TMCCP Presents
Election Law Seminar
January 25-27, 2017, Frisco, Texas

HANDOUTS FOR

“Step By Step Session
For Cities Who Hold Their Own
Elections”

with speakers

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Step by Step

Presented by:

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Step by Step

STEP 1  SxS Manual Page 71
Establishing Election Precincts and Designating Polling Places

- City Secretary - Reserve polling places
- Polling places must be ADA-compliant
- Can’t be in residence of candidate or relatives
Step by Step

D.O.J. Submissions


Section 4 of the Federal Voting Rights Act of 1965 is unconstitutional and its formula can no longer be used as a basis for subjecting jurisdictions to preclearance.

Step by Step

STEP 2 SxS Manual Page 71
Choosing the Method of Voting

Each polling place must provide at least one voting station that provides a practical and effective means for voters with physical disabilities to cast a secret ballot.

Step by Step

STEP 3 SxS Manual Page 71
Procuring the Election Equipment

City Secretary makes arrangements for use of equipment if municipality does not own equipment

Not necessary to actually have possession of the equipment this early
**Deciding Whether to Contract for Election Services**

- Generally with County
- Requires Written Contract

**Deciding Whether to Hold Joint Election with Other Political Subdivision**

**Ordering the Election**

- Deadline is 78 days before Election Day, February 17, 2017
- Post on bulletin board used for posting notices of public meetings - bilingual AND on website, if city has one
- Council orders general elections, special elections, and runoffs, unless charter states otherwise
Step by Step

**ELECTION ORDER MUST CONTAIN:**

- Date of election

- Offices/measures to be voted on, in same order as ballot

- Location of main early voting polling place

- Date that early voting begins, if later than standard date

Step by Step

- Date/hours for early voting (Sat./Sun. as well) and mailing address for early voting clerk if early voting clerk is not city secretary

- Recommended to include address for ballot by mail, deadline for ballot by mail

- Check statutes for special elections

Step by Step

**Cancelling the Election**

- For elections requiring write-in candidacy

- Special election is considered a separate election with a separate ballot from general election held at same time as the special election

- Each candidate whose name is to appear on the ballot is unopposed

- No declared write-in candidates
Step by Step

Cancelling the Election

- For single member districts/places - The entity can cancel if no opposed at-large candidates are on the ballot.

- Exception: If an entity is conducting a separate election at the same time as the cancelled election, the declared elected candidates shall be listed separately on the ballot under the heading “unopposed candidates declared elected.” Candidates shall be grouped in the same relative order prescribed for the ballot generally. No votes are cast in connection with the candidates.

Step by Step

Two Steps to Cancelling:

1. City secretary certifies to all previous conditions being met
2. Council takes official action to cancel election
   - Post notice of cancellation in all affected polling places on election day
   - Unopposed candidates do not take office until after election when certificates of election are issued in usual manner

Step by Step

STEP 7
Giving Notice of the Election

- Must post and publish notice - 30th day to 10th day prior
- PUBLICATION PERIOD: April 6 - April 26, 2017
- LAST DAY TO POST: April 14, 2016 (22nd day is recommended since 21st day is on Saturday)
- Leave up through Election Day
- If using resolution/ordinance calling election, must contain all elements
- Keep record of posting
- Bilingual (or multi-lingual) required
Step by Step

STEP 8
Publicizing the Election
- Newspaper
- Radio
- Television
- Website
- Social Media
- Signage
- Press releases
- Spanish/alternative language newspapers
- Does not substitute for legal notice

STEP 9
Receiving Appointments of Campaign Treasurer and Statements of Campaign Contributions and Expenditures
- Have forms & candidate packets ready well in advance
- Texas Ethics Commission
- 1-512-463-5800
- www.ethics.state.tx.us

STEP 10
Receiving and Reviewing Applications of Candidates for Place on Ballot
- Petitions
- Last day to file: February 17, 2017 (78th day prior)
- Last day to file as a write-in: February 21, 2017 (74th day prior)
Step by Step

STEP 11

Procuring the Election Supplies

- Election supply vendors
- Time is now
- Nametags / initial stamp/magnifiers
- Pre-locked, pre-sealed ballot boxes required for electronic systems with central counting stations

