

May 1, 2021 Election Law Calendar

The uniform election date in May of an odd-numbered year is a date in which many local political subdivisions, such as cities, school districts, and water districts have their regular general elections for members of their governing bodies or special elections to fill vacancies. Therefore, this calendar is required to meet the needs of many diverse governmental bodies. If there are questions about the applicability of something in this calendar to your specific election, do not hesitate to call the Elections Division of the Office of the Texas Secretary of State at 1-800-252-VOTE(8683).

Notes

1. [Campaign Information](#)
2. [Statutory References](#)
3. [Notice of Web Posting](#)
4. [Note on May Uniform Date \(Even-Numbered Years\)](#)
5. [Required Use of County Polling Places](#)
6. [Notice of Candidate Filing Periods](#)
7. [Joint Election Requirement for School Districts](#)
8. [Joint Elections Generally](#)
9. [Notice of Elections](#)
10. [Extended Early Voting Hours and Branch Locations](#)
11. [Temporary Branch Locations](#)
12. [Notice of Previous Polling Place](#)
13. [Testing Tabulating and Electronic Voting Equipment](#)
14. [Note on Accepting Voters with Certain Disabilities](#)
15. [Note on law regarding faxed or emailed ABBMs and faxed FPCAs](#)

1. Note on Campaign Information

Under Title 15 of the Texas Election Code, candidates running for an office must file campaign contribution and expenditure reports. For further information and all questions about such disclosure filings, campaign finance, and political advertising, please contact the [Texas Ethics Commission](#) at 201 E. 14th Street, 10th Floor, Austin, Texas 78701; call 512-463-5800.

2. Note on Statutory References

Unless otherwise indicated, all references are to the Texas Election Code. The county election officer is the county clerk, the county elections administrator, or the county tax assessor-collector, depending on the actions of the county commissioners court. (Secs. 31.031, 31.071 and 31.091). The county voter registrar is the county clerk, the county elections administrator, or the county tax assessor collector, depending on the actions of the county commissioners court. (Secs. 12.001, 12.031, 31.031 and 31.071).

3. [Notice of Web Posting](#)

Please see our Web Posting Advisory, [Election Advisory No. 2019-19](#) for more details on web posting requirements; however, the requirements are summarized below.

As of January 1, 2020, each county *shall maintain* a website. (Sec. 26.16(a), as amended by S.B. 2, 86th Regular Session, 2019).

Advisory 2020-37

All political subdivisions with the authority to tax that maintain a website any time after January 1, 2019, must post the following items on the entity's internet website:

1. The political subdivision's contact information, including a mailing address, telephone number, and e-mail address;
2. Each elected officer of the political subdivision;
3. The date and location of the next election for officers of the political subdivision;
4. The requirements and deadline for filing for candidacy of each elected office of the political subdivision which shall be continuously posted or at least one year before the election day for the office;
5. Each notice of a meeting of the political subdivision's governing body under Subchapter C, Chapter 551 of the Government Code; and
6. Each record of a meeting of the political subdivision's governing body under Section 551.021 of the Government Code. (H.B. 305, 86th Regular Session, 2019)

*NOTE: If you postponed an election from May 2, 2020 to November 3, 2020 pursuant to the gubernatorial proclamation of March 18, 2020, this does not permanently reset your schedule. Example: An office normally elected for a full one-year term from May 2020 to May 2021 will still be on the ballot in May 2021. The election schedule posted on your web notice should reflect this. See Advisory No. 2020-12 - Actions for May 2, 2020 Uniform Election Date.

Our office recommends consulting with your political subdivision's local counsel regarding the particular posting requirements under Subdivisions (5) and (6) referenced above. Please note, the requirements for posting notice of meetings and record of meetings of the political subdivision's governing body do not apply to:

1. A county with a population of less than 10,000;
2. A municipality with a population of less than 5,000 located in a county with a population of less than 25,000; or
3. A school district with a population of less than 5,000 in the district's boundaries and located in a county with a population of less than 25,000.

During the 21 days before the election, on the political subdivision's Internet website, prominently and together with the notice of the election, a copy of the sample ballot, and the contents of the proposition, if the political subdivision maintains an Internet website (NEW LAW HB 440, 2019). See Note 9 for more information on notice requirements.

