



# Early Voting in Person Requirements (HB 1217)

2023 Election Law Seminar for  
County Election Officials



# MAIN EARLY VOTING POLLING PLACE



# Early Voting Hours

Polling place hours at the main early voting location will depend on who is designated by statute as the early voting clerk:

- County Election Officer (Sec. 83.002)
- City Secretary (Sec. 83.005)
- Other (Sec. 83.006)



# Regular Dates & Times of Early Voting

If the EV clerk is...	Where?	When?	Hours?
<b>City Secretary</b>	Main Early Voting Polling Place	Weekdays during early voting period that is not a legal state holiday	<p>If 1,000 registered voters or greater = At least <b>9 hours</b> each weekday of EV period.</p> <p>If less than 1,000 registered voters = At least <b>4 hours</b> each weekday of EV period.</p>
<b>County Election Officer</b>	Main Early Voting Polling Place	Weekdays during early voting period that is not a legal state holiday	At least <b>9 hours</b> each day, but voting may not be conducted earlier than 6 a.m. or later than 10 p.m.
<b>Other EV clerk</b>	Main Early Voting Polling Place	Weekdays during early voting period that is not a legal state holiday	<p>If 1,000 registered voters or greater = At least <b>9 hours</b> each weekday of EV period.</p> <p>If less than 1,000 registered voters = At least <b>4 hours</b> each weekday of EV period.</p>

[Sec 85.005]



# Extended Hours – Weekday

Primary, GESCO, Special Election Ordered by the Governor

**NEW LAW: ALL Counties regardless of population size**

- Primary election or the general election for state and county officers
  - The main early voting location must be open for **at least 12 consecutive hours each weekday of the last week of early voting**
    - No earlier than 6 AM or later than 10 PM
- Special election ordered by the Governor (November 2023 Constitutional Amendment Election):
  - The main early voting location must be **open for at least 12 consecutive hours for the last 2 days of early voting**
    - No earlier than 6 AM or later than 10 PM

[Sec. 85.005(c)]



# Extended Hours – Weekday

## Elections ordered by a city, school, or other political subdivision

- Cities are no longer required to conduct early voting at the main early voting polling place for 12 hours on two weekdays
- If cities, schools, or other political subdivisions wish to conduct extended early voting at the main early voting polling place, that information must be included in the original order and notice of election

[Sec. 85.005(b)]



# Extended Hours – Weekend

## Primary and GESCO

### **NEW LAW: ALL Counties regardless of population size**

- Required weekend early voting for the primary election or the general election for state and county officers
  - At least 12 consecutive hours the last **Saturday** of early voting
    - No earlier than 6 AM or later than 10 PM
  - At least 6 consecutive hours the last **Sunday** of early voting
    - No earlier than 9 AM or later than 10 PM

[Sec. 85.006(e)]



# Extended Hours – Weekend

## Special Election Ordered by Governor and Other County Ordered Elections

- Special election ordered by the Governor (November 2023 Constitutional Amendment Election):
  - County Election Officer **may** order voting on a Saturday and/or Sunday at the main early voting location by written order
  - County Election Officer **must** order Saturday and/or Sunday early voting upon receipt of a petition submitted by at least 15 registered voters of the county requesting weekend hours
  
- Extended weekend hours not required unless a petition is received:
  - Petition is signed by at least 15 registered voters of the county
  - The authority ordering voting on a Saturday and/or Sunday must determine the hours during which voting is to be conducted
  - Written request must be submitted in time to enable compliance with Section 85.007. There is a 5-day notice posting requirement if the early voting clerk receives a petition requesting these extended hours

[Sec. 85.006(b),(c), and(d)]





# Extended Hours – Weekends

## Elections ordered by a city, school, or other political subdivision

- For cities, schools, and other political subdivisions, the authority ordering an election may order voting for a Saturday or Sunday (or both) at the main early voting location.
  - City secretaries do not have the authority to order Saturday or Sunday early voting 72 hours immediately preceding the first hour that voting will be conducted.
  - Voting on **ANY** Saturday/Sunday **MUST** be included in the **election order**. The order must include the dates and hours of Saturday and/or Sunday voting.

