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**Section I: Elections  
Generally**

General Election  
Dates

Each general or special election in this state, including each election of members of a college district board of trustees, shall be on one of the following dates:

1. The first Saturday in May in an odd-numbered year.
2. The first Saturday in May in an even-numbered year, for an election held by a political subdivision other than a county.
3. The first Tuesday after the first Monday in November.

*Election Code 41.001*

The governing body of a political subdivision, other than a county or municipal utility district, that holds its general election for officers on a date other than the November uniform election date may, not later than December 31, 2016, change the date on which it holds its general election for officers to the November uniform election date. *Election Code 41.0052(a)*

Publication of  
Election Date and  
Location Online

A political subdivision, including a college district, with the authority to impose a tax that maintains a publicly accessible internet website, shall post on a publicly accessible internet website the date and location of the next election for officers of the political subdivision. [See also Election Notice, below]

*Gov't Code 2051.151, .152(a)*

Joint Elections  
Administrator

A political subdivision, including a college district, may seek to create the position of joint elections administrator under Election Code Chapter 31, Subchapter F. *Election Code 31.152*

Membership

The number of members or trustees of the governing board shall be either seven or nine, in accordance with the laws applicable to the junior college district on the effective date of the Education Code or on the date of the creation of a new district or a new board. *Education Code 130.082(d)*

*Blinn College*

Notwithstanding any other law, in addition to the members of the board of trustees of the Blinn Junior College District elected or appointed under other provisions of Education Code Chapter 130, Subchapter E, the commissioners court of each county in which a branch campus of the district with a student enrollment greater than 10,000 is located shall appoint two members to serve on the district's board of trustees. If an advisory committee for a branch campus has been previously established, the members must be selected from the membership of the advisory committee.

Members of the board of trustees appointed under Education Code 130.0827 serve two-year terms and may be appointed to serve

successive terms. The commissioners court shall appoint initial members to serve a term beginning December 1, 2015.

Members of the board of trustees appointed under Section 130.0827 may participate in the decision making of the board to the same extent as any other member of the board except that members of the board appointed under Section 130.0827 by the commissioners court of a county that is not located in the Blinn Junior College District:

1. May participate in the decision making of the board only in matters not related to the imposition of a tax or the distribution of revenue raised from a tax;
2. Are counted for purposes of determining whether a quorum of the board is present only for the purpose of item 1; and
3. May not serve as an officer of the board of trustees.

*Education Code 130.0827*

*Weatherford  
College*

Notwithstanding any other law, in addition to the members of the board of trustees of the Weatherford Junior College District elected or appointed under other provisions of Education Code Chapter 130, Subchapter E, the commissioners court of each county in which a branch campus of the district is located and that imposed a branch campus maintenance tax under Education Code 130.253 on September 1, 2017, shall appoint one member to serve on the district's board of trustees.

Members of the board of trustees appointed under Education Code 130.08285 serve two-year terms and may be appointed to serve successive terms. The commissioners court shall appoint initial members to serve a term beginning December 1, 2017.

A member of the board of trustees appointed under Section 130.08285 may participate in the decision-making of the board to the same extent as any other member of the board, including by voting on any budget that affects the entire district, except that a member of the board of trustees appointed under Section 130.08285:

1. May not participate in the decision-making of the board in matters related to the imposition of a tax or an issue that only affects a campus located in the junior college district;
2. Is not counted for purposes of determining whether a quorum of the board is present for the purpose of item 1; and
3. May not serve as an officer of the board of trustees.

*Education Code 130.08285*

BOARD MEMBERS  
ELECTIONS

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<i>Increase in Membership</i>	Any seven-member board may be increased to nine, and the two additional members shall be appointed by resolution or order of the board for terms of office as prescribed in Education Code 130.082(e). <i>Education Code 130.082(d)</i>
Trinity Valley Community College	In accordance with Education Code 130.08285, the governing board of the Trinity Valley Community College District may by resolution or order of the governing board increase the number of board members to 11. <i>Education Code 130.08285(a)</i>
Terms	The basic term of office of a member of the board shall be six years. <i>Education Code 130.082(e)</i>
Methods of Election	Election of board members shall be by at-large positions, except as otherwise provided. <i>Education Code 130.082(f), (h)</i>
<i>At-Large Positions</i>	One-third of the members of the board shall be elected at large in the college district at regular elections in accordance with Education Code 130.082(e)–(g), provided that with a seven-member board two members shall be elected in two consecutive even-numbered years and three members shall be elected in the following even-numbered year. <i>Education Code 130.082(e)–(g)</i>
<i>Single-Member Districts Generally</i>	The board of trustees of a junior college district may order that all or a majority of the trustees of the district be elected from single-member trustee districts. The order must be entered not later than the 120th day before the day of the first election of trustees from single-member trustee districts. <i>Education Code 130.0822(a)–(b)</i>
Board Order	
Trustee Districts	If the board orders that trustees shall be elected from single-member trustee districts, the board shall divide the junior college district into the appropriate number of trustee districts, based on the number of members of the board that are to be elected from single-member districts, and shall number each trustee district.  The trustee districts must be compact and contiguous and must be as nearly as practicable of equal population according to the last preceding federal census. Trustee districts must be drawn not later than the 90th day before the day of the first election of trustees from single-member districts.  The board may provide for trustees holding office on the date of the initial election of trustees from single-member districts to serve the remainder of their terms and to represent a trustee district for that term without having residency in that trustee district.  Unless the board has made provision for trustees to complete their term, as described above, residents of each trustee district are entitled to elect one trustee to the board. A candidate for trustee must