4. Note on May Uniform Date

With few exceptions, counties are not authorized to hold an election ordered by county authority on the May uniform election date in an **even-numbered year**. A county elections administrator may refuse to provide election services by contract for an election that is held on the May uniform election date in an **even-numbered year**. (Sec. 41.001(d)). Thus, for **May 1, 2021** (odd-numbered year) we return to the general rules: counties are authorized to hold an election ordered by county authority in May 2021; and a county elections administrator may not refuse to provide election services by contract in May 2021.

5. Note on Required Use of County Polling Places

Political subdivisions are no longer required to use county election precincts and polling places for elections held on the May uniform date. The governing body of a political subdivision other than a county shall establish the election precincts for elections ordered by an authority of the political subdivision and follow the requirements of Secs. 42.061 and 42.0615.

NOTE: [HB 1888 \(86th Legislature, 2019\)](#) repealed Section 42.002(c) of the Code and amended Section 42.0621 of the Code. Section 42.002(c) previously required local political subdivisions holding an election on the May uniform election date to use county election precincts and county polling places on election day unless the entity only had a main early voting polling place open during the early voting period or the entity did not conduct early voting by

personal appearance at 75 percent or more of its temporary branch polling places on the same days and during the same hours as voting was conducted at the main early voting polling place.

6. Note on Notice of Candidate Filing Periods

The authority with whom an application for a place on the ballot is filed must post a [Notice of Deadline to File Applications for Place on the Ballot \(PDF\)](#), listing the filing period dates in a building in which the authority maintains an office. The notice must be posted not later than the 30th day **before** the first day to file. (Sec. 141.040). If you order a special election to fill a vacancy, the order must include the filing deadline; we recommend posting the notice of the filing period as soon as practicable after a special election is ordered. Note that an application for a place on the ballot for a special election may not be filed before the election is ordered.

7. Note on Joint Election Requirement for School Districts

School districts conducting trustee elections must have joint polling places on election day with either:

1. a city holding an election on the uniform election day (located wholly or partly within the school district's boundaries);
2. a public junior college district if it is having an election for members of its governing board in which the school district is wholly or partly located;
3. in limited circumstances, a hospital district; or
4. the county on the November uniform election day in even-numbered years.

For purposes of this calendar, we will continue to use separate subheads for cities and school districts when their rules are different. However, many entities will be working out joint election agreements. (Sec. 11.0581, Texas Education Code; Sec. 271.002).

8. Note on Joint Elections Generally

Many entities will have joint elections for the May 1, 2021 election. Note that the entries in this calendar are generally written in terms of elections held individually rather than jointly. For example, cities are advised about conducting two 12-hour days for early voting. However, we have long advised different entities who conduct early voting together to coordinate their early voting hours, which may result in entities other than cities also holding early voting on two 12-hour days. On the other hand, depending on the plan, different entities may choose not to hold early voting together and do things separately. Not all joint election plans are alike. With a few exceptions, we do not discuss the impact of coordinating rules for a joint election, as we think this would make the calendar longer and confusing. We encourage joint election partners to read through the entire calendar, taking note of the rules affecting the partner entities, and to address the differences within the agreement itself. If you have questions about how different rules apply to a particular joint election plan, please contact our office by phone or email.

9. Note on Notice of Elections

Political subdivisions other than cities and school districts may have specific statutory notice requirements. In the absence of specific statutory requirements, such political subdivisions must post a notice on or before the 21st day before the election. (Sec. 4.003(b)). For the Saturday, May 1, 2021 election, this notice must be posted on or before Saturday, April 10, 2021. (Sec. 1.006, 4.003(b)). The general rule is that, additionally, notice must be given using one of the following methods:

- A. By posting a notice in each election precinct in which the election is to be held on or before the 21st day before the election, Saturday, April 10, 2021. (Sec. 4.003(a)(2)).
- B. By publishing the notice at least once between the 30th day and the 10th day before the election, Thursday, April 1, 2021– Wednesday, April 21, 2021. (Sec. 4.003(a)(1)).
- C. By mailing a copy of the notice to each registered voter of the territory covered by the election, not later than the 10th day before election day, Wednesday, April 21, 2021. (Sec. 4.003(a)(3)).

