be conducted at the main early voting polling place in the November General Election for state and county officers for at least 6 hours on last Sunday of the early voting period. (Sec. 85.006(e)).

**For counties under 55,000**, voting on Sunday at the main early voting polling place and any permanent branch locations is only required if a proper [petition \(PDF\)](#) was received in a timely manner. See [entry](#) under Wednesday, October 26, 2022.

**Cities:** If a proper [petition \(PDF\)](#) was received before the election was ordered, early voting must be conducted on last Sunday of the early voting period.

### **Monday, October 31 – Friday, November 4, 2022 (last week of early voting by personal appearance)**

**In counties with a population of 55,000 or more**, the early voting clerk must keep the main polling place open for 12 hours each weekday for the November General Election for state and county officers during the last week of the early voting period. Early voting must be conducted at **permanent branch locations** for 12 hours each weekday. Voting may not be conducted any earlier than 6:00 a.m. or later than 10:00 p.m. (Secs. 85.005(c), 85.063).

**In counties with a population of 100,000 or local political subdivisions situated in such a county**, early voting by personal appearance at each **temporary branch polling place** must be conducted on the days that voting is required to be conducted at the main early voting polling place and remain open for at least 8 hours each day; or 3 hours each day if the city or county clerk does not serve as the early voting clerk for the territory holding the election and the territory has fewer than 1,000 registered voters. (Secs. 85.005(c), 85.064).

**NOTE:** In an election in which the territory served by the early voting clerk is situated in more than one county, early voting at each temporary branch location must be conducted on the days that voting is required to be conducted at the main early voting polling place for at least 8 hours each day, if the sum of the population of the counties is 100,000 or more.

**In counties with a population under 100,000 or local political subdivisions situated in such a county**, early voting by personal appearance at each **temporary branch polling place** may be conducted on any days and during any hours of the period for early voting by personal appearance, as determined by the authority establishing the branch except that voting must be conducted on at least two consecutive business days and for at least eight consecutive hours on each of those days. (Secs. 85.005(c), 85.063, 85.065).

## **November**

### **Wednesday, November 2, 2022 (6th day and 4th business day before Election Day)**

**5:00 p.m.** — Deadline to submit a [Request for Election Inspectors \(PDF\)](#) for election day, Tuesday, November 8, 2022 to the Secretary of State. The request must be a written request by 15 or more registered voters of the county for which the inspector is requested. (Sec. 34.001).

### **Thursday, November 3, 2022 (5th day before Election Day; day before the last day to vote early in person)**

First day a voter is eligible to vote a late ballot if they will be out of their county of residence on election day due to a death in the immediate family (related within 2nd degree of consanguinity or affinity) that occurs on or after this day. The voter may submit the [Application for Emergency Early Ballot Due to Death in Family \(PDF\)](#). (Secs. 103.001, 103.003(b)). An application may be submitted before the close of business on the day before election day. (Sec. 103.003).

Deadline for the early voting clerk to receive, by mail, the original of an ABBM that was faxed or emailed or of an FPCA that was faxed on the deadline to apply for a ballot by mail, Friday, October 28, 2022. See [Note 15](#).

Early voting clerk must post [Notice of Delivery of Ballots Voted by Mail \(PDF\)](#) to the early voting ballot board if materials are to be delivered to the board on Friday, November 4, 2022. Notice must be posted continuously for 24 hours preceding each delivery to the board. (Secs. 87.0221, 87.0222, 87.023, 87.024, 87.0241).

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

**Friday, November 4, 2022 (4th day before Election Day)**

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

Last day to publish [notice](#) of public test of automatic tabulating equipment, if test will be held on Sunday, November 6, 2022, and if the first test was not previously already completed. The public notice of the test of automatic tabulating equipment must be published at least 48 hours before the test begins. (Sec. 127.096).

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

**Counties with a population of 100,000 or more:**

First day those counties and political subdivisions conducting a joint election with such a county or conducting an election through a contract for election services with such a county may convene their early voting ballot board and/or central counting station and begin **counting** ballots; **however, the results may not be announced until after the polls close on election day.** (Secs. 87.0222, 87.0241).

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

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

First day those counties and political subdivisions who are not conducting a joint election with a county with a population over 100,000 or conducting an election through a contract for election services with a county with a population over 100,000 may convene their early voting ballot board for processing and qualifying mail ballots, but cannot begin counting the ballots until the polls open on election day. The early voting clerk shall continuously post notice for 24 hours preceding each delivery of voting materials that is to be made before the time for opening the polls on election day. (Secs. 87.0221, 87.023, 87.024, 87.0241). See [Notice of Delivery of Early Voting Balloting Materials \(PDF\)](#).

