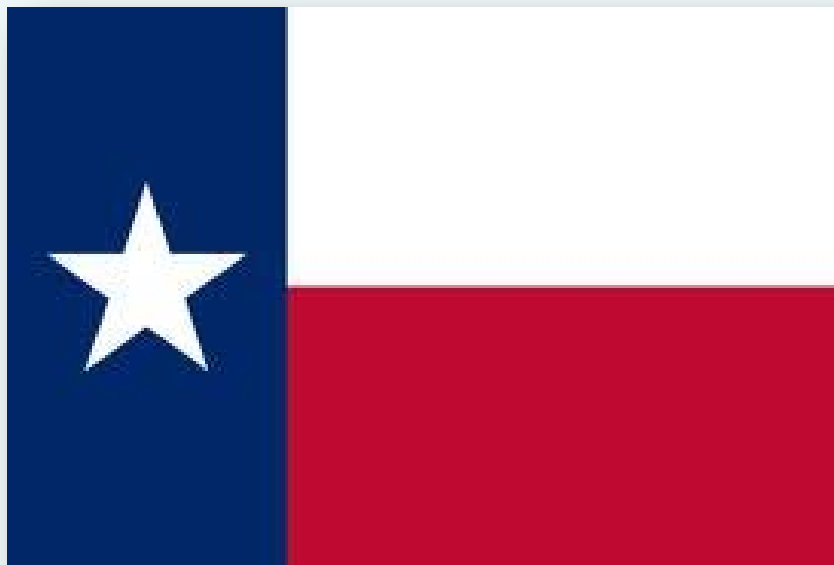


Elections for City Attorneys



Christina Worrell Adkins

Attorney, Texas Secretary of State

The Seventeenth Annual

Riley Fletcher Basic Municipal Law Seminar

February 11-12, 2016



Topics Covered

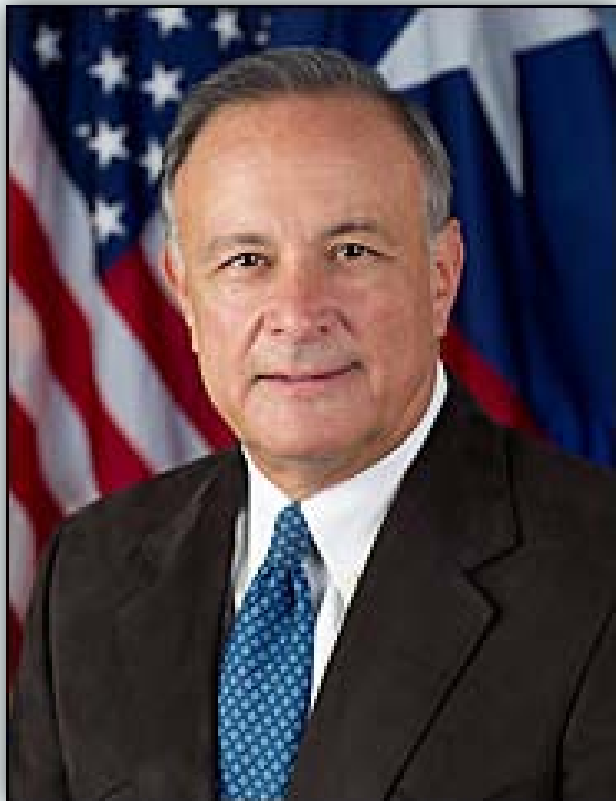
- Working with the SOS
- Elections in General
- Pre-Election Issues
- Post-Election Issues



Working with the SOS



Secretary of State



- Chief Election Officer
- Official Forms
- Uniformity
- Assistance and Advice
- Voting Rights Hotline
- Referral of Criminal Complaints to OAG



How do you contact us?