This notice must include:

1. The type and date of the election;
2. The location of each polling place, **including the street address, room number, and building name**;
3. The hours the polls will be open;
4. The location of the main early voting polling place, **including the street address, room number, and building name**;
5. The regular dates and hours for early voting by personal appearance;
6. The dates and hours of any Saturday or Sunday early voting, if any; and
7. The early voting clerk's mailing address.
8. We **recommend** that the information regarding branch early voting locations be included as part of your notice.

NOTE – NEW LAW: HB 1241 (2019) now requires that ANY notice of polling locations must include more detailed information regarding the polling locations including: the polling location's street address, any applicable suite or room number, and any applicable building name.(Sec. 1.021)

The following forms may be used:

[-Notice of General Election for Cities \(PDF\)](#)

[-Notice of General Election for Other Political Subdivisions \(Including Schools\) \(PDF\)](#)

Notice of Nearest Polling Places in Countywide Election: NEW LAW – HB 3965 (2019) now requires that EACH countywide polling place must post a notice, at that location, of the four nearest locations, by driving distance.

Notice for Bond Elections: Entities holding bond elections must provide additional notice per Section 4.003(f). A debt obligation order under Section 3.009 must be posted:

1. On election day and during early voting by personal appearance, in a prominent location at each polling place.
2. Not later than the 21st day before the election, in three public places in the boundaries of the political subdivision holding the election.
3. During the 21 days before the election, on the political subdivision's Internet website, prominently and together with the notice of the election, a copy of the sample ballot, and the contents of the proposition, if the political subdivision maintains an Internet website (NEW LAW HB 440, 2019).

NEW LAW: The same requirements apply to the voter information document required by Government Code Section 1251.052(b)(see law for full contents of notice). House Bill 477 (2019). The new requirement applies to a political subdivision with at least 250 registered voters on the date the governing body of the political subdivision adopts the debt obligation election order.

All Political Subdivisions: The election notice shall be posted on the political subdivision's website, if the political subdivision maintains a website. For political subdivisions other than counties or cities, the original order and notice should include all days and hours for early voting by personal appearance, including voting on **ANY** Saturday or Sunday. (Secs. 85.006; 85.007). **Note for cities and counties**, the election notice must be subsequently amended to include voting ordered for **ANY** Saturday or Sunday and must be posted on the political subdivision's website, if maintained.

Cities and School Districts: Cities and school districts are required to publish their notice in a newspaper in accordance with Section 4.003(a)(1) (See 2 above) and may also give any additional notice. (Sec. 4.003(c)). Counties, school districts, and cities must also publish notice on the governmental bulletin board used for posting notice of public meetings, no later than April 12, 2021. (Sec. 4.003(b)).

Home-Rule Charter Cities: Home-rule cities MUST also give notice as provided in their charters.

All Political Subdivisions, Except Counties: The governing body of a political subdivision must deliver notice of the election to the county election officer and voter registrar of each county in which the political subdivision is located not later than the 60th day before election day, Tuesday, March 2, 2021. (Sec. 4.008).

NOTE FOR COUNTY - NEW LAW: Section 4.003 as amended by House Bill 933 (2019) requires that counties post on the county website the notice and list of polling locations of any political subdivision that delivers their notice to the county under 4.008. This is **regardless** of whether the county is contracting with the entity.

10. Note on Extended Early Voting Hours and Branch Locations

Note for Cities: Cities must choose **two weekdays** for the main early voting polling place to be open for **12 hours** during the regular early voting period, if the early voting period consists of more than six weekdays (Sec. 85.005(d)). The city secretary **may** also order early voting on a Saturday or Sunday, and determine the hours for such Saturday or Sunday early voting. This must be done by written order. (Sec. 85.006(b), (c)). [Notice of Saturday or Sunday early voting](#) must be posted for at least 72 hours immediately preceding the first hour that voting will be conducted. (Sec. 85.007(c)). The notice shall be posted on the bulletin board used for posting notice of meetings of the city's governing body if the early voting clerk is the city secretary, as well as on the political subdivision's website, if maintained. (Secs. 85.007(c), (d)). The city secretary **must** have early voting on Saturday or Sunday, *if a [written request \(PDF\)](#)* is received from at least 15 registered voters of the city in time to comply with the posting requirement. (Secs. 85.006(d); 85.007). The written request for Saturday and Sunday hours **must** be received in time for the early voting clerk to comply with the 72-hour notice posting requirement before the start of early voting. (Secs. 85.006(d); 85.007(c)).