be a resident of the trustee district the candidate seeks to represent. The trustee vacates the office if the trustee ceases to reside in the trustee district the trustee represents.

*Education Code 130.0822(d)–(h)*

Redistricting

Not later than the 90th day before the day of the first regular junior college trustee election at which trustees may officially recognize and act on the last preceding federal census, the board shall redivide the district into the appropriate number of trustee districts if the census data indicates that the population of the most populous district exceeds the population of the least populous district by more than ten percent. Redivision of the district shall be in the manner provided for the initial division of the district.

After each redistricting, all positions on the board shall be filled unless the board of trustees determines that trustees shall be elected from the new trustee districts as provided by Education Code 130.0826. The trustees then elected shall draw lots for staggered terms as provided by Education Code 130.082.

*Education Code 130.0822(j)–(k)*

The board of trustees of any junior college district that elects some or all of its members from single-member districts and in which the trustees serve staggered terms may provide for the trustees in office at the first election after the junior college district is redistricted to serve for the remainder of their terms in accordance with Education Code 130.0826.

If the board of trustees provides for the trustees in office to serve for the remainder of their terms in accordance with Education Code 130.0826, the trustee districts established by the redistricting plan shall be filled as the staggered terms of trustees in office expire. When the board of trustees adopts a redistricting plan, the board shall determine from which new trustee district the position of each trustee in office will be filled as it becomes vacant.

Education Code 130.0826 does not authorize a trustee of a junior college district to continue in office after a redistricting plan takes effect if the member no longer resides in the district from which the board member was elected.

*Education Code 130.0826*

Applicability

This method of election does not apply to a junior college district to which Education Code 130.081, 130.083, 130.0821, or 130.088 applies, or to a junior college district required by other law to elect trustees from single-member districts. This method of election does

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not apply to the election of trustees in any district in which the election of trustees is governed by a court order so long as that order remains in effect. *Education Code 130.0822(l)*

Single-Member  
Districts in  
Certain Counties

The members of the governing board of a countywide community college district that contains a city with a population of more than 384,500 residents shall be elected from single-member trustee districts in accordance with Education Code 130.0821. *Education Code 130.0821(a)*

*Election by  
Position*

The governing board of a junior college that elects a governing board of seven members, with four members elected from respective commissioner precincts and three members elected at large, may order that the board members elected at large be elected instead by position. The order must be entered not later than the 120th day before the first election of a trustee by position. The board may provide for trustees holding office on the date of the initial election of board members by position to serve the remainder of their terms and to represent a position for that term. *Education Code 130.0823*

The board of trustees of a district with a population greater than one million may require that an application filed by a person desiring election to a numbered position on the board be accompanied by a filing fee not to exceed \$200 or, instead of the filing fee, a petition signed by a number of registered voters of the district not to exceed 200 as determined by the board. *Education Code 130.044(g)*

*Paris Junior  
College*

In accordance with Education Code 130.0829, the governing board of the Paris Junior College District may provide by resolution or order of the board for the election of nine board members, eight members elected from respective commissioner precincts and evenly allocated among those precincts and one member elected at large. *Education Code 130.0829*

Boundary Change  
Notice

A political subdivision, including a college district, that changes its boundaries or the boundaries of districts used to elect members to the governing body of the political subdivision shall not later than the 30th day after the date the change is adopted:

1. Notify the voter registrar of the county in which the area subject to the boundary change is located of the adopted boundary change; and
2. Provide the voter registrar with a map of an adopted boundary change in a format that is compatible with the mapping format used by the registrar's office.

*Election Code 42.0615*

Notice of Voting  
Rights

The secretary of state shall adopt rules providing for publicizing voters' rights as prescribed by Election Code 62.0115. The rules must require that a notice of those rights be publicized by being posted by an election officer in a prominent location at each polling place, on the internet website of the secretary of state, through material published by the secretary of state, or in another manner designed to give voters notice of their rights.

The secretary of state shall prescribe the form and content of the notice. A notice informing voters of the secretary of state's toll-free telephone number to allow a person to report an existing or potential abuse of voting rights and the purpose for the number shall be included in the notice of voters' rights.