[Sec. 85.006(a)]



# Voting after the time the polls close

- A voter who has not voted before the scheduled time for closing a polling place during the early voting period is allowed to vote after that time if the voter is in line at the polling place by closing time.

[Sec. 85.005(d)]



# PERMANENT BRANCH LOCATIONS



# Permanent Branch Locations

- Branch offices that are regularly maintained for conducting general clerical functions of the county clerk/elections administrator are required to serve as permanent branch early voting locations.
- Used only in countywide election in which the **county clerk/elections administrator is the EV clerk** under Sec. 83.002.
- Days and Hours: These polling locations keep the same hours and days as the main early voting polling place. (Sec. 85.063)
- **Exception to Use of Permanent Branches:**
  - Governing body may establish a temporary branch polling location to be used instead of a permanent branch location. (Sec. 85.061)



# TEMPORARY BRANCH LOCATIONS



# Required Use of Temporary Branch Locations

- Counties conducting a **primary election, general election for state and county officers, or a special election** to fill a vacancy in the legislature or Congress MUST establish temporary branch polling places as follows:
  - in a county with a population of 400,000 or more, the commissioners court must establish one or more temporary polling places, other than the main early voting polling place, in each state representative district containing territory covered by the election.
  - in a county with a population of 120,000 or more but less than 400,000, the commissioners court must establish one or more temporary polling places, other than the main early voting polling place, in each commissioners precinct containing territory covered by the election.
  - in a county with a population of 100,000 or more but less than 120,000, **the early voting clerk** must establish one or more early voting polling places in each commissioners precinct for which the early voting clerk receives a timely filed written request submitted by at least 15 registered voters of that precinct. The written request must be received in time to enable compliance with Section 85.067 of the Code.
    - The early voting clerk is the authority responsible for establishing temporary branch polling places.

[Sec. 85.062(d)]



# Temporary Branch Locations

## Location:

1. In territory served by early voting clerk;
2. Inside any building;
  - May not be located in a movable structure in the general election for state and county officers, general primary election, or runoff primary election
3. Cannot be in a candidate's (or relative to candidate's) home

**MUST** be “fixed at one place” for duration of period voting is required to be conducted. [Sec. 85.062(c)]



# Temporary Branch Locations

- Entity may establish one or more temporary early voting polling places.
- Established by:
  - County Clerk/Elections Administrator as EV Clerk → Commissioners Court
  - Any other Early Voting Clerk → Governing Body of Political Subdivision (Sec. 85.062(a)(2))
- An entity may add additional branch locations during the early voting period. However, once the branch location is opened, it must remain open all the same weekdays as the main early voting location for at least 8 hours a day (3 hours if exception applies).
  - Must still meet the 5-day notice requirement for the additional branches. (Sec. 85.067)
  - It is NOT possible to remove branch locations at any time.





# Temporary Branch Locations

## NEW LAW: ALL Counties regardless of population size

- Voting at a temporary branch polling place must be conducted on the days that early voting is required to be conducted at the main early voting polling place and remain open for at least **8 hours** each day.
- Extended ***weekend*** voting at temporary branch locations:
  - Primary election, the general election for state and county officers, or a special election to fill a vacancy in the legislature or congress: the early voting clerk **MUST** order weekend early voting at each mandatory temporary branch (branches established under Sec. 85.062(d)).
  - Special election ordered by the governor and other county ordered elections: the early voting clerk may order Saturday or Sunday early voting at any one or more temporary branch locations by written order.
    - » Notice of the days and hours of Saturday or Sunday early voting must be posted for at least 72 hours immediately preceding the first hour that voting will be conducted.



# Temporary Branch Locations

## Local Political Subdivisions

- If the county clerk/election administrator or city secretary is NOT serving as the early voting clerk **AND** the territory has fewer than 1,000 registered voters:
  - then voting at a temporary branch polling place must be conducted on the days that early voting is required to be conducted at the main early voting polling place and remain open for at least **3 hours** each day

[Sec. 85.064]



# CHAPTER 19 FUNDS



# Use of Chapter 19 Funds

- **NEW LAW:** House Bill 1217 amended Section 19.004 to authorize the use of Chapter 19 funding in a county with a population of less than 55,000 to defray the cost to the county of keeping polling places in the county open during the early voting period as required under:
  - Section 85.005(c) (extended weekday early voting),
  - Section 85.006(e) (extended weekend early voting), and
  - Section 85.064(d) (voting hours at temporary branch polling places).
- Questions about Chapter 19 funding should be directed to the Election Funds Management team.



