

Election Law

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ELECTIONS IN GENERAL



Resources

- **Elections Forms Index**
 - <https://www.sos.state.tx.us/elections/forms/pol-sub/index.shtml#photo-id>
- **Conducting Your Elections Page**
 - <https://www.sos.texas.gov/elections/laws/local-laws.shtml>
- **Training and Educational Resources Page**
 - <https://www.sos.state.tx.us/elections/laws/education-resources.shtml>



Types of Elections

- **General Elections**
 - Regular Council Member elections (for full term of office)
 - General Election for State and County officers
 - Presidential Election
- **Special Elections**
 - Special Election to fill a Vacancy
 - Bond & Tax Elections
 - Local Option Liquor Elections
 - Charter Amendment Elections
- **Runoff Election**



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.)



Uniform Election Dates

- **Uniform Election Dates** –(Election Code Sec. 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:**
 - Election held under a statute that provides that the requirement of Subsection (a) does not apply to the election,
 - Initial election of governing body of newly incorporated city (Election Code 41.001(a)(7))
 - Runoff election
 - Elections that result from a court order
 - Emergency election under Section 41.0011
 - Special Election to fill a Vacancy under Art XI, Sec. 11, Texas Constitution



Local Election Officials

- **Duties of Local Election Official (City Secretary/City Clerk)**
 - **Accepting and reviewing candidate applications & certifying candidates for a place on the ballot**
 - 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
 - Custodian of Election Records
- **All of these duties can be contracted away, except duty to accept and review candidate applications, certify candidates for a place on the ballot, and requirement to maintain office hours.**



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)
 - City should be aware that a School District MUST hold joint election with a city (if there is one with overlapping territory) for the regular board member election
- Contract for Election Services
 - Contract between county election officer and entity holding election for various election services including the leasing of voting system equipment. (31.092)



Cancellation of Elections

- Cancellation of an election is mandatory in certain circumstances with unopposed candidates.
- Cancellation Outline
 - <http://www.sos.state.tx.us/elections/laws/cancellation.shtml>

Call us.



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.



LEGISLATIVE TRENDS IN ELECTIONS



Standardized Runoff Dates

- **House Bill 357 (Bucy)**: Requires the Secretary of State to set the runoff date for all runoff elections resulting from an election held on a uniform election date.
 - The runoff date shall be held on a Saturday and must occur no earlier than the 30th day after the date of the main election and no later than the 45th day after the date of the main election.
 - The runoff election date may not be a national or state holiday under Section 1.006(f) of the Election Code. The runoff election's early voting period may not include a national or state holiday under Section 1.006(f).
 - Modifies authentication requirements of the Ballot by Mail Tracker to include: the voter's name, date of birth, the last four digits of the voter's social security number, and the voter's driver's license or personal identification card number issued by the Department of Public Safety.
- Effective Date: September 1, 2023
- Statutes Affected: Election Code §§ 2.025, 86.015(b)
- Repeals: Election Code § 2.025(b)



Proposed Runoff Dates for 2024 and 2025



May 2024 Runoff Election

Date is June 15, 2024

Earlier date (June 8) was not feasible because it would require early voting to start the day after the primary runoff election.

June 15, 2024 Runoff	
Thursday, May 16, 2024	Deadline to Register to vote
May 16 – June 5, 2024	Publish notice of election
Monday, June 3, 2024	Early Voting in Person Starts
Tuesday, June 4, 2024	Last Day to Receive an Application for Mail Ballot
Tuesday, June 11, 2024	Last Day of Early Voting
Saturday, June 15, 2024	Election Day
Monday, June 17, 2024	Last Day to Receive Returned Ballot by Mail with Postmark on or before June 15, 2024
Friday, June 21, 2024	Last Day to receive mail ballots from FPCA Military Voters
Wednesday, June 26, 2024	Last Day for Official Canvass
	*Father's Day June 16, 2024



November 2024 Runoff Election Proposed Date is December 14, 2024

Earlier date (December 7) is not feasible because Thanksgiving would occur in the middle of the early voting period, which is not permitted by HB 357.