*Election Code 31.0055, 62.0115*

Delivery or  
Submission of  
Election Documents

Unless otherwise provided by the Election Code, when the Election Code provides for delivery, submission, or filing of an application, notice, report, or other document or paper with an authority having administrative responsibility under the Election Code, a delivery, submission, or filing with an employee of the authority at the authority's usual place for conducting official business constitutes filing with the authority. The authority to whom a delivery, submission, or filing is required by the Election Code to be made may accept the document or paper at a place other than the authority's usual place for conducting official business.

A delivery, submission, or filing of a document or paper under the Election Code may be made by personal delivery, mail, telephonic facsimile machine, or any other method of transmission.

*Election Code 1.007*

**Section II:  
Conducting an  
Election**

Election Services

If requested to do so by a political subdivision, including a college district, a county elections administrator shall enter into a contract to furnish the election services requested, as set forth at Election Code Chapter 31, Subchapter D. A county elections administrator is not required to enter into a contract to furnish election services for an election held on the first Saturday in May in an even-numbered year. *Election Code 31.093(a), 41.001(d)*

Election Order

The governing body of a political subdivision, including a college district board of trustees, shall order the election. 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. *Election Code 3.004, .005(c)*

Each election order must state the date of the election; the offices or measures to be voted on; the location of the main early voting polling place; the date that early voting will begin if the early voting

period is to begin later than the prescribed date; the dates and hours that early voting will be conducted; the dates and hours that early voting on Saturday and Sunday is ordered to be conducted; and the early voting clerk's official mailing address, except for an election in which a county clerk or city secretary is the early voting clerk under Election Code 83.002 or 83.005. The authority ordering an election shall preserve the order, proclamation, or other document ordering the election, in an election involving a federal office, for at least 22 months after election day in accordance with federal law or, in an election not involving a federal office, for at least six months after election day. *Election Code 3.006, .008, 66.058(a), 83.010, 85.004, .007*

*Failure to Order  
an Election*

Failure to order a general election does not affect the validity of the election. *Election Code 3.007*

Election Notice  
*Contents*

The notice of a general or special election must state:

1. The nature and date of the election;
2. The location of each polling place;
3. The hours the polls will be open;
4. For early voting:
  - a. The location of the main early voting polling place, as determined under Election Code 85.002;
  - b. The date that early voting will begin if under Education Code 85.001(d) the early voting period is to begin later than the prescribed date;
  - c. The regular dates and hours that early voting will be conducted;
  - d. The dates and hours that voting on Saturday and Sunday is ordered to be conducted; and
  - e. The early voting clerk's official mailing address.
5. The numbers of the positions to be filled;
6. The candidates for each position; and
7. Any other matters deemed necessary or advisable.

*Election Code 4.004(a), 83.010, 85.004, .007; Education Code 130.082(f)*

When the Election Code requires notice of a polling place location, the written notice must state the building name, if any, and the

street address, including the suite or room number, if any, of the polling place. *Election Code 1.021*

Notice of  
Special Election

The notice of a special election must also state each office to be filled or the proposition stating each measure to be voted on. *Election Code 4.004(b)*

*Publication*

Notice of the election shall be given by publishing the notice at least once, not earlier than the 30th day or later than the tenth day before election day in a newspaper published in the territory that is covered by the election and is in the jurisdiction of the authority responsible for giving the notice or in a newspaper of general circulation in the territory if none is published in the jurisdiction of the authority responsible for giving the notice.

If notice of an election is given by publication, the authority responsible for giving the notice shall retain a copy of the published notice that contains the name of the newspaper and the date of publication. The records shall be preserved by the authority to whom they are distributed for at least 22 months after election day.

*Election Code 4.003(a)(1), .005(a), 66.058(a); Education Code 130.082(f)*

*Posting*

In addition to the notice described above, not later than the 21st day before election day, a county shall post a copy of a notice of the election given by the county or provided to the county by a political subdivision under Election Code 4.008(a), which must include the location of each polling place, on the county's internet website, if the county maintains a website. An authority responsible for giving notice of an election may post a copy of the notice on the bulletin board used for posting notices of the meetings of the governing body of the political subdivision that the authority serves. If a county does not maintain a website, the authority responsible for giving notice of the election shall post a copy of a notice of the election on the bulletin board used for posting notices of meetings of the governing body of the political subdivision that the authority serves. The notice must remain posted continuously through election day. The notice must include the location of each polling place. The person posting the notice shall make a record at the time of posting stating the date and place of posting. The person shall sign the record and deliver it to the authority responsible for giving the election notice after the last posting is made. *Election Code 4.003(b), .005(b)*

*Early Voting*

Any notice required under Election Code 85.007 must also be posted:

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1. On the internet website of the authority ordering the election, if the authority maintains a website; and
2. For a primary election or general election, by the secretary of state on the secretary's internet website.

