

Early Voting: Things to Remember



Texas Secretary of State – Elections Division
Webinar – January 2024



Resources

- **Elections Forms Index**

<https://www.sos.state.tx.us/elections/forms/pol-sub/index.shtml#photo-id>

- **Conducting Your Elections Page**

<https://www.sos.texas.gov/elections/laws/local-laws.shtml>

- **Texas Election Code**

<https://statutes.capitol.texas.gov/>

- **Advisories**

No.2023-10: Changes to Early Voting by Personal Appearance – House Bill 1217

No.2023-21: March 5, 2024 Primary Election Law Calendar and May 28, 2024 Primary Runoff Election Law Calendar



DAYS AND HOURS



Early Voting Period

- General Rule:
 - Begins 17 days before election day
 - Ends 4 days before election day
 - Notable exceptions:
 - Primary runoff: 10th day before election day to 4th day before election day

Early voting for the 2024 Primary Elections:

- March 5, 2024 Primary: begins Tuesday, February 20, 2024* and ends Friday, March 1, 2024

*No voting will occur on Monday, February 19, 2024 because of Presidents' Day

[Sec. 85.001]



Main Early Voting Polling Place

- The main early voting polling place is located in any room selected by the early voting clerk in the building that houses the main office of the county clerk
- Hours: each weekday of the early voting period that is not a legal state holiday for at **least nine (9) hours**.
 - Voting may not be conducted earlier than 6am or later than 10pm

[Secs. 85.002, 85.005]



Main Early Voting Polling Place

- Extended weekday early voting hours apply to ALL counties regardless of population size
- The main early voting location must be open for **at least 12 consecutive hours each weekday of the last week of early voting**
 - No earlier than 6 AM or later than 10 PM

[Sec. 85.005]



Main Early Voting Polling Place

- Extended weekend early voting hours apply to ALL counties regardless of population size
 - At least 12 consecutive hours the last **Saturday** of early voting
 - No earlier than 6 AM or later than 10 PM
 - At least 6 consecutive hours the last **Sunday** of early voting
 - No earlier than 9 AM or later than 10 PM

[Sec. 85.006]



Main Early Voting Polling Place

March 5, 2024 Primary Election

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
February 18	19	20	21	22	23	24
NONE	NONE	at least 9 hours	at least 9 hours	at least 9 hours	at least 9 hours	at least 12 hours
25	26	27	28	29	March 1	2
at least 6 hours	at least 12 hours	at least 12 hours	at least 12 hours	at least 12 hours	at least 12 hours	NONE
3	4	5	6	7	8	9
NONE	NONE	Election Day	X			



Mandatory Temporary Branch Locations

- Counties conducting a **primary election**, general election for state and county officers, or a special election to fill a vacancy in the legislature or Congress **MUST** establish temporary branch polling places as follows:
 - 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.
 - 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.
 - 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 submitted by at least 15 registered voters of that precinct. The written request must be received in time to enable compliance with Section 85.067 of the Code.
 - The early voting clerk is the authority responsible for establishing temporary branch polling places.

[Sec. 85.062]



Mandatory Temporary Branch Locations

- Primary election, the general election for state and county officers, or a special election to fill a vacancy in the legislature or congress: the early voting clerk **MUST** order weekend early voting at each mandatory temporary branch (branches established under Sec. 85.062(d)).

[Sec. 85.064]



Temporary Branch Locations

- Voting at a temporary branch polling place must be conducted on the days that early voting is required to be conducted at the main early voting polling place and remain open for at least **8 hours** each day.
 - The county may add additional branch locations during the early voting period. However, once the branch location is opened, it must remain open all the same weekdays as the main early voting location for at least 8 hours a day.
 - Must still meet the 5-day notice requirement for the additional branches. (Sec. 85.067)
 - It is NOT possible to remove branch locations at any time.

[Sec. 85.064]



NOTICE OF ELECTION



Notice of Election

Election Notice **must** state:

- The type and date of the election;
- 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;**
- The location of each polling place, including the street address, room number, and building name;
- The hours the polls will be open;
- The regular dates and hours for early voting by personal appearance;
- The dates and hours of any Saturday or Sunday early voting;
- 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;
- We ***recommend*** that the information regarding branch early voting locations be included as part of your notice.

Additionally, the notice **must** be posted on the county's website!



TYPES OF EARLY VOTING



Types of Early Voting

- In Person
 - Main early voting polling place
 - Limited ballots
 - Other special forms of early voting
 - Temporary branch
 - Curbside
- Voting by mail (we will not be discussing this today)



REMEMBER!!