Phone numbers

1.800.252.VOTE (8683)

512.463.5650

Option 3 for receptionist

Or

1.800.252.2216

Option 2 for legal

Physical Location

Rudder Building

1019 Brazos

Austin, Texas 78701

PO BOX 12060

Austin, Texas 78711

elections@sos.texas.gov



Conducting Your Elections

www.sos.state.tx.us/elections/laws/citylaws.shtml

TEXAS SECRETARY OF STATE
CARLOS H. CASCO

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Elections And Voter Information

VOTETEXAS.GOV

Voter Information
About the Elections Division
Conducting Your Elections
Candidate Information
Election Officials and Officeholders
Election Results
Election Administration
Help America Vote Act (HAVA) Funding to Counties
Election Funds Management, (HAVA, Chapter 19 & Primary Finance)
Project V.O.T.E. for Teachers, Educators and Students
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Forms, Resources & Legal Library
Frequently Asked Questions (FAQs)
Contact Us

Laws and Procedures Pertaining to Cities

2015 Election Advisories and Memos

- New [Partial Manual Count after the November 3, 2015 Uniform Election Date](#)
- New [Precinct by Precinct Report for November 3, 2015 Election](#)
- New [No. 2015-14](#) - May 7, 2016 Election Law Calendar
- New [No. 2015-13](#) - Certain Activities in Vicinity of Polling Places
- New [No. 2015-12](#) - Post-Election Procedures and Qualifying for Office
- New [No. 2015-11](#) - Recount Deadlines for the November 3, 2015 Elections of Cities, School Districts and Other Political Subdivisions
- [No. 2015-10](#) - New Laws and Procedures for ABEMs due to passage of HB 1927
- [No. 2015-08](#) - DPS Web Portal
- [No. 2015-07](#) - 2015 Legislative Summary
- [No. 2015-04](#) - November 3, 2015 Election Law Calendar
- [Precinct-by-Precinct Reports for May 9](#)
- [Partial Manual Count – May 9 Uniform Election](#)
- [No. 2015-03](#) - Post-Election Procedures and Qualifying for Office for the May 9, 2015 Uniform Election
- [No. 2015-02](#) - Recount Deadlines for the May 9, 2015 Elections of Cities, School Districts and Other Political Subdivisions
- [Exemptions to Voting System Accessibility Requirements](#)

2014 Election Advisories and Memos

- [No. 2014-25](#) May 9, 2015 Election Law Calendar
- [No. 2014-23](#) - Recount Deadlines for the November 4, 2014 Elections of Cities, School Districts and Other Political Subdivisions
- [No. 2014-22](#) - Post-Election Procedures and Qualifying for Office
- [Joint Elections and Polling Places FAQs](#)
- [Election Advisory No. 2014-21](#) - Certain Activities in Vicinity of Polling Places
- [Waiver of Partial Manual Count for the November 4, 2014 Elections](#)
- [Exemptions to Voting System Accessibility Requirements](#)
- [No. 2014-20](#) - Processing and Counting Write-In Votes Cast on Electronic Voting Systems
- [No. 2014-19](#) - Manual/Hand Counting Rules for Paper and Optical Scan Ballots

Online Poll Worker Training

Voting Systems

- Information pertaining to examination, certification and accessibility of [Voting Systems](#)
- [Revised: Voting Accessibility Exemptions](#)

General Election Information

- [Mandatory ISD Joint Elections FAQ](#)
- [Election Glossary](#)
- [Important 2011 Election Dates](#)
- [Important 2012 Election Dates](#)
- [Important 2013 Election Dates](#)
- [Important 2014 Election Dates](#)
- [Important 2015 Election Dates](#)
- [New Important 2016 Election Dates](#)
- [Offices up for Election in 2015](#)

Election Procedures

- [New March 1, 2016 Dear Voter Letter \(PDF\) | Spanish \(PDF\)](#)
- [New Poll Watcher's Guide 2015 \(PDF\)](#)
- [Precinct by Precinct Reporting](#)
- [Handbook Request Form](#)
- [Revised: Election Judges and Clerks Handbook 2016 \(PDF\)](#) *Current for the March 1, 2016 Primary elections*
- [Revised: Early Voting Ballot Board Handbook \(PDF\)](#)
- [Forms Manual](#)

<http://www.sos.state.tx.us/elections/laws/citylaws.shtml>



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Political Subdivisions Forms Index

Note: The following forms are provided in PDF (Portable Document Format) for use with Adobe Acrobat Reader. Visit [Adobe.com](#) to download your copy of Acrobat Reader. All PDF documents featured on this page are configured to print out on legal size paper.

