



Texas Secretary of State  
ELECTIONS DIVISION



# Canvassing and Post-Election Requirements



# Topics

- The “Next Day”
- Cooperate with Other Elected Officials
- Clean Up the Organized Chaos
- Late Mail and 6 Day Cure Period
- Ballot Board Last Day to Meet
- Reconvening of Central Count
- Canvassing
- Tie Votes
- Qualifying for Office
- Partial Manual Counts
- Preserving Records
- Recounts



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# Post-Election Duties



# Equipment and Supplies

- Picking up equipment from polling locations and delivering to designated storage area.
  - Arrangements should have been made prior to the election about the pickup and drop-off of the supplies left from Election Night.
  - Chain of Custody form must be documented while transferring equipment.
    - Verify seals were not broken prior to picking up and moving equipment.
    - Time, date and who picked up equipment.
    - Time, date and who received equipment at the storage facility.



## Late Ballots

- Check your mailbox at 5:00 p.m. the **next business day** for late arriving mail ballots.
  - Carrier envelope must be postmarked no later than 7:00 p.m. on Election Night.
  - Don't forget that the mailbox must also be checked at 7:00 p.m. on election night.
- Arrange with your EVBB to qualify and count late arriving ballots.
- Remember, you must submit certain rejected ballot information to the OAG. [§ 87.0431]
  - The voter was deceased;
  - The voter already voted in person in the same election;
  - The signatures on the carrier envelope and ballot application were not executed by the same person;
  - The carrier envelope certificate lacked a witness signature;
  - The carrier envelope certificate was improperly executed by an assistant; or
  - The early voting ballot board or the signature verification committee determined that another violation of the Election Code occurred.



## Notices to Voters

- Mail the **Notice of Rejected Ballot** to the voters whose Ballots by Mail were rejected (Form 10-22)
- Send **Notice of Outcome to Provisional Voter** (ID deficiencies that qualify for the 6 day cure period must wait) (Form 9-9)
- Organize your Carrier Envelopes
  - By precinct;
  - In alphabetical order;
  - By Accepted and Rejected;
  - Place the rejected Carriers in a secure container;
    - Create a label for the container that details the contents



## Cooperation of Election and VR Officials

- If the Election Official is not the Voter Registrar, both officials must work together.
- The VR must know if there are provisional ballots to begin their processing.
- Exchange information in a timely manner.
- Legal timelines have to be met on both sides.
- Provide Statement of Residence Applications, so they may process them in a timely manner.



# Reorganize Election Night Headquarters

- Sort and Prioritize paperwork
  - Payroll
  - Billing of contracted entities
  - Prepare Signed Reasonable Impediment Declaration forms to email to the Secretary of State
  - Statement of Residence Applications
  - Deconstruct election forms kits
  - Prepare records for the retention period
- Make sure all required official paperwork is completed and has signatures.
- Call Judges for missing signatures.
- Deliver paperwork to proper offices to process.



# Reorganize Election Night Headquarters

- Collect all personal items that voters left behind at the polling place
  - Call voters and election workers to retrieve their items.
- Fold up canvass bags, break down boxes and crates.
- Recycle paperwork that can be used again and discard damaged items that cannot be reused.
- Store unused, pre-serialized ballots.
  - Label box appropriately – “Unused Ballots for General Election \_\_\_/\_\_\_/20\_\_”
  - If you have several boxes, label each box.



# Reorganize Election Night Headquarters

- Examine the Form Kits for live election material and prepare for the next election.
- Prepare all Cleaning Kits/Supplies for the next election.
- Prepare Supply Boxes for the next election.
- Clean any Signs/Stands/Shields and prepare for the next election.
- Make sure all equipment has its proper wiring and ensure wires are placed correctly to prevent damage and ready for the next election.
  - (ePollbooks, Hot spots, ballot marking devices, printers, tabulators, and laptops)
- Move equipment to its correct location.
- Store envelopes in an order that works for you.
  - Sorted by polling locations in precinct order.
  - Countywide consider sorting polling locations in alphabetical order.



# Provisional Ballots

## Best Practices:

When preparing Provisional Ballot material for Ballot Board Meeting:

- Ensure that the voter registrar takes possession of the ballot boxes or transfer cases containing the provisional ballots.
- Have Notice of Outcome to Provisional Voter Letter ready to be completed.
- Have envelopes ready and labeled with voter address.



