

May 12, 2007 Election Law Calendar

Please note that this calendar is the "long" May Calendar. A short May calendar is also available under Upcoming Elections on our website: WWW.sos.state.tx.us.

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, Texas 78701; call toll-free at 1-800-325-8506; or access their website at: www.ethics.state.tx.us.

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. If you need to make changes at the last minute, the Justice Department may be able to give your submission expedited consideration. 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 toll-free number is: 1-800-253-3931 or call direct (202) 307-2767. Their fax numbers are: (202) 307-3961 or (202) 616-9514.

NOTE ON STATUTORY REFERENCES

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

NOTE ON EFFECTS OF HOUSE BILL 1, 79TH LEGISLATURE, THIRD CALLED SPECIAL SESSION

House Bill 1, Third Called Session, 2006, made several election-related changes. School districts must now have joint polling places on election day with either a city (located wholly or partly within the school district), or the county in November of even-numbered years (plus odd-numbered years, if the school district elects annually using three-year terms). For purposes of this calendar, we will continue to use separate subheads for Cities and School Districts when their rules are different. However, many of you will be working out joint election agreements.

House Bill 1 also granted school districts a waiver from the requirement to use accessible voting systems for trustee elections from the effective date of the Act through December 31, 2007, unless a federal election is on the ballot. What this means for May of 2007 is that a school district does not have to use an accessible voting system (like a DRE) to conduct its trustee elections (assuming there are no special federal elections on that date). However, any joint election partner entity (like a city) continues to be under the requirement.

NOTE ON NOTICE OF ELECTIONS

Political subdivisions other than cities and schools may have specific statutory notice requirements. In the absence of specific statutory requirements, such political subdivisions must post a notice on or before the 21st day before the election. (Sec. 4.003(b)). For the Saturday, May 12, 2007 election, this notice must be posted on or before Monday, April 23, 2007.* The general rule is that notice must be given in one of the following manners:

- A. By posting a notice in each election precinct in which the election is to be held on or before the 19th day before the election, Monday, April 23, 2007. (Sees. 1.006, 4.003(a)(2)).*
- B. By publishing the notice at least once between the 30th day and the 10th day before the election, Thursday, April 12, 2007 - Wednesday, May 2, 2007. (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, Wednesday, May 2, 2007. (Sec. 4.003(a)(3)).

*Since the 21st day falls on a Saturday, the deadline is extended. (Sec. 1.006).

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 Cities and School Districts: Cities and School Districts are required to publish their notice in a newspaper in accordance with Section 4.003(a)(I) (See B, above) and may also give any additional notice. (Sec. 4.003(c)).

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 be open for 12 hours during the regular early voting period. The city council must choose the two weekdays. (Sec. 85.005(d)).

Note for All Political Subdivisions, Except Counties & Cities: Voting on ANY Saturday or Sunday must be included in the order and notice of election. (Sees. 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, Tuesday, March 13, 2007. (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).

CALENDAR OF EVENTS

Saturday, February 10, 2007 (91st day before election day)

Cities and Schools (including junior colleges) only: First day to file an application for a place on the ballot. (Sees. 1.006 & 143.007, Election Code; 11.055 & 130.082(g), Education Code).

Note: The 91st day before election day falls on a Saturday, but since the first day to apply is not a deadline, Section 1.006 does not apply, and the first day to apply does not move to the next business day. Your office is not required to be open on Saturday.

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

FAQ 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 for the filing period to begin.

Monday, February 26, 2007 (75th day before election day)

Recommended last day to submit changes affecting voting to U.S. Department of Justice for preclearance for any May 12, 2007 election.

Tuesday, March 6, 2007 (67th day before election day)

5 p.m. - Last day to file for a place on the ballot in a special election to fill a vacancy, IF the special election is ordered on or before the 70th day before election day, Saturday, March 3, 2007. (Sec. 201.054).

Note: Because of 2005 changes to Section 201.054, there are now a total of three possible times to order a special election to be held on the May uniform date, each triggering a different filing deadline. The three ordering "deadlines" are: on or before the 70th day before election day (67th day deadline), the 36th day before election day (31st day deadline), and the 30th day before election day (deadline depends on factors in Section 201.054). This is the "first" of the three possible filing deadlines. For your future reference, please note that these deadlines are not the same for elections held on the November date in an even-numbered year.

