

**36th Annual
Election Law
Seminar for
Cities, Schools,
and Other
Political
Subdivisions**

**Breakout
Session for
Other Political
Subdivisions**

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Let's Get Started



89th Texas Legislative Session – Begins January 14, 2025



Important Dates for the May 3, 2025 Election



Conducting Elections ~ Keep in Mind. . .



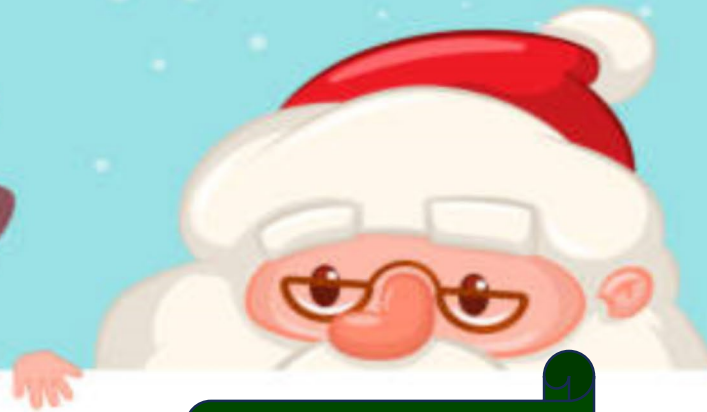
Let's Talk Bonds



Questions and answers



Legislation
submitted in
the House



Legislation
submitted in
the Senate



**Stay
tuned. . .**

A sample of what's to come. . .

Legislators were allowed to prefile bills beginning on Tuesday, November 12, 2024.

A total of **1,511** bills and resolutions were filed in the House & Senate on November 12th alone!

Some of the introduced election-related bills include:

- | | |
|---------------|--------------------------------------------------------------------------------------------------------------------------------------------|
| HB 209 | Separates Federal elections from State and local elections |
| HB 1476 | Adds a ballot option of <u>“None of the Above”</u> for candidate elections |
| SB 76 | Eliminates the Countywide Polling Place Program |
| SB 77 | Eliminates electronic poll books and voting systems with an electronic interface that allow a voter to mark a paper ballot |
| | Requires each polling place with electronic voting systems to provide a paper ballot upon request, which must be printed on demand on-site |

...and there is more

SB 420

Requires SOS to order a new election in a county with a population of 2.7 million more if at least 2% of polling places in the county ran out of usable ballots during voting hours or didn't receive supplemental ballots for one or more hours after requesting them

SB 505

Allows a person to make a "request for information" regarding alleged election irregularities to the authority conducting an election if the person participated in the election as a candidate, county or state party chair, presiding judge or alternate presiding judge, or head of a specific-purpose political committee that supports or opposes a ballot measure

Election officials must respond to the requester within 20 days

If the requester isn't satisfied and asks for additional information, election officials have 10 days to respond to the supplemental request

Should a requestor still be dissatisfied, they may request an audit by the SOS. If the SOS determines the information submitted is insufficient, the SOS shall immediately begin an audit at the expense of the authority conducting the election

Want to follow the status of proposed bills?

Register to receive legislative updates for the upcoming legislative session:
<https://capitol.texas.gov/MyTLO/Login/register.aspx>

The screenshot displays the Texas Legislature Online website. At the top, the browser address bar shows "capitol.texas.gov/Home.aspx". The page header includes "87th Legislature Third Called Session" and "Texas Legislature Online". A navigation menu contains links for Home, My TLO, House, Senate, Legislation, Search, Committees, and Calendars. The main content area is divided into three columns. The left column features "Texas House" and "Texas Senate" sections with various links. The middle column has a "Search Legislation" section with a dropdown for "Legislature: 88(R) - 2023" and radio buttons for "Word/Phrase" and "Bill Number". Below this is an "Additional Searches" section with links for Text Search, Statutes, Bill Lookup, Constitution, Bill Search, Reports, Amendments, View Votes, Sections Affected, Administrative Code, and Legislative Archive System. The right column includes "Access Mobile Version of TLO", "Legislative Activity" with links for Video Broadcasts, Today's Calendars, Today's Meetings, Today's Filed Bills, and Today's Votes, and "Legislative Process" with links for How a Bill Becomes Law, How to Follow A Bill, Dates of Interest, Glossary, and End of Session Deadlines. A "Redistricting" section is partially visible at the bottom.