**NOTE – NEW LAW:** SB 1 (2021, 2nd C.S.) added Section 87.0411 to provide a procedure by which a voter can correct certain defects in their carrier envelope containing their voted ballot. Not later than the second business day after an **early voting ballot board** discovers the defect and before the board decides whether to accept or reject a timely delivered ballot under Section 87.041, the board shall: (1) determine if it would be possible for the voter to correct the defect and return the carrier envelope before the time the polls are required to close on election day; and (2) return the carrier envelope to the voter by mail, if the board determines that it would be possible for the voter to correct the defect and return the carrier envelope before the time the polls are required to close on election day. If the board determines that it would not be possible for the voter to correct the defect and return the carrier envelope before the time the polls are required to close on election day, the board may notify the voter of the defect by phone or email and inform the voter that the voter may cancel their mail ballot in accordance with Section 84.032 or come to the early voting clerk's office in person not later than the sixth day after election day to correct the defect. If the ballot board takes one of the actions described above, the board must take that action with respect to each ballot in the election that to which these options apply. (Sec. 87.0411). See [Note 16](#).

**NOTE – NEW LAW:** SB 1 (2021, 2nd C.S.) amended Section 127.1232 to provide that in counties with a population of 100,000 or more, the general custodian of election records shall implement a video surveillance system that retains a record of all areas containing voted ballots: (1) from the time the voted ballots are delivered to the central counting station until the canvass of the precinct election returns; and (2) from the time the voted ballots are delivered to the signature verification committee or early voting ballot board until the canvass of precinct election returns. Video from

the surveillance system shall be made available to the public by live stream. The recorded video is considered an election record and shall be retained by the general custodian until the end of the calendar year in which an election is held or until an election contest filed in the county has been resolved, whichever is later. (Sec. 127.1232).

**Sunday, November 6, 2022 (2 days before Election Day)**

Last day to conduct public test of automatic tabulation equipment. Per Section 127.093, the test shall be conducted at least 48 hours before the automatic tabulating equipment is used to count ballots voted in an election and was not previously tested. We highly **recommend** that this test is done on an earlier date to allow time for corrections to programming, if necessary. (See [Note 13](#) above).

**Monday, November 7, 2022 (1 day before Election Day)**

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

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

**Delivery of Provisional Ballots and Forms:** If the voter registrar wants to take possession of the provisional ballots and forms on election night, the voter registrar must inform the custodian of the election records and post a [Notice of Delivery of Provisional Ballots \(PDF\)](#) no later than Monday, November 7, 2022, 24 hours before election day. (1 T.A.C. § 81.174(d)(3)). However, under this type of delivery, the county voter registrar **must** go to the office of the custodian of election records and pick up the provisional ballots and forms.

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

**Tuesday, November 8, 2022 (Election Day)**

<p><b>7:00 a.m. – 7:00 p.m.</b></p>	<p>Polls open. (Sec. 41.031).</p> <p>Voter registrar’s office is open. (Sec. 12.004(c)).</p> <p>Early voting clerk’s office is open for early voting activities. (Sec. 83.011). A voter may deliver a marked ballot by mail to the early voting clerk’s office while the polls are open on election day. The voter must comply with applicable identification procedures. The identification procedure is the same as that used for personal appearance voting. (Secs. 63.0101, 86.006).</p> <p>A voter may vote at the main early voting polling place if <b>electronic voting systems</b> are used at regular polling place(s) on election day <b>and</b> the voter has a sickness or physical condition that prevents the voter from voting in the regular manner without personal assistance or a likelihood of injuring the voter’s health. (Secs.104.001, 104.003). However, if the early voting ballots by mail</p>
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	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).
<b>5:00 p.m.</b>	Deadline for receiving <a href="#">Application for Emergency Early Voting Ballot Due to Sickness or Physical Disability (PDF)</a> for late ballots to be voted by persons who became sick or disabled on or after Thursday, October 27, 2022. (Sec. 102.003(b)).
<b>7:00 p.m.</b>	Regular deadline for receiving <b>early voting ballots</b> by mail. <b>BUT see <a href="#">entry</a> for Wednesday, November 9, 2022 on “late domestic ballots” and <a href="#">entries</a> for Monday, November 14, 2022 on other “late” ballots.</b>  Deadline for receiving late ballots cast by voters who became sick or disabled on or after Thursday, October 27, 2022. (Secs. 86.007(a), 102.006(c)).  Deadline to receive carrier envelopes that have been returned to the voter by mail for corrective action. (Secs. 86.011(d), 87.0271, 87.0411).