# Special Election Ordered by Governor (November 2023)

	Main Early Voting	Temporary Branch	Extended Weekday at the Main Early Voting Polling Place	Extended Weekend at the Main Early Voting Polling Place	Extended Weekend at Temporary Branches
<b>County</b>	Each weekday that is not a holiday for at least nine (9) hours.	Same days as the main for at least eight (8) hours each day.	At the main for at least 12 consecutive hours <b>last two days</b> of early voting.	CEO may order or may be petitioned.	CEO may order.
<b>City/School/Other</b>	Each weekday that is not a holiday for at least nine (9) hours. If the territory has fewer than 1,000 registered voters, at least four (4) hours each day.	Same days as the main for at least eight (8) hours each day if the city secretary/county election officer is the EV clerk. However, three (3) hours each day if the city secretary/county election officer is not the EV clerk and the territory has fewer than 1,000 registered voters.	Governing body of the CSO may order, but <b>MUST</b> be included in the order of election.	Governing body of the CSO may order or may be petitioned, but <b>MUST</b> be included in order of election.	Governing body of the CSO may order, but <b>MUST</b> be included in order of election.

# Primary/Primary Runoff (March & May 2024)

	Main Early Voting	Temporary Branch	Extended Weekday at the Main Early Voting Polling Place	Extended Weekend at the Main Early Voting Polling Place	Extended Weekend at Temporary Branches
<b>County</b>	Each weekday that is not a holiday for at least nine (9) hours.	Same days as the main for at least eight (8) hours each day.	At the main for at least 12 consecutive hours each weekday of the last week of early voting.	At the main for at least 12 consecutive hours on the last Saturday and 6 consecutive hours on the last Sunday.	<p>Must order at mandatory temporary branches established under Section 85.062(d).</p> <p>CEO may order at other branches.</p>

# May Uniform (May 2024)

	Main Early Voting	Temporary Branch	Extended Weekday at the Main Early Voting Polling Place	Extended Weekend at the Main Early Voting Polling Place	Extended Weekend at Temporary Branches
<b>County</b>	Counties cannot order an election in May of an even year				
<b>City/School /Other</b>	Each weekday that is not a holiday for at least nine (9) hours. If the territory has fewer than 1,000 registered voters, at least four (4) hours each day.	Same days as the main for at least eight (8) hours each day if the city secretary/county election officer is the EV clerk. However, three (3) hours each day if the city secretary/county election officer is not the EV clerk and the territory has fewer than 1,000 registered voters.	Governing body of the CSO may order, but MUST be included in the order of election.	Governing body of the CSO may order or may be petitioned, but MUST be included in order of election.	Governing body of the CSO may order, but MUST be included in order of election.

# General Election for State and County Officers (November 2024)

	Main Early Voting	Temporary Branch	Extended Weekday at the Main Early Voting Polling Place	Extended Weekend at the Main Early Voting Polling Place	Extended Weekend at Temporary Branches
<b>County</b>	Each weekday that is not a holiday for at least nine (9) hours.	Same days as the main for at least eight (8) hours each day.	At the main for at least 12 consecutive hours each weekday of the last week of early voting.	At the main for at least 12 consecutive hours on the last Saturday and 6 consecutive hours on the last Sunday.	<p>Must order at mandatory temporary branches established under Section 85.062(d).</p> <p>CEO may order at other branches.</p>
<b>City/School/Other</b>	Each weekday that is not a holiday for at least nine (9) hours. If the territory has fewer than 1,000 registered voters, at least four (4) hours each day.	Same days as the main for at least eight (8) hours each day if the city secretary/county election officer is the EV clerk. However, three (3) hours each day if the city secretary/county election officer is not the EV clerk and the territory has fewer than 1,000 registered voters.	Governing body of the CSO may order, but MUST be included in the order of election.	Governing body of the CSO may order or may be petitioned, but MUST be included in order of election.	Governing body of the CSO may order, but MUST be included in order of election.