Step by Step

Notices from Secretary of State in all polling places

- Voter Complaint Informational Poster to report voting difficulties
- Voter Instruction Poster listing a voters rights along with identification requirements

Step by Step

STEP 12

Appointing the Election Judges

- Council appoints by written order
- Presiding/Alternate per Precinct (EVBB & student)
- Appoint for 1 election, or up to 2 years
  - Recommended Period: March 13 - 24, 2017
  - Care in selection & continuity of service of judges very helpful
  - Eligibility (consider kinship, manual sec. 4.14)
STEP 13
Notifying the Judge of Their Appointment

➢ It is recommended to notify presiding judges of duty to hold election by April 6, 2017 (the 30th day before election day). The statutory deadline for notifying judges is April 24, 2017 (the 15th day before the election).

➢ “Writ” delivered to the presiding judge not later than the 15th day before election day or the seventh day after the date the election is ordered, whichever is later. (EC 4.007)

STEP 14
Drawing for Order of Candidates’ Names on Ballot

➢ Post notice of drawing 72 hours in advance
➢ For run-off, required period for posting is 24 hours
Step by Step

STEP 15
Getting the Ballots Printed

- Order ASAP after drawing
- Can be “light-colored” but not same as sample ballots (yellow)
- Formula for quantity to order
- Write-in ballots (only when declared)
- Be sure to proofread ballot
- Ballot correction/destruction – read very carefully (M8.21)
- Removing a candidate’s name from the ballot (M8.20)

Step by Step

STEP 16
Maintaining Mandatory Office Hours During Election Period

- 50th day before election day (March 17, 2017) until 40th day after (June 15, 2017)
- Mandatory
- 3 hours minimum
- Monday - Friday
- Election day: 7 a.m. – 7 p.m.

Step by Step

STEP 17
Obtaining and Preparing the List of Registered Voters

- Written request to voter registrar is mandatory
- One set for early voting, another for election day
- Check to be sure all pages are included and be sure to check accuracy if you have had an annexation
Step by Step

STEP 18  SxS Manual Page 269
Notifying the Presiding Election Judges of Their Duty to Hold the Election

- Notice of appointment as judge (presiding and alternate, EVBB, student)
- Writ of Election
- Can be combined w/Steps 12 & 13 (see deadlines there; recommend at least 30 days prior so clerks can be found)
- Use same delivery method for all judges

Step by Step

STEP 19  SxS Manual Page 271
Labeling Specimen Ballots

Step by Step

STEP 20  SxS Manual Page 273
Conducting Early Voting by Mail
Step by Step

**STEP 20**

Early Voting By Mail

- Must be conducted in every election
- Any qualified voter may vote by mail if the voter:
  - Expects to be absent from the county
  - Disabled
  - Confined to jail (EC 82.001 - 82.004)
  - Will be 65 years of age or older on election day
- Qualified voter must submit an application for a ballot by mail to the early voting clerk (EC 84.001)
  - Only have to provide one application for ballot by mail – city may adopt a policy

- Rosters of voters who have submitted their ballots by mail – Available to public not later than the day following the day the EV clerk receives the ballot voted by mail
- Rosters of voters who have been sent a mail ballot – not available for public inspection except to the voter verifying their information is correct, until the first business day after election day
- Copies of application for ballot by mail – available for public inspection the first business day after election day (EC 86.014)
- Originals of the applications and carrier envelopes – not available for public inspection/duplication until those materials are delivered to the general custodian of election records after the election (EC 86.014)
- City secretary must redact information listing the address at which a participant in the address confidentiality program is registered (victims of family violence/sexual assault/stalking – attorney general will substitute a PO box)
Conducting Early Voting
By Personal Appearance

- Early voting must be held during regular business hours of the city secretary.
- Roster for early voting by personal appearance must be available for public inspection “not later than beginning of regular business hours on the day after the date the information is entered” (EC 87.121(h)).

- Early voting period begins 12th day before and ends 4th day before election for may uniform election date – April 24 - May 2, 2017 (EC 85.001(e)).
- Must have two twelve-hour days of early voting at main early voting place.
- Only one election official (rather than two) may provide assistance to early voters (EC 85.035).