Photo Identification Form			Page
Revised Combination Form for Early Voting By Personal Appearance - Application, Poll List, Affidavits	Notes	Form	5-20
Revised Voter Information Poster	Notes	Form (Spanish)	7-7
Revised Affidavit of Provisional Voter	Notes	Form	7-15
Revised Combination Form	Notes	Form	7-20
Revised Registration Omissions List and Instructions for Registration Omissions List	Notes	Form	7-27
New Provisional Voters Appearing to Voter Registrar During Cure Period and Instructions		Form	9-7
New Request for Disability Exemption (Permanent)	Notes	Form	13-6
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New Notice to Provisional Voter (ID Voters)		Form Word (Spanish) Word	7-15c
New Notice of Required Identification	Notes	Form	13-1
New Notice of Acceptable Identification Poster (English)	8.5x14 11x17 24x36		
New Notice of Acceptable Identification Poster (Spanish)	8.5x14 11x17 24x36		

www.sos.state.tx.us/elev/forms.html

<http://www.sos.state.tx.us/elections/forms/pol-sub/index.shtml>



Election Law Calendars

May 7, 2016 Election Law Calendar
Released: October 26, 2015, Updated: November 12, 2015

Downloadable PDF Calendar
Download Calendar for Windows
Downloadable Calendar for Mac

The uniform election date in May of an even-numbered year is a date in which many local political subdivisions, such as cities, school districts, and water districts have their regular general elections for members of their governing bodies or special elections to fill vacancies. Therefore, this calendar is required to meet the needs of many diverse governmental bodies. If there are questions about the applicability of something in this calendar to your specific election, do not hesitate to call the Elections Division of the Office of the Texas Secretary of State at 1-800-252-VOTE(8683).

DECEMBER 2015					JANUARY 2016					FEBRUARY 2016										
S	M	T	W	T	F	S	M	T	W	T	F	S	M	T	W	T	F	S		
		1	2	3	4	5					1	2		1	2	3	4	5	6	
6	7	8	9	10	11	12	3	4	5	6	7	8	9	7	8	9	10	11	12	13
13	14	15	16	17	18	19	10	11	12	13	14	15	16	14	15	16	17	18	19	20
20	21	22	23	24	25	26	17	18	19	20	21	22	23	21	22	23	24	25	26	27
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Notes

- Campaign Information**
- Submissions to the U.S. Department of Justice**
- Statutory References**
- Contracts for Election Services on May Uniform Date in Even-Numbered Year**
- Required Use of County Polling Places**
- Notice of Candidate Filing Periods**
- Joint Election Requirement for School Districts**
- Joint Election Services**
- Notice of Elections**
- Calendar Early Voting Hours and Branch Locations**
- Notice of Invoicing Billing Dates**
- Leasing Inhabiting Equipment**

1. Note on Campaign Information
Under Title 16 of the Texas Election Code, candidates running for an office must file campaign contribution and expenditure reports. For further information and all questions about such disclosures filings, campaign finance, and political advertising, please contact the Texas Ethics Commission at 2111 E. 18th Floor, Austin, Texas 78711, call 512-463-5000, or access their website.