All Political Subdivisions, Except Counties & Cities: Voting on **ANY** Saturday or Sunday must be included in the order and notice of election. The order and notice must include the dates and hours of Saturday or Sunday voting. (Secs. 85.006, 85.007). The political subdivision **must** have early voting on Saturday or Sunday, *if a [written request](#)* is received from at least 15 registered voters of the political subdivision in time to comply with the posting requirement. (Sec. 85.006(d)). The election notice must be posted on the political subdivision's website, if the political subdivision maintains a website. (Sec. 85.007).

11. Note on Temporary Branch Locations

NEW LAW - HB 1888 (2019) amended Chapter 85 of the Election Code to modify the requirements for temporary branch polling places.

Early voting at any temporary branch polling location **MUST** be conducted on the same weekdays as the main early voting location and **MUST** remain open for eight hours each day it is open. (Sec 85.005 and 85.064).

NOTE for Political subdivision other than city or county - For political subdivisions with fewer than 1,000 registered voters who did not agree to have the city or county to act as their early voting clerk, the temporary branch locations must be open for at least three hours each day. (Sec 85.005 and 85.064).

For most political subdivisions, this will require your temporary branch locations to be open on every weekday of the early voting period, for at least eight hours on each of those days.

12. Note on Notice of Previous Polling Place

If a different polling place is being used from the previous election held by the same authority, a [Notice of Previous Precinct \(PDF\)](#) must be posted at the entrance of the previous polling place informing voters of the current polling place location, if possible. (Sec. 43.062).

13. Note on Testing Tabulating and Electronic Voting Equipment

Ballot Testing:

Once all candidate filing deadlines have passed, we recommend that you proof and test your ballot programming as soon as possible. Early testing will allow adequate time to locate any errors and make any necessary corrections in ballot programming. We also strongly suggest that you have candidates proof their names and offices before finalizing the ballot to avoid the necessity for last minute ballot corrections.

Logic and Accuracy Test:

We recommend establishing a date to perform the test of your electronic voting equipment (L&A, or Logic and Accuracy Test) as soon as possible. We recommend that this test be performed on a date that allows time to correct programming and retest, if necessary. A [notice](#) of this test must be published by the custodian of the electronic voting equipment at least 48 hours before the date of the test. (Sec. 129.023; [Tex. Sec'y of State Election Advisory No. 2019-23](#)). The L&A test must be conducted not later than 48 hours before voting begins on a voting system. (Sec. 129.023).

Testing Tabulating Equipment:

The automatic tabulating equipment used for counting ballots at a central counting station must be tested three times for each election. (Ch. 127, Subch. D). We recommend you test the equipment as soon as possible; early testing will allow adequate time to locate any errors and make any necessary corrections in programming. However, the first test **must be conducted at least 48 hours before** the automatic tabulating equipment is used to count ballots voted in the election. The second test shall be conducted immediately before the counting of ballots with the equipment begins. The third test must be conducted immediately after the counting of ballots with the equipment is completed. Please note that the custodian of the automatic tabulating equipment must publish [notice](#) of the date, hour, and place of the first test in a newspaper at least 48 hours before the date of the test. (Sec. 127.096). The electronic files created from the L&A testing are what must be used for testing the tabulating equipment. ([Tex. Sec'y of State Election Advisory No. 2019-23](#)).

Precinct tabulators must also be tested in accordance with the procedures set forth in Chapter 127, Subchapter D of the Texas Election Code to the extent those procedures can be made applicable. (Sec. 127.152; ([Tex. Sec'y of State Election Advisory No. 2019-23](#))).