The authority ordering an election shall forward its election notice to the secretary of state in a manner that affords the secretary of state sufficient time to comply with item 2.

*Election Code 85.007(d)–(e)*

*Notice to the  
County Clerk and  
Voter Registrar*

The governing body of a political subdivision, other than a county, that orders an election shall also deliver notice of the election, including the location of each polling place, to the county clerk and voter registrar of each county in which the political subdivision is located not later than the 60th day before election day. *Election Code 4.008(a)*

*Notice to Election  
Judge*

Not later than the 15th day before election day or the seventh day after the date the election is ordered, whichever is later, the authority responsible for giving notice of the election shall deliver to the presiding judge of each election precinct in which the election is to be held in the authority's jurisdiction a written notice of:

1. The nature and date of the election;
2. The location of the polling place for the precinct served by the judge;
3. The hours that the polls will be open;
4. The judge's duty to hold the election in the precinct specified by the notice; and
5. The maximum number of clerks that the judge may appoint for the election.

*Election Code 4.007*

*Failure to Give  
Notice of Election*

Failure to give notice of a general election does not affect the validity of the election. *Election Code 4.006*

Filing Information  
*Notice to  
Candidates*

The authority with whom an application for a place on the ballot must be filed shall post notice of the dates of the filing period in a public place in a building in which the authority has an office not later than the 30th day before the last day on which a candidate may file the application. This requirement does not apply to an office filled at the general election for state and county officers (the November uniform election date of even-numbered years). *Election Code 141.040*

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<i>Publication of Filing Information Online</i>	A political subdivision, including a college district, with the authority to impose a tax that maintains a publicly accessible internet web-site, shall post on a publicly accessible internet website the requirements and deadline for filing for candidacy of each elected office of the political subdivision, which shall be continuously posted for at least one year before the election day for office. <i>Gov't Code 2051.151, .152(a)</i>
<i>General Election</i>	An application for a place on the ballot may not be filed earlier than the 30th day before the date of the filing deadline. Any resident, qualified elector of a junior college district may have his or her name placed as a candidate on the official ballot for any position to be filled at each regular election by filing a written application, signed by the candidate, with the secretary of the board not later than 5:00 p.m. of the 78th day before election day, if the election is to be held on a uniform election date. <i>Education Code 130.082(g); Election Code 144.005</i>
<i>Special Election</i>	<p>An application for a place on a special election ballot may not be filed before the election is ordered.</p> <p>An application must be filed not later than:</p> <ol style="list-style-type: none"><li>1. 5:00 p.m. of the 62nd day before election day if election day is on or after the 70th day after the election is ordered; or</li><li>2. 5:00 p.m. of the 40th day before election day if election day is on or after the 46th day and before the 70th day after the date the election is ordered.</li></ol> <p><i>Election Code 201.054(a), (d)</i></p>
Exception	For a special election to be held on the date of the general election for state and county officers (the November uniform election date of even-numbered years), the filing deadline is 6:00 p.m. of the 75th day before election day. <i>Election Code 201.054(f)</i>
<i>Write-In Candidacy</i>	<p>In a general or special election for members of the governing body of a junior college district, a write-in vote may not be counted for a person unless the person has filed a declaration of write-in candidacy with the secretary of the board of trustees in the manner provided for write-in candidates in the general election for state and county officers. A declaration of write-in candidacy must be filed not later than 5:00 p.m. of the 74th day before election day, if the election is to be held on a uniform election date.</p> <p>A declaration of write-in candidacy for a special election must be filed not later than the filing deadline prescribed by Election Code 201.054.</p>

A write-in candidate may not withdraw from the election after the 71st day before election day.

*Education Code 130.0825(b); Election Code 146.054, 201.054(g)*

*Application*

The application must state the number of the position for which the person is a candidate or the name of the incumbent member of the board holding the position for which the person desires to run. The application shall include all statutorily required information, including that found at Election Code 141.031 and 141.039, such as an oath and a statement that the candidate is aware of the nepotism law. [See BBBB] The candidate shall be eligible to run for only one position at each election. *Education Code 130.082(g); Election Code 31.0021, 141.031, .039*

Withdrawal

To withdraw from an election, a candidate whose name is to appear on the ballot must request that the candidate's name be omitted from the ballot in accordance with Election Code 145.001. *Election Code 145.001(a)*

*Deadline*

A candidate may not withdraw from an election after 5:00 p.m. of the fifth day after the deadline for filing the candidate's application for a place on the ballot. *Election Code 145.092(a)*

Exceptions

A candidate in an election for which the filing deadline for an application for a place on the ballot is not later than 5:00 p.m. of the 62nd day before election day may not withdraw from the election after 5:00 p.m. of the 57th day before election day.