**NOTE – NEW LAW:** SB 1 (2021, 2nd C.S.) amended Section 61.002 to provide that immediately before the opening of the polls on election day, the presiding judge or alternate judge shall confirm that the public counters on each voting machine are set to zero and shall print the tape that shows that there are zero votes for each candidate or measure on the ballot. Immediately after the closing of the polls on election day, the presiding judge or alternate judge shall print the tape to show the number of votes cast for each candidate or measure. Each election judge and alternate judge shall sign the printed tapes. (Sec. 61.002).

**NOTE – NEW LAW:** SB 1 (2021, 2nd C.S.) requires the presiding judge of the central counting station to provide and attest to a written reconciliation of votes and voters at the close of tabulation for election day and again after the central counting station meets for the last time to process late-arriving ballots by mail and provisional ballots. (Sec. 127.131). [Preliminary Election Reconciliation – Unofficial Totals form \(Election Day\)](#). [Election Reconciliation Form – Official Results \(Canvass Form\)](#).

**NOTE - Receipt of Mail Ballots:** All early voting ballots sent by mail from inside the United States that are received by 7:00 p.m. on election day, November 8, 2022, **must be counted on election night**. If the carrier envelope does not bear a cancellation mark or a receipt mark, the ballot must arrive **before** the time the polls are required to close **on election day**. (Sec. 86.007(a)(1)). If the early voting clerk cannot determine whether a ballot arrived before that deadline, the ballot is considered to have arrived at the time the place at which the carrier envelopes are deposited was last inspected for removal of returned ballots. (Sec. 86.007(b)). The early voting clerk **must** check the mailbox for early voting mail ballots at least once after the time for regular mail delivery. (Sec. 86.007(b)).

**NOTE:** An early voting mail ballot that is not received by 7:00 pm on election day may not be counted unless the ballot may be counted late, which applies to late domestic ballots (Sec. 86.007(a)(2)), ballots mailed from outside the United States (Sec. 86.007(d)), and ballots from members of the armed forces and merchant marine of the United States, Texas National Guard or the National Guard of another state or members of the Reserves, as well as their spouses and dependents (Sec. 101.057). See [entry](#) for Wednesday, November 9,

**2022 on “late domestic ballots,” and [entries](#) for Monday, November 14, 2022 on “late” ballots. See [Tex. Sec’y of State Election Advisory No. 2018-02](#).**

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

**NOTE - Delivery of Early Voting Ballot to Early Voting Ballot Board Before Election Day:** Early voting ballots may be delivered to the early voting ballot board at any time after early voting by personal appearance ends. Mail ballots may be qualified and processed (signatures verified, carrier envelopes opened, and the secrecy envelope containing the ballot placed in a secure location), but they may not be counted until election day. (Secs. 87.0221, 87.0222, 87.023, 87.024, 87.0241). If ballots are to be delivered before election day, the early voting clerk must post notice at least 24 hours before each delivery at the main early voting polling place.

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

**NOTE – NEW LAW:** SB 1 (2021, 2nd C.S.) amended Section 127.1232 to provide that in counties with a population of 100,000 or more (or political subdivisions contracting with a county with a population of 100,000 or more), the general custodian of election records shall implement a video surveillance system that retains a record of all areas containing voted ballots: (1) from the time the voted ballots are delivered to the central counting station until the canvass of the precinct election returns; and (2) from the time the voted ballots are delivered to the signature verification committee or early voting ballot board until the canvass of precinct election returns. Video from the surveillance system shall be made available to the public by live stream. The recorded video is considered an election record and shall be retained by the general custodian until the end of the calendar year in which an election is held or until an election contest filed in the county has been resolved, whichever is later. (Sec. 127.1232).

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

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

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

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

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

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

Last day to post notice of governing authority's meeting to canvass returns of election if canvass is to take place on Friday, November 11, 2022 (3rd day after election). (Sec. 67.003(b)). This notice must be posted at least 72 hours before the scheduled time of the meeting. (Secs. 551.002, 551.041, 551.043, Texas Government Code).