Our recommendation is that both L&A testing and testing of the automatic tabulating equipment take place prior to ballots by mail being sent out. However, should there be a reason to delay testing, please be advised that L&A testing must be conducted at least 48 hours before voting begins on a voting system. This means that L&A testing should be completed before early voting and possibly, before election day, if your election day system is different than your early voting system. Additionally, the automatic tabulating equipment may not be used to count ballots voted in the election until a test is successful. (See Chapters 127 and 129, Election Code.)

14. Note on Accepting Voters with Certain Disabilities

All Political Subdivisions: Accepting voters with certain disabilities:

An election officer may accept a person with a mobility problem that substantially impairs a person's ability to ambulate who is offering to vote before accepting others offering to vote at the polling place who arrived **before** the person. "Mobility problem that substantially impairs a person's ability to ambulate" has the meaning assigned by Section 681.001, Transportation Code. A person assisting an individual with a mobility problem may also, at the individual's request, be given voting order priority. [Notice of the priority](#) given to persons with a mobility problem that substantially impairs a person's ability to ambulate **shall** be posted:

1. at one or more locations in each polling place where it can be read by persons waiting to vote;
2. on the website of the Secretary of State; **and**
3. on each website relating to elections maintained by a county.

The **recommended** time to include this notice on a county website is when the Notice of Election is also posted on the website. Sec 85.007(d). See Note regarding Notice of Elections.

Cities, Schools, and Other Political Subdivisions: It is **strongly recommended** that the notice regarding accepting voters with certain disabilities also be posted on the subdivision's website, if one is maintained by the political subdivision.

15. Note on law regarding faxed or emailed ABBMs and faxed FPCAs

If an ABBM is faxed or emailed or if an FPCA is faxed, then the applicant **must** submit the ORIGINAL application BY MAIL to the early voting clerk so that the early voting clerk **receives the original no later than the 4th business day after receiving the emailed or faxed ABBM or faxed FPCA**. If the early voting clerk does not receive the original ABBM or FPCA by that deadline, then the emailed or faxed ABBM or faxed FPCA will be considered incomplete, and the early voting clerk may NOT send the applicant a ballot. The early voting clerk should retain a copy of the FPCA for their own records, but should send the FPCA submitted by the voter to the Voter Registrar for registration purposes.

If a voter faxes or emails the ABBM or faxes the FPCA, the date the early voting clerk receives the FAX or EMAIL is considered the date of submission. Essentially, the faxed or emailed form serves as a place-holder for the voter. Therefore, a voter whose application was faxed or emailed by the 11th day before election day (the deadline), and whose original application is received on or before the 4th business day after that date, would still be entitled to receive a ballot for the election (if otherwise eligible). The early voting clerk will have to hold the faxed or emailed ABBM or faxed FPCA until the clerk receives the original, and would only send the voter a ballot if the original is received by the 4th business day after the faxed or emailed ABBM or faxed FPCA was received. See [Tex. Sec'y of State Election Advisory No. 2018-02](#).

The requirement to mail the original application does not apply to an **emailed** FPCA, but does apply to a faxed FPCA.

Calendar of Events

December

Monday, December 14, 2020 (30th day before Wednesday, January 13, 2021, first day to file an application for a place on the ballot)

Cities, Schools, and Other Political Subdivisions: Post [Notice of Deadline to File Applications for Place on the Ballot](#) in a building in which the authority maintains an office. The notice must be posted not later than the 30th day before the first day to file. (Sec. 141.040; Sec. 49.113, Water Code). This notice must be posted in addition to the posting the requirements and deadline for filing for candidacy under House Bill 305. (See note 3, above.)

Water Districts: The notice must be posted at the district's administrative office or at the public place established by the district under Section 49.063 of the Water Code. (Sec. 49.113, Water Code).

January

Friday, January 1, 2021

First day for voters to submit an **application** for a ballot by mail (ABBM) for an election in 2021. The application is considered submitted at the time of receipt. (Secs. 84.001(e), 84.007).

First day for voters to submit an ABBM, an Annual ABBM, or a Federal Postcard Application (FPCA). The Annual ABBM and FPCA allows the voter to receive ballots for all elections in which they are eligible to vote held in 2021.

