

# Election “Hot Topics”



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# Topics Covered

- Plurality v. Majority
- Candidacy Issues
  - Candidate Eligibility
  - Application Review
  - Withdrawal of Candidates
- Resources



# PLURALITY V. MAJORITY



# 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)
- **How do I calculate a majority?** Take the total number of votes cast in an election, divide that in half, add 1 vote.



# Plurality v. Majority

- 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)**
- If your city has term lengths of 3 or 4 years, you are required under the Texas Constitution to elect by majority vote!



# Plurality v. Majority Hot Topic!

- Implementation Scheme
  - When adoption occurs, you must:
    - Adopt place numbers or single member districts
    - Determine staggering schedule
    - Consider how this affects vacancy filling procedures (home rule cities)
    - Educate city officials about potential for runoff elections.



# CANDIDACY



# Method of Filing

- Applications can be delivered **in person, by mail, or fax**.
  - If by mail, must look at time of receipt **NOT** postmark.
    - Receipt = actual possession of filing authority or agent, or time deposited in the authority's mail box.
  - Can't submit via fax if application requires a filing fee. SOS recommends not using fax if application contains petition.
  - E-mail submission is **NOT** permitted under the Election Code.
- Delivered to an **employee of filing authority** is sufficient under 1.007 of the TEC.





# Two things to consider...

- Problems with Candidate Application
  - form, content and procedure
- Problems with the Candidate's Eligibility



# Candidate Application

- **Form, Content, and Procedure**

- Review must be completed no later than 5<sup>th</sup> day after application is received (unless there is a petition).
- Accepting application does not preclude a later determination that there is a deficiency in the application.
- If rejecting, must do so immediately and deliver to candidate written notice of rejection.
- **NEW LAW: (SB 44, 2017, RS)** Cannot challenge after the day before any ballot by mail is mailed for the election.



# Candidate Petition

- **Review of Petition (141.032, TEC)**
  - Petition is part of application and review should be completed as soon as practicable.
  - Deficiency in petition can't be cured with information provided in application.
  - **Unless the petition is challenged, the authority is only required to review the petition for facial compliance with the applicable requirements as to form, content, and procedure.**



# “Form, Content, Procedure” Challenges

- **Limitations on Challenges (141.034, TEC)**
  - “Form, content and procedure” requirements may not be challenged after the day before any ballots by mail have been mailed.
  - Challenge must state with specific how the application does not apply.
  - Authority's review of challenge is limited to specific items challenged. Challenged candidate can file response with the authority.
  - This section does **NOT** apply to a determination of a candidate's eligibility



# Candidate Eligibility

- **Eligibility for Public Office (141.001, TEC)**
  - US Citizen
  - 18 years of age or older
  - No final judgment indicating:
    - Totally mentally incapacitated or
    - Partially mentally incapacitated without the right to vote
  - **No final felony conviction**
    - No pardon or release from resulting disabilities
  - Resided continuously in the state for 12 months
  - Resided continuously in the territory for 6 months.
  - Registered voter of the territory



# Candidate Eligibility

- **Administrative Declaration of Eligibility**
  - **MAY** administratively declare candidate ineligible if:
    - Information on candidate application indicates ineligible for office, OR
    - Conclusive public record shows ineligible.
      - There is NO public record that **conclusively** establishes residency.
- Candidate must be given written notice of the declaration of ineligibility.



# Candidate Eligibility

- **Two time frames for declaration of ineligibility:**
  - Candidate **MAY** be declared ineligible:
    - By **filing authority** before early voting in person begins,  
OR
    - By **presiding officer of final canvassing authority** after polls close and before certificate of election is issued.
- Candidate must be given written notice of the declaration of ineligibility.



# Eligibility Hot Topic!

- **Felony Conviction**
  - What does it mean to be “released from resulting disabilities?”
- **Status as Registered Voter**
  - As Candidate (141.001(6), TEC)
  - As Officeholder (601.009, Government Code)
    - ‘A person may not qualify for a public elective office unless the person is a registered voter.’





# Withdrawal

- To be effective, withdrawal **MUST** be:
  - In writing, signed, and notarized, AND
  - Timely filed with the filing authority [Sec. 145.092(f) and 145.094(a)(4)].
    - Uniform Election Dates: 5 pm, 71<sup>st</sup> day before election day.
    - Runoff Elections: 5 pm, third day after canvass of main election
    - Other elections: 5 pm, fifth day after application deadline.



# Withdrawal

- If withdrawal submitted too late, candidate's name remains on ballot and withdrawal has no effect.
  - **EXCEPTION:** NEW LAW, HB 1661 (2017), Untimely withdrawal can still remove name from ballot if ballots have not been prepared at the time candidate files withdrawal.
  - May allow **cancellation** of election if candidate unopposed and other requirements met.



# Withdrawal Hot Topic!

- Law went from a firm deadline to a fuzzy deadline with respect to cancellation.
- Be careful about coercion!!
- If a withdrawal results in a cancellation of election, notify relevant parties immediately as this may affect contracts/joint elections with other entities.



# Cancellation of Elections

Cancellation outline:

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

Call us!



