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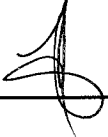


United Independent School District

INFORMATIONAL ITEM

TOPIC: IMPORTANT DATES FOR THE NOVEMBER 4, 2008

DISTRICTS ONE(1), TWO(2), FOUR(4) AND SEVEN (7) BOARD MEMBER ELECTION

SUBMITTED BY: Norma Farabough  OF: TAX OFFICE

APPROVED FOR TRANSMITTAL TO SCHOOL BOARD: _____

DATE ASSIGNED FOR BOARD CONSIDERATION: July 23, 2008

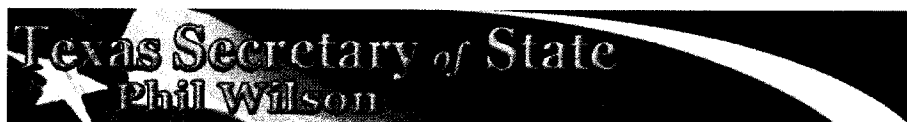
INFORMATIONAL REPORT: ANNOUNCEMENT

PLEASE BE ADVISED THAT APPLICATIONS FOR CANDIDATES FOR A PLACE ON THE BALLOT FOR THE 2008 TRUSTEE ELECTION MUST BE FILED NO LATER THAN 5:00 P.M. ON TUESDAY, AUGUST 26, 2008. AN APPLICATION MAY NOT BE FILED EARLIER THAN MONDAY, JULY 28, 2008 .

THE TERM OF OFFICE FOR SINGLE-MEMBER TRUSTEE IN DISTRICTS 1, 2, 4 & 7 OF THE UNITED INDEPENDENT SCHOOL DISTRICT WILL EXPIRE ON TUESDAY NOVEMBER 4, 2008. A TRUSTEE ELECTION WILL BE HELD IN THE UNITED INDEPENDENT SCHOOL DISTRICT FOR THE PURPOSE OF ELECTING TRUSTEES FOR DISTRICTS 1, 2, 4, & 7

THE ELECTION LAW CALENDAR FOR THE NOVEMBER 4, 2008 ELECTION DELINEATING ALL THE IMPORTANT DATES RELATED TO THE SCHOOL BOARD ELECTION IS ATTACHED.

FILING PACKETS ARE AVAILABLE AT THE UISD TAX OFFICE AND COMPLETED APPLICATIONS AND REPORTS SUBMITTED THERE ALSO.



Election Advisory No. 2008-07

November 4, 2008 Election Law Calendar

Campaign Information

Under Title 15 of the Election Code, candidates running for an office of a local political subdivision must file campaign contribution and expenditure reports with the secretary of the governing body. For further information about such disclosure filings, campaign finance, and political advertising, please contact the Texas Ethics Commission at 201 E. 14th, 10th Floor, Austin, TX 78701; call toll-free at 1-800-325-8506; or access their website.

NOTE ON SUBMISSIONS TO THE U.S. DEPARTMENT OF JUSTICE

The Voting Rights Act of 1965 requires that any change in any "standard, practice, or procedure with respect to voting" be submitted to the U.S. Department of Justice for preclearance, including changes in election precincts, polling places, and various other actions.

The Attorney General of the U.S. Department of Justice has 60 days in which to interpose an objection to a submitted change affecting voting. Therefore, if the governing authority of a political subdivision conducting an election has not already reviewed actions since the last election to see if any changes must be submitted for preclearance, this should be done as soon as possible. Federal rules for submissions under Section 5, Voting Rights Act, are contained in 28 C.F.R. §§ 51.20-51.28.

Send your submissions to the following address:

For All U.S. Postal Service Mail:

CHIEF, VOTING SECTION
CIVIL RIGHTS DIVISION
ROOM 7254-NWB
DEPARTMENT OF JUSTICE
950 PENNSYLVANIA AVE., N.W.
WASHINGTON, D.C. 20530

For All Overnight Express Services:

CHIEF, VOTING SECTION
CIVIL RIGHTS DIVISION
ROOM 7254-NWB
DEPARTMENT OF JUSTICE
1800 G STREET, N.W.
WASHINGTON, D.C. 20006

The envelope and first page of any submission must be clearly marked as follows: SUBMISSION UNDER SECTION 5, VOTING RIGHTS ACT.

The Department of Justice also accepts preclearance submissions online. For more information about how to submit your election changes online, please visit the [Department of Justice, Civil Rights Division Voting Section](#).

The Department of Justice toll-free number is: (800) 253-3931 or call direct (202) 307-2767. Their fax numbers are: (202) 307-3961 and (202) 616-9514.