# Frequently Asked Questions

- **Q: Does a county with a population under 55,000 have to conduct extended weekday early voting hours at the main early voting polling place?**
  - **A:** Yes, but what hours are required will depend on the election.
    - For a primary election or the general election for state and county officers, ALL counties (regardless of population) are required to conduct early voting by personal appearance at the main early voting polling place for **at least 12 consecutive hours on each weekday of the last week of the early voting period**. Voting may not be conducted earlier than 6:00 AM or later than 10:00 PM. [Sec. 85.005(c)].
    - For a special election ordered by the Governor, such as the constitutional amendment election, and all other county ordered elections, ALL counties (regardless of population) are required to conduct early voting by personal appearance at the main early voting polling place **for at least 12 consecutive hours on each of the last two days of the early voting period**. Voting may not be conducted earlier than 6:00 AM or later than 10:00 PM. [Sec. 85.005(c)].



# Frequently Asked Questions

- **Q: Does a county with a population under 55,000 have to conduct weekend early voting?**
  - **A:** It depends on the election. ALL counties (regardless of population) are required to conduct weekend early voting at the main early voting polling place during a primary election or the general election for state and county officers. [Sec. 85.006] The early voting clerk in ALL counties (regardless of population) must order early voting by personal appearance at the main early voting polling place to be conducted on the **last Saturday** of the early voting period for **at least 12 consecutive hours**, except that voting may not be conducted earlier than 6 a.m. or later than 10 p.m., and on the **last Sunday** of the early voting period for **at least six (6) consecutive hours**, except that voting may not be conducted earlier than 9 a.m. or later than 10 p.m. [Sec. 85.006(e)]



# Frequently Asked Questions

- **Q: If a city, school, or other political subdivision which is not a county forgot to include weekend early voting hours in their initial order of election, can they amend the order to include weekend early voting hours?**
  - **A:** No. Voting on any Saturday or Sunday must be included in the political subdivision's original order and notice of election. While the order of election may be amended to correct minor errors or updates, no substantive changes may be made to an order of election. [Sec. 85.006].
  - **NOTE** – If the entity is contracting with the county or conducting a joint election with the county, and the county orders extended weekday or weekend early voting after the deadline to order an election, then the entity may amend the order and notice of election to reflect the county's voting hours.



# Frequently Asked Questions

- **Q: The county is conducting the constitutional amendment election and has established temporary branch polling places. Must the county provide weekend early voting hours at the temporary branch polling places?**
  - **A:** No. The county is not required to provide weekend early voting hours at the temporary branch polling places. However, early voting by personal appearance at each temporary branch polling place must be conducted in accordance with Sections 85.064 of the Code. Therefore, early voting by personal appearance at each temporary branch polling place must be conducted on the weekdays for which voting is required at the main early voting polling place under Section 85.005 and must remain open for at least eight hours each day.
  - Pursuant to Sections 85.064(d) of the Code, the county clerk/elections administrator may [order \(PDF\)](#) early voting on a Saturday and/or Sunday in the manner prescribed by Section 85.006 at any one or more of the temporary branch polling places. However, the county clerk/elections administrator must provide [notice \(PDF\)](#) in compliance with Section 85.007 of the Code.



# Frequently Asked Questions

- **Q: Do the temporary branch polling places need to conduct early voting during the same hours as the main early voting location?**
  - **A:** Not necessarily. Early voting by personal appearance at each temporary branch polling place must be conducted in accordance with Sections 85.064 of the Code and must be conducted on the weekdays for which voting is required at the main early voting polling place under Section 85.005 of the Code and must remain open for at least eight hours each day if the city secretary or county clerk/elections administrator serves as the early voting clerk. If the city secretary or county clerk/elections administrator does not serve as the early voting clerk and the territory holding the election has fewer than 1,000 registered voters, then the temporary branch polling place(s) must remain open for at least three hours each day.



# Additional Resources

- Election Law Calendars
  - November 7, 2023 Election Law Calendar
- [Election Forms Index](#)
- [Conducting Your Elections Page](#)



# Any Questions?

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