# RESOURCES



# Secretary of State



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



# Conducting Your Elections

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

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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  
Voting Systems  
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 ABBMs 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 2016](#)

**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>



# Forms, Resources and Legal Library

- Links to—
  - Forms Manual
  - Handbooks
  - Advisories





# Election Law Calendars

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Election Outlook: Early voting for the March 1, 2016 Primary Election runs Tuesday, February 16 – Friday, February 26 | Last day to apply for ballot by mail (received, not postmarked) is Friday, February 19, 2016 | [What's on the Ballot](#) | [Voter Information](#) | Don't have a photo ID for voting? [Elections are available from DPS offices.](#)

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Links to Calendars on Main Election Page

**May 7, 2016 Election Law Calendar**  
Released: October 30, 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, calendar is required to meet the needs of many diverse governmental bodies. If there are questions about the

DECEMBER 2015							S	M
S	M	T	W	T	F	S		
		1	2	3	4	5		
6	7	8	9	10	11	12	3	4
13	14	15	16	17	18	19	10	11
20	21	22	23	24	25	26	17	18
27	28	29	30	31			24	25
								31

MARCH 2016							S	M
S	M	T	W	T	F	S		
		1	2	3	4	5		
6	7	8	9	10	11	12	3	4
13	14	15	16	17	18	19	10	11
20	21	22	23	24	25	26	17	18
27	28	29	30	31			24	25

JUNE 2016							S	M
S	M	T	W	T	F	S		
		1	2	3	4	5		
6	7	8	9	10	11	12	3	4
13	14	15	16	17	18	19	10	11
20	21	22	23	24	25	26	17	18
27	28	29	30	31			24	25

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Election Outlook: [Secretary Pablos Wants Texans To Be Ready To Vote](#) | [More about Identification Requirements for Voting](#) | [Monday, February 5, 2018 was the last day to register to vote in person in the March 6, 2018 Primary Election](#) | [Early voting takes place from Tuesday, February 20, 2018 – Friday, March 2, 2018](#) | [Last day to apply for ballot by mail \(received, not postmarked\) is Friday, February 23, 2018](#) | [What's on the Ballot](#) | [Voter Information](#) | [Voting Issues for Texas Heavy Counties](#)

**En Español**  
 **Please Take our Survey**  
Order Regarding Agreed Interim Plan for Elections (PDF)  
Archived Court Orders

**Points of Interest**  
**Online Poll Worker Training**  
Training  
Online Poll Worker Training Memo  
Cancellation Trend Reports  
Frequently Asked Questions Regarding the Census and Redistricting  
Report to the 85th Legislature on Section 105.004 of the Texas Election Code Relating to a Program Allowing Certain Military Voters on Active Duty Overseas to Cast a Ballot Electronically  
Report to the 85th Legislature Under Section 43.007(g), Texas Election Code Relating to the Countywide Polling Place Program  
Report to the 84th Legislature Relating to the Countywide Polling Place Program  
Report to the 83rd Legislature Relating to the Countywide Polling Place Program

**March 6, 2018 Primary Election**

- New [Democratic Party Sample Ballot \(PDF\)](#)
- New [Republican Party Sample Ballot \(PDF\)](#)

**Election and Candidate Information**

- New [Important 2018 Election Dates](#)
- Important [2017 Election Dates](#)
- Revised [Poll Watchers Outside 2016 \(PDF\)](#)
- Revised [Election Inspector Handbook \(PDF\)](#)
- Primary [Finance](#)
- New [2018 Primary Election Public Office Candidate Listing](#)
- New [2018 County and Precinct Chair Candidate Listing](#)
- County and Precinct [Chair Listing](#)

**Election Law Calendars**

- New [May 5, 2018 Election Law Calendar](#)
- New [March 6, 2018 Primary Law Calendar](#)
- New [Appendices, March 6, 2018 Primary Election Law Calendar](#)
- November 7, 2017 [Election Law Calendar](#)
- May 8, 2017 [Election Law Calendar](#)

**VOTER I.D. FAQs**

- Revised [Acceptable Forms of Identification \(PDF\)](#)
- Template [Press Release \(English / Spanish\)](#)
- Notice of [Acceptable Identification Poster \(English\) 8.6x14 \(PDF\) | \(11x17\) \(PDF\) | 24x36 \(PDF\)](#)
- Notice of [Acceptable Identification Poster \(Spanish\) 8.6x14 \(PDF\) | \(11x17\) \(PDF\) | 24x36 \(PDF\)](#)
- Forms
- Forms – [Voter Registration](#)

**VOTE TEXAS.GOV**  
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From upcoming election information to registering to vote, [VoteTexas.gov](#) makes sure you count.

- [Voter ID Requirements](#)
- [Am I Registered to Vote?](#)
- [How to Register to Vote](#)
- [Military/Overseas Voters](#)
- [Student Voters](#)
- [Voters With Special Needs](#)
- [Early Voting](#)
- [FAQ](#)

The Secretary of State is the chief election officer for the State of Texas. The Secretary of State's Elections Division provides assistance and advice to election officials on the proper conduct of elections. This includes hosting seminars and elections schools, providing calendars, ballot

<http://www.sos.texas.gov/elections/laws/march-6-primary-calendar-2018.shtml>



# Contacting the SOS

## 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](mailto:elections@sos.texas.gov)