NOTE ON STATUTORY REFERENCES

Unless otherwise indicated, all references are to the Texas Election Code.

NOTE ON NOTICE OF ELECTIONS

Except as provided below, notice of an election must be given by any one or more of the following methods:

- A. By posting a notice in each election precinct in which the election is to be held on or before the 21st day before the election, Tuesday, October 14, 2008 (Sec. 4.003(a)(2)).
- B. By publishing the notice in a newspaper in the territory covered by the election at least once between the 30th day and the 10th day before the election, Sunday, October 5, 2008 and Monday, October 27, 2008. (Secs. 1.006 & 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, Monday, October 27, 2008. (Secs. 1.006 & 4.003(a)(3)).*

* Since the 10th day falls on a Saturday, the deadline is extended to the next regular business day, which is Monday, October 27, 2008.

This notice must include:

1. The type and date of the election;
2. The location of each polling place;
3. The hours the polls will be open;
4. The location of 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, if any; and
7. The early voting clerk's mailing address.

Note for Counties, Cities, and School Districts: Counties, 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 required by law. (Sec. 4.003(c)). Counties, cities, and school districts must also post notice on the governmental bulletin board used for posting notice of public meetings, no later than October 14, 2008.

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

Note for Cities: Cities must choose two weekdays to conduct extended early voting for 12 hours during the regular early voting period. The city council must choose the two weekdays.

Note for All Political Subdivisions, Except Counties & Cities: Voting conducted on ANY Saturday or Sunday must be included in the order and notice of election. (Secs. 85.006 & 85.007).

Note for All Political Subdivisions, Except Counties: The governing body of a political subdivision must deliver notice of the election to the county clerk of each county in which the political subdivision is located not later than the 60th day before election day, Friday, September 5, 2008 (Sec. 4.008).

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 clerk 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 24 hours after the location was changed or 72 hours before the polls open on election day. (Sec. 43.061). If the county elections officer is conducting a legislative vacancy election, the candidates listed on the ballot are entitled to receive notice directly from the county judge.

Notice of Previous Polling Place: If a different polling place is being used than at the previous election held by the same authority, notice must be posted at the entrance of the previous polling place informing voters of the current polling place location, if possible. (Sec. 43.062).

Note on Testing Tabulating Equipment: The automatic tabulating equipment used for counting ballots at a central counting station must be tested three times for each election. We recommend you test the equipment as soon as possible; 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. The automatic tabulating equipment may not be used to count ballots voted in the election until a test is successful. For more information on testing tabulating equipment, please see Chapter 127, Subchapter D of the Texas Election Code.

Calendar of Events

Thursday, May 8, 2008 (180th day before election day; 30th day after runoff and primary election day)

First day to accept applications for state write-in ballots for the November 4, 2008 election. (Sec. 105.002).

5:00 p.m. Regular filing deadline for independent candidate's application for place on ballot and petition. (Sec. 142.006).

June 30, 2008

Deadline for party chairs to submit list of eligible persons for election worker for appointments. See Election Advisory No. 2008-05.

July 2008

Commissioner's Court makes appointments for judges and clerks from list submitted by party chairs. Notice of Appointment must be given not later than 20 days after the agreement was made. (Sec. 32.009).

Sunday, July 27, 2008 (30th day before filing deadline)

First day to file a declaration of write-in candidacy and accompanying filing fee or petition in lieu of filing fee with the county judge or Secretary of State, as applicable, for the November General Election. (Sec. 146.025).

Cities and Schools only: First day to file an application for a place on the ballot. (Secs. 1.006 & 143.007, Election Code; 11.055, Education Code).

NOTE: The 30th day before the filing deadline falls on a Sunday, but since the first day to apply is not a deadline, Section 1.006 does not apply, therefore, the first day to apply does not move to the next business day. Government offices are not required to be open on Sunday.

All Other Districts: There is no "first" day to file.

Thursday, July 31, 2008

Recommended that county officials and local political subdivisions should meet no later than this date to discuss conducting elections at the same polling locations pursuant to Section 42.0621, and any applicable joint election issues needed to be agreed upon. NOTE: This is not a deadline; just a recommendation.

Thursday, August 21, 2008 (75th day before election day)

Recommended last day to submit changes affecting voting to U.S. Department of Justice for preclearance for any November 4, 2008 election.

Friday, August 22, 2008 (74th day before election day)

Last day on which death, declaration of ineligibility, or withdrawal of a nominee for the November election causes an omission of the nominee's name from the ballot. (Sec. 145.035).