Any voter can vote at any early voting location!



What takes place at the main early voting polling place?

- Serves as a voting location for all voters
- Certain things can only occur at the main early voting location:
 - Limited ballots
 - Cancellation of mail ballots
 - Other special forms of early voting



Limited Ballots

- Limited ballots are used when a voter has a registration in a county ***other than*** their new county of residence
- Limited ballots are **only** an option during **early voting**– they **cannot** be used on election day
- Limited ballots are used **only** at the main EV location (Chapters 111 and 112)



Limited Ballots

To vote a limited ballot, a voter **must**:

- Be eligible to vote in the county of registration if they still lived there
- Is registered to vote in the county of former residence at the time the person:
 - offers to vote in the new county of residence, or
 - submitted a voter registration application in the county of new residence and
- Their registration will not be effective in their new county of residence by election day
- A mail voter can also vote a limited ballot
 - However, they **must** meet other requirements to vote by mail under Chapter 82



Limited Ballots

- Procedures for processing a voter casting a limited ballot can be found in our [Election Advisory 2024-04](#)

– District chart

County	COURT OF APPEALS DISTRICT	CRIMINAL DISTRICT ATTORNEY	CRIMINAL DISTRICT JUDGE	DISTRICT ATTORNEY	DISTRICT JUDGE	STATE BOARD OF EDUCATION	STATE REPRESENTATIVE	STATE SENATE	US CONGRESS
ANDERSON						10	8		6
ANDREWS	8					15			
ANGELINA									17
ARANSAS	13						32		27
ARCHER						15	09	30	
ARMSTRONG						15			
ATASCOSA	4					1	80		28
AUSTIN	1, 14					10			10
BALLEY						15			
BANDERA	4					1	53		21
BASTROP	3				423		17		10, 27
BAYLOR						15	09		
BEE	13					3	43	27	27
BELL	3			27		10	54, 55		31
BEXAR	4				131, 166, 175, 37, 379, 386, 399, 407, 408, 438, 97, 73	1, 3	116, 117, 118, 119, 120, 121, 122, 123, 124, 125	23	20, 21, 23, 28, 35



Limited Ballot Reminders

- The limited ballot application is a voter registration application and will update the voter's registration to your county (assuming they are otherwise eligible).
- **Train all your early voting workers, even those at the branch locations, on this process.**
 - One of the biggest complaints we get from voters is that they will go to a polling location and a worker does not inform the voter of this option or where to go.



Limited Ballot Reminders

- Do **NOT** send voters back to their old county to vote!!!!
- There is no such thing as “fail-safe” voting for these voters – the only way they can legally vote is to vote the limited ballot in their new county during early voting!!
- Do **NOT** provide a provisional ballot to these voters --- they are eligible for a regular ballot!*

*Voter could be given a provisional ballot for Voter ID reasons, if they do not present a proper ID.



Special Forms of Early Voting

5-32
Prescribed by Secretary of State
Section 102.002, 102.003 Texas Election Code
9/2023

APPLICATION FOR EMERGENCY EARLY VOTING BALLOT DUE TO SICKNESS OR PHYSICAL DISABILITY
**All information is required unless otherwise indicated*

Name and Residence Address where registered to vote: _____

You MUST provide one of the following numbers and it must be associated with your voter registration record. Providing both numbers is helpful in case one of the numbers is not associated with your voter registration record.

Texas Driver's License Number or Texas Personal Identification Card Number or Texas Election Identification Certificate Number issued by the Texas Department of Public Safety. _____	If you do not have a Texas Driver's License, Texas personal Identification Card or an Election Identification Certificate, give the last 4 digits of your Social Security Number XXX-XX-____	<input type="checkbox"/> I have not been issued a Texas Driver's License Number or a Texas Personal Identification Number or an Election Identification Certificate Number or a Social Security Number
Date of Election	Type of Election	Authority Conducting the Election
Voter Registration VUID # (if known)	County Election Precinct # (if known)	Party Preference (Primary Election Only)

Because of a sickness or physical condition, which originated on or after the day before the last day to submit an Application for a Ballot by Mail for the above election date, I am unable to attend the polls.
 "I CERTIFY THAT THE INFORMATION GIVEN IN THIS APPLICATION IS TRUE, AND I UNDERSTAND THAT GIVING FALSE INFORMATION IN THIS APPLICATION IS A CRIME."