# Deadlines for Late Ballots

## For May 3, 2025 Election

- **Monday May 5, 2025 at 5:00 pm** is the receipt deadline for late domestic ballots (those mailed within the United States after an ABBM and postmarked not later than 7:00 PM at the location of the election on election day).
- **Thursday May 8, 2025** is the receipt deadline for:
  - Ballots from overseas voters who submitted an ABBM (those mailed within the United States after an ABBM and postmarked not later than 7:00 PM at the location of the election on election day).
  - Non-military (overseas) FPCA voters.
- **Friday May 9, 2025:**
  - Deadline for receipt of ballot from military FPCA voters, whether domestic or overseas. No postmark needed.
  - Provisional ballots can be cured up to this date.
  - Voters have up until this date to correct mail ballots with defective carrier envelopes.



# **Deadline for EVBB to Convene**

**For May 3, 2025 Election**

- **Monday, May 12, 2025 (9th day after Election Day)**
- Early Voting Ballot Board must have processed and counted all:
  - ABBM ballots
  - FPCA ballots
  - Provisional Ballots
  - Ballots in Corrected Carrier Envelopes



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# Reconvening of Central Counting Station



# Reconvening of Central Counting Station

- Post Notice of the Convening of Central Count.
- Peace officer must be present.
- Create a sign-in sheet to track who enters Central Count.
- Name tags to know who is who.
- Keep poll watchers informed. Verbalize the steps you are performing.
- Tabulate ballots in scanner, if applicable.
- Upload final votes in Central Count Computer.
- Run and print final reports.
- Tabulation Tests 2 and 3 should also be completed.



# Reconvening of Central Counting Station

- Run and Back Up Reports for Canvass.
  - Summary/Cumulative Reports
- Back up your election when final numbers are completed.
- Consider using an external hard drive to back up the election and reports.

OR

- Have a minimum of 2 flash drives to back up the election.
  - Store the 2 flash drives in two different locations.
  - Have a flash drive for just reports, so you are able to use for Public Information Requests or online postings.



# Reconvening of Central Counting Station

The presiding judge of the central counting station is required to provide and attest to a written reconciliation of votes and voters at the close of tabulation for election day and again after the central counting station meets for the last time to process late-arriving ballots by mail and provisional ballots. [§ 127.131]

- Please keep Reconciliation forms on the website until the next election at a minimum
- Remember the two-click rule
- Ensure that the information is available throughout the 22 month retention period
- If it is feasible, make older election results available



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# Canvassing Elections



## Canvassing Elections

- The “canvass” – is the official tabulation of the votes cast in an election
- Unavoidable duty
- Also called a “mandatory” or “ministerial” duty



## Who Conducts the Canvass?

- Political Subdivision's Governing Body – for an election ordered by an authority of a political subdivision (other than a county).
- Commissioners Court – for an election ordered by the governor or by a county authority.  
[§ 67.002]



## Time for Local Canvass

- Under TEC 67.003, the canvass must occur within a date range after the election, and **after** all ballots that should be counted are counted.
- Remember that some ballots that arrive or are accepted **after** election day should be counted.
- Who sets the time and date of the canvass within the accepted range?
  - The canvassing authority's **presiding officer**.
  - Usually mayor for city council, county judge for commissioners court



## TEC 67.003: Date Range for Local Canvass

- The earliest day for a canvass in any election is the **3<sup>rd</sup>** day after Election Day (if all ballots that could be validly counted are counted).
- Latest Day to Canvass in November Odd Numbered Years and May Elections: No later than the **11<sup>th</sup> day** after Election Day.
- Latest day to canvass an election held on the date of the general election for state and county officers (November of an even numbered year): the **14<sup>th</sup>** day after Election Day. This does not apply in 2025.



## Ballots that Arrive after Election Day

- Each local canvassing authority shall canvass, not earlier than the **later** of
  - The third day after Election Day;
  - 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;
  - 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; and
  - Ballots received in defective and corrected carrier envelopes must also be counted.