December 14, 2024 Runoff	
Thursday, November 14, 2024	Deadline to Register to vote
November 14 – December 4, 2024	Publish notice of election
November 28-29, 2024	Closed due to Thanksgiving
Monday, December 2, 2024	Early Voting in Person Starts
Tuesday, December 3, 2024	Last Day to Receive an Application for Mail Ballot
Tuesday, December 10, 2024	Last Day of Early Voting
Saturday, December 14, 2024	Election Day
Monday, December 16, 2024	Last Day to Receive Returned Ballot by Mail with Postmark on or before December 14, 2024
Friday, December 20, 2024	Last Day to receive mail ballots from FPCA Military Voters
Wednesday, December 26, 2024	Last Day for Official Canvass



May 2025 Runoff Election

Proposed Date is June 7, 2025

Alternate option is June 14, 2025, the day before Father's Day.

June 7, 2025 Runoff	
Thursday, May 8, 2025	Deadline to Register to vote
May 8 – May 28, 2025	Publish notice of election
Tuesday, May 27, 2025* *Next business day after Memorial Day	Early Voting in Person Starts
Tuesday, May 27, 2025	Last Day to Receive an Application for Mail Ballot
Tuesday, June 3, 2025	Last Day of Early Voting
Saturday, June 7, 2025	Election Day
Monday, June 9, 2025	Last Day to Receive Returned Ballot by Mail with Postmark on or before June 7, 2025
Friday, June 13, 2025	Last Day to receive mail ballots from FPCA Military Voters
Wednesday, June 18, 2025	Last Day for Official Canvass *Father's Day June 15, 2025



November 2025 Runoff Election

Proposed Date is December 13, 2025

Earlier date (December 6) is not an option because the Thanksgiving holiday would require a split early voting period, which is not permitted by HB 357.

December 13, 2025 Runoff	
Thursday, November 13, 2025	Deadline to Register to vote
November 13 – December 3, 2025	Publish notice of election
November 27-28, 2025	Closed due to Thanksgiving
Monday, December 1, 2025	Early Voting in Person Starts
Tuesday, December 2, 2025	Last Day to Receive an Application for Mail Ballot
Tuesday, December 9, 2025	Last Day of Early Voting
Saturday, December 13, 2025	Election Day
Monday, December 15, 2025	Last Day to Receive Returned Ballot by Mail with Postmark on or before December 13, 2025
Friday, December 19, 2025	Last Day to receive mail ballots from FPCA Military Voters
Wednesday, December 24, 2025	Last Day for Official Canvass



Public Information and Voted Ballots

- **House Bill 5180 (Wilson)**: Clarifies the date by which voted ballots, cast vote records, and ballot images are available for public inspection.
 - Cast vote records and ballot images (if maintained) shall be made available by the general custodian of election records for public inspection no later than the first day after the final canvass of an election.
 - On the 61st day after election day, the general custodian shall make available for public inspection the original voted ballots.
 - The general custodian shall adopt procedures to ensure the redaction of any personally identifiable information of the voter that is contained on the voted ballot, ballot images, or cast vote records before making them available for public inspection.
- Effective Date: September 1, 2023
- Statutes Affected: Election Code § 1.012



Effects

- Public Information Outline
- [Advisory No. 2024-05](#): Guidance on Compliance and Safeguarding of Voted Ballots



Standardized Training

- **House Bill 1632 (Paul)**: Requires the Secretary of State to develop a standardized training program for polling place workers, early voting ballot board members, signature verification committee members, and central counting station personnel.
 - The training program shall include a published handbook and shall be made available on the Secretary of State’s website free of charge.
 - The training program must be made available at any time without prior registration, shall require the passage of an examination, and shall provide a certificate of completion.
- Effective Date: September 1, 2023
- Statutes Affected: Election Code §§ 32.111, 32.1111, 87.0031, 87.0272, 127.010



Effects

- **Handbooks**
 - Election Judges and Clerks (Qualifying Voters)
 - Early Voting Ballot Board
 - Signature Verification Committee (NEW)
 - Central Counting Station (NEW)
 - Election Workers Handbook (NEW)
- **Online Poll Worker Training**
 - Individual modules that correspond with each handbook