Important Deadlines for your May 3, 2025 Election

Election Advisory No. 2024-37

<https://www.sos.state.tx.us/elections/laws/advisory2024-37-may-3-2025-election-law-calendar.shtml>

MAY 3, 2025 – UNIFORM ELECTION DATE KEY DEADLINES

<p>Monday, December 16, <u>2024</u></p>	<p>Deadline to post Notice of Candidate Filing Period Cities, Schools and Other Political Subdivisions (**except Chapter 49 Water Districts)</p>
<p>Wednesday, January 15, 2025</p>	<p>Deadline to post Notice of Candidate Filing Period (**Chapter 49 Water Districts only) <u>First Day</u> to File for a Place on the Ballot</p>
<p><u>Contact any county/counties that you are planning on contracting with for election services and find out their deadlines for:</u> Notify intent to contract When preliminary ballot language is due Deadline to submit final ballot language Proofing date for your ballot language and audio on voting equipment</p>	
<p>Friday, February 14</p>	<p>Last Day to Order an Election for May 3, 2025 Election</p>
<p>Thursday, April 3</p>	<p>Deadline to Register to Vote</p>
<p>Tuesday, April 22</p>	<p>First Day of Early Voting by Personal Appearance <i>(Note: Monday, April 21st is San Jacinto Day – <u>NO VOTING</u>)</i></p>
<p>Tuesday, April 29</p>	<p>Last Day of Early Voting by Personal Appearance</p>
<p>Saturday, May 3</p>	<p>Election Day (7 a.m~7 p.m.)</p>

May 3, 2025 Important Election Dates

- **ASAP – Contact county election offices and verify if they will contract for your May 3, 2025 election**
- **Monday, December 16, 2024:**
 - Deadline for most political subdivisions that have a first day to file candidate applications to post Notice of Candidate Filing Period
- **Wednesday, January 15, 2025:**
 - First Day to File for a Place on the Ballot
 - Deadline for Chapter 49 water districts and political subdivisions without a first day to file candidate applications to post Notice of Candidate Filing Period (Texas Water Code § 49.113)
- **Friday, February 14, 2025:**
 - Last Day to File for a Place on the Ballot (5:00 p.m. deadline)
 - Deadline for political subdivisions to order a May 3rd election
- **Monday, February 17: Presidents' Day**
 - Deadline for Chapter 49 water districts exempt from the use of electronic voting equipment to publish or mail notice of exemption (Water Code § 49.111)
- **Tuesday, February 18:**
 - Last Day to File a Declaration of Write-in Candidacy (5:00 p.m. deadline)
- **Friday, February 21:**
 - Last day for a candidate, including write-in, to withdraw (5:00 p.m. deadline)
- **Monday, February 24:**
 - SOS' recommended date to conduct ballot drawing

Important Dates (cont'd)

- **Tuesday, March 4 (60th day before election day):**
 - Last day to deliver notice of the election, including the location of each polling place, to the County Clerk and Voter Registrar
 - Recommended date for political subdivision administering their own election to request from the county the initial list of voters who have submitted an annual application for ballot by mail
- **Thursday, March 13:**
 - Deadline to post Appointment of Secretary's Agent (if applicable)
- **Friday, March 14:**
 - Mandatory Secretary/Agent office hours begin (at least 3 hours/day during regular office hours)
- **Wednesday, March 19:**
 - FCPA/Overseas Ballot-By-Mail Deadlines: The early voting clerk must mail a ballot to military or overseas applicants on or before the later of: (1) Wednesday, March 19; or (2) the 7th calendar day after the early voting clerk receives the application
 - All Other Ballot-By-Mail Deadlines: The early voting clerk must mail a ballot not later than the 7th calendar day after the later of the date the early voting clerk accepts the application for ballot by mail, or the date the ballot becomes available
 - If your jurisdiction is conducting its own election make sure you have requested a list of person(s) who have submitted an Annual Ballot by Mail Application with the county/counties located within your jurisdictional boundaries