[§ 67.003]



# Upcoming Election: Date for Local Canvass

**Tuesday, May 6, 2025**

*(3<sup>rd</sup> day after Election Day)\**

Through

**Wednesday, May 14, 2025**

*(11<sup>th</sup> day after Election Day)*

*\*if no outstanding military, overseas, provisional ballots, or ballots contained in defective carrier envelopes that were or could be corrected by voters remain to be counted.*



# Canvass Meeting

- Procedures for ordering, posting notice & conducting the canvass meeting should comply with Texas Open Meetings Act (Chapter 551, Texas Government Code)
- The canvass is an open meeting
- Two members of the authority constitute a quorum for purposes of canvassing an election [§ 67.004]
- Two or more members of the governing body may perform the Election-Code based duties of the presiding officer if the office is vacant or the presiding officer fails to perform the duty unless:
  - a single member of the governing body designated by law to act in place of the presiding officer performs the duty; or
  - TEC specifies that the duty is to be performed by another authority acting in place of the presiding officer. [§ 31.121]



## Canvass Procedure TEC 67.004

- Open returns for each precinct. The canvassing authority must prepare a tabulation stating, for each candidate, and for and against each measure:
  - (1) the total number of votes received in each precinct; and
  - (2) the sum of the precinct totals tabulated under Subdivision (1)
- The tabulation must also include, for each precinct, the total number of voters who cast a ballot for a candidate or for or against a measure in the election.



## Political Subdivisions Using Paper Ballots

- The precinct returns may be compared with the corresponding tally lists.
- If a discrepancy is discovered between the vote totals shown on the returns and those shown on the tally list for a precinct, the presiding judge of the precinct shall examine the returns and tally list and make the necessary corrections on the returns.

[§ 67.004]



# Political Subdivisions Using Electronic Voting Systems

- Automatic tabulating equipment produces one set of election returns.
- Canvassing authority has no tally lists to compare, but they still must prepare a tabulation of the precinct returns.

[§ 67.004]



# Canvassing: After Tabulation

- The Presiding Officer shall deliver:
  - the tabulation to the custodian of the local election register unless it is entered directly in the election register.  
[§ 67.004(e)]
  - The precinct returns, tally lists, and early voting precinct report used in the canvass to the custodian of election records.  
[§ 67.004(f)]
- The presiding officer of the canvassing authority shall note the completion of the canvass in the minutes or in the recording required by Section 551.021 of the Government Code.



## Activities Prohibited at Canvass

- The canvassing authority may **not** open ballot boxes
- May **not** recount ballots
- May **not** compare the poll list with return sheet  
[§ 67.004]



## Effect of Recount on Canvass

- If a recount is filed, it does **not** stop the canvass meeting.  
[Sec. 212.033]
  - Canvassing authority must make a note on the canvass that a recount has been requested.
- Recount **does halt** issuance of Certificate of Election.  
[212.0331]



# Canvassing – The Practical Side

## Best Practices:

Consider creating a canvass folder or binder to store the canvassing materials and clearly identify all of the unofficial and official reports

### Include:

- List of Summary of Registered Voters by Precinct
- Summary/Cumulative Report
- Include a copy of the reports that were run on Election Night and the last day the Central Count reconvened
- Include a copy of both your Reconciliation Forms
- Include an audit log from the Central Count Computer before and after the election



## Tied Votes in a Plurality Race

- When there is a tie after the canvass, such that you cannot determine the winner(s), the tie can be resolved by:
  - sworn withdrawal;
  - casting of lots;
  - automatic recount; or
- There must a second election.



# Resolving a Tie Without a Second Election

- The candidates may agree to cast lots [§ 2.002(f)]
  - The agreement must be in writing and filed with the authority responsible for ordering the election
  - The ordering authority (or its presiding officer, if it's a body) supervises casting of lots
- One candidate may withdraw [§ 2.002(g)]
  - A tied candidate may withdraw by a sworn written statement filed with the authority responsible for ordering election
  - The remaining candidate is the winner and no casting of lots or second election is held



# Resolving a Tie Without a Second Election Continued

- If the tie is not resolved through a withdrawal or a casting of lots, then there is an automatic recount.
- If a recount does not resolve a tie, the tied candidates may (1) cast lots not later than the day before the date the authority must order the second election; or (2) withdraw from the election by sworn withdrawal not later than 5 p.m. of the day after the date the recount is held.