Signature of Voter

IF APPLICANT CANNOT SIGN OR MAKE A MARK, A WITNESS MUST COMPLETE THIS SECTION.
 For Witness: Applicant, if unable to sign, shall make a mark in the presence of a witness. If the applicant is unable to make his or her mark, the witness shall check here. _____

Signature of Witness _____ Printed Name of Witness _____
 Residence Address of Witness _____ Relationship to Applicant _____

Note to Witness: In any single election, it is a Class B misdemeanor for any person other than the Early Voting Clerk or a Deputy Early Voting Clerk to sign as a witness to the application for a Ballot by Mail for more than one applicant. However, a person may witness more than one application if the second and subsequent applicants are related to the witness as a parent, spouse, child, grandparent or sibling.

PHYSICIAN'S CERTIFICATE
 This is to certify that I know that _____ has a sickness or physical condition that will prevent him or her from appearing at the polling place for an election to be held on the _____ day of _____, 20____, without a likelihood of needing personal assistance or of injuring his or her health and that the sickness or physical condition originated on or after _____/____/____.

Witness my hand at _____, Texas, this _____ day of _____, 20____.

Signature of Physician, Chiropractor or Practitioner _____ Printed Name of Physician, Chiropractor or Practitioner _____
 *The person signing this certificate must be a duly licensed physician, chiropractor or accredited Christian Science practitioner.

FOR OFFICIAL USE ONLY

Name of Representative:
Residence Address of Representative:
Signature of Representative:
Date of Birth of Representative:

Emergency Early Voting Ballot Due to Sickness or Disability

- Available to voters who because of a sickness or physical disability, which originated on or after the ABBM deadline, are unable to attend the polls
- Requires a Physician's Certificate
- Voter will use a representative to deliver the application, transport balloting materials, and deliver their marked ballot

[Chap. 102]



Special Forms of Early Voting

5-28
Prescribed by Secretary of State
Section 103.002, Texas Election Code
9/2023

APPLICATION FOR EMERGENCY EARLY VOTING BALLOT DUE TO DEATH IN THE FAMILY
*All information is required unless otherwise indicated

Name and Residence Address where registered to vote:

You MUST provide one of the following numbers and it must be associated with your voter registration record. Providing both numbers is helpful in case one of the numbers is not associated with your voter registration record.

Texas Driver's License Number or Texas Personal Identification Card Number or Texas Election Identification Certificate Number issued by the Texas Department of Public Safety.	If you do not have a Texas Driver's License, Texas personal Identification Card or an Election Identification Certificate, give the last 4 digits of your Social Security Number XXX-XX-____	<input type="checkbox"/> I have not been issued a Texas Driver's License Number or a Texas Personal Identification Card Number or an Election Identification Certificate Number or a Social Security Number
Date of Election	Type of Election	Authority Conducting the Election
Voter Registration VUID # (if known)	County Election Precinct # (if known)	Party Preference (Primary Election Only)

"I CERTIFY THAT THE INFORMATION GIVEN IN THIS APPLICATION IS TRUE, AND I UNDERSTAND THAT GIVING FALSE INFORMATION IN THIS APPLICATION IS A CRIME."

Signature of Voter

IF APPLICANT CANNOT SIGN OR MAKE A MARK, A WITNESS MUST COMPLETE THIS SECTION.

For Witness: Applicant, if unable to sign, shall make a mark in the presence of a witness. If the applicant is unable to make his or her mark, the witness shall check here. _____

Signature of Witness _____ Printed Name of Witness _____

Residence Address of Witness _____ Relationship to Applicant _____

Note to Witness: In any single election, it is a Class B misdemeanor for any person other than the Early Voting Clerk or a Deputy Early Voting Clerk to sign as a witness to the application for a Ballot by Mail for more than one applicant. However, a person may witness more than one application if the second and subsequent applicants are related to the witness as a parent, spouse, child, grandparent or sibling.

AFFIDAVIT

I, _____ (name of voter) do hereby swear or affirm that due to the death of my _____ (relationship to decedent) which occurred on ____/____/____ (date of death) I will be absent from the county on Election Day.

Signature of Voter

Sworn to and subscribed before me, this ____ day of _____, 20__.

Signature of Officer Administering Oath Printed Name of Officer Administering Oath _____

FOR OFFICIAL USE ONLY

Name of Representative:
Residence Address of Representative:
Signature of Representative:
Date of Birth of Representative:

Emergency Early Voting Ballot Due to Death in the Family

- Available to voters who will be absent from the county on election day because of a death in the family (within the 2nd degree of blood or marriage)
- The death must have occurred on or after the day before the last day of the early voting period

[Chap. 103]



Curbside Voting

- If a voter is physically unable to enter the polling place without personal assistance or likelihood of injuring the voter's health, then an election officer shall deliver a ballot or voting machine to the voter at the polling place entrance or curb on the voter's request.
 - Election workers should NOT ask voter's what their disability is
- Curbside voting **MUST** be available at ALL polling locations during early voting and on election day.