Last day on which death, declaration of ineligibility, or withdrawal of an independent candidate for the November general election for state and county officers causes omission of candidate's name from the ballot. (Sec. 145.064).

NOTE: Withdrawal request submitted by mail must be received by appropriate authority by this date. (Sec. 145.001(c)).

If a vacancy occurs on or before this date in a state, district, or county office not regularly scheduled for election in 2008, due to death, resignation, or removal of the officeholder, the unexpired term of the office shall be placed on the November 4, 2008 election ballot. (Secs. 201.023 & 202.004).

NOTE: If a vacancy occurs after the 74th day before a November general election day, an election for an unexpired term may not be held at that general election. The 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.

Saturday, August 23, 2008 (73rd day before election day)

Last day on which death of candidate for city office or other political subdivision other than a candidate in the November general election for state and county officers, causes omission of candidate's name from ballot. (Sec. 145.094).

Tuesday, August 26, 2008 (70th day before election day)

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. (Secs. 145.037 & 202.006).

5:00 p.m. - Last day of regular filing period for write-in candidate's declaration of write-in candidacy for the November general election for state and county officers.

5:00 p.m. - Last day for candidate in a political subdivision (other than a county) to file application for a place on the ballot. (Secs. 143.007 & 144.005)

Last day to order the regular election. (Sec. 3.005(c)). 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;
4. The dates and hours for early voting (if county clerk or city secretary is not early voting clerk);
5. The dates and hours for any Saturday or Sunday early voting.

5:00 p.m. - Last day to order a special election to fill a vacancy (if authorized by law to order such an election). (Sec. 201.051).

5:00 p.m. - Last day to file as an independent candidate for the unexpired term for an office on the November general election for state and county ballot unless the 30th day after the vacancy occurred is earlier than this date. (Sec. 202.007).

Friday, August 29, 2008 (67th day before election day)

5:00 p.m. - Last day to file an application for a place on the ballot in a special election to fill a vacancy. (Sec. 201.054(a)(1) & (f)).

5:00 p.m. - Last day to file as a write-in candidate in an election of a political subdivision (other than a county). (Secs. 144.006, 146.054(b)).

5:00 p.m. - Last day to withdraw as a write-in candidate for all candidates. (Sec. 146.0301).

5:00 p.m. - Last day for a candidate in an election of a political subdivision (other than a county) to be declared ineligible or withdraw and have the candidate's name removed from the ballot. (Sec. 145.094(a)(4)). Recommended date for party chairs to submit a list to chair of the county election board for selection of members of the early voting ballot board and signature verification committee (if one is created). Please note that a signature verification committee could be appointed at a later date. (Secs. 51.002, 87.002 & 87.027).

Tuesday, September 2, 2008 (63rd day before election day)

Recommended first day that an election may be cancelled IF all filing deadlines have passed and there are no opposed at-large positions and there is no proposition to appear on the ballot. (Sec. 2.052).

NOTE for a Political Subdivision Holding a Vacancy Election: If you are having a special election to fill a vacancy, you must not cancel either the special or the general election until after the deadline for write-in candidates to file for a special vacancy election has passed.

Wednesday, September 3, 2008 (62nd day before election day)

Deadline for Secretary of State and county judge to certify names of independent and declared write-in candidates to county clerk or elections administrator for placement on the November 4, 2008 ballot. (Secs. 142.010 & 146.029(c)).

Deadline for Secretary of State to certify to county clerk or elections administrator names of all party nominees for statewide and district offices (including President and Vice President) for placement on November 4, 2008 ballot. (Secs. 161.008 & 192.033).

NOTE: We recommend that you proof and test your ballot programming as soon as possible and prior to the deadline to mail a ballot if you will be using automatic tabulating equipment to count your mail ballots. It is important to allow adequate time to proof the ballot(s) and test the automatic tabulating equipment that will be used to count the mail ballots in the event you find an error and have to correct the ballot programming.

Thursday, September 4, 2008 (61st day before election day)

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).

Recommended date to order election supplies.

For 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, if the presiding judge is able to serve. 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 notice of their appointments not later than the 20th day after the appointment is made (Wednesday, September 24, 2008), if appointed on this recommended date. (Sec. 32.009). This notice may be combined with the writ of election pursuant to Section 32.009, which is required in accordance with Section 4.007 to be delivered to each presiding judge not later than the 15th day before the election, Monday, October 20, 2008. If the notices are combined, both must be delivered by the date required in the earlier notice.