[§ 2.002]



# Ordering the Second Election

- Not later than the fifth day after the date the automatic recount is completed (or the final canvass following the automatic recount is completed, if applicable) the authority responsible for ordering the first election shall order the second election
  - The second election shall be held not earlier than the 20th day or later than the 45th day after the date the automatic recount (or the final canvass following the automatic recount) is completed
  - The order of the candidates' names on the second-election ballot is the relative order of names on the original ballot—there is no need to do a new drawing
- [§ 2.002]



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# Qualifying for Office



# Order of Events After the Election

We recommend that post-election procedures occur in the following sequence:

- Election is canvassed at an open meeting.
- Certificate of Election is issued to newly-elected officers.
- Statement of Officer is completed (to be filed locally).
- Newly elected officers take the Oath of Office.
- After taking the Oath of Office, newly sworn officers may assume the duties of their office.



# Certificate of Election

- The presiding officer of the local canvassing authority prepares the certificate for each candidate who is elected to an office for which the official result is determined by that authority's canvass. (Sec. 67.016)
- Who is the presiding officer of the canvassing authority?
  - Municipal elections: Mayor
  - County elections: County Judge
  - Primary elections: County Chair
  - All other political subdivisions elections: Board President



# Contents of Certificate of Election

- **What does the Certificate of Election contain?**
  - The candidate's name;
  - The office to which the candidate is elected;
  - A statement that the candidate has been elected to an unexpired term, if applicable;
  - The date of election;
  - Signature of the officer preparing the certificate;
  - Any seal used by the officer preparing the certificate to authenticate documents that the officer executes or certifies. [Sec. 67.016]



## Certificate of Election

- **Note:** A sample Certificate-of-Election form is available online. Entities may also use this as a model to make their own.
  - Form 23-1
  - We recommend that the presiding officer issue the Certificate of Election **at** the canvass meeting.



## Type A Cities

- Under Sec. 22.006 of the Local Government Code, a newly elected municipal officer of a Type A city may exercise the duties of office beginning on the **fifth** day after the date of the election, excluding Sundays.



# Certificate of Elections: Canceled Elections

**May 3, 2025**

- Note that under Sec. 2.053(e), the Certificate of Election “shall be issued to each candidate in the same manner and at the same time as provided for a candidate elected at the election.”
- So for cancelled elections, the first day candidates can receive the Certificate of Election and take office is the first possible canvass day, Tuesday, May 6, 2025 (with a few exceptions, such as Type-A cities)



## Statement of Officer

- Before an elected (or appointed) officer may assume the duties of the office, the officer must first file a Statement of Officer with the official records of the governing body. [Tex. Const. Art. XVI, § 1].
- Statement of Officer: Form 23-3
- Filing Authority:
  - For district and state officers: Secretary of State
  - For county and precinct offices: County Clerk
  - For city officers: City Secretary
  - For all other elections: Custodian of Election Records



# Oath of Office

- **All** elected or appointed officers shall take the Oath of Office before they begin their duties. [Tex. Const. Art. XVI, § 1]
- Who can administer the oath? A partial list:
  - A judge, clerk, or commissioner of a court of record; justice of the peace, or clerk of a justice court;
  - The secretary or clerk of a municipality in a matter pertaining to the official business of the municipality;
  - A notary public;
  - A member of the legislature or a retired legislator;
  - A judge, retired judge, or clerk of municipal court.
- Full list is in Chapter 602 of the Government Code



## Oath of Office: Water Districts

- **NOTE:** Special procedures apply to a newly elected director of a water district governed by Chapters 36 or 49 of the Texas Water Code. A duplicate original of the oath shall also be filed with the Secretary of State within 10 days after its execution and need not be filed before the new director begins to perform the duties of office. (Tex. Water Code § 36.055, 49.055).



## Warning for Type A Cities

- In a Type A city, the office is vacant if the officer is not sworn in by the 30th day after election day.
- Thus, timely swearing in is critical for a Type A city official (§22.007, Local Government Code)



## Bond

If a bond is required, the bond **must** be executed before the officer assumes their duties.

- **Water Districts:** Officers must execute a bond for \$10,000 payable to the district. (Water Code, Sec. 49.055(c)).
- **Type C municipalities:** Mayor and Commissioners must execute a bond for \$3,000 payable to the municipality. (Loc. Gov't Code, Sec. 24.024).
- Section 22.072 of the Local Government Code states that **Type A cities** have authority to require a bond.



## Holdover

- Until the new officers are qualified, the old members of the governing body hold over and continue to perform the duties of their office.

[Tex. Const. Art. XVI, § 17].