2. Note on Submissions to the U.S. Department of Justice
On June 25, 2013, the United States Supreme Court issued its decision in *Shelby County v. Holder*, 133 S. Ct. 2612 (2013). The Supreme Court's decision holds that Section 1 of the federal Voting Rights Act of 1965 is unconstitutional and its formula can no longer be used as a basis for subjecting jurisdictions to preclearance. Accordingly, unless and until there is new law from the United States Congress signed by the President or other court order, the Texas Attorney General has advised the Secretary of State that it is no longer required to submit voting changes to the DOJ for preclearance. We suggest that Texas counties or other Texas political subdivisions discuss the effect of *Shelby* and the continuing applicability of other provisions of the Voting Rights Act with their legal counsel.

3. Note on Statutory References
Unless otherwise indicated, all references are to the Texas Election Code. The county election officer is the county clerk, the county elections administrator, or the county tax assessor-collector, depending on the actions of the county commissioners court. (Secs. 31.021, 31.071 and 31.091). The county voter registrar is the county clerk, the county elections administrator, or the county tax assessor-collector, depending on the actions of the county commissioners court. (Secs. 12.261, 12.431, 11.431 and 21.071).

4. Note on Contracts for Election Services on May Uniform Date in Even-Numbered Year
With few exceptions, counties are not authorized to hold an election ordered by county authority on the May uniform election date. Also, a county elections administrator may refuse to provide election services by contract for an election that is held on the May uniform election date in an even-numbered year. (Sec. 41.001(c)). In May 2017 we will return to the general law where counties are authorized to hold an election ordered by county authority, and a county elections administrator may not refuse to provide election services by contract.

5. Note on Required Use of County Polling Places
Sections 42.002 and 42.067, as amended by House Bill 2077 (2015), provides all political subdivisions, including those created under Section 52, Article II or Section 53, Article IV of the Texas Constitution and located in a county or adjacent to a county of more than 3.3 million people, must use county election precincts. Therefore, all political subdivisions holding an election on May 7, 2016 must use county election precincts and polling places on election day, unless:

- the political subdivision has not established any temporary branch early voting polling places (the political subdivision only has its main early voting polling place); or
- the political subdivision conducts early voting by personal appearance at 75 percent or more of its temporary branch polling places on the same days and during the same hours as voting is conducted at the main early voting polling place, and at each remaining polling place for at least two consecutive days of voting during the early voting period, and for at least eight hours on each of the two consecutive days.

6. Note on Notice of Candidate Filing Periods
The authority with whom an application for a place on the ballot is filed must post a **Notice of Candidates to File Applications for Places on the Ballot (PDF)**, listing the filing period dates in a building in which the authority maintains an office. The notice must be posted not later than the 20th day before the first day to file. (Sec. 14.162). If you order a special election to fill a vacancy, the notice must include the filing deadline, we recommend posting the notice of the filing period as soon as practicable after a special election is ordered.

7. Note on Joint Election Requirement for School Districts
School districts conducting trustee elections must have joint polling places an election day with either:

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

For purposes of this calendar, we will continue to use separate subheads for cities and school districts when their rules are different. However, many entities will be working out joint election agreements. (Sec. 11.8581, Texas Education Code; Sec. 271.302).



Elections in General



Types of Elections

- **General Elections**
 - Presidential Election,
 - General Election for State and County officers,
 - **Regular Officer Elections for Cities**, School Districts, Water Districts, Hospital Districts, Library Districts.
- **Special Elections**
 - **Special Election to fill a Vacancy**,
 - Constitutional Amendment Election,
 - Local Option Liquor Elections,
 - Tax Ratification Elections,
 - Bond Elections.



Uniform Election Dates

- **Uniform Election Dates –(41.001)**
 - Each **general or special election** is required to be held on one of the following dates:
 - **First** Saturday in May in an odd-numbered year;
 - **First** Saturday in May in an even numbered year (for political subdivisions other than a county); OR
 - First Tuesday after the First Monday in a November.
 - **EXCEPTIONS:**
 - **Runoff election**
 - Elections that result from a court order
 - Emergency election under Section 41.0011
 - **Election held under a statute that expressly provides that the requirement of Subsection (a) does not apply to the election,**
 - **Initial election for the members of the governing body of a newly incorporated city**



Plurality v. Majority

- **Plurality:** A candidate must receive more votes than any other candidate for the office.
- **Majority:** A candidate must receive more than 50% of the total vote.
 - **Runoff Election:** If no candidate received the vote necessary to be elected in an election requiring a majority vote, a runoff election is required. (2.021)
- **Elections that Require a Majority Vote**
 - Election for an office of a city with a population of 200,000 or more.
 - City that has increased the term of its elected officials to more than two years (Article XI, Section 11)
 - Otherwise provided by law – (Education, Water Code, etc.)