DREs - City secretary must perform daily audits of machines during early voting – SOS ELECTION ADVISORY 2014-06: ELECTRONIC VOTING SYSTEM PROCEDURES.
Conducting Schools of Instruction for Election Judges and Clerks

- Election schools/training sessions
- Notice of training
- Compensation
- Handbook from SOS
- Video from SOS
- Poll watchers - inspectors

Optional Appointment of Signature Verification Committee for Mail Ballots

- Used by larger cities
- No fewer than five members - must be qualified voters of the territory
- May begin work 20th day before election (April 16, 2017)
- Jacket envelopes to SVC instead of EVBB
- SOS form 5-55 “Notice of Delivery of Balloting Materials to the Signature Verification Committee”

Preparing Ballots for Distribution to Precinct Polling Places

- City secretary packages and seals each set of ballots
- Mark packages with serial number range, quantity enclosed & precinct
- If more than one ballot format needed, package each separately
- City secretary keeps record of ballot distribution
Step by Step

- Keep track of numbers of pre-sealed ballot boxes and voting machines
- City secretary shall keep some ballots in reserve (5 percent suggested)
- Sample ballots (required to be posted)
- Provisional voting materials

Step by Step

**STEP 23**
Preparing Sets of Forms for Distribution to Precinct Polling places

- Distance markers
- Oaths - election judges/workers, assistance, interpreter
- Register of spoiled ballots
- Spoiled ballot envelope

Step by Step

- Partially invalid envelope
- Envelope for damaged ballots
- List of persons “Rejected for Voting”
- Affidavit envelopes for provisional ballots and associated lists
- Standard affidavit
- Instructions on how to cast ballot
- Statement of compensation
- Ballot and seal certificate
Step by Step

- Instructions - contents ballot box no. 3
- “Attention Voters” sign
- Bill of rights poster
- Notice of total number of voters who have voted (update every two hours)
- Register of official ballots
- Sample ballots
- Affidavit of residence
- Tally sheets for counting at precincts
- List of registered voters
- List of early voters

Step by Step

- Signature roster/poll list/combination forms and instructions
- Envelopes for return of keys to voting machines
- Instructions on write-ins, if needed
- Request to cancel application for ballot by mail

Step by Step

**FOUR ENVELOPES TO:**

- NO. 1 - MAYOR
- NO. 2 - CITY SECRETARY
- NO. 3 - PRECINCT JUDGE
- NO. 4 - VOTER REGISTRAR

- May not be the case if you contract...
Step by Step

**STEP 23A**
Preparing Lists of Registered Voters

- Request list from voter registrar
- Need a list for each branch
- Supplement or get updated list after early voting
- Voter registrar - refine lists as you need them
- Supplement list again for runoff election
- Suspense "S"

Step by Step

- "Combination" forms combine poll list, signature roster and other forms used to process voters
- Mark early voters - but still must provide list

Step by Step

**STEP 34**
Distributing the Supplies to the Presiding Election Judges

- City secretary’s responsibility
- "At least one hour before polls open" - unrealistic
- Have judges sign for ballots and seals
- Pre-locked, pre-sealed ballot boxes - electronic systems with CCS
Step by Step

STEP 35
Distributing the Equipment to the Precinct Polling Places

- City secretary arranges to have equipment delivered to polling places
- After election - city secretary responsible for seeing equipment is returned and secured

Step by Step

STEP 24
Preparing Election Equipment for Use; Preparing Programs for Electronic Voting; Testing Electronic Programs and Equipment

- Test of equipment
- DRES – programming, delivery, return
- Sealed ballot boxes - electronic systems with CCS
- Polling place security

Step by Step

STEP 25
Arranging for Transportation of Equipment to Polling Places
Step by Step

STEP 26

Posting Notice of Branch Early Voting Polling Places

- City secretary posts schedule of location of each polling place on the bulletin board used for posting notices of city council meetings with dates and hours for voting
- Post continuously beginning not later than the 5th day before the first day of EV by personal appearance thru the 4th day before election day (April 19 - May 2, 2017)
- Only main early voting polling locations required
Step by Step

