Elections 101

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County Election Officials Seminar
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What to Expect?

• Basic Election Concepts
• Terminology and “Election Lingo”
• Citations and References
• Preview of other Presentations
Election Glossary/Acronym List
Sources of Law

- Texas Election Code
- Texas Administrative Code
- Advisories/Memos
- OAG Opinions
- Other Texas Statutes
  - Local Government Code
  - Government Code
  - Education Code
  - Water Code,
  - Agriculture Code, etc.....
Texas Election Code

http://www.statutes.legis.state.tx.us/
Secretary of State

- Secretary John Steen
  - Chief Election Officer
  - Official Forms
  - Uniformity
  - Assistance and Advice
  - Voting Rights Hotline
  - Referral of Complaints to OAG
County Election Officials

• County Election Commission
  – County judge, county clerk, county tax
    assessor-collector, county chair of each
    political party.

• County Election Board
  – County judge, county clerk, VR, sheriff
  – County chair of each political party required
    to nominate by primary election
County Election Officials

• County Clerk

• Tax-Assessor Collector as Voter Registrar
  – Volunteer Deputy Registrars

• County Elections Administrator
Election Officials

• Early Voting Clerk

• Presiding Judge/Alternate Judge

• Election Day Clerks

• Early Voting Ballot Board
Voter Registration

• Eligibility to Vote
• “Qualified Voter”
• Voter Registration Application
• Registration Certificate
• Confirmation of Residence
• Cancellation
  — Notice of Investigation
  — Verification of Voter Status
• Reinstatement
Voter Registration

- **Eligibility to Vote (11.001)**
  - A person must be a qualified voter on the day the person offers to vote.
  - A person must be a resident of the territory covered by the election for the office or measure upon which a person desires to vote, and;
  - A person must satisfy all other requirements by law for that election.
  - If a person resides on property located in more than one territory, the person is required to choose which territory the residence of the person is located.

- **Qualified Voter (11.002)**
  - 18 years of age,
  - U.S. Citizen,
  - Not determined by a final judgment of a court exercising probate jurisdiction to a totally mentally incapacitated, or partially mentally incapacitated without the right to vote,
  - Not finally convicted of a felony. If a person has a felony conviction, they can regain their right to vote when the person’s sentence is fully discharged, including any term of incarceration, parole or supervision or completed a period of probation or if the person has been pardoned or released from the resulting disability to vote.
  - Resident of the State, and;
  - Registered voter.
Voter Registration

- Application Required for Registration (13.002)
  - In writing, signed by the applicant, and
  - Submitted by personal delivery, mail, or fax transmission
  - If submitted by fax, a copy of the registration application must be submitted by mail and be received by the VR no later than the fourth business day after the fax is received.
Voter Registration – Cancellation/Reinstatement

• Cancellation occurs upon the voter’s request or when the voter registrar receives certain information.

• Investigation (16.033)
  – Notice of Investigation
  – Verification of Voter status

• Reinstatement (16.037, 16.038)
  • Occurs immediately upon discovery that cancellation should not have occurred.
General Election Information

- Uniform Election Dates
- Types of Elections
- Plurality v. Majority
- Contacts/Joint Elections
Uniform Election Dates

- **Uniform Election Dates** –(41.001)
  - Each **general or special election** is required to be held on one of the following dates:
    - Second Saturday in May in an odd-numbered year;
    - Second Saturday in May in an even numbered year (for political subdivisions other than a county); OR
    - First Tuesday after the First Monday in a November.
  - **EXCEPTIONS:**
    - Runoff election
    - Elections that result from a court order
    - Emergency election under Section 41.0011
    - Election to fill vacancy in the legislature under Section 203.013
    - **Election held under a statute that expressly provides that the requirement of Subsection (a) does not apply to the election,**
    - Initial election for the members of the governing body of a newly incorporated city.
Types of Elections

- Presidential Election,
- General Election for State and County officers,
- Primary Elections,
- Constitutional Amendment Election (November odd-numbered years),
- Local Option Liquor Elections,
- Municipal Elections,
- School District Elections,
- Water District Elections,
- Hospital District Elections,
- Tax Ratification Elections,
- Bond Elections,
- Bingo Elections,
- Stock Law Elections,
- Leash Law Elections, etc., etc., etc.....
Plurality v. Majority

- **Plurality**: A candidate must receive more votes than any other candidate for the office.
- **Majority Vote**: 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**:
  - Primary election (172.003)
  - Special election to fill vacancy in legislature or Congress (203.003, 204.005, 204.021)
  - Election for an office of a city with a population of 200,000 or more.
  - City that has increased the term of its elected officials to more than two years (Article XI, Section 11)
  - Otherwise provided by law – (Education, Water Code, etc.)
Contracts/Joint Elections