Important Dates (cont'd)

- **Thursday, April 3:**
 - LAST DAY TO REGISTER OR MAKE A CHANGE OF ADDRESS FOR THE MAY 3rd ELECTION
 - First day to publish Notice of Election, if publication is chosen method
- **Saturday, April 12 (21st day before election day):**
 - Last day to post Notice of Election in each election precinct, if posting is permissible and is chosen method
 - Last day to post notice of election on county website, if county maintains a website, or on bulletin board used for posting meeting notices
 - ❖ Consult county posting requirements for political subdivision elections under Election Code Sections 4.003(b), 4.008(a), and 4.009
 - Last day to post Notice of Election on the political subdivision's website (if applicable)
 - For a bond or other debt obligation election, last day to post election order:
 - ❖ in 3 public places within the boundaries of the political subdivision; and
 - ❖ on the political subdivision's website, prominently, and together with the Notice of Election, contents of the proposition(s), sample ballot(s), and if applicable the Voter Information Document, if the political subdivision maintains a website
- **Friday, April 18 (Good Friday):**
 - Last day to deliver notice to the presiding judge for each precinct of duty to hold the election (Writ of Election)
 - Last day to cancel a May 3rd election (if applicable)

Important Dates (cont'd)

- ***Tuesday, April 22:**

- First day of early voting by personal appearance
- **Monday, April 21 is San Jacinto day, which is a holiday - early voting will not be conducted on this date*
 - ❖ Early voting must be conducted for nine (9) hours each weekday unless the political subdivision has fewer than 1,000 registered voters, then early voting in person must be conducted for four (4) hours per day (Election Code § 85.005(b))
- For bond and other debt obligation elections, deadline to post the election order and voter information document (*if applicable*) prominently in each early voting polling place
- Recommend checking with county election officials for any additional annual ABBMs
- Last day for early voting clerk to receive an application for a ballot by mail

- **Wednesday, April 23:**

- Last day to publish or mail Notice of Election, if publication or mailing is chosen method

- **Tuesday, April 29:**

- Last day of early voting by personal appearance

Important Dates (cont'd)

- **Saturday, May 3: ELECTION DAY - 7:00 A.M. TO 7:00 P.M.**
 - Make arrangements for any voter who decides to deliver their ballot by mail to the early voting clerk's office to have access to the location and to be able to present an acceptable form of ID, as required
- **Monday, May 5 (1st business day after election):**
 - 5:00 p.m. deadline to receive a domestic ballot-by-mail if it is postmarked by 7:00 p.m. on election day
 - **For all late ballot deadlines, refer to SOS' Election Advisory 2024-37 - May 3, 2025 Election Law Calendar**
- **Tuesday, May 6: First possible day to conduct official local canvass**
 - If political subdivision cancelled its election because candidates were unopposed for office, first day to issue Certificate of Election to each candidate and for candidates to take actions necessary to qualify for office (oath of office, sworn statement, etc.)
- **Friday, May 9:**
 - Deadline for Voter Registrar to complete review of provisional ballots
- **Monday, May 12:**
 - Last day for early voting ballot board to convene to qualify and count any late domestic, overseas, provisional ballots, and any cured defective carrier envelopes

Important Dates (cont'd)

- **Wednesday, May 14:**
 - Last day to canvass
- **Sunday, May 18:**
 - Deadline for election documents to be electronically available if requested under the Texas Public Information Act, for a fee of not more than \$50.00
- **Monday, June 2:**
 - Deadline for Chapter 49 water districts to submit an updated District Registration Form to TCEQ for a candidate election (Texas Water Code § 49.054(f))
- **Thursday, June 12:**
 - Last day of Secretary/ Agent mandatory office hours
- **Monday, July 15:**
 - Annual Voting Systems filing due to Secretary of State
 - Deadline for candidates to submit Campaign Finance Reports
 - ❖ Campaign finance reports filed by a candidate or officeholder of a political subdivision must be posted on the political subdivision's website not later than 10 days after receipt (Election Code § 254.0401(b))

Conducting your Elections

Keep in mind. . .