Friday, September 5, 2008 (60th day before election day)

First day to accept regular applications for early voting ballots by mail for any November 4, 2008 election. (Sec. 84.007). (New law reminder: FPCA's that were previously filed on or after 9/1/05 are effective for the period of two federal elections.)

Last day for the governing body of a political subdivision to deliver notice of the election to the county clerk of each county in which the political subdivision is wholly or partly located. (Sec. 4.008).

Monday, September 15, 2008 - Sunday, December 14, 2008 (50th day before election day through 40th day after election day)

Mandatory office hours: Every 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)). If a school holiday falls on a day during the early voting by personal appearance period that is not a federal or state holiday (see Sec. 1.006 for a complete listing), the independent school district is still required to be open to conduct early voting by personal appearance.

Saturday, September 20, 2008 (45th day before election day)

Deadline to Mail a Ballot to an Overseas Voter for the November General Election for State and County Officers: For voters requesting mail ballots with a standard application for ballot by mail or an FPCA who indicate that they are outside the United States, ballots must be mailed by this date or the 7th day after the clerk receives the application. 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)).

Deadline to Mail a Ballot for All Other Voters: The early voting clerk must mail ballots not later than September 20, 2008 to all voters whose ABBMs were received between Friday, September 5th and Saturday, September 13th and all FPCA applications. After the initial mailing, all ballots must be mailed not later than the 7th day after the date the early voting clerk receives the voter's application for a ballot by mail. (Sec. 86.004).

Monday, September 22, 2008 (43rd day before election day)*

New Law: Last day for county chairs to supplement list of names for early voting officer list. (Secs. 1.006 & 85.009).

*Deadline is extended to the next regular business day.

Wednesday September 24, 2008 (41st day before election day)

For Political Subdivisions Other Than Counties: Last day to notify election judges of their appointment if they were appointed, as recommended, on Thursday, September 4, 2008. (Sec. 32.009(b)). Presiding and alternate judges must be notified of their appointment in writing, not later than the 20th day after the date the appointment is made. The notice of the judge's duty to conduct the election (writ of election) 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 20, 2008.

Monday, September 29, 2008 (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).

Wednesday, October 1, 2008 (34th day before election day)

Deadline to submit a petition signed by 15 registered voters to the early voting clerk requesting that a signature verification committee be created. (Sec. 87.027(a-1)).

Friday, October 3, 2008 (32nd day before election day)

Recommended date for the county election board to appoint members of the early voting ballot board. County chairs shall submit a list of persons to serve as early voting ballot board members to the chair of the county elections board (county clerk or elections administrator). (Secs. 51.002 & 87.002).

Sunday, October 5, 2008 (30th day before election day)

First day of period during which notice of the November general election for state and county officers and other elections ordered by a county, city, or school district must be published in a newspaper of general circulation. (Sec. 4.003(a)(1)). This notice may be combined with the other notices your county is required to publish.

The notice must include:

1. The type and date of the election;
2. The location of each polling place;
3. The hours the polls will be open;
4. The location of 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, if any; and
7. The early voting clerk's mailing address.

See other requirements on Page 2 for Notes.

In addition to the notice in the newspaper, notice may also be given as follows:

- A. By posting a notice in each election precinct in which the election is to be held on or before the 21st day before the election, Tuesday, October 14, 2008. (Sec. 4.003(a)(2)).
- B. 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. (Sec. 4.003(a)(3)). Since the 10th day falls on a Saturday, the deadline is extended to the next regular business day, which is Monday, October 27, 2008. (Sec. 1.006).

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 clerk 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 24 hours after the location was changed or 72 hours before the polls open on election day. (Sec. 43.061). If the county elections officer is conducting a legislative vacancy election, the candidates listed on the ballot are entitled to receive notice directly from the county judge.

Notice of Previous Polling Place: If a different polling place is being used than at the previous election held by the same authority, notice must be posted at the entrance of the previous polling place informing voters of the current polling place location, if possible. (Sec. 43.062).

Monday, October 6, 2008 (29th day before election day)

Last day to register to vote for the Tuesday, November 4, 2008 election. (Sec. 13.143).

NOTE: Per Section 12.143(e), if the 30th day before the election falls on a weekend or holiday, a voter application is considered timely if it is submitted to the voter registrar on or before the next regular business day.

Recommended last day for early voting clerk to order supplemental and registration correction lists, if applicable, or order revised original list from the voter registrar for early voting by personal appearance. (Secs. 18.001 & 18.003).

Last day for a voter to make a change of address that will be effective for the November 4, 2008 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 political subdivision conducting the election. (Sec. 15.025).

