

Minnie Sandoval

Subject: FW: Additional Early Voting on Saturday/Sunday

From: Camilla Lopez
Sent: Tuesday, April 08, 2014 10:27 AM
To: Erasmo Rodriguez; Sue Thomas
Subject: FW: Additional Early Voting on Saturday/Sunday

Here are the answers from the SOS. The deadline has passed for a request to be made.
Thank you.

Camilla Lopez
Benefits Coordinator
Beeville I.S.D.
361-358-7111 ext. 1011
361-358-7837 Fax

From: Caroline Geppert [<mailto:CGeppert@sos.texas.gov>]
Sent: Tuesday, April 08, 2014 10:16 AM
To: Camilla Lopez
Subject: RE: Additional Early Voting on Saturday/Sunday

Dear Ms. Lopez:

Thank you for your questions. We will answer each question in turn:

1. Is this type of request allowed for a school board election?

Yes. Of course, a school board may on its own authority order voting to be held on a Saturday or Sunday during the early voting period. 15 registered voters also could petition for Saturday or Sunday voting, but this request must be made before the deadline to order the election, as the dates and times of Saturday or Sunday voting must be included in the order and notice of the election. We believe it is acceptable for a board on its own authority to amend the order of election to allow for Saturday or Sunday voting after the deadline to order the election, but may not be forced to do so by petition. Finally, we note that any petition for Saturday or Sunday voting would apply only to the main early voting polling place, and not to any branch early voting sites established by the school board.

2. Do I provide the "Request for Additional Early Voting on Saturday"?

You may do so but are not required to do so. However, we note that it is too late to petition for Saturday and Sunday voting for the upcoming May 10, 2014 election.

3. Is the time to be filed 62/70 days before election, 72 hours before the Saturday or Sunday early voting begins or the last day for our political subdivision to order the election?

As the deadline to order an election to be held on the uniform election date in May is the 71st day before election day, the petition would have to have been submitted before that day (Friday, February 28, 2014). As a practical matter, the petition must be submitted several days before the

deadline to order the election in order to allow the proper notice to be posted of a meeting of the board to order such voting.

4. When the request is submitted to my office, does our school board have an option to approve or deny the request?

No, if the petition is timely submitted, the board must order the Saturday or Sunday voting.

5. Who has the authority to grant this request?

The school board.

6. If it is allowed, do I post a separate notice for additional early voting on the Saturday requested? Is this notice to be posted in local newspaper?

If Saturday or Sunday voting is ordered (or timely petitioned for), the notice of the election would have to include the dates and times of any Saturday and Sunday voting.

Relevant Sections of the Election Code include the following:

Sec. 85.006. Voting on Saturday or Sunday. (a) Except as provided by Subsection (b), the authority ordering an election may order early voting by personal appearance at the main early voting polling place to be conducted on one or more Saturdays or Sundays during the early voting period.

(b) In an election in which a county clerk or city secretary is the early voting clerk under Section 83.002 or 83.005, only the early voting clerk may order voting on a Saturday or Sunday. The clerk must do so by written order.

(c) The authority ordering voting on a Saturday or Sunday shall determine the hours during which voting is to be conducted.

(d) The authority authorized to order early voting on a Saturday or Sunday under Subsection (a) or (b) shall order the voting under the applicable subsection on receipt of a written request submitted by at least 15 registered voters of the territory covered by the election. The request must be submitted in time to enable compliance with Section 85.007. The authority is not required to order the voting on a particular date specified by the request but shall order the voting on at least one Saturday if a Saturday is requested and on at least one Sunday if a Sunday is requested.

(e) In a primary election or the general election for state and county officers in a county with a population of 100,000 or more, the early voting clerk shall order personal appearance voting at the main early voting polling place to be conducted for at least 12 hours on the last Saturday and for at least five hours on the last Sunday of the early voting period. The early voting clerk shall order voting to be conducted at those times in those elections in a county with a population under 100,000 on receipt of a written request for those hours submitted by at least 15 registered voters of the county. The request must be submitted in time to enable compliance with Section 85.007. This subsection supersedes any provision of this subchapter to the extent of any conflict.

Sec. 85.007. Public notice of time for voting. (a) The election order and the election notice must state:

(1) the date that early voting will begin if under Section 85.001(d) the early voting period is to begin later than the prescribed date;

(2) the regular dates and hours that voting will be conducted under Section 85.005(b); and

(3) the dates and hours that voting on Saturday or Sunday is ordered to be conducted under Section 85.006(a).

(b) The early voting clerk shall post notice for each election stating the dates and hours that voting on a Saturday or Sunday is ordered to be conducted under Section 85.006(b).

(c) Notice under Subsection (b) shall be posted continuously for at least 72 hours immediately preceding the first hour that the voting to which the notice pertains will be conducted. The notice shall be posted on the bulletin board used for posting notice of meetings of the commissioners court if the early voting clerk is the county clerk, or of the city governing body if the early voting clerk is the city secretary.

I hope this is helpful.

Sincerely,

Caroline Geppert
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The information contained in this email is intended to provide advice and assistance in election matters per §31.004 of the Texas Election Code. It is not intended to serve as a legal opinion for any matter. Please review the law yourself, and consult with an attorney when your legal rights are involved.

From: Camilla Lopez [<mailto:clopez@beevilleisd.net>]
Sent: Tuesday, April 01, 2014 3:20 PM
To: Elections Internet
Cc: Erasmo Rodriguez
Subject: Additional Early Voting on Saturday/Sunday

Good afternoon,

I have been notified by a candidate's representative that they want to ask for additional early voting on the Saturday during the early voting period for the school board election. We have not had this type of request before so I have a few questions.

1. Is this type of request allowed for a school board election?
2. Do I provide the "Request for Additional Early Voting on Saturday"?
3. Is the time to be filed 62/70 days before election, 72 hours before the Saturday or Sunday early voting begins or the last day for our political subdivision to order the election?
4. When the request is submitted to my office, does our school board have an option to approve or deny the request?
5. Who has the authority to grant this request?
6. If it is allowed, do I post a separate notice for additional early voting on the Saturday requested? Is this notice to be posted in local newspaper?

Thank you for your prompt response.

Camilla Lopez
Early Voting Clerk
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