Stay on the 'Nice' list

If your district has not held an election since redistricting, make sure you. . .

- Verify your district's street guide with the county voter registrar!
- Your precinct(s) could have changed

This could affect your posting requirements!

Annexations/Exclusions

If your political subdivision has had any boundary changes (annexations or exclusions), you need to notify the voter registrar of the county or counties involved within 30 days (Election Code § 42.0615)

Contact the county voter registrar and find out what they need to code your district correctly into their system, typically:

- Metes and bounds of the district
- A detailed map with all street listings
- A set of 'shapefiles' from your engineer
- A listing of street ranges and street names located in your district

Then verify and make sure your district is coded correctly - don't wait until you get a panicked call during early voting or on election day!

******Election Code § 42.0615. NOTICE TO REGISTRAR OF BOUNDARY CHANGE OF POLITICAL SUBDIVISION.** A political subdivision 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 of change is adopted: (1) notify the voter registrar of the county in which the area subject to the boundary change is located of the boundary change if 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.

Let's remember

Renting Electronic Voting Equipment

There are **NO** vendors currently renting equipment certified by the SOS to political subdivisions!

Who is going to administer your election?

County Election Office or you, the Political Subdivision

If contracting with the county election office, make sure to attend a planning meeting or obtain a list of their deadlines

Even if you are not contracting with the county to administer your election, we always recommend attending the county's planning meeting(s) to keep up-to-date on what's happening in the election world

How do Federal, State, and Local holidays affect your election?

Know your election deadlines!

Create a calendar marked with ALL deadlines so you know what document(s) are required and when they are due

How do you ensure accuracy for your ballot?

1. Communicate with the county conducting your election
2. Have a certified translator for your additional languages
3. Be aware of deadlines and give yourself enough time to thoroughly proof ballots
4. Spread the risk! Have multiple ballot proofers that can look with fresh eyes
5. Manage version control. Correct multiple errors at once before producing new proofs. This keeps versions to a minimum and reduces the number of times something needs to be proofed
6. Reproof ballots after changes or corrections are made ~ in all languages
7. See it for yourself! Proof the ballot on the voting machines being used by the county.
8. Proof the audio ballots as well – listen to your ballot in all languages!
9. Attend the county's Logic and Accuracy Test



Verify that you are using the most recent version of election forms from the Texas SOS Website.

The Texas Secretary of State did a major update of all election forms in 2023 and 2024!

All election forms are available on the SOS website
(<https://www.sos.state.tx.us/elections/forms/pol-sub/index.shtml>)

Look for the following:

25-1

Prescribed by Secretary of State Previous Sections 63.0012, Sections 13.002(i), Texas Election Code

9/2023 ← Last updated

Contracting with a county?

- ❖ Contact your county election official – are they contracting this cycle?
- ❖ Request a contract, find out if a deposit is due and, if so, when?
- ❖ Create a calendar with all state and county deadlines.
- ❖ Submit all required postings on time and obtain required certificates of posting.
- ❖ Understand the allocation of responsibilities between the county and your district ~ who does what?
- ❖ Submit ballot language in all required languages with fonts compatible with the county's programming software.
- ❖ Proofing process must be completed on paper, machine, and audio.
- ❖ Obtain a Sample Ballot.
- ❖ Does your jurisdiction have a website? If so, are all required documents posted?
- ❖ Does the county have a county website? If so, check and make sure your Notice of Election is posted timely.
- ❖ Get a date from your county election official for final election results – know when you can canvass your election.

Conducting your own election.