Friday, October 10, 2008 (25th day before election day)

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)). The "mailbox rule" applies to this deadline; therefore as long as the list is postmarked by this date, the list is considered timely.

Recommended date for the county elections board to appoint a signature verification committee (if one is needed). See also entry under Wednesday, October 15, 2008. (Sec. 87.027).

Tuesday, October 14, 2008 (21st day before election day)

Last day to post notice of election on bulletin board used for posting notices of meetings of the commissioners court or appropriate governing body. (Sec. 4.003(b)).

Last day to petition for temporary branch polling place(s) in a county with a population of 100,000 to 120,000. (Sec. 85.062(d)(3)).

Deadline to file a petition to require the early voting clerk of a county with a population under 100,000 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 27, 2008 through Friday, October 31, 2008). Notice of extended hours must be posted beginning no later than Wednesday, October 22, 2008 and continuing through Friday, October 31, 2008. (Secs. 85.005(c) & 85.067).

Wednesday, October 15, 2008 (20th day before election day)

First day to post notice of places, days, and hours for voting at branch early voting polling place. 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)).

Notice of the first test of automatic tabulating equipment must be published by the custodian of the automatic tabulating equipment, if test will be conducted on the recommended date of Friday, October 17, 2008 (testing on equipment must be done at least 48 hours prior to the start of early voting period). (Sec. 127.096). Notice of 48 hours before the date of the test is required.

Last day for a person to apply for a full ballot by mail using a federal postcard application ("FPCA"), if the person is not a registered voter but meets the requirements under Title 2 of the Election Code. (Sec. 101.004(e)). New Law: Sec. 101.004(e) was amended by the 80th Legislature.

Deadline for county elections board to appoint signature verification committee, if a valid petition requesting one to be created was presented to the early voting clerk by the deadline, Wednesday, October 1, 2008.

Thursday, October 16, 2008 – Tuesday, October 28, 2008 (19th day before election day - 7th day before election day)

A person submitting an FPCA 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 4, 2008. Also see entry below under Monday, October 20, 2008. (Secs. 84.007 & 101.004). The early voting clerk is required to maintain this application since it may be used for other elections during the period ending the second federal election occurring after receipt of the FPCA (approximately 4 years). New Law: Sec. 101.004(e) was amended by the 80th Legislature.

Friday, October 17, 2008 (18th day before election day)

Recommended day to conduct first test of automatic tabulating equipment for use during the early voting period. Notice of the first test should be published at least 48 hours before the date the test is conducted. (Sec. 127.096).

Monday, October 20, 2008 (15th day before election day)

First day to vote early in person.*

NOTE: Voting by limited ballot must be done during the early voting period.

If an FPCA is received by this date without a postmark to prove mailing date, the early voting clerk will accept the FPCA and mail the applicant a full ballot even if the applicant is not a permanently registered voter but meets the requirements under Title 2 of the Election Code. (Sec. 101.004(i)). New Law: Sec. 101.004(e) was amended by the 80th Legislature.

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

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

NOTE: In a general election for state and county officers, the commissioners court:

(1) in a county with a population of 400,000 or more, must establish one or more temporary polling places, other than the main early voting polling place, in each state representative district containing territory covered by the election. The temporary polling place(s) must remain open the same days as the main early voting polling place, but the commissioners court determines the hours during which voting is to be conducted, unless a written request signed by 15 registered voters requesting the same number of hours as the main polling place is timely filed with the commissioners court;

(2) in a county with a population of 120,000 or more but less than 400,000, must establish one or more temporary polling places, other than the main early voting polling place, in each commissioners precinct containing territory covered by the election. The temporary polling place(s) must remain open the same days as the main early voting polling place, but the commissioners court determines the hours during which voting is to be conducted, unless a written request signed by 15 registered voters requesting the same number of hours as the main polling place is timely filed with the commissioners court; or

(3) in a county with a population of 100,000 or more but less than 120,000, must establish one or more early voting polling places in each commissioners court precinct for which the commissioners court receives a timely filed written request by at least 15 registered voters of that precinct. The temporary polling place(s) must remain open the same days as the main early voting polling place, but the commissioners court determines the hours during which voting is to be conducted, unless a written request signed by 15 registered voters requesting the same number of hours as the main polling place is timely filed with the commissioners court. (Secs. 85.062, 85.064 & 85.065).

NOTE: If a county has a population under 100,000, the location, days, and hours of temporary branch locations may be established only by the commissioners court. No petition process is available.