Advisory 2020-37

Voters who will be 65 or older on election day or voters with a disability are eligible to submit an annual application. The application is considered submitted at the time of receipt. (Secs. 84.001(e), 84.007).

Wednesday, January 13, 2021 (30th day before Friday, February 12, 2021, regular filing deadline for a place on the ballot)

First day to file an application for a place on the ballot or a declaration of write-in candidacy. (Secs. 143.007, 144.005 Election Code; Secs. 11.055 and 130.082(g) Educ. Code). See [Candidacy Filing outline](#) for more details. The following forms are available on the Secretary of State's website:

- [Application for Place on City/School/Other Political Subdivision Ballot \(PDF\)](#)
- If your home rule city or special law district allows for a petition, the following petition may be used: [Petition for Place on the City General Election Ballot \(PDF\)](#)
- [Declaration of Write-In Candidacy for City, School, or other Political Subdivisions \(PDF\)](#)

NOTE: We are often asked how filing can begin if you have not yet ordered the general election. You do not need to order your general (regularly occurring) election in order for the filing period to begin.

February

Monday, February 1, 2021 (89th day before election day, extended from 90th day, Sec. 1.006)

Last day for eligible political subdivisions to submit [Notice of Exemption Under Section 61.013](#) or an [Application of Undue Burden Status](#) to the Secretary of State for exemption from the accessible voting system requirement. (Sec. 61.013). For additional information, consult the most current advisory on this topic, [Voting Accessibility Issues](#).

Tuesday, February 9, 2021 (81st day before election day; 3rd day before filing deadline)

If a candidate dies on or before this date, his or her name is not placed on the ballot, if the filing deadline is Friday, February 12, 2021. (Sec. 145.094(a)(1)).

NOTE – NEW LAW: Section 145.098, as amended by House Bill 1067 (2019), states if a candidate dies on or before the deadline for filing an application for a place on the ballot, the authority responsible for preparing the ballots MAY choose to omit the candidate. If the authority does choose to omit the candidate, the deadline for filing an application for a place on the ballot, is extended to the fifth day after the filing deadline, Wednesday, February 17th. This extended deadline only applies to the regular filing deadline. It **DOES NOT** apply to the write-in deadline.

Friday, February 12, 2021 (78th day before election day)

5:00 p.m. - Last day for a candidate in a political subdivision (other than a county) to file an application for a place on the ballot for general election for officers for most political subdivisions, except as otherwise provided by the Texas Election Code. (Secs. 143.007(c), 144.005(d); Sec. 11.055, Education Code; Chapter 286, Health & Safety Code). See [Candidacy Filing outline](#) for more details.

A home-rule city's charter may **NOT** provide an alternate candidate filing deadline. (Secs. 143.005(a), 143.007).

City Offices with Four-Year Terms: If no candidate has filed for a city office with a four-year term, the filing deadline is extended to 5:00 p.m. on Friday, March 5, 2021. (Sec. 143.008).

An application submitted by mail is considered to be filed at the time of its receipt by the appropriate filing authority. (Secs. 143.007(b), 144.005(b)).

Deadline for political subdivisions to order a general election to be held on Saturday, May 1, 2021, unless otherwise provided by the Election Code. (Sec. 3.005). One of the following forms may be used:

[Order of Election for Municipalities](#)

[Order of Election for Other Political Subdivisions \(Including Schools\)](#)

The order must include:

1. The date of the election;
2. The offices or measures to be voted on;
3. The location of the main early voting polling place;
4. The dates and hours for early voting (recommended for counties and cities, but required for all other entities). (Cities must include the two designated weekdays for which early voting will be held for 12 hours);
5. The dates and hours of any Saturday and Sunday early voting (if applicable, it is recommended that this information be included in the order for counties and cities, but it must be included for all other entities);
6. The early voting clerk's official mailing address;
7. **Recommended:** Branch early voting polling places (see Note 11, above)

In addition to the information included above, an order for a debt obligation (bond) election **must** include (Sec. 3.009):