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

• Contract for Election Services
  – Contract between county election officer and entity holding election for various election services including the leasing of election equipment. (31.092)
Pre-Election Day Procedures

• Order of Election
• Candidate Filing Period
• Notice of Election
• Ballot Drawing/Ballot Certification
• Voting Systems Testing
• Early Voting
Order of Election

- Order must include:
  - The date of the election;
  - The offices or measures to be voted on;
  - The location of the main early voting polling place;
  - The early voting clerk’s official mailing address.
  - Branch early voting polling places. (Recommended for counties)
  - The dates and hours for early voting. (Recommended for counties)
  - The dates and hours of any Saturday and Sunday early voting. (Recommended for counties)

- Deadlines vary by election
- Requirements outlined in Sections 3.006, 85.004, 85.007(a), 85.007, 83.010.

- Forms located at:
  [http://www.sos.state.tx.us/elections/forms/pol-sub/index.shtml](http://www.sos.state.tx.us/elections/forms/pol-sub/index.shtml)
Notice of Election

- Notice must include:
  - The type and date of the election;
  - The location of each polling place;
  - The hours the polls will be open;
  - The location of the main early voting polling place;
  - The regular dates and hours for early voting by personal appearance;
  - The dates and hours of any Saturday or Sunday early voting, if any; and
  - The early voting clerk’s mailing address

- In an election ordered by the commissioners court or by an authority of a city or school district, the notice of election must be published in a newspaper in accordance with 4.003(a)(1).

- Forms located at: [http://www.sos.state.tx.us/elections/forms/pol-sub/index.shtml](http://www.sos.state.tx.us/elections/forms/pol-sub/index.shtml)
Early Voting

• State Law requires EV be conducted in person and by mail.

• Dates of Early Voting:
  – General Rule: 17th day to 4th day before Election Day.
  – Special runoff election for state senator, state representative or primary runoff: begins on the 10th day before the elections and ends on the 4th day.
  – Uniform Election Date in May and resulting runoff: 12th day to 4th day before election.
  – If first day falls on a Saturday, Sunday, or legal holiday, EV begins on the next regular business day. (85.001)

• Early Voting by Mail
  – State Application for a Ballot By Mail (ABBM) must be received between the 60th day and the 9th day before election
  – Annual ABBM due to age or disability (NEW LAW: House Bill 666, 83rd Legislature)
  – Federal Postcard Application (FPCA) must be received by the 7th day before the election.
Application for a Ballot By Mail

[Image of Application for Ballot By Mail form]

9/26/2013

Texas Secretary of State Elections Division

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In Person Voting

- Voter ID required or exemption listed on VR certificate (NEW LAW: Senate Bill 14, 82nd Legislature)
  - Texas driver license issued by the Texas Department of Public Safety (DPS)
  - Texas Election Identification Certificate issued by DPS
  - Texas personal identification card issued by DPS
  - Texas concealed handgun license issued by DPS
  - United States military identification card containing the person’s photograph
  - United States citizenship certificate containing the person’s photograph
  - United States passport
Curbside Voting/Accessibility

• Curbside Voting
  – Voter physically unable to enter polling place may vote curbside.
  – Election worker(s) qualify voter, bring a selection of ballots or a DRE to the voter, and allow voter to choose, mark, and cast ballot curbside.

• Accessibility
  – All buildings used as polling places in Texas must be accessible to voters with disabilities.
  – With certain exemptions, each polling place must provide at least one accessible voting machine for use by voters with disabilities so that such voters may vote in private and without assistance.
Post-Election Procedures

• Election Night Returns (ENR)
• Voting Systems Testing
• Canvass
• Reports
  – Precinct by Precinct Report
  – Partial Manual Count Report
Post-Election Procedures

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

  — Filed locally, unless district or state office.
Post-Election Procedures

• Recounts (Title 13, Election Code)
  – Petition for a Recount
  – Automatic Recount

• Election Contests (Title 14, Election Code)
  – Action occurs in district court.
  – Losing candidate files suit against the winning candidate.
Voting Systems

- Voting System Standards
- State Certification Process
- Adoption of a Voting System
- Contract to Acquire a System
Voting Systems

• Methods of Voting
  – DRE Voting System
  – Optical Scan Voting System
  – Manually Counted Paper Ballots

• Testing Requirements
  – Acceptance Test
  – Hardware Diagnostic Test
  – Logic and Accuracy Test
Websites

http://www.sos.state.tx.us/elections/

http://www.votetexas.gov/