Contracts/Joint Elections

- Joint Elections

If two or more entities are holding an election on the same day in a particular territory, then they may enter into a joint election agreement and share precincts, workers, and/or equipment, etc. (Chapter 271)

- Contract for Election Services

- Contract between county election officer and entity holding election for various election services including the leasing of election equipment. (31.092)



Local Election Officials

- **Duties of Local Election Official (City Secretary)**
 - Custodian of Election Records
 - Early Voting Clerk
 - Procuring, Ordering and Delivering Supplies
 - Preparing Ballots
 - Procuring Polling Places
 - Procuring and Training Election Judges
 - Election Night Duties, including Unofficial Vote Tallies
 - Maintaining Office Hours before and after election
 - Preparing and Delivering certain reports to SOS



Voting Systems

- Selection of a Voting System
 - Contract with County or Vendor
- Acquisition of a Voting System
- Adoption of a Voting System



Pre-Election Day Procedures



Pre-Election Day Procedures

- Notice of Deadline to File Applications for Place on the Ballot
- Candidate Filings
- Order of Election
- Notice of Election

AW3-2a
Prescribed by Secretary of State
Sections 3.004, 3.006, 15.080, Texas Election Code
10/2011

NOTICE OF DEADLINE TO FILE APPLICATIONS FOR PLACE ON THE BALLOT

AW3-1
Prescribed by Secretary of State
Sections 3.004, 3.006, 15.080, Texas Election Code
8/07

Notice is hereby given that an election will be held on _____, 20____, at _____, _____, Texas, for the purpose of electing the following county and precinct officers as required by Article XVI, Section 65 of the Texas Constitution.

SAMPLE
ORDER OF GENERAL ELECTION
(ORDEN DE ELECCION GENERAL)

An election is hereby ordered to be held on _____, 20____, at _____, _____, Texas, for the purpose of electing the following county and precinct officers as required by Article XVI, Section 65 of the Texas Constitution.

Filing Dates
(Fecha y Hora)
Start Date (Fecha Inicio)
Office Hours (Horario de los Oficios)

Physical address (Direccion a la oficina)

Address to mail ballots (Direccion a la oficina)

AW3-1
Prescribed by Secretary of State
Sections 3.004, 3.006, 15.080, Texas Election Code
8/2008

SAMPLE
NOTICE OF GENERAL ELECTION
(AVISO DE ELECCION GENERAL)

To the registered voters of the County of _____, Texas:
(A los votantes registrados del Condado de _____, Texas)

Notice is hereby given that the polling places listed below will be open from 7:00 a.m. to 7:00 p.m., November _____, 20____, for voting in a general election to elect _____ (constitutional officers, if applicable), Members of Congress, Members of the Legislature, and state, district, county and precinct officers.
(Notifiquese por lo presente, que los casilleros electorales citados abajo se abren desde las 7:00 a.m. hasta las 7:00 p.m. el _____ de noviembre de 20____ para votar en la Eleccion General para elegir _____ seleccionados constitucionales, si es aplicable, Miembros del Congreso, Miembros de la Legislatura, y oficiales del estado, distrito, condado y del precinto.)

On Election Day, voters must vote in their precinct where registered to vote.
(El Dia de Eleccion, los votantes deberan votar en su precinto donde esten inscritos para votar.)