- ❖ Contact your county election official and voter registrar, let them know that your district will conduct its own election.
- ❖ Verify the district is coded correctly with the Voter Registrar.
- ❖ Create a calendar with all state and county deadlines.
- ❖ Submit all required postings on time and obtain required certificates of posting.
- ❖ Identify your early voting and election day polling locations.
Set dates and hours for early voting.
- ❖ Locate eligible election workers and keep in contact!
Set training dates for all workers.
- ❖ Who is creating your ballot? A vendor or you?
- ❖ Order all required election supplies for your election.
- ❖ Request a list of voters who may have requested an Annual Ballot by Mail application from the county/counties your district is in.
Know your mailing deadlines for ballot-by-mail

Conducting your own election.continued

❖ Early Voting Ballot Board (EVBB), Texas Election Code Chapter 87:

The early voting ballot board shall be created in each election to process early voting results from the jurisdiction served by the early voting clerk. These ballots include ballots~by~mail, early voting ballots by personal appearance, provisional and late ballots.

- Consists of Presiding Judge, Alternate Presiding Judge, and at least 1 other member.
- Eligibility to Serve on EVBB is the same qualifications for Election Judges/Clerks (Section 32.051).
- Know your Notice Requirements: The Early Voting Clerk must post (at the main early voting polling place) Notice of Delivery of Ballots to the EVBB 24 hours before each delivery that is made prior to the time the polls open on election day.

Download, print, and read the Texas SOS Handbook for Early Voting Ballot Board!

Review the Texas SOS 2024 presentation on Early voting Ballot Board & Signature Verification Committee at:

<https://www.sos.state.tx.us/elections/forms/early-voting-ballot-board-signature-verification-committee-2024.pdf>

Additional info. . .

Translation Requirements

- Under the federal Voting Rights Act, whether you are conducting your own election or contracting with the county, your ballot and all other voter-related materials will need to be in English & Spanish and may need to be translated in additional languages.
 - ◆ Additional information is available on the Department of Justice's website (<http://www.justice.gov/crt/about-language-minority-voting-rights>).
 - ◆ Harris County - English, Spanish, Vietnamese, & Chinese
 - ◆ Tarrant County - English, Spanish, & Vietnamese
 - ◆ Dallas County - English, Spanish, & Vietnamese

Additional info

Obtain or Bookmark

- **Secretary of State Website:** <https://www.sos.state.tx.us/>
- **Election Code;**
 - You can purchase a copy of the Texas Election Code by contacting:
 - Texas Election Laws
 - Eric Opiela PLLC
 - Phone: 512-791-6336
 - Email: eopiela@ericopiela.com
- **Local Government Code;**
- **Any other additional codes that affect your political subdivision (e.g., Water Code, Health and Safety Code, etc.);**
- **Texas Legislature online (for information about new legislation):**
<https://capitol.texas.gov/>

Additional info

TEXAS ETHICS COMMISSION FORMS

The Texas Ethics Commission updates forms on January 1st of every year!

Visit the Texas Ethics Commission Website at:

<https://www.ethics.state.tx.us/forms/coh/cohfrm.php>

Contact Information:

Phone: (512) 463-5800

TDD : 1-(800) 735-2989

Let's talk 'Bonds'



Bond Ballot Language

There are specific requirements for bond and other debt obligation proposition and ballot language, which have been impacted by numerous bills in recent years. Consult your district's attorney for more information and to confirm whether your language incorporates all new changes!

- ❖ **Remember** that because they will be publicly posted, any documents attached to the Order Calling, Notice of Election and Voter Information Document (*if applicable*) must be translated in all languages required for that county
- ❖ If you are contracting with a county, verify the character limit allowed for a proposition. Examples:
 - ❑ Harris County has a limit of 900 characters per proposition
 - ❑ Montgomery County has a limit of 10,000 characters per proposition

Voter Information Document

- Pursuant to Government Code Section 1251.052, a political subdivision with at least 250 registered voters as of the date the election is ordered must prepare a voter information document for each debt obligation proposition
- The voter information document must be posted in the same manner as a bond election order is required to be posted under the Election Code, including on the political subdivision's website