STEP 28

Conducting Limited-Ballot Voting in Multi-County City

- Only available to persons who have moved within the city but to a different county
- If the voter lives in a different city precinct, the voter may not vote under normal procedures until new registration in the county of new residence becomes effective
- If the voter lives in the same city election precinct after moving to another county, the voter will vote in a regular manner as long as the voter’s name appears on the list of registered voters for the county precinct of former residence

Step by Step

STEP 29

Posting Notice for Weekend Voting

- 72 hours posted notice (SOS form AW 5-48)
  - Additional early voting on Saturday and Sunday - mandatory with petition of 15 registered voters
  - Cannot begin EV on Saturday or Sunday
Step by Step

STEP 31  SxS Manual Page 377

Conducting Late (Emergency) Early Voting for Recent Sickness or Disability

- Early voting clerk may receive application any time after the last day of early voting by personal appearance but before 5 p.m. on election day
- Must use balloting materials for early voting by mail
- SOS Form 5-25 (Application For Emergency Early Voting Ballot Due To Sickness Or Physical Disability)
- SOS Form 5-26 (Instructions - Late Voting By Disabled Voter)

Step by Step

STEP 32  SxS Manual Page 377

Conducting Late (Emergency) Voting, Death In Family

- Death occurred on or after the fifth day before election day (the day before the last day of the period of EV by personal appearance); and
- The voter will be absent from the county of their residence on election day as a result of the death
- Must use balloting materials for EV by mail
- SOS Form 5-24 (Application for Emergency Ballot due to Death in Family)
**Step by Step**

**STEP 33**

Delivering Precinct Lists of Early Voters to Presiding Election Judges

- Judge may be compensated for marking early voters on list of registered voters to be used on election day
- Needs to be completed before the judges open the polls on election day
- Prevents voters from voting again on election day

**Step by Step**

**STEP 36**

Setting the Time for the Official Canvass; Posting the Notice of the Time

- Only One - It’s Final (Recounts must be canvassed, too)
- Two members of the governing body constitutes a quorum
- Must post meeting notice 72 hours in advance - Open Meetings Act

**Step by Step**

- Canvass third to eleventh day after election day, if all FPCA ballots rec’d. & provisional ballots counted by EVBB (May 9-17, 2017)
- Enter official tabulation in elections register
- City secretary preserves precinct returns/tally list
Preparing List of Registered Voters for Early Voting Ballot Board

- Consolidate lists from main EV location plus branch EV polling locations - indicate by some method at which polling place the voter voted [EC 87.021 (4)]

- Deliver the master copy to the EVBB - deliver during the time the polls are open on election day, or as soon after the polls close - time specified by EVBB judge [EC 87.022]
**Step by Step**

**STEP 38**
Arranging with Mayor, Chief of Police (Marshal), and Voter Registrar for their Presence on Election Night

- Chief, marshal, or designee should be present for security and to receive keys to ballot boxes
- Voter registrar - receive envelope no. 4 and provisional balloting materials (City secretary receives in absence and delivers next business day)
- City secretary receives envelope no. 1 in mayor’s absence

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**Step by Step**

**ELECTION DAY**

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**Step by Step**

**STEP 1**
Conducting Voting at Precinct Polling Places

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Step by Step

PROVISIONAL VOTERS

- An in-depth discussion on this topic will be offered twice during the breakout sessions.

Step by Step

STEP 2

Conducting Voting for the Disabled at the Main Early Voting Polling Place, in an Election using Voting Machines

- This step deals with a voter that lives in an election precinct where voting is conducted by voting machines only and the voter is unable to enter the polling location. If there are no options for curbside voting at the precinct polling location, the voter can go to the main EV polling place and vote under this procedure.
- Voting will be conducted with the balloting materials used for voting by mail.