**Counties, Cities, and School Districts: NEW LAW:** SB 1116 (2021, R.S.) amended Chapter 65 of the Election Code by adding Section 65.016 of the Code regarding election results information which must be posted on county, city, and school district websites. A county that holds an election or provides election services for an election for a public entity must post certain information regarding election results on their website after the election. A city or independent school district that holds an election and maintains an Internet website must also post certain information on their website related to election results, even if the county is also posting. All entities must post the required information **as soon as practicable after the election**. The required information includes:

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

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

**NOTE:** The general custodian of election records for the general election for state and county officers must maintain a list that states the total number of votes cast in each precinct by personal appearance on election day. This list must be available for public inspection not later than the day after election day. This information must be submitted to the Secretary of State and posted in a downloadable format on the Secretary of State's internet website. (Sec. 66.0021).

### **Wednesday, November 9, 2022 (1st day and 1st business day after Election Day)**

**5:00 p.m.** – Deadline to receive “late domestic ballots” mailed **within** the United States from **non-military voters and from any military voters** who submitted an **Application for Ballot by Mail** (“ABBM”) (**not** a Federal Postcard Application – “FPCA”), if the carrier envelope was placed for delivery by mail or common or contract carrier **AND** bears a cancellation mark of a postal service or a receipt mark of a common or contract carrier or a courier indicating a time not later than **7:00 p.m.** at the location of the election on election day, November 8,

2022. (Secs. 86.007, 101.057, 101.001). A late domestic ballot **cannot be counted** if it does **not** bear a cancellation mark or a receipt mark.

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

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

**NOTE:** This deadline does **not** apply to ballots sent by non-military voters who are overseas but applied for a ballot using an ABBM; these voters have until the 5th day after election day to return their ballots (or the next business day if the 5th day falls on a weekend or legal state or federal holiday). This deadline also does **not** apply to ballots mailed (domestically or from overseas) by certain members of the military who applied for a ballot using an FPCA; those voters have until the 6th day after election day to return their ballots. See [entries](#) for Monday, November 14, 2022.

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

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

**NOTE:** If the county voter registrar wants to take possession of the provisional ballots and forms on election night (Tuesday, November 8, 2022), the county voter registrar must inform the custodian of the election records and post a notice of the transfer no later than 24 hours before election day. However, under this type of delivery, the county voter registrar **must** go to the office of the custodian of election records and pick up the provisional ballots and forms. Also, note that the county voter registrar may take possession of provisional ballots prior to election night if ballots are kept separate and may be provided without unlawful entry into ballot box. (1 T.A.C. §§ 81.172 – 81.174).

### **Friday, November 11, 2022 (3rd day after Election Day) (Veterans Day)**

The first possible day to conduct official local canvass of returns by governing authority of the political subdivision. However, the canvass may not be conducted until the ballot board has verified and counted **all** provisional ballots, if a provisional ballot has been cast in the election, **AND the ballot board has finished convening for all late arriving ballots.** (Sec. 67.003). See [entries](#) for November 9, 2022 and [entries](#) for November 14, 2022. Notice of canvass must be posted at least 72 hours continuously before the canvass is conducted.

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

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

**NOTE:** This does not apply to officers of a Type A general law city, who cannot qualify until the 6th day after election day. See [entry](#) at Monday, November 14, 2022.

### Monday, November 14, 2022 (6th day after Election Day)

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

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

**NOTE:** If a recount petition has been filed and a winning candidate’s race is involved in the recount, the certificate of election cannot be issued for that race until the recount has been completed. (Secs. 67.016, 212.0331). For more information, please see our recount [outline](#).

**NOTE:** If a Type-A municipal officer-elect fails to qualify for office within 30 days after the date of the officer’s election, the office is considered vacant. (Sec. 22.007, Local Government Code). See Thursday, December 8, 2022 entry.

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

Last day to receive ballots from **non-military and any military voters** casting ballots from outside of the United States, who submitted an **ABBM**, (not an FPCA) **AND** who placed their ballots in delivery by 7:00 p.m. on election day, Tuesday, November 8, 2022, as evidenced by a postal service cancellation mark or a receipt mark of a common or contract carrier or a courier (Secs. 86.007, 101.057, 101.001). A late overseas ballot sent by a voter who applied for a ballot using an ABBM (not an FPCA) **cannot be counted** if it does **not** bear a cancellation mark or a receipt mark.\*

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

Last day to receive ballots from **non-military voters** casting ballots from **overseas**, who submitted a **FPCA**, **AND** who placed their ballots in delivery by 7:00 p.m. on election day, Tuesday, November 8, 2022. (Sec. 86.007(d), (e)).\*

\*The deadlines referenced above are extended to the next regular business day which is Monday, November 14, 2022 due to the 5th day falling on a Sunday. (Secs. 1.006, 86.007(d-1)).