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# Recounts



# Would you be Prepared for a Recount?

## Manual Recount

- Tally Books or Sheets
- Separation of Precincts
- Keeping Polling Locations Separated
  - Ballot by Mail
  - Early Voting
  - Election Day
- Chain of Custody Forms
  - Document the following:
    - Name
    - Time
    - Date
- Have Appropriate Staff Available

## **Don't Forget about the Following:**

- Provisional Ballots
- Limited Ballots
- Remakes (Duplication) – Originals are needed for a recount.
- Blank Ballots available for remakes if electronic tabulator will not read the ballot.
- Adjudication of Voter Intent Issues.
- Adjudication of Write-in Votes.

## Electronic Recount

- Media Burned for Tabulators
  - Ballot by Mail (all precincts)
  - Early Voting (all precincts)
  - Election Day (all precincts)
  - Central Count Computer
- When feeding the ballots in the correct tabulator, keep your polling locations separated.
- Chain of Custody Forms
  - Document the following:
    - Name
    - Time
    - Date
- Have Appropriate Staff



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# Posting Results



## Posting Requirements: Web Posting

- TEC section 65.016 set outs the web-posting requirements for election results.
  - If a county contracts with a local entity to provide election services, **both** the county and the local entity must post
  - Information should be posted as soon as practicable after the election and must be accessible without having to make more than two selections (clicks) or view more than two network locations after accessing the home page.



# Reporting Requirements: Web Postings

## TEC § 65.016

Required information on websites:

- the results of each election;
- the total number of votes cast;
- the total number of votes cast for each candidate or for or against each measure;
- the total number of votes cast by personal appearance on election day;
- the total number of votes cast by personal appearance or mail during the early voting period; and
- the total number of counted and uncounted provisional ballots cast.



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# Partial Manual Count



## Partial Manual Count

- Tuesday May 6, 2025 (3rd day after Election Day) is the last day to **begin** the PMC for entities using electronic voting systems for the counting of ballots [§ 127.201]
- The count must be completed not later than the first business day after the 21st day after election day.
- Results of the partial manual count must be delivered to Secretary of State not later than the 3rd day after the manual count is completed. [§ 127.201(e)]



# Partial Manual Count

- A Notice of Partial Manual Count must be posted in the office of the general custodian detailing the date, hour and place of the count.
- See Form 14-10

14-10  
Prescribed by Secretary of State  
Section 127.201, Texas Election Code  
10/2024

**NOTICE OF PARTIAL MANUAL COUNT**  
(Notificación de Conteo Manual Parcial)

Notice is hereby given that a partial manual count for the \_\_\_\_\_  
(election name)  
will be conducted on the following dates and times:

*(Por lo presente se da aviso que se llevará a cabo un conteo manual parcial para la  
elección de \_\_\_\_\_ en las siguientes fechas y horas:  
(nombre de la elección)*

**Partial Manual Count Location** *(Sitio de Conteo Manual Parcial):*

Location (Sitio): \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Times (Horas): \_\_\_\_\_  
 \_\_\_\_\_

Dates (Fechas): \_\_\_\_\_  
 \_\_\_\_\_



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# Preserving Records



## Voted-Ballot Security

- During the preservation period, the voted ballots must be preserved securely in a locked ballot box inside a locked room for at least 60 days. [§ 66.058]
  - After 60 days, the general custodian of records may transfer voted ballots to another secure container for the remainder of the preservation period.



## Valid Reasons to Open the Ballot Box

- The ballot box with voted ballots may only be opened to:
  - complete partial manual count, if required;
  - comply with a court order;
  - complete official request for a recount; or
  - after 60 days, transfer the ballots.
- If an authorized entry is made into a ballot box during the preservation period, the box or container shall be relocked or re-secured, and the box and key or secure container returned to the custodian. [§ 66.058]



## Voted-Ballot Access: Sec. 1.012

- Images of voted ballots (if maintained) and cast vote records shall be made available for public inspection beginning on the first day after the final canvass of an election is completed.
- On the 61st day after election day, the general custodian of election records shall make the **original** voted ballots available for public inspection.
- The OAG hotline for Public Information Act is (877) OPEN-TEX (673-6839).
- Please see our advisories on voter privacy (Advisory No. 2024-20) and public inspection of ballots (Advisory No. 2024-05)



# Available Support



**WEBINARS**



**TRAINING**



**RESOURCES**

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

800-252-VOTE • 512-463-5650

[sos.texas.gov](http://sos.texas.gov)