NOTE: A temporary branch polling place that is "movable" may be established only with the approval of the county clerk. If a movable temporary branch polling place is established on the request of a political party, each political party, whose nominee for governor in the most recent gubernatorial general election received more than 10 percent of the total number of votes received by all candidates for governor in the 2006 election, is entitled to the establishment of such a polling place. The election officers serving a polling place covered by this subsection must be appointed from the list submitted by the county chairs to the early voting clerk.

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

Note to Independent School Districts: Despite the change in state 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; see note under Section 1.006 of the Texas Election Code for a listing of state and national holidays.

Note for Cities: Cities must now choose two weekdays to be open for 12 hours during the regular early voting period. The city council must choose the two weekdays.

Last day for county judge to deliver written notice of the General Election to the presiding judges. (Sec. 4.007).

*If the date for beginning the early voting period is a Saturday, Sunday, or legal state holiday, the early voting period begins on the next regular business day. (Sec. 85.001(c)).

Wednesday, October 22, 2008 (13th day before election day)

Deadline to file a petition in the November general election for state and county officers to require the early voting clerk of a county with a population of 100,000 or more to conduct extended early voting for 12 hours on each weekday of the last week at all required temporary branch locations (created under Section 85.062(d) of the Code) (Monday, October 27, 2008 through Friday, October 31, 2008). Notice of extended hours must be posted beginning no later than Wednesday, October 22, 2008 and continuing through Friday, October 31, 2008. (Secs. 85.067(c) & 85.064(b)).

Deadline to file a petition in the November general election for state and county officers to require the early voting clerk of a county with a population under 100,000 to conduct extended early voting for 12 hours on the last Saturday of the early voting period, October 25, 2008. (Secs. 85.006(e) & 85.007).

Recommended deadline to file a petition in the November general election for state and county officers to require the early voting clerk of a county with a population under 100,000 to conduct extended early voting for 5 hours on Sunday, October 26, 2008. (Sec. 85.006(e)).

Last day to post notice (on bulletin board for posting notice of meetings for the commissioners court) if early voting will be conducted in the November general election for state and county officers on Saturday, October 25, 2008, if applicable. Notice must be posted at least 72 hours before early voting begins on a Saturday or Sunday. (Sec. 85.007).

Thursday, October 23, 2008 (12th day before election day)

Last day to post notice (on bulletin board for posting notice of meetings of commissioners court) if early voting will be conducted in the November general election for state and county officers on Sunday, October 26, 2008. Notice must be posted at least 72 hours before early voting begins on a Saturday or Sunday. (Sec. 85.007).

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 defect and a statement that the voter is not entitled to vote early by mail unless he or she submits a sufficient application by the deadline. (Sec. 86.008).

Saturday, October 25, 2008 (10th day before election day; last Saturday of early voting period)

In counties with populations of 100,000 or more, early voting must be conducted 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)).

Sunday, October 26, 2008 (9th day before election day; last Sunday of early voting period)

In counties with populations of 100,000 or more, early voting must be conducted in the November general election for state and county officers for at least 5 hours on last Sunday of the early voting period. (Sec. 85.006(e)).

Monday, October 27, 2008 (8th day before election day)

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)). Since the deadline falls on a Saturday, the deadline is extended to the next business day. (Sec. 1.006).

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

First day that counties with a population of 100,000 or more or local political subdivisions conducting an election jointly with such a county may convene their early voting ballot board and begin processing the ballots by mail.

The early voting clerk must continuously post notice for 24 hours preceding each delivery of voting materials that is to be made before the time for opening the polls on election day. (Sec. 87.0222).

Monday, October 27 – Friday, October 31, 2008 (last week of early voting by personal appearance)

In counties with a population of 100,000 or more, the early voting clerk must keep the main polling place open for 12 hours each day for the November general election for state and county officers. Early voting must be conducted at permanent branch locations for 12 hours each day. Early voting must be conducted for 12 hours on each weekday of the last week at a required temporary branch locations (created under Section 85.062(d) of the Code) if a written request signed by 15 registered voters was filed by Wednesday, October 22, 2008. Please note there is a 5-day notice posting requirement if the early voting clerk received petition requesting these extended hours. (Secs. 85.005(c), 85.063, 85.064, & 85.067).

Tuesday, October 28, 2008 (7th day before election day)

Last day for early voting clerk to receive application for a ballot to be voted by mail. (Sec. 84.007). 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, or fax (if the applicant is absent from the county and a fax machine is available in the office of the early voting clerk).

Last day to receive an FPCA from a voter. If the voter is not registered in the county, the voter is eligible for a ballot containing federal offices only. (Secs. 84.007(c), 101.004, & 114.004).