[Sec. 64.009]



Curbside Voting

- Voters who vote through the curbside voting process must be provided the same procedures and accommodations for voting as other voters, including the use of electronic pollbook devices for the check-in process.
 - If all voters are checked in at the polling place using electronic pollbook equipment, then the same process should be used for curbside voters.

[Sec. 64.009]



Curbside Voting

- When individuals vote curbside, their car becomes their voting station.
- Curbside voters must be afforded the opportunity to vote their ballot privately (in the same way as a voter in the voting booth) and thus are entitled to vote without the interference of campaigns or bystanders.
 - The presiding judge has the authority to preserve order and prevent breaches of peace if there are individuals harassing voters while they vote curbside.

[Sec. 64.009]



Curbside Voting

- Each polling place must provide a reserved area for curbside!!
- The designated area must be clearly marked with a sign indicating that the space is reserved for use by a voter who is unable to enter the polling place.
- The designated area must also include a method for the voter to notify the election officers at the polling place that the voter wishes to vote curbside.

[Sec. 64.009]



Curbside Voting

Notification by Phone

- Displaying a phone number a voter must **call or text** to request assistance.

Form 7-43
Prescribed by Secretary of State
Sections 64.009, 104.004, Texas Election Code
09/2023

CURBSIDE VOTING SPACE
Espacio Para Votación en la Acera

ONLY available for voters physically unable to enter the polling place without the likelihood of needing personal assistance or injuring their health.

SÓLO disponible para los votantes físicamente incapaces de entrar en el lugar de votación sin la probabilidad de necesitar asistencia personal o de afectar su salud.

CALL OR TEXT TO REQUEST ASSISTANCE FROM AN ELECTION OFFICER AT THE POLLING PLACE

LLAME O ENVÍE UN MENSAJE DE TEXTO PARA SOLICITAR ASISTENCIA DE UN FUNCIONARIO ELECTORAL EN EL LUGAR DE VOTACIÓN

Call/Llame (XXX) XXX-XXXX

Text/Texto a _____ to (XXX) XXX-XXXX
(Polling Place Name or Number, if applicable)

Notification by Ringing Bell

- Provide a button or intercom a voter may use to request assistance.

Form 7-44
Prescribed by Secretary of State
Sections 64.009, 104.004, Texas Election Code
09/2023

CURBSIDE VOTING SPACE
Espacio Para Votación en la Acera

ONLY available for voters physically unable to enter the polling place without the likelihood of needing personal assistance or injuring their health.

SÓLO disponible para los votantes físicamente incapaces de entrar en el lugar de votación sin la probabilidad de necesitar asistencia personal o de afectar su salud.

PRESS THE BUTTON OR INTERCOM TO REQUEST ASSISTANCE FROM AN ELECTION OFFICER AT THE POLLING PLACE

PULSE EL BOTÓN O EL INTERCOMUNICADOR PARA SOLICITAR ASISTENCIA DE UN FUNCIONARIO ELECTORAL EN EL LUGAR DE VOTACIÓN



BALLOTS AND RECORDS



Ballots

- Early Voting Clerk's initials:
 - on the back of each paper ballot to be used at the early voting location
- DREs: There is no requirement for initials on these voting system ballots.
 - The printed cast vote record should contain the initials on the back of the ballot.
- Ballot Marking Devices:
 - The printed ballot should contain the initials on the back of the ballot.
 - A jurisdiction can comply with this requirement by pre-signing or initialing ballots before distributing the ballot stock to the voters or before placing the blank ballot stock in the printer tray used by the ballot marking device.

[Sec. 85.0311]



Early Voting Roster

EV Clerks shall maintain a roster for each election listing who votes early in person and who is mailed a ballot by mail.

- Roster must be updated daily.

Roster must include:

- Name, address, VUID
- Voter's county election precinct of registration
- Date of voting by personal appearance or date ballot was mailed to the voter
- **Recommendation:** We recommend that you create two rosters for your mail ballots—one for ballots that have been mailed but not returned and a separate list of ballots by mail that have been received.

[Sec 87.121]



Early Voting Roster

- 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]



Questions?

elections@sos.texas.gov