Saturday, March 10, 2007 (63rd day before election day)

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, March 12, 2007. Please note this deadline is not affected by Section 1.006. (Sec. 145.094(a)(1)).

First day to post notice of ballot position drawing if drawing is to be conducted on Tuesday, March 13, 2007.* This notice must be posted for 72 hours immediately preceding the time of the drawing. (Sec. 52.094(c)).

*Note: Although this deadline to post falls on a Saturday, your political subdivision can post this notice earlier.

For an election not held at city expense: a notice of ballot position drawing must be mailed to candidates by this date if drawing is to be conducted on Wednesday, March 14, 2007 (4th day before the date of the drawing). (Sec. 52.094(d)). Candidates who have not filed by this date should be given a copy of the notice at the time they file.

For an election held at city expense: if a candidate gives the filing authority a written request, accompanied by a stamped, self-addressed envelope, the filing authority must mail the candidate a notice of ballot position drawing. (Sec. 52.094(d)).

Monday, March 12, 2007 (61st day before election day - deadline extended)

Regular Filing Deadline

5:00 p.m. - Except as otherwise provided by this code, the deadline to file an application for a place on the ballot. (Secs. 143.007(a) & 144.005(a), Election Code; and 11.055, Education Code, Chapter 286, Health & Safety Code).

Deadline to Order General Election

Last day for political subdivisions to order a general election to be held on Saturday, May 12, 2007, unless otherwise provided by the Election Code. (Sec. 3.005).

The order must include:

1. The date of the election;
2. The offices or measure~ to be voted on;
3. The location of the main early voting polling place;
4. The dates and hours for early voting (it is recommended that this information be included in the order for counties and cities, but it must be included for all other entities) (Cities must include the two designated weekdays for which early voting will be held for 12 hours);
5. 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 and cities, but it must be included for all other entities); and
6. The early voting clerk's official mailing address.

Important Note for City offices with four-year terms: if no candidate files for a particular office by the deadline, the deadline is extended to 5:00 p.m. on Friday, March 16, 2007 (57th day before election day). (Sec. 143.008).

Important Note for School Districts: Even if it is spring break, if a candidate attempts to file at the correct place and no filing official is there, the candidate may have legal grounds to go to court in a mandamus action to compel the district to accept the application later. For this reason, we strongly recommend having someone available at the place of business on a filing deadline, especially from 2:00 p.m. to 5:00 p.m. (This guideline is based on the office-hour rule that starts later.) Even if you also accept applications by mail and fax, if you do not have someone there at 5 :00 p.m., you will have no reliable witness to say who has met the deadline.

Note on Candidate's Application Filed by Mail: an application 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)).

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 confirm telephone number for the county voter registrar's office on election day.

Recommended date to order election supplies

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. 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. (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, Friday, April 27, 2007. If the notices are combined, both must be delivered by the date required in the earlier notice.

Tuesday, March 13,2007 (60th day before election day)

First day to accept regular applications for early voting ballots by mail for any May 12, 2007 election. (Sec. 84.007). (Reminder: FPCA's that were previously filed on or after 9/1/05 are good for the period of two federal elections for all elections.)

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

Recommend day to conduct ballot position drawing. Notice of drawing must be posted for 72 hours immediately preceding the time of the drawing. (Sec. 52.094(c)).

Monday, March 19,2007 (5th day after the regular filing deadline, deadline extended since regular deadline falls on weekend)

5:00 p.m. - Deadline for write-in candidates to file declarations of write-in candidacy for city, school district, library district, junior college district, hospital district, Chapter 36 and 49 Water Code districts, and other political subdivision elections, unless otherwise provided by law. (Sees. 146.054, Election Code; Sees. 11.056 & 130.0825, Education Code; Sees. 326.0431 & 326.0432, Local Government Code; Sees. 36.059,49.101, & 63.0945, Water Code; and Section 285.131, Health and Safety Code).

Tuesday, March 20,2007 (53rd day before election day)

5:00 p.m. - Last day for a candidate to withdraw in an election for which the filing deadline is the 62nd day before election day (March 12, 2007). If a candidate withdraws or is declared ineligible by this date, his or her name is omitted from the ballot. (Sees. 145.092(b) and 145.094(a)(3)).

Recommended first day that an election may be cancelled IF all filing deadlines have passed and each candidate whose name is to appear on the ballot is unopposed AND there is no proposition to appear on the ballot. (Sec. 2.052).