Wednesday, October 29, 2008 (6th day and 4th business day before election day)

Notice of the first test of automatic tabulating equipment must be published by the custodian of the automatic tabulating equipment, if test will be conducted on the recommended date, Friday, October 31, 2008. (Sec. 127.096). Notice of 48 hours before the date of the test is required.

5:00 p.m. - Requests for election inspectors for Tuesday, November 4, 2008 elections must be received by the Secretary of State on or before this date. (Sec. 34.001).

Friday, October 31, 2008 (4th day before election day)

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

Recommended day to conduct first test of automatic tabulating equipment. Since the first test must be conducted at least 48 hours before ballots will be counted, our office recommends that the test be conducted on this date since the 48 hour time period falls on a Sunday. However, a political subdivision may choose to conduct the test on Sunday, November 2, 2008, so long as the notice of this first test is published at least 48 hours before the date the test is conducted. (Secs. 127.093 & 127.096). This will be considered the first test for election day, which is in addition to the first test before early voting.

Saturday, November 1, 2008 (3rd day before election day)

First day to submit an application for and vote a late ballot because of a death in the immediate family that occurred on or after Thursday, October 30, 2008, and will require absence from the county on election day, November 4, 2008. (Secs. 103.001 & 103.003(b)).

First day to submit an application for and vote a late ballot because of sickness or disability that arose on or after Monday, October 27, 2008. (Secs. 102.001 & 102.003).

First day that counties with a population over 100,000 may convene their early voting ballot board and begin counting ballots; however, the results may not be announced until after the polls close. All other counties and political subdivisions may convene their early voting ballot board for processing the ballots only, and cannot begin counting the ballots until election day. (Secs. 87.0221, 87.023, 87.024, & 87.0241).

Monday, November 3, 2008 (day before election day)

Last day to submit an application for and vote a late ballot by personal appearance due to death in immediate family. (Sec. 103.003(b)).

Last day to deliver precinct early voting lists to election judges. (Sec. 87.122).

Tuesday, November 4, 2008 - Election Day

- 7:00 a.m. to 7:00 p.m. - Polls open. (Sec. 41.031).
- 7:00 a.m. to 7:00 p.m. - Voter registrar's office is open. (Sec. 12.004(c)).
- 7:00 a.m. to 7:00 p.m. - Early voting clerk's office is open for early voting activities. (Sec. 83.011).
- 7:00 a.m. to 7:00 p.m. - Sick and disabled persons may vote at the main early voting polling place if electronic voting systems are used and the voter has a sickness or condition that prevents the voter from voting in the regular manner without personal assistance or likelihood of injury. (Sec. 104.003).
- 5:00 p.m. - Deadline for receiving applications for late ballots to be voted by persons who became sick or disabled on or after Monday, October 27, 2008. (Sec. 102.003(b)).
- 7:00 p.m. - Deadline for receiving early voting ballots by mail and late ballots cast by voters who became sick or disabled on or after Monday, October 27, 2008. (Secs. 86.007(a) & 102.006(c)).

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

Note on Receipt of Mail Ballots: All marked early voting ballots sent by mail from inside the United States must arrive before the time the polls are required to close on election day. If the early voting clerk cannot determine whether a ballot arrived before the deadline, the ballot is considered to have arrived at the time the place at which the carrier envelopes are deposited was last inspected for removal of returned ballots. (Sec. 86.007(a)). The early voting clerk must check the mailbox for early voting mail ballots at least once after the time for regular mail delivery. (Sec. 86.007(b)). A marked ballot that is not timely returned may not be counted unless the ballot may be counted late, pursuant to Section 86.007(d), which applies to ballots mailed from outside of the United States. (See entry under Monday, November 10, 2008).

Note on Delivery of Early Voting Ballots: The early voting clerk delivers the early 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. (Sec. 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 generally the sheriff for county elections. If the office of sheriff is on the ballot this election cycle, because of the filling of an unexpired term, the key shall be delivered to the county judge if he/she is not on the ballot or to a designated member of the commissioners court who is not on the ballot and who is the auditor appointed by the court if the county does not have a county auditor.

For Cities: The custodian is the chief of police or city marshal, for an election ordered by a city authority.

For a Political Subdivision Other Than a City or County: The custodian is the constable of the justice precinct in which the office of the political subdivision's governing body is located, or if the office of constable is vacant, the sheriff of the county in which the governing body's office is located, for an election ordered by an authority of a political subdivision other than a county or city. (Sec. 66.060).