Combining Precincts

- **Senate Bill 924 (Springer)**: Modifies provisions related to the combining of county election precincts.
 - Combining may only occur in a general or special election for which the use of county election precincts is required and is limited to counties with precinct-based voting and a population of less than 1.2 million.
 - On the recommendation of the county election board, the commissioners court may combine polling places if the county cannot secure a suitable polling place location under Section 43.031 and the location of the combined polling place adequately serves the voters of the combined precinct.
 - A combined precinct may not contain more than 10,000 registered voters.
- Effective Date: September 1, 2023
- Statutes Affected: Election Code §§ 42.006, 42.0051
- Repeals: Election Code § 42.0051(b)



Effects

- [Advisory 2023-11](#) - NEW LAW: Election Precincts and Polling Places
 - Senate Bill 924
- Counties may need to review county election precinct lines to ensure compliance
 - Countywide Counties = may need more locations, workers, equipment



Corrective Action Process

- [Senate Bill 1599](#) (Hughes): Modifies certain procedures related to voting by mail, including the corrective action process for applications for ballot by mail and mail ballots.
- Effective Date: September 1, 2023
- Statutes Affected: Election Code §§ 66.026, 84.032, 84.036, 86.008, 86.015, 87.0222, 87.0241, 87.0271, 87.041, 87.0411



Effects

- [Advisory 2023-13](#) - NEW LAW: Senate Bill 1599 – Changes to the Corrective Action Process for Defects on Application for a Ballot by Mail and Carrier Envelope
- Previous advisories on corrective action procedures have been incorporated into the new advisory. The prior advisories are no longer in effect and our web postings were updated to reflect these changes.
- Voting by Mail Guide (NEW) – Completed, in review
- Early Voting Ballot Board Handbook (REVISED)
- Signature Verification Committee Handbook (NEW)
- Forms
 - NEW
 - Register of Surrendered Ballots
 - Notice of Rejected Application for Ballot by Mail that may be Cured Online
 - Notice of Rejected Confidential Voter Registration Form and Early Voting Ballot Application
 - Notice of Carrier Defect Issued by the Early Voting Clerk for Confidential Voters
 - REVISED
 - Notice of Rejected Application for Ballot by Mail
 - Notice of Rejected Application for Ballot by Mail Containing a Defect that may be Cured Online
 - Notice of Carrier Defect Issued by the Early Voting Clerk (Carrier Envelope Returned to Voter)
 - Notice of Carrier Defect Issued by the Early Voting Clerk (Carrier Envelope NOT Returned to Voter)
 - Notice of Defective Carrier Issued by Signature Verification Committee or Early Voting Ballot Board



Removal From Office

- **Senate Bill 232 (Hinojosa)**: Requires the removal of an elected or appointed officer of a political subdivision due to certain qualifying offenses. The bill also contains provisions regarding appealing the removal and filling the vacancy created by a removal.
- Effective Date: September 1, 2023
- Statutes Affected: Local Government Code §§ 180.010, 21.031(c), 87.032



Municipal Actions after Redistricting

- **House Bill 3613 (Cain)**: Provides that a municipality that is divided into districts, wards, or other areas from which members of its governing body are elected, shall elect all members of the municipality's governing body following each apportionment on the first uniform election date that allows sufficient time to comply with requirements of law. If the members of the governing body serve staggered terms, the municipality shall adopt an equitable process to determine which members of the governing body serve shorter terms to accommodate an election following apportionment that accounts for the remaining time in each member's term and whether the term of any member elected from a particular district, ward, or area was previously shortened.

- Effective Date: September 1, 2023
- Statutes Affected: Local Government Code § 21.006



Changing Election Date

- **Senate Bill 2258 (Blanco)**: Allows the governing body of a city with a population of 9,000 or less, located predominantly in a county that has a total area of less than 4,800 square miles, that has adopted a council-manager form of government, and that holds its general election on a date other than the November uniform election date, to change its election date to the November uniform election date, no later than December 31, 2024. Section 41.0052(b), (c), and (d) apply to the change of election date. This provision expires on January 1, 2025.
- Effective Date: September 1, 2023
- Statutes Affected: Election Code § 41.0052



Changing Election Dates

- **Senate Bill 2620 (Springer)**: Allows a municipality, independent school district, or hospital district wholly or partly located in a county with a population of more than 19,900 and less than 20,000 that holds its general election for officers on a date other than the November uniform election date to move its officer elections to the November uniform election date. This provision is limited to entities in Montague County.
- Effective Date: September 1, 2023
- Statutes Affected: Election Code § 41.0052



SOS CONTACT INFORMATION



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