A candidate in an election for which the filing deadline for an application for a place on the ballot is not later than 5:00 p.m. of the 78th day before election day may not withdraw from the election after 5:00 p.m. of the 71st day before election day.

A candidate in a runoff election may not withdraw from the election after 5:00 p.m. of the third day after the date of the final canvass for the main election.

*Election Code 145.092(b), (d), (f)*

Late Request

If a candidate files a withdrawal request after the deadline prescribed by Election Code 145.092, and the candidate complies with each requirement under Election Code 145.001 except that the candidate's filing to withdraw is untimely, the authority responsible for preparing the ballots may choose to omit the candidate from the ballot if at the time the candidate files the withdrawal request:

1. The ballots have not been prepared; and

2. If using a voting system to which Election Code Chapter 129 applies, public notice of the test of logic and accuracy has not been published.

*Election Code 145.098(a)*

Death of Candidate If a candidate dies on or before the deadline for filing an application for a place on the ballot:

1. The authority responsible for preparing the ballots may choose to omit the candidate from the ballot; and
2. If the authority omits the candidate's name as described above, the filing deadline for an application for a place on the ballot for the office sought by the candidate is extended until the fifth day after the filing deadline.

*Election Code 145.098(b)*

Election of Unopposed Candidate The board may declare each unopposed candidate elected if each candidate for an office that is to appear on the ballot is unopposed.

For purposes of determining whether all offices on a ballot are unopposed, a special election of a political subdivision, including a college district, is considered to be a separate election with a separate ballot from:

1. A general election for officers of the political subdivision held at the same time as the special election; or
2. Another special election of the political subdivision held at the same time as the special election.

*Election Code 2.051(a)*

*Single-Member Districts*

In the case of an election in which any members of the political subdivision's governing body are elected from territorial units such as single-member districts, the unopposed candidate procedures apply to the election in a particular territorial unit if each candidate for an office that is to appear on the ballot in that territorial unit is unopposed and no at-large proposition or opposed at-large race is to appear on the ballot. *Election Code 2.051(b)*

*Procedure for Canceling Election*

The authority responsible for having the official ballot prepared shall certify in writing that a candidate is unopposed for election to an office if, were the election held, only the votes cast for that candidate in the election for that office may be counted.

The certification shall be delivered to the governing body of the political subdivision as soon as possible after the filing deadlines for placement on the ballot and list of write-in candidates.

*Election Code 2.052(a)–(b)*

- Exception A certification may be made following the filing of a withdrawal request by a candidate after the deadline prescribed by Election Code 145.092, above, if:
1. The withdrawal request is valid except for the untimely filing;
  2. Ballots for the election have not been prepared; and
  3. The conditions for certification under Election Code 2.052(a) are otherwise met.

The certification shall be delivered to the governing body of the political subdivision as soon as possible.

*Election Code 2.052(c)–(d)*

Declaration of Election On receipt of the certification, the governing body of the political subdivision by order or ordinance may declare each unopposed candidate elected to the office. If the board makes such a declaration, the election is not held.

If no election is to be held on election day by the political subdivision, a copy of the order shall be posted on election day at each polling place used or that would have been used in the election.

The ballots used at the separate election held at the same time as an election that would have been held if the candidates were not declared elected under this section shall include the offices and names of the candidates declared elected under this section listed separately after the measures or contested races in the separate election, under the heading “Unopposed Candidates Declared Elected.” The candidates shall be grouped in the same relative order prescribed for the ballot generally. No votes are cast in connection with the unopposed candidates.

*Election Code 2.053(a)–(c)*

Ballot The ballot shall be printed in the form required by law. *Election Code 52.061–.064, .069, .093–.094*

*Ballot Position* The location on the ballot of the names of the candidates for each position shall be chosen by lot by the board. The candidate shall be eligible to run for only one position in each election. *Education Code 130.082(g)*

*Propositions* Except as otherwise provided by law, the authority ordering the election shall prescribe the wording of a proposition that is to appear on the ballot. A proposition shall be printed on the ballot in the form of a single statement and may appear on the ballot only once.

If an election of officers is contingent on the adoption of a proposition appearing on the same ballot, the proposition shall appear on

the ballot before the listing of offices. Otherwise, in an election in which an office and a measure are to be voted on, each proposition stating a measure shall appear on the ballot after the listing of offices.

Except as otherwise provided by law, the authority ordering an election in which more than one measure is to be voted on shall determine the order in which the propositions are to appear on the ballot.

Each political subdivision's proposition on the ballot shall be assigned a unique number or letter on the ballot as follows:

1. Except as provided by item 2, for each proposition on the ballot, the authority ordering the election shall assign a letter of the alphabet to the measure that corresponds to its order on the ballot; and
2. For each proposition on the ballot to be voted on statewide, the authority ordering the election shall assign a number to the measure that corresponds to its order on the ballot.