Voter Information Document (cont'd)

- **The Voter Information Document Must state:**
 - The language that will appear on the ballot;
 - The following information, formatted as a table:
 - The principal amount of the bonds to be authorized;
 - The estimated interest on the bonds to be authorized;
 - The estimated combined principal and interest required to pay on time and in full the bonds to be authorized;
 - The principal amount of all outstanding bonds;
 - The estimated remaining interest on outstanding bonds;
 - The estimated combined principal and interest required to pay all outstanding bonds;
 - The estimated maximum annual increase in the amount of taxes that would be imposed on a residence homestead in the political subdivision with an appraised value of \$100,000; and
 - Any other information that the political subdivision considers relevant or necessary to explain the aforementioned information
 - Certain major assumptions incorporated into the calculations presented in the Voter Information Document

Voter Affidavit – Water District Confirmation Elections

VOTER AFFIDAVIT

STATE OF TEXAS §

§

COUNTY OF _____ §

I, _____, Swear or Affirm that:

Name of Voter

1. My Residence is _____ located within the territory of _____.

Address

District Name

2. I moved into the District on _____, and I established my Residence

Date

within the District for at least thirty (30) days prior to the date of this election.

3. I understand that:

a. "Residence" means domicile, that is, one's home and fixed place of habitation to which one intends to return after any temporary absence. (*Texas Election Code Section 1.015(a)*); and

b. A person does not acquire a Residence in place to which the person has come for temporary purposes only and without the intention of making that place the person's home. (*Texas Election Code Section 1.015(d)*)

4. On _____, I voted in the _____ election(s) held by this district.

Date

Description of Election(s)

5. I am a duly registered voter in _____ County, Texas. My voter

County Name

registration was effective as of the _____ day of _____, 20____. My voter

Day

Month

Year

registration number is _____. True and correct copies of my

Registration Number

voter registration certificate and another form of identification acceptable under state law, if available, are attached to this affidavit. (*Texas Election Code Section 63.0101*). To the best of my knowledge, I believe that my voter registration is effective on the date of this election.

Texas Water Code § 49.1025(c):

(c) In addition to the procedures for accepting a voter under Section 63.001, Election Code, the election officer shall provide to the voter the form of the affidavit required by this section. The election officer must receive a completed affidavit before marking the voter as accepted under Section 63.001(e), Election Code. If the voter does not submit a completed affidavit to the election officer or the information stated on the affidavit demonstrates the voter is not a qualified voter as provided by this section, the voter may be accepted only to vote provisionally under Section 63.011, Election Code.

Voter Affidavit – (cont'd)

VOTER AFFIDAVIT

• • •

By signing this affidavit, I swear, on the ____ day of _____, 20____,
Day Month Year
that the above information and statements are true.

Signature of Voter

Sworn to and subscribed before me this ____ day of _____, 20____.
Day Month Year

[Notary Seal or Name and **Title of Election Officer**]

Notary Public, State of Texas, **or Election Officer**
(other than Voter identified above)

Form of Affidavit Pursuant to §49.1025 Tex. Water Code 072023

Bond Election Tips

Don't Forget for bond and other debt obligation elections. . .

- ❖ If you are contracting with your county election office KNOW their deadlines!
- ❖ For any website posting requirements (including those posted by counties or directly by the district), take screenshots of all postings, including the website URL and date, for the Attorney General transcript file
- ❖ Make sure to find out: When does the county need your election order for a bond election to post at each early voting and election day polling location and how do they want it? Do they want hard copies or e-mail?

For the most up-to-date information from the Texas Attorney General's office on new legislation and requirements for bond transcripts, visit their All Bond Counsel letter website, <https://www.texasattorneygeneral.gov/public-finance/all-bond-counsel-letters>



Questions

We would like to take this opportunity to thank you for your presence. It is an honor to present at the 36th Annual Secretary of State's Conference for Cities, Schools, and Other Political Subdivisions.

Happy Holidays and best wishes for the New Year!

Thank you!

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