1. the proposition language that will appear on the ballot;
2. the purpose for which the debt obligations are to be authorized;
3. the principal amount of the debt obligations to be authorized;
4. that taxes sufficient to pay the annual principal of and interest on the debt obligations may be imposed;
5. a statement of the estimated tax rate if the debt obligations are authorized or of the maximum interest rate of the debt obligations or any series of the debt obligations, based on the market conditions at the time of the election order;
6. the maximum maturity date of the debt obligations to be authorized or that the debt obligations may be issued to mature over a specified number of years not to exceed 40;
7. the aggregate amount of the outstanding principal of the political subdivision's debt obligations as of the beginning of the political subdivision's fiscal year in which the election is ordered;
8. the aggregate amount of the outstanding interest on debt obligations of the political subdivision as of the beginning of the political subdivision's fiscal year in which the election is ordered; and
9. the ad valorem debt service tax rate for the political subdivision at the time the election is ordered, expressed as an amount per \$100 valuation of taxable property.

Recommended date to order the lists of registered voters from the county voter registrar. The list should include both the voters' residences and mailing addresses in order to conduct early voting by mail. (Sec. 18.006). The political subdivision should confirm that the most recent maps or boundary changes have been provided to the voter registrar.

Recommended date to confirm telephone number for the county voter registrar's office on election day.

Recommended date to order election supplies, other than ballots. (Subchapter A, Chapter 51).

Recommended date to appoint **presiding and alternate judges**. Currently, the Election Code does not establish a deadline for appointing election officials; there is only a notification deadline. For further information concerning procedures for appointing judges and their alternates, see Sections 32.005, 32.008, and 32.011. General eligibility requirements are found in Subchapter C, Chapter 32. In addition to appointing a judge and alternate judge for each election precinct pursuant to Sections 32.001 and 32.005, the governing body must allow the judge to appoint no less than two clerks; however, the alternate judge must serve as one of the clerks as a matter of law. (Secs. 32.032, 32.033). The presiding judge then appoints an additional clerk(s), but not more than the maximum set by the governing body. (Sec. 32.033). Presiding judges and their alternates must be given a [Notice of Appointment](#) not later than the 20th day after the appointment is made. (Sec. 32.009). If the appointment is for a single election, the notice may be combined with the [Writ of Election](#), which is required to be delivered to each presiding judge not later than the 15th day before the election, Friday, April 16, 2021. (Sec. 4.007, 32.009(e)). If the notices are combined, both must be delivered by the date required by the earlier notice.

Water Districts: A water district is not required to provide a Notice of Appointment to a presiding judge, as required under Section 32.009, but must provide a [Writ of Election](#). (Sec. 4.007; Sec. 49.110, Water Code)

Recommended date to appoint the **central counting station personnel** (manager, tabulation supervisor and assistants to the tabulation supervisor) if applicable. (Secs. 127.002, 127.003, 127.004, and 127.005). There is no statutory notice requirement for members of the central counting station, but good practice suggests that written notice be given to them.

Recommended date to appoint the **presiding judge of the early voting ballot board** or to designate the election workers of one election precinct to serve as the early voting ballot board. (Secs. 87.001, 87.002, and 87.004). There is no statutory notice requirement for members of the early voting ballot board, but good practice suggests that written notice be given to them.

Tuesday, February 16, 2021 (74th day before election day)

5:00 p.m. - Deadline for write-in candidates to file [Declarations of Write-In Candidacy \(PDF\)](#) for regular officers for city, school district, library district, junior college district, hospital district, common school districts, Chapter 36 and 49 Water Code districts, and other political subdivision elections, unless otherwise provided by law. (Secs. 144.006(b), 146.054(b), 146.055, Election Code; Secs. 11.056, 11.304, 130.0825, Education Code; Secs. 326.0431, Local Government Code; Sec. 285.131, Health and Safety Code; and Secs. 36.059, 49.101, 63.0945, Water Code). [See Candidacy Filing outline for more details.](#)

NOTE: An application submitted by mail is considered to be filed at the time of its receipt by the appropriate filing authority. (Secs. 143.007(b), 144.005(b)).