Note: 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 applicable deadline for write-in candidates to file for the special vacancy election (for example, Tuesday, April 17, 2007, assuming a filing deadline in the special election of April 16, 2007).

Note: if all your candidate filing deadlines have passed, 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. We further note that you establish a date to perform the public Logic and Accuracy Test (first test) of your electronic voting equipment. We recommend that this test be performed on a date that allows time to correct programming and re-test, if necessary. A notice of the test must be published by the custodian of the electronic voting equipment at least 48 hours before the date of the test.

Friday, March 23, 2007 - Thursday, June 21, 2007 (50th day before election day - 40th day after election day)

Mandatory office hours: Secretary of governing body (or the person performing duties of a secretary) must keep office open for election duties for at least 3 hours each day, during regular office hours, on regular business days. (Sec. 31.122). Note: this duty is usually performed by the early voting clerk.

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 or candidate filing deadline that is not a federal or state holiday (see Sec. 1.006 for listing), the school district is still required to be open to conduct early voting by personal appearance and to accept candidate filings (see special note at March 12, 2007).

Wednesday, March 28, 2007 (45th day before election day)

Early voting clerk may begin mailing early voting ballots to applicants as soon as ballots are available, but we strongly recommend that ballots be mailed no later than the 45th day before the election, if possible. (Sec. 86.004). Reminder: the early voting clerk must mail a ballot not later than the 7th day after the later of the date the early voting clerk has accepted a voter's application for a ballot by mail or the date the ballots become available for mailing. However, if the 7th day falls earlier than the 45th day before election day, the voter's mail ballot must be mailed no later than the 38th day before election day. Please note this deadline is not extended under Section 1.006. (Sec. 86.004).

Monday, April 2, 2007 (40th day before election day, deadline extended)

Last day to notify election judge~ of their appointment if they were appointed, as recommended, on Monday, March 12, 2007. (Sec. 32.009(b)).

Friday, April 6, 2007 (36th day before election day)

Deadline to order a special election to fill a vacancy if ordered after the 70th day before the election (if authorized by law to order such an election) in order to have an April 11, 2007 candidate application deadline. (Also see entry at 67th day, March 6, 2007)

Wednesday, April 11, 2007 (31st day before election day)

5:00 p.m. - Last day to file for a place on the ballot in a special election to fill a vacancy, if the special election is ordered after the 70th day but by the deadline of the 36th day before election day. (Sec. 201.054(a)(2)).

Thursday, April 12, 2007 (30th day before election day)

First day of period during which notice of election must be published if method of giving notice is not specified by a law outside the Election Code, and publication is the method of giving notice is selected. (Sec. 4.003(a)(1)).

Note: Cities must choose two weekdays to be open for 12 hours during the regular early voting period. (Sec. 85 .005(d)). The city council must choose the two weekdays. Presumably, this choice was made when the election was ordered; if not, it must be made in time for the first notice.

Last day to register to vote for the Saturday, May 12, 2007 election. (Sec. 13 .143).

Last day for a voter to make a change of address that will be effective for the election. (Sec. 15.025).

"Third" and final deadline to order a special election to fill a vacancy (if authorized by law to order such an election). (Sec. 201.052). If an election is ordered between the 35th day before election day and this date, see Section 201.054(a)(2) for possible candidate filing deadline dates.

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)).

Friday, April 13, 2007 - Friday, May 4, 2007* (29th day before election day - 8th 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 Saturday, May 12, 2007. Also see entry below under Friday, April 20, 2007 (22nd day before election day). (Sec.

101.004). Remember: any FPCAs received on or after September 1, 2005 are applicable for a period of two federal elections for all elections.

*Since the deadline falls on a Saturday, the deadline is moved to the preceding regular business day. (Sec. 84.007(c)).

Monday, April 16, 2007 (26th day before election day)

5:00 p.m.- Last day to file declaration of write-in candidacy for special election to fill a vacancy, if the filing deadline for a place on the ballot is April 11, 2007. (Sees. 146.051, 146.054, and 201.054, Election Code; and Sec. 11.056, Education Code).

Tuesday, April 17, 2007 (25th day before election day)

Recommended first day that a special election to fill a vacancy may be cancelled IF 1) all filing deadlines have passed, 2) each candidate whose name is to appear on the ballot is unopposed, AND 3) there is no proposition to appear on the ballot. (Sec: 2.052).