Step by Step

STEP 3

Delivering Early Ballots to the EVBB

The Board should receive from the EV clerk:

- Each ballot box containing ballots voted by personal appearance
- Clerk’s key to each EV ballot box
- Jacket envelopes with mail ballots & applications
- List of registered voters used in conducting EV
- Ballot transmittal form for early voted ballots
Step by Step

- Notice of rejection of early voted ballots
- Voter registration applications
- Receipt for each ballot box
- If voting machines are used for EV by personal appearance, certificates of proper installation and of secured machine
- If delivered before polls open on election day, post notice of delivery of EV balloting materials at least 24 hrs prior to delivery at main EV polling place (SOS form 6-7)

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Step by Step

**STEP 4**
Delivering Second Early Voting Ballot Box Key to Early Voting Ballot Board

- Contact police chief a couple of days before the election as a reminder
- Get phone number of contact person for election day
- SOS Form 6-5 – “Notice of Convening the EVBB” to notify the early voting clerk and custodian of the 2nd key as to when early voting materials and keys to the ballot box will be delivered
- Completed by the police chief or marshal (EC 87.025)

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Step by Step

**STEP 5**
Other Duties of the City Secretary While Polls are Open
Step by Step

ELECTION DAY: AFTER POLLS CLOSE

STEP 1
Counting Ballots at
Central Counting Station
Electronic Voting Systems - CCS

STEP 2
Receiving Envelope No. 1
Step by Step

**STEP 3**
Receiving Envelope No. 2, Ballot Box Nos. 3 and 4, Record of Write-ins on Voting Machines

**STEP 4**
Receiving Key to Ballot Box No. 3

**STEP 5**
Receiving Ballot Box Nos. 1 & 2 and Unused Supplies
Step by Step
STEP 6  SxS Manual Page 485
Receiving Envelope No. 4 and Provisional Ballots/Affidavit Envelopes

Step by Step
STEP 7  SxS Manual Page 487
Tabulating Unofficial Returns

Step by Step
AFTER ELECTION DAY
MAY 6, 2017  MAY 7, 2017
**Step by Step**

**STEPS 1 & 2**  
Delivering Provisional Ballots and Envelope No. 4 to Voter Registrar

**Step by Step**

**STEP 3**  
Returning Voting Equipment to Storage

**Step by Step**

**STEP 4**  
Reporting Early Votes Cast for Each Candidate and For & Against Each Measure by Election Precinct

- Report to the local canvassing authority (not later than the time for canvass) total number of EV for each candidate or measure by election precinct [EC 87.1231]
- Report may reflect total votes by mail and total votes by personal appearance
- Precinct by Precinct Report due the SOS not later than the 30th day after election day [EC 67.017] (June 5, 2017)
Step by Step

STEP 5
Partial Manual Count of Electronic System Ballots

Step by Step

STEP 6
Deliver Provisional Ballots to Early Voting Ballot Board

- Voter registrar has six (6) business days to review provisional ballots
- Last day to reconvene the EVBB – ninth (9) days after election day

Step by Step

- If all mail ballots from outside the US have been received by the fifth day after the election, the EVBB can meet the sixth day to accept/reject provisional ballots for counting & to qualify the late mail ballots
Step by Step

STEP 7
OFFICIAL CANVASS

Step by Step

STEP 8
Record Results in Election Register

Step by Step

STEP 9
Issuing Certificates of Election

- Statement of officer retained by city secretary - Don't file with SOS
- City secretaries can administer oaths
Certificate of Election must contain:

- Candidate’s name
- Office to which elected
- Statement of Election to unexpired term, if applicable
- Date of election
- Signature and seal of officer preparing the certificate

Step by Step

STEP 10
Ordering Runoff Election, if Necessary

- Order not later than 5th day after final canvass of main election
- Conduct runoff 20th – 45th day after canvass, May 29 – July 3, 2017

Step by Step

STEP 11
Paying the Judges and Clerks
STEP 12

Sorting Unused Election Supplies

STEP 13

Preserving the Election Records for 6 Months; Disposing after Expiration of Preservation Period

- The voted ballots must remain locked in ballot box 3 for 60 days after the date of the election.
- On the 61st day after election day, the city secretary may transfer the voted ballots to another secure container for the remainder of the preservation period. (July 6, 2017)
- November 6, 2017, is the last day preservation period unless there is an election contest or lawsuit. [EC 66.058]

START PREPARING FOR NEXT YEAR

2018!