Location of Election Day Polling Places (Incluya Nombre de Edificio and Address) (Incluya Nombre del Edificio y Direccion)	Precinct Number(s) (Numeros de precintos)

For early voting, a voter may vote at any of the locations listed below:
(Para la votacion adelantada, los votantes podran votar en cualquiera de las ubicaciones mencionadas abajo.)

Location for Early Voting Polling Places (Incluya Nombre de Edificio and Address) (Incluya Nombre de las casillas electorales de votacion adelantada) (Incluya Nombre del Edificio y Direccion)	Days and Hours of Operation (Dias y Horas Habiles)

Applications for ballot by mail shall be mailed to:
(Las solicitudes para boletines de votacion adelantada por correo deberan enviarse a:)

(Name of Early Voting Clerk)
(Nombre del Secretario de la Eleccion adelantada)

(Address) (Direccion)

(City) (Ciudad) (Zip Code) (Codigo Postal)

Applications for ballots by mail must be received no later than the close of business on _____.
(Las solicitudes para boletines de votacion adelantada por correo deberan recibirse para el fin de las horas de negocio el _____.)

Issued this _____ day of _____, 20____.
(Emite este dia _____ de _____, 20____.)

Signature of County Judge (Firma del Jefe del Condado)



Post-Election Procedures



Post-Election Procedures

- Canvass
 - Qualifying for Office
 - Certificate of Election (67.016)
 - Statement of Elected Officer (Art XVI, Sec. 1, Tex. Const.)
 - Oath of Office, Chapter 602, Texas Government Code
- Filed locally.

Form 1236 Rev. 10/2011

In the name and by the authority of
The State of Texas
 THIS IS TO CERTIFY, that at a general election held on
 Any Day, Any Month, Any Year
JOHN DOE
 was duly elected
ANY OFFICER

In testimony whereof, I have hereunto signed my name and caused the seal of _____ to be affixed at the City of _____ this _____ day of _____, 20____.

Signature of Presiding Officer of Canvassing Authority

Form 1236 Rev. 10/2011

This space reserved for officer use

Submit to:
 SECRETARY OF STATE
 Government Filings Section
 P O Box 12887
 Austin, TX 78711-2887
 512-463-4334
 512-463-5969 Fax
 Filing Fee: None

STATE OF TEXAS
 STATEMENT OF OFFICER

Statement
 I, _____ do solemnly swear (or affirm) that I have not directly or indirectly paid, offered, promised to pay, conditioned, or promised to condition any money or thing of value, or promised any public officer or employee for the giving or withholding of a vote at the election at which I was elected or as a reward to secure my appointment or confirmation, whichever the case may be, so help me God.

Position to Which Elected Appointed: _____
 City and/or County: _____

Execution
 Under penalties of perjury, I declare that I have read the foregoing statement and that the facts stated therein are true.
 Date: _____
 Signature of Officer: _____

Form 1236 2

Form 1236 Rev. 10/2011

This space reserved for officer use

Submit to:
 SECRETARY OF STATE
 Government Filings Section
 P O Box 12887
 Austin, TX 78711-2887
 512-463-4334

STATE OF TEXAS
 OATH OF OFFICE

Filing Fee: None

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF TEXAS,
 I, _____ do solemnly swear (or affirm), that I will faithfully execute the duties of the office of _____ of the State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States and of this State, so help me God.

Signature of Officer: _____

State of _____
 County of _____
 I appear to and subscribe before me this _____ day of _____, 20____.

Signature of Notary Public or Other Officer Administering Oath: _____
 Printed or Typed Name: _____

Form 1236 3



Post-Election Procedures

- Recounts (Title 13, Election Code)
 - Petition for a Recount
 - Automatic Recount
 - www.sos.state.tx.us/elections/laws/recounts.shtml
- Election Contests (Title 14, Election Code)
 - Action occurs in district court.
 - Losing candidate files suit against the winning candidate.



Websites

[www.sos.texas.gov /elections](http://www.sos.texas.gov/elections)

www.votetexas.gov

elections@sos.texas.gov