Note: this recommended date assumes a filing deadline in the special election of April 11,2007 and a write-in deadline of April 16,2007.

Friday, April 20, 2007 (22nd day before election day)

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)).

Monday, April 23, 2007 (19th day before election)

Last day to post notice of election on bulletin board used for posting notices of meetings of governing body. (Sec. 4.003(b)).*

Last day to post notice of election in each election precinct if method of giving notice is not specified by a law outside the Election Code and notice is given by this method instead of publication. (Sec. 4.003(a)(2)).*

*Since the statutory deadline falls on Saturday, April 21, 2007, the deadline is moved to the next regular business day, Monday, April 23,2007. (Sec. 1.006).

Wednesday, April 25,2007 (17th day before election day)

Last day to publish notice of the public Logic and Accuracy (L&A) Test, also known as, the first test, of automatic tabulating equipment. The latest date to perform this test is Friday, April 27, 2007. Notice of the public Logic and Accuracy Test should be published at least 48 hours before the date the test is conducted. (Sec. 127.096)

Friday, April 27, 2007 (15th day before election day)

Last day to conduct public Logic and Accuracy Test (first test) of automatic tabulating equipment for use during the early voting period. We highly recommend that this test is done on an earlier date to allow time for corrections to programming, if necessary. Per Section 127.093, the test shall be conducted *at least* 48 hours before the automatic tabulating equipment is used.

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. (Sec. 4.007). 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.

Saturday, April 28, 2007 (2nd day before early voting period)

5 p.m.- Last day candidate may withdraw and have name removed from ballot if the filing deadline was after the 61 st day before election day (i-.e., a deadline later than the regular filing deadline of Monday, March 12, 2007). (Sec. 145.092(a)).

Monday, April 30, 2007 (12th day before election day)

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

Note for Cities: Cities must choose two weekdays to be open for 12 hours during the regular early voting period. The city council must choose the two weekdays. (Sec. 85.005(d)).

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).

Wednesday, May 2, 2007 (10th day before election day)

Last day of period during which notice of election must be published if method of giving notice is not specified by a law outside the Election Code and this method of giving notice is selected. (Sec. 4.003(a)(I »).

Last day to mail a copy of the notice of election to each registered voter in the county if method of giving notice is not specified by a law outside the Election Code and this method of giving notice is selected. (Sec. 4.003(a)(3)).

Cities and Counties Only: last day to post notice on bulletin board used for posting notice of city councilor commissioners court, if early voting will be conducted on Saturday, May 5, 2007. (Sec. 85.007). Notice must be posted at least 72 hours before early voting begins on a Saturday or Sunday.

Thursday, May 3, 2007 (9th day before election day)

Cities and Counties Only: last day to post notice on bulletin board used for posting notice of city councilor commissioners court, if early voting will be conducted on Sunday, May 6, 2007. (Sec. 85.007). Notice must be posted at least 72 hours before early voting begins on a Saturday or Sunday.

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).

Friday, May 4, 2007 (8th day before election day)*

Last day to receive FPCA or an application for a ballot to be voted by mail. (Sec. 84.007).

*Since the 7th day before election day falls on Saturday, May 5, 2007, the deadline is moved to the first preceding regular business day. (Sec. 84.007(c)).

First day that counties with a population of 1 00,000 or more or local political subdivisions conducting an election jointly with such a county may convene their early voting ballot board and begin processing and counting ballots; however, the results may not be announced until after the polls close. The early voting clerk shall continuously post notice for 24 hours preceding each delivery of voting materials that is to be made before the time for opening the polls on election day. (Sec. 87.0222).

Tuesday, May 8, 2007 (4th day before election day)

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

Last day to publish notice of the public Logic and Accuracy (L&A) Test, also known as, the first test, of automatic tabulating equipment. The latest date to perform this test is Thursday, May 10, 2007. Notice of the first test should be published at least 48 hours before the date the test is conducted. (Sec. 127.096)

5:00 p.m. - Requests for election inspectors for Saturday, May 12,2007 elections must be received by the Secretary of State on or before this date. (Sec. 34.001).

Wednesday, May 9, 2007 (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 Monday, May 7, 2007, and will require absence from the county on election day. (Sees. 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 Thursday, May 3, 2007. (Sees. 102.001 & 102.003).