Each proposition on the ballot must identify the name of the authority ordering the election on the measure.

*Election Code 52.072–.095*

Election Judges and Clerks

The board shall appoint election judges and set the maximum number of election clerks. The judges and clerks shall be selected and serve in accordance with Election Code Chapter 32. *Election Code Chapter 32*

The nepotism prohibitions [see DBE] do not apply to appointment of an election clerk under Election Code 32.031 who is not related in the first degree by consanguinity or affinity to an elected official of the authority that appoints the election judges for that election. *Gov't Code 573.061(8)*

Polling Places

The governing body of each political subdivision authorized to hold elections, other than a county, shall designate the location of the polling place for each of its election precincts. Each polling place shall be accessible to and usable by the elderly and persons with physical disabilities. *Election Code 43.004, .034*

*Use of County  
Election  
Precincts*

The county election precincts are the election precincts for the following elections:

1. The general election for state and county officers;
2. A special election ordered by the governor;
3. A primary election;

4. A countywide election ordered by the commissioners court, county judge, or other county authority, except an election subject to Election Code 42.062(2); and
5. As provided by Election Code 42.0621, any other election held by a political subdivision, including college districts, on a uniform election date.

*Election Code 42.002(a)*

In an election held on the November uniform election date, the political subdivisions to which Election Code 42.002(a)(5) applies shall use the regular county election precincts. If a political subdivision holds an election on a uniform election date and is required to use the regular county election precincts, the political subdivision shall designate as the polling places for the election the regular county polling places in the county election precincts that contain territory from the political subdivision. *Election Code 42.0621, 43.004(b)*

*Polling Place for  
Early Voting*

The following provision applies to an election held by a political subdivision, other than a county, on the November uniform election date in which the political subdivision:

1. Is not holding a joint election with a county in accordance with Election Code Chapter 271; and
2. Has not executed a contract with a county elections officer under which the political subdivision and the county share early voting polling places for the election.

The political subdivision shall designate as an early voting polling place for the election an eligible county polling place located in the political subdivision and may not designate as an early voting polling place a location other than an eligible county polling place unless each eligible county polling place located in the political subdivision is designated as an early voting polling place by the political subdivision.

A shared polling place established under this section that is designated as a main early voting polling place by any political subdivision must be open for voting for all political subdivisions the polling place serves for at least the days and hours required of a main early voting polling place under Election Code 85.002 for the political subdivision making the designation.

“Eligible county polling place” means an early voting polling place, other than a polling place established under Election Code 85.062(e), established by a county.

*Election Code 85.010*

Temporary  
Branch

Early voting by personal appearance at each temporary branch polling place shall be conducted on the days that voting is required to be conducted at the main early voting polling place under Election Code 85.005 and remain open for at least:

1. Eight hours each day; or
2. Three hours each day if the city or county clerk does not serve as the early voting clerk for the territory holding the election and the territory has fewer than 1,000 registered voters.

*Election Code 85.064*

*Posting Signs  
Prohibited*

An election officer commits an offense if the officer knowingly posts at a polling place, including the area within 100 feet of an outside door through which a voter may enter the building in which the polling place is located, a sign, card, poster, or other similar material that is not authorized or required by law; or is in a form or contains information that is not authorized or required by law.

A person other than an election officer commits an offense if the person posts a sign, card, poster, or similar material at a polling place, including the 100-foot area described above.

*Election Code 62.013(a)–(b)*

*Electioneering*

A person commits an offense if, during the voting period and within 100 feet of an outside door through which a voter may enter the building in which a polling place is located, the person loiters or electioneers for or against any candidate, measure, or political party.

“Electioneering” includes the posting, use, or distribution of political signs or literature. The term does not include the distribution of a notice of a party convention authorized under Election Code 172.1114.

“Voting period” means the period beginning when the polls open for voting and ending when the polls close or the last voter has voted, whichever is later.

“Early voting period” is described at Election Code 85.001.

The entity that owns or controls a public building being used as a polling place or early voting polling place may not, at any time during the voting period or early voting periods, as applicable, prohibit electioneering on the building’s premises outside of the area described above, but may enact reasonable regulations concerning the time, place, and manner of electioneering.

*Election Code 61.003, 85.036*

BOARD MEMBERS  
ELECTIONS

BBB  
(LEGAL)

*Use of Certain  
Devices  
Prohibited*

A person may not use a wireless communication device within 100 feet of a voting station. A person may not use any mechanical or electronic means of recording images or sound within 100 feet of a voting station.

Exception

The prohibitions do not apply to:

1. An election officer in conducting the officer's official duties;
2. The use of election equipment necessary for the conduct of the election; or
3. A person who is employed at the location in which a polling place is located while the person is acting in the course of the person's employment.

