Elections 101

TAEA Midwinter Conference 2024

Know Your Resources

- Texas Election Code
- Election Law Calendar
- Networking
- Build Relationships
- Make a Checklist

Contracts/Joint Election Agreements/Cost Estimates

Approximately 4-6 months prior to election.

A contract for election services is a contract between the political subdivision holding an election in the county and the county election officer for specific election services that the county election officer would perform in a countywide election (equipment, ballot programming, etc.).

Its important to note that a contract for election services can be executed between a political subdivision and a county even if the county is not conducting it's own election.

A joint election agreement is when two political subdivisions, who are holding elections on the same day in the same county, jointly hold their elections in common precincts. The joint election agreement must be approved by the governing bodies of all participating political subdivisions.

If the county is not holding an election of their own, political subdivisions may choose to do a joint election with each other but only contract with the county to conduct the election.

Billable Costs:

- Actual expenses
- Rental fee for equipment may not exceed 10% of the purchase price, per day. (Sec. 123.032)

The county election officer cannot:

- Charge for duties that must be performed by law.
- Be personally paid for services under contract.

The county election officer can:

- Charge up to 10% of the total amount of the contract for general supervision of the election.

Contracts/Joint Election Agreements/Cost Estimates

The contract may not change:

- The filing authority for candidate applications
- The filing authority for Title 15 documents
- A political subdivision's requirement to maintain office hours under Sec. 31.122.

County Election Board

Approximately 3 months prior to election

Does not apply to Primary Elections

Sec. 51.002. COUNTY ELECTION BOARD.

(a) A county election board is established in each county for the general election for state and county officers, a special election for an officer regularly elected at the general election, and any other election ordered by a county authority or held at county expense.

(b) For the general election for state and county officers and for a special election for an officer regularly elected at the general election, the county election board consists of the county judge, county clerk, voter registrar, sheriff, and county chair of each political party required to nominate candidates by primary election. For other elections, the board consists of the county judge, county clerk, voter registrar, and sheriff.

(c) The county clerk is the chair of the county election board.

(d) A meeting of the county election board shall be:

(1) held in person; and

(2) open to the public.

(e) Not later than 48 hours before each meeting of the county election board, the county clerk shall post notice of the meeting on the county's Internet website, if the county maintains a website.

County Election Board

Duties of the County Election Board:

- Recommend combining of county election precincts (Sec. 42.0051)
- Recommend consolidation of county election precincts (Sec. 42.008)
- Approve procurement and allocation of election supplies (Sec 51.003)
- Appoint Early Voting Ballot Board (Sec. 87.002)
- Appoint Signature Verification Committee members (Sec. 87.027)

Reserve Polling Locations

Approximately 4 months prior to election.

Order of Election

Sec. 3.005. TIME FOR ORDERING ELECTION. (a) Except as provided by Subsections (c) and (d), an election ordered

by an authority of a political subdivision shall be ordered not later than the 62nd day before election day.

(b) This section supersedes a law outside this code to the extent of any conflict.

(c) For an election to be held on a uniform election date, the election shall be ordered not later than the 78th day before election day.

(d) Except as provided by Subsection (c), an election under Section 26.08, Tax Code, to ratify a tax rate adopted by

the governing body of a school district under Section 26.05(g) of that code shall be ordered not later than the 30th day before election day.

Order of Election

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Section / Form Number	Form Name	Form Link	Instructions / Notes	Legal Reference	Release Date	Previous Form Number
Subsection 1 - Order of Election for General Elections						
1-1	Order of Election - November General Election for County Officers	Form	Notes	3.004,3.006,85.004, 85.006,85.007	9/2023	1-1
1-2	Order of General Election for Municipalities	Form	Notes	3.004, 3.005, 3.006, 85.004, 85.006, 85.007	9/2023	1-2
1-3	Order of General Election for Other Political Subdivisions (other than City or County)	Form	Notes	3.004, 3.005, 3.006, 4.008, 83.010, 85.004, 85.007	9/2023	1-3
1-4	Proclamation by the Governor		Notes	3.003	9/2023	1-4
Subsection 2 - Order of Election for Special Elections						
1-7	Order of Special Election for Counties (For Governor-ordered or county-ordered measure election)	Form	Notes	3.003, 3.004, 3.005, 3.006, 83.010, 85.004, 85.007	9/2023	1-5
1-8	Order of Special Election for Municipalities	Form	Notes	3.004, 3.006, 85.004, 85.007, 201.054	9/2023	1-6
1-9	Order of Special Election for Other Political Subdivisions	Form	Notes	3.004, 3.006, 4.008, 85.004, 85.007, 201.054	9/2023	1-7

Ballot Drawing

Sec. 52.094. NAMES OF CANDIDATES. (a) Except as otherwise provided by law, for an election at which the names of more than one candidate for the same office are to appear on the ballot in an independent column or are to appear on a general or special election ballot that does not contain a party nominee, the order of the candidates' names shall be determined by a drawing. The order of the candidates' names on the ballot of any resulting runoff election or election held to resolve a tie vote shall be the relative order of names on the original election ballot.

(b) The authority responsible for having the official ballot prepared for the election shall conduct the drawing.

(c) The authority conducting the drawing shall post in the authority's office a notice of the date, hour, and place of the drawing. The notice must remain posted continuously for 72 hours immediately preceding the scheduled time of the drawing.