Political subdivisions may convene the early voting ballot board for the purpose of processing and qualifying the ballots but may not begin counting the ballots until election day (unless it is a county with a population of 100,000 or more or the political subdivision is having a joint election with such a county). 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. (Sees. 87.0221, 87.023, 87.024, & 87.0241).

Thursday, May 10, 2007 (2nd day before election day)

Last day to conduct public Logic and Accuracy Test (first test) of automatic tabulating equipment for use during the early voting period. We highly recommend that this test be done on an earlier date to allow time for corrections to programming', if necessary. Per Section 127.093, the test shall be conducted *at least* 48 hours before the automatic tabulating equipment is used.

Friday, May 11, 2007 (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).

Saturday, May 12, 2007 - 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 Thursday, May 3, 2007. (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 Thursday, May 3, 2007. (Sees. 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. A ballot cast from outside the United States before 7 p.m. on election day is considered timely if it is received by the 5th day after the election.

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 the sheriff for county elections; 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).

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 entities contracting or having joint elections with counties with a population of 100,000 or more may process and count the ballots as early as the 8th day before election day, but the results may not be released until the polls close on election day. (Sees. 87.0221, 87.023, 87.024, 87.0222, & 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)).

Monday, May 14, 2007 (2nd day and 1st business day after election day)

The general custodian of election records must deliver the ballot box(es) or transfer case(s) 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 your political subdivision is located. (1 Tex. Admin Code Sees. 81.172 - 81.174).

If the voter registrar wants to take possession of the provisional ballots and forms on election night (Saturday, May 12, 2007), the voter registrar must inform the custodian of the election records and post a Notice of Election Night 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. Also, note that the voter registrar may take possession of provisional ballots prior to election night if ballots are kept separated and may be provided without unlawful entry into the ballot box. (1 Tex. Admin Code Sees. 81.172 - 81.174).

Tuesday, May 15, 2007 (3rd day after election 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** counted all timely received ballots cast from addresses outside the United States (see entry at May 18th), if a ballot by mail was provided to a person outside of the United States. (Sec. 67.003). 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 race is involved in the recount, the certificate of election cannot be issued for that race until the recount has been completed. (Sees. 67.016 & 212.0331).

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

Wednesday, May 16, 2007 (3rd business day after election day)

Deadline for Voter Registrar to complete the review of provisional ballots. (1 Tex. Admin Code Sees. 81.172 - 81.174).

Deadline for all political subdivisions to retrieve provisional ballots. (1 Tex. Admin Code Sees. 81.172 - 81.174).

Thursday, May 17, 2007 (5th day after election day)

Last day to receive carrier envelopes placed in the mail by 7:00 p.m. on election day, May 12, 2007, from voters who are voting outside the United States. (Sec. 86.007(d)(3)).

Friday, May 18, 2007 (6th day after election day)

First day that newly-elected officers of Type A general law city may qualify and assume duties of office.

Type A City Council members may take office any time following the canvass. (Section 22.006 of the Texas Local Government Code Section states that a newly-elected municipal officer may exercise the duties of office beginning on the fifth day after the date of the election, excluding Sundays. 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. ")

Last day for early voting ballot board to convene to qualify and count any provisional ballots that have been reviewed by the voter registrar and late ballots that were submitted from outside the United States and received by Thursday, May 17, 2007 while the board reconvenes to process provisional ballots. (Sec. 87.125).

Tuesday, May 22, 2007 (10th day after election day)

Last day for the presiding judge of the early voting ballot board to mail notices of rejected mail ballots to voters. (Sec. 87.043).

Wednesday, May 23, 2007 (11 th day after election day)

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

Monday, June 4, 2007 (23rd day after election day, 10th day after canvass)*

Last day for presiding judge of the early voting ballot board to mail notices of outcome of provisional ballots to voters. (1 Tex. Admin Code Sees. 81.172 - 81.174).

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

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

Monday, June 11, 2007 (30th day after election day)

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

Thursday, June 21, 2007 (40th day after election day)

Last day of the period for mandatory office hours. See entry for Friday, March 23, 2007. (Sec. 31.122).

Wednesday, July 11, 2007 (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 SOS Election Advisory No. 2006-08.

Thursday, March 12, 2009 (22 months following election)

Contents of ballot box(es) may be destroyed if no contest or criminal investigation has arisen (Sees. 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). Election records must be preserved for 22 months (instead of 60 days) from election day.

See new Texas Administrative Code rules and advisories on our website for preservation procedures for electronic voting systems.

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).