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

**spouse or a dependent of a member of the Texas National Guard, a member of the National Guard of another state, or the spouse or a dependent of a member of the National Guard of another state, or members of the Reserves, or the spouse or a dependent of a member of the Reserves.** (Secs. 101.057, 101.001).

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

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

**NOTE – NEW LAW:** SB 1 (2021, 2nd C.S.): Last day a voter may come to the early voting clerk’s office in person to correct certain defects on their carrier envelope. (Secs. 87.0271, 87.0411). See [Note 16](#).

Last day to begin the **partial manual count** for districts using electronic voting systems. This is the last day to **begin** manual recount of ballots in three precincts or one percent of precincts, whichever is greater. (Sec. 127.201(a), (g)). The count must be completed not later than the 21st day after election day. Results of manual count must be delivered to Secretary of State not later than the 3rd day after the manual count is completed. (Sec. 127.201(e)). No partial manual count needs to be done of ballots cast on DRE voting machines. This deadline is extended to the next regular business day which is Monday, November 14, 2022 due to the initial deadline falling on Veterans Day, November 11, 2022. (Secs. 1.006, 127.201(g)).

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

**Friday, November 18, 2022 (10th day after Election Day)**

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

**NOTE-NEW LAW:** HB 3107 (2021, R.S.) amended Section 65.052 of the Code to provide that, for the general election for state and county officers, the voter registrar will now have 10 days to review a provisional voter’s eligibility.

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

**Saturday, November 19, 2022 (11th day after Election Day)**

Last day to post notice of governing authority’s meeting to canvass returns of election if canvass is to take place on Tuesday, November 22, 2022 (14th day after election). This notice must be posted at least 72 hours before the scheduled time of the meeting. (Secs. 551.002, 551.041, 551.043, Texas Government Code).

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 – 81.176).

**Monday, November 21, 2022 (13th day after Election Day)**

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

1. any late **domestic** ballots (from non-military and any military voters who submitted an ABBM) that bear a cancellation mark or receipt mark indicating they were placed for delivery by mail or common or contract carrier not later than 7:00 p.m. on election day, November 8, 2022, and were received not later than 5:00 p.m. on the first business day after election day, on [Wednesday, November 9, 2022](#). (Secs. 86.007(a), 87.125(a)).
2. any late ballots that were submitted from outside the United States by voters who applied for the ballot using an ABBM or by non-military voters who applied for the ballot using an FPCA, and which were received by the 5th day after election day, [Monday, November 14, 2022](#). (Secs. 1.006, 87.125(a), 86.007(d)).\*
3. any ballots received by the 6th day after election day, [Monday, November 14, 2022](#), from voters who are members of the armed forces of the United States, or the spouse or a dependent of a member of the armed forces, members of the merchant marines of the United States, or the spouse or a dependent of a member of the merchant marine, members of the Texas National Guard, or the spouse or a dependent of a member of the Texas National Guard, a member of the National Guard of another state, or the spouse or a dependent of a member of the National Guard of another state, or members of the Reserves, or the spouse or a dependent of a member of the Reserves, and who applied for a ballot using an FPCA. (Secs. 101.057, 87.125(a)).
4. any provisional ballots that have been reviewed by the voter registrar. (Sec. 65.051(a)).

**NOTE:** \*The deadlines referenced above are extended to the next regular business day which is Monday, November 14, 2022 due to the 5th day falling on a Sunday. (Secs. 1.006, 86.007(d-1)).

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

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

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

**NOTE-NEW LAW:** HB 3107 (2021, R.S.) amended Chapter 65 of the Election Code by adding Section 65.0581 to provide that provisional voting records do not become public information until after the provisional ballots and other voting records have been delivered back to the custodian of election records. (Sec. 65.0581).

**NOTE – NEW LAW:** SB 1 (2021, 2nd C.S.) requires the presiding judge of the central counting station to provide and attest to a written reconciliation of votes and voters at the close of tabulation for election day and again after the central counting station meets for the last time to process late-arriving ballots by mail and provisional ballots. (Sec. 127.131). [Preliminary Election Reconciliation – Unofficial Totals form \(Election Day\)](#). [Election Reconciliation Form – Official Results \(Canvass Form\)](#)

**NOTE:** We recommend that election results information (including reconciliation forms) remain posted on the entity’s main page (or within two clicks of the main page) at least until the next election, and that the information continues to be available for the full 22 month retention period for election records. Entities may choose to make older election results information available on their website. See [Note 3](#).