(d) The authority conducting the drawing shall provide notice of the date, hour, and place of the drawing to each candidate by:

(1) written notice:

(A) mailed to the address stated on the candidate's application for a place on the ballot, not later than the fourth day before the date of the drawing; or

(B) provided at the time the candidate files an application with the appropriate authority;

(2) telephone, if a telephone number is provided on the candidate's application for a place on the ballot; or

(3) e-mail, if an e-mail address is provided on the candidate's application for a place on the ballot.

(e) Each candidate affected by a drawing is entitled to be present or have a representative present at the drawing.

Setup Election in Voter Registration System

Approximately 2-3 months prior to election.

- Add all districts specific to the election
- Proof election reports
- Run voter reports to determine ballot quantities
- Update TEAM: ENR Contacts and Phone Numbers / Polling Locations, Dates and Times

Program Election

- Complete programming on voting system
  - Program in office
  - Vendor Program
- Review Ballot Proofs
  - Have entities/parties review and approve proofs

Update Website with Election Specific Information

Voting Schedules

Sample Ballots

Required Postings

Notice of Election

Signature Verification Committee Appointment Order

Notice of L&A Testing

Other Election Notices

Poll Workers

Approximately 2-3 months prior to election.

- Appoint Election Workers
- Send writs
- Notify workers of training dates and times
- Create a list of backups

Poll Worker Training

- SOS training available
- Forms manual
- Hands on training

Prepare Election Supplies and Forms

- Check SOS forms index for current forms
- Organize forms and supplies
- Chain of Custody documents
- Program Equipment
- Coordinate delivery/pickup of voting equipment and supplies

Testing

Four types of voting system testing shall be performed for each election

1. Hardware Diagnostic Test (Chapter 129, Subchapter B)
2. Hash Validation/Logic and Accuracy (L&A) Test (Chapter 129, Subchapter B)
3. Testing of Tabulation Equipment (Chapter 127, Subchapter D)
4. Post-Election Audit (Partial Manual Count) (Chapter 127, Subchapter H)

Hash Validation

- Each county and entity conducting an election must perform hash validation for every election.
- Entities must perform hash validation in conjunction with the Public L&A testing.
- Hash validation must be performed prior to casting of test ballots.
- Hash validation test must be successful in order to proceed with L&A testing.

Logic and Accuracy Testing

Prior to the commencement of voting and no later than 48 hours before voting begins on the equipment, the designated general custodian of election records shall conduct the public Logic and Accuracy Test (Sec. 129.023)

Public notice is required:

- On county website
- Bulletin boards
- Newspaper
- Notify County Chairs, in primary elections
- Notify County Election Board

Test of Tabulation Equipment

Test of Tabulation Equipment: The tabulation supervisor and counting station manager of the central counting station shall prepare and test the central accumulator system three times as required by Chapter 127, Subchapter D. The test shall be conducted as part of the Logic and Accuracy Test. The test shall be conducted three times for each election:

- The first test shall be conducted at least 48 hours before the automatic tabulating equipment is used to count ballots voted in the election. The first test is open to the public. (Sec. 127.096(b))
- The second test shall be conducted immediately before the counting of ballots with the equipment begins.
- The third test shall be conducted immediately after the counting of ballots with the equipment is completed.

Ballot by Mail

Initial mailing 45 days before election day.

- Enter in TEAM or report vote history to TEAM for corrective action process

Notice of Election

Chapter 4 Texas Election Code

Notice of Election

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Subsection 3 - Notice of Election						
1-12	Notice of General Election	Form	Notes	4.004, 83.010, 85.004, 85.007	9/2023	1-9
1-13	Notice of Special Election (County Election)	Form	Notes	4.004, 83.010, 85.004, 85.007	9/2023	1-10
1-14	Notice of General Election for Municipalities	Form	Notes	4.004, 83.010, 85.004, 85.007	9/2023	1-11
1-15	Notice of General Election for Other Political Subdivision	Form	Notes	4.004, 83.010, 85.004, 85.007	9/2023	1-12
1-16	Notice of Special Election (Cities, Schools, and Other Political Subdivisions)	Form	Notes	4.004, 4.009, 83.010, 85.004, 85.007	9/2023	1-13
Subsection 4 - Other Required Notices						
1-19	Record of Posting Notice of Election	Form	Notes	4.005(b)	9/2023	1-22
1-20	Internet Posting for Political Subdivisions	Form	Notes	2051.151, 2051.152	9/2023	1-24

Early Voting Ballot Board

- Created in each election to process early voting ballots from the territory served by the early voting clerk
- Must consist of a presiding judge, an alternate presiding judge and at least one other member.
- Appointed by the county election board, if one is established.
- New law requires that the EVBB meet no later than the 9th day before election day.
- TEC Chapter 87

Equipment Intake and Central Count

You need a central counting station if:

• You count your ballots by reading media from tabulation devices into a central computer.

• You count your ballots by having voters deposit them in ballot box, and bringing those ballots back to a central location to be counted by a scanner.

You do not need a central counting station if:

• Your ballots are hand-counted at the precinct polling places on election night.

• You count your ballots by having voters deposit them into a precinct scanner, printing tapes from the precinct scanner, and generating your results by adding up the totals on those tapes by hand or by a calculator WITHOUT reading media into a computer.

A written plan is required and must be made available to the public on request no later than 5 p.m. of the fifth day before election day. It is recommended that the plan also be made available on the entity's website.

Post Election Procedures

- *Partial Manual Count*
- *Canvass*
- *Precinct by Precinct*
- *Final Report (for CWPP counties)*
- *Retention*