*Election Code 61.014*

Bilingual Materials  
*Spanish*

Bilingual election materials shall be used in each election precinct situated wholly or partly in a county in which five percent or more of the inhabitants are persons of Spanish origin or descent according to the most recent federal decennial census that may be officially recognized or acted upon by the state or political subdivisions.

An election precinct may be exempted from the bilingual requirement if official census information or other information indicates that persons of Spanish origin or descent comprise less than five percent of the precinct's inhabitants. To exempt an election precinct from the bilingual requirement, the presiding officer of the governing body of the political subdivision responsible for the expenses of an election, with the approval of the governing body, must file with the authority responsible for procuring the election supplies for the political subdivision's elections the documentation described at Election Code 272.003. An exemption is effective on the 30th day after the date the certification and other required materials are filed. A precinct exempted under this section remains exempt until the precinct becomes subject to Election Code 272.002 as a result of a subsequent federal decennial census; or the effective date of a change in the precinct's boundary.

*Election Code 272.002, .003(a)–(c), (e)*

*Other Languages*

If the director of the census determines under 42 U.S.C. 1973aa-1a that a political subdivision must provide election materials in a language other than English or Spanish, the political subdivision shall provide election materials in that language in the same manner in which the political subdivision would be required to provide materials in Spanish, to the extent applicable. *Election Code 272.011(a); 52 U.S.C. 10503*

Voting Systems	A voting system shall be selected and utilized in accordance with Election Code Title 8. <i>Election Code Title 8</i>
<i>Voting Machines and Punch-Card Ballots</i>	A voting system may not be used in an election if the system uses mechanical voting machines or a punch-card ballot or similar form of tabulating card. <i>Election Code 122.001(d)</i>
<i>Voters with Disabilities</i> Accessible Voting Stations	Each polling place must provide at least one voting station that complies with Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. 794) and its subsequent amendments, Title II of the federal Americans with Disabilities Act (42 U.S.C. 12131 et seq.) and its subsequent amendments and the requirements for accessibility under 42 U.S.C. 15481(a)(3) and its subsequent amendments, and provides a practical and effective means for voters with physical disabilities to cast a secret ballot. <i>Election Code 61.012(a)</i>
Electronic Voting System Exceptions	Upon providing the notice detailed in Election Code 61.013(d), for an election other than an election of a political subdivision that is held jointly with another election in which a federal office appears on the ballot, a political subdivision, including a college district, is not required to meet the requirements for accessibility under Election Code 61.012(a)(1)(C) if the political subdivision is located in a county: <ol style="list-style-type: none"><li>1. With a population of less than 2,000;</li><li>2. With a population of 2,000 or more but less than 5,000, and the political subdivision provides at least one voting station that meets the requirements for accessibility under 42 U.S.C. 15481(a)(3) on election day;</li><li>3. With a population of 5,000 or more but less than 10,000, and the political subdivision provides at least one voting station that meets the requirements for accessibility under 42 U.S.C. 15481(a)(3) on election day and during the period for early voting by personal appearance;</li><li>4. With a population of 10,000 or more but less than 20,000, and the political subdivision:<ol style="list-style-type: none"><li>a. Makes a showing in the manner provided by Election Code 61.103(c) that compliance with Section 61.012(a)(1)(C) constitutes an undue burden on the political subdivision;</li><li>b. Provides at least one voting station that meets the requirements for accessibility under 42 U.S.C. 15481(a)(3) on election day and during the period for early voting by personal appearance; and</li></ol></li></ol>

- c. Provides a mobile voting station that meets the requirements for accessibility under 42 U.S.C. 15481(a)(3) that during the period for early voting by personal appearance is deployed at least once at each polling place used for early voting by personal appearance.

*Election Code 61.013(a)*

*Multiple  
Counties*

For purposes of Election Code 61.013, a political subdivision located in more than one county may choose:

1. To be considered located in the county that contains the greatest number of registered voters of the political subdivision; or
2. For each portion of the political subdivision located in a different county, to be considered a separate political subdivision.

*Election Code 61.013(e)*

Multiple Voting  
Systems  
Permitted

A political subdivision may use more than one type of voting system in a single polling place in order to provide a person with physical disabilities with a method of casting a secret ballot. [See GL] *1 TAC 81.55*

Voting System  
Malfunction

If no private vendor supports the political subdivision's voting system, the political subdivision must give notice to the secretary of state within 24 hours of a malfunction of the political subdivision's voting system software or equipment in an election. The notice may be verbal or in writing. *1 TAC 81.64(a)*

Early Voting

A board shall provide for early voting in board elections by personal appearance at an early voting polling place and by mail in accordance with Election Code Title 7. *Election Code 81.001*

Conducting  
Elections

Elections shall be conducted in accordance with Election Code Title 6. *Election Code Title 6*