Note on Processing and/or Counting of Early Voting Ballots 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. Ballots may be qualified and prepared for counting before election day, but they may not be counted until election day; however, counties with a population of 100,000 or more or entities contracting or having joint elections with counties with a population of 100,000 or more may process and count the ballots early, but the results may not be released until the polls close on election day. (Secs. 87.023, 87.024, 87.0221 & 87.0241(b)). 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. (Secs. 87.023(b), 87.024(b), & 87.0221(b)).

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).

Precinct election returns are delivered to the appropriate authorities after completion. (Sec. 66.053(a)).

Wednesday, November 5, 2008 (1st day and 1st business day after election day)

The general custodian of election records must deliver the ballot box(es) or transfer case(es) containing the provisional ballots, along with the Summary of Provisional Ballots and the List of Provisional Voters to the county 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.

Note for Political Subdivisions Located in More than One County: Your political subdivision will have to make delivery of the provisional ballots and forms to the voter registrar in each county in which you are located. (T.A.C. Secs. 81.172 - 81.174).

If the voter registrar wants to take possession of the provisional ballots and forms on election night (Tuesday, November 4, 2008), the voter registrar must inform the custodian of the election records and post a notice on election night 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 custodian of election records office and pick up the provisional ballots and forms. (T.A.C. Secs. 81.172 - 81.174).

If a political subdivision was able to CANCEL its election, then this is the first day its elected officials can take the oath of office and be issued a certificate of election, except for elected officers of Type-A cities. (Secs. 2.051 & 67.016).

Friday, November 7, 2008 (3rd day and 3rd business day after election day)

Deadline for the county voter registrar to complete the review of provisional ballots. (T.A.C. Secs. 81.172 - 81.174).

Deadline for county clerk or elections administrator to retrieve provisional ballots from county voter registrar. (T.A.C. Secs. 81.172 - 81.174).

For districts using electronic voting systems, last day to begin the manual recount of ballots in three precincts or one percent of precincts, whichever is greater, unless requirement has been waived. The count shall be completed not later than the 21st day after election day. (Sec. 127.201(a)). Results of the manual count must be mailed to Secretary of State not later than the 3rd day after the count is completed. (Sec. 127.201(e)).

Last day to post notice of governing authority's meeting to canvass returns of election if canvass is to take place on Wednesday, November 12, 2008 (8th 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, Gov't Code).

Monday, November 10, 2008 (6th day after election day)

The early voting ballot board must reconvene any time after the last mail delivery on the 5th day after election day but no later than the 6th day after election day to count late ballots received from outside the United States. Also see entry for November 12, 2008. (Sec. 87.125).

Last day to receive ballots from voters casting ballots from outside of the United States. (Sec. 86.007(d)(3)) (Deadline extended per Section 1.006).

Wednesday, November 12, 2008 (8th day after election day)

Deadline for early voting ballot board to qualify any provisional ballots that have been reviewed by the voter registrar. The early voting ballot board may also qualify any late ballots that were submitted from outside the country and received by November 10, 2008 while the board reconvenes to process provisional ballots.

First day of the period to conduct the official local canvass of returns by governing authority of the 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).

First day that newly-elected 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).

Monday, November 17, 2008 (13th 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).

(Since the last day falls on a Saturday, the deadline is extended. (Sec. 1.006)).

Wednesday, November 19, 2008 (15th 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 25, 2008 (21st day after election day)

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

Friday, November 28, 2008 (11th day after last day of canvass period)

Early voting ballot board shall mail notice of outcome of provisional ballot to voters no later than this date. (T.A.C. Secs. 81.172-81.174). (Deadline extended per Sec. 1.006).

Thursday, December 4, 2008 (30th day after election day)

Last day for the governor to conduct the state canvass for the November general election for state and county officers. (Sec. 67.012).

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

Sunday, December 14, 2008 (40th day after election day)

Last day of the period for mandatory office hours. See entry for Monday, September 15, 2008. (Sec. 31.122).

Saturday, January 3, 2009 (60th day after election day)

Contents of ballot box(es) may be transferred from locked ballot box to separate container for the remainder of the 22-month preservation period. See Election Advisory No. 2006-08.

Saturday, September 4, 2010 (22 months after 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)). Election results must be permanently maintained in the election register. (Sec. 67.006).

Note on Retention of Candidate Application: Candidate applications must be retained by the governing body for two years after date of election. (Sec. 141.036).

Retention of Federal Postcard Applications (the "FPCA"): If you receive any FPCAs on or after September 1, 2007, the FPCA must be retained by the political subdivision since it may be used for future elections occurring prior to the expiration of two federal election cycles (approximately four years) after receipt of the FPCA.