**Tuesday, November 22, 2022 (14th day after Election Day)**

Last day for official canvass of returns by governing authority of political subdivision. (Sec. 67.003).

**NOTE:** If a recount petition has been filed and a winning candidate’s race is involved in the recount, the certificate of election cannot be issued for that race until the recount has been completed. (Secs. 67.016, 212.0331). For more information, please see our recount [outline](#).

**Wednesday, November 23, 2022 (15th day after Election Day)**

Election records from the November 8, 2022 election must be available in an electronic format no later than this day, for a fee of not more than \$50.00. (Sec. 1.012(e)).

**NOTE:** Voted ballots may **not** be inspected at this time. Voted ballots must be preserved securely in a locked ballot box inside a locked room for at least 60 days. (Sec. 66.058) ([Tex. Att’y Gen. ORD-505 \(1988\)](#)). After 60 days, the ballots may be transferred to another secure container for the remainder of the 22 month preservation period. See [entry](#) at January 8, 2023.

### **Saturday, November 26, 2022 (18th day after Election Day)**

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

### **Tuesday, November 29, 2022 (21st day after Election Day)**

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

## **December**

### **Friday, December 2, 2022 (24th day after Election Day; 10th day after last canvass)**

Last day for the presiding judge of the early voting ballot board to mail [Notice of Outcome to Provisional Voter \(PDF\)](#) to provisional voters, if the canvass was held on Tuesday, November 22, 2022. Such notices must be delivered to provisional voters by the presiding judge no later than the 10th day after the local canvass. (Sec. 65.059; 1 Tex. Admin. Code § 81.176(e)).

### **Thursday, December 8, 2022 (30th day after Election Day)**

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

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

Last day for the general custodian of election records to electronically submit to the Secretary of State the record of each voter participating in the election. (Sec. 18.069).

**NOTE-NEW LAW:** HB 3107 (2021, R.S.) amended Section 18.069 of the Code by changing who is responsible for submitting voter history to the Secretary of State from the voter registrar to the general custodian of election records (early voting clerk). (Sec. 18.069).

Last day for the early voting clerk to deliver notice to the Attorney General of any ballot rejected because:

1. the voter was deceased;
2. the voter already voted in person in the same election;
3. the signatures on the carrier envelope and ballot application were not executed by the same person;
4. the carrier envelope lacked a witness signature;
5. the carrier envelope certificate was improperly executed by an assistant; or
6. the early voting ballot board or the signature verification committee determined that another violation of the Election Code occurred.

Notice to the attorney general must include certified copies of the carrier envelope and corresponding ballot application. (Sec. 87.0431). The Office of the Attorney General can be reached via email at: [mailinballotreporting@oag.texas.gov](mailto:mailinballotreporting@oag.texas.gov).

### **Monday, December 12, 2022 (34th day after Election Day)**

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

### **Sunday, December 18, 2022 (40th day after Election Day)**

Last day of the period for mandatory office hours. See [entry](#) for Monday, September 19, 2022. (Sec. 31.122).

## **January 2023**

### **Sunday, January 1, 2023 (1st day after the end of the calendar year in which the election was held)**

**NEW LAW:** SB 1 (2021, 2nd C.S.) amended Section 127.1232 to provide that in counties with a population of 100,000 or more (or political subdivisions contracting with a county with a population of 100,000 or more), the general custodian of election records shall implement a video surveillance system that retains a record of all areas containing voted ballots: (1) from the time the voted ballots are delivered to the central counting station until the canvass of the precinct election returns; and (2) from the time the voted ballots are delivered to the signature verification committee or early voting ballot board until the canvass of precinct election returns. Video from the surveillance system shall be made available to the public by live stream. The recorded video is considered an election record and shall be retained by the general custodian until the end of the calendar year in which an election is held or until an election contest filed in the county has been resolved, whichever is later. (Sec. 127.1232).

### **Sunday, January 8, 2023 (61st day after Election Day)**

First day that contents of ballot box(es) may be transferred from locked ballot box to separate container for the remainder of the preservation period. (Sec. 66.058(b)). ([Tex. Att'y Gen. ORD-505 \(1988\)](#)).

## **2024**

### **Monday, September 9, 2024 (day after 22 months after November 8, 2022 Election Day)**

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

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

#### ***Notable Exceptions:***

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

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

### **Saturday, November 9, 2024 (day after Two Years after November 8, 2022 Election Day)**

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

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