**Section III: Post-  
Election Procedures**

Determination of  
Results

A candidate receiving a majority of the votes cast for all candidates for a board member position shall be declared elected. *Education Code 130.082(g); Atty. Gen. Op. M-1101 (1972)*

*Majority*

*Runoff Elections*

If no candidate receives such a majority, then the two candidates receiving the highest number of votes shall run against each other for the position. The runoff election for all positions shall be held not earlier than the 20th day or later than the 45th day after the date the final canvass of the main election is completed. *Education Code 130.082(g); Election Code Chapter 2, Subch. B*

BOARD MEMBERS  
ELECTIONS

BBB  
(LEGAL)

*Write-In Voting*

Election Code Chapter 146, Subchapter B applies to write-in voting in an election for members of the governing body except to the extent of a conflict with this section. In a general or special election for members of the governing body of a junior college district, a write-in vote may not be counted for a person unless the person has filed a declaration of write-in candidacy with the secretary of the board of trustees in the manner provided for write-in candidates in the general election for state and county officers. *Education Code 130.0825(a), (c)*

Canvass Returns

Except as provided by Election Code 67.003(c), each local canvassing authority shall convene to conduct the local canvass at the time set by the canvassing authority's presiding officer not later than the 11th day after election day and not earlier than the later of:

1. The third day after election day;
2. The date on which the early voting ballot board has verified and counted all provisional ballots, if a provisional ballot has been cast in the election; or
3. The date on which all timely received ballots cast from addresses outside of the United States are counted, if a ballot to be voted by mail in the election was provided to a person outside of the United States.

Two members of the authority constitute a quorum for purposes of canvassing an election.

The presiding officer of the canvassing authority shall note the completion of the canvass in the minutes or in the recording required by Government Code 551.021.

*Election Code 67.003(b), .004(a), (g)*

*Early Voting  
Canvass—  
November  
Election*

For an election held on the date of the general election for state and county officers (November of even-numbered years), the time for the canvass of early voting results may be set not later than the 14th day after election day. *Election Code 65.051(a-1), 67.003(c)*

Certificate of  
Election

After the completion of a canvass, the presiding officer of the local canvassing authority shall prepare a certificate of election for each candidate who is elected to an office for which the official result is determined by that authority's canvass. A certificate of election must contain:

1. The candidate's name;
2. The office to which the candidate is elected;
3. A statement of election to an unexpired term, if applicable;

4. The date of the election;
5. The signature of the officer preparing the certificate; and
6. Any seal used by the officer preparing the certificate to authenticate documents that the officer executes or certifies.

The authority preparing a certificate of election shall promptly deliver it to the person for whom it is prepared, subject to the submission of a recount petition.

The submission of a recount petition delays the issuance of a certificate of election and qualification for the office involved in the recount pending completion of the recount. A candidate may not qualify for an office involved in a recount before completion of the recount. The recount petition does not affect a candidate who has received a certificate of election and qualified for an office before the submission of a recount petition.

A certificate of election may not be issued to a person who has been declared ineligible to be elected to the office.

The presiding officer of the canvassing authority shall prepare a report of the precinct results as contained in the election register. The presiding officer shall deliver the report to the secretary of state as required by Election Code 67.017.

*Election Code 67.016–.017, 212.0331*

Certificate of  
Election for  
Unopposed  
Candidate

A certificate of election shall be issued to each unopposed candidate in the same manner and at the same time as provided for a candidate elected at the election. The candidate must qualify for the office in the same manner as provided for a candidate elected at the election. *Election Code 2.053(e)*

Officer's Statement

All elected and appointed officers, before taking the oath or affirmation of office and entering upon the duties of office, shall subscribe to the required officer's statement. All other officers shall retain the signed statement with the official records of the office. [See BBB(EXHIBIT)] *Tex. Const. Art. XVI, Sec. 1(b)*

Oath of Office

All elected and appointed officers, before they enter upon the duties of their offices, shall take the oath or affirmation of office. [See BBB(EXHIBIT)] *Tex. Const. Art. XVI, Sec. 1(a); Education Code 130.082(d)*

An oath made in this state may be administered and a certificate of the fact given by the individuals listed at Government Code 602.002, including:

1. A judge, retired judge, or clerk of a municipal court.

2. A judge, retired judge, senior judge, clerk, or commissioner of a court of record.
3. A notary public.
4. A justice of the peace or clerk of a justice court.
5. An associate judge, magistrate, master, referee, or criminal law hearing officer.
6. The secretary of state or a former secretary of state.
7. The speaker of the house of representatives or a former speaker of the house of representatives.
8. The lieutenant governor or a former lieutenant governor.
9. The governor or a former governor.
10. A legislator or retired legislator.
11. The secretary of the senate or the chief clerk of the house of representatives.
12. The attorney general or a former attorney general.
13. A county treasurer.

*Gov't Code 602.002*