Wednesday, February 17, 2021 (73rd day before election day)

NOTE – NEW LAW: Section 145.098, as amended by House Bill 1067 (2019), states if a candidate dies on or before the deadline for filing an application for a place on the ballot, the authority responsible for preparing the ballots MAY choose to omit the candidate. If the authority does choose to omit the candidate, the deadline for filing an application for a place on the ballot, is extended to the fifth day after the filing deadline, February 17th. This extended deadline only applies to the regular filing deadline. It does NOT apply to the write-in deadline.

Thursday, February 18, 2021 (72nd day before election day)

First day to post [Notice of Drawing for Place on Ballot](#) if drawing is to be conducted on Monday, February 22, 2021. This notice must be posted for 72 hours immediately preceding the time of the drawing. (Sec. 52.094(c)).

For an election held by a political subdivision, other than a city, a notice of ballot position drawing must be **mailed** to candidates by this day (not later than the 4th day before the drawing) if drawing is to be conducted on Monday, February 22, 2021. (Sec. 52.094(d)). Candidates who have not filed by this date should be given a copy of the notice at the time of filing.

For an election held at county or city expense, if a candidate gives the filing authority a written request, accompanied by a stamped, self-addressed envelope, the filing authority must mail the candidate a notice of ballot position drawing. (Sec. 52.094(d)).

Friday, February 19, 2021 (71st day before election day)

5:00 p.m. – Last day for a candidate to withdraw, by submission of a notarized [Certificate of Withdrawal](#) or a notarized letter. **If a candidate withdraws or is declared ineligible by this date, his or her name is omitted from the ballot.** (Secs. 145.092(f), 145.094(a)(4); 145.096(a)(4)). For special circumstances regarding withdrawal of a candidate before ballots are prepared, please contact the Elections Division of the Office of the Texas Secretary of State.

5:00 p.m. – Last day to **withdraw** as a **write-in** candidate in the general election ordered by a political subdivision other than a county. (Secs. 144.006(c), 146.0301; 146.054(c)). (Candidates may use the [Certificate of Withdrawal \(PDF\)](#)).

Recommended first day that an election may be cancelled if all filing deadlines have passed, each candidate for an office listed on the ballot is unopposed (except as discussed below), and write-in votes may be counted only for names appearing on a list of write-in candidates. (Sec. 2.052). The [Certification of Unopposed Candidates for Other Political Subdivisions](#) may be used to certify candidates as unopposed. Also, see our [Sample Order of Cancellation](#).

A special election of a political subdivision is considered to be a separate election with a separate ballot from a general election for officers of the same political subdivision held at the same time as the special election. Therefore, the fact that there may be a proposition on the ballot will not prevent a cancellation of an election for candidates who are unopposed. (Sec. 2.051(a)). If any members of the political subdivision's governing body are elected from territorial units such as single member districts, an election may be cancelled in a particular territorial unit if each candidate for an office that is to appear on the ballot in that territorial unit is unopposed **and no opposed at-large race is to appear on the ballot**. An unopposed at-large race may be cancelled in an election regardless of whether an opposed race is to appear on the ballot in a particular territorial unit. (Sec. 2.051(b)). **This recommended cancellation deadline presumes a filing deadline of Friday, February 12, 2021 and a write-in deadline of Tuesday, February 16, 2021. For additional information, consult the outline on [Cancellation of Election for Local Political Subdivisions](#).**

NOTE: Political Subdivision Holding a Special Election to Fill a Vacancy: If you are having a special election to fill a vacancy for an unexpired (partial) term, you must not cancel the special election until after all deadlines to file for a special vacancy election have passed. (Reminder: The cancellation procedures allow general and special elections to be considered separate elections for cancellation purposes. If the elections are separated, note there are procedures related to listing unopposed candidates in the same relative order on the ballot. See Sec. 2.053, Election Code and the Secretary of State's Advisory - [Cancellation of Election for Local Political Subdivisions \(Not County\)](#).)

Saturday, February 20, 2021 (70th day before election day)

Last day to order a special election to fill a vacancy (if authorized to fill vacancies by special election) and have the filing deadline be the 62nd day before election day. (Secs. 201.054(a)(1), 201.052). Please note that the Election Code requires the election to be ordered as soon as practicable after the vacancy occurs. (Sec. 201.051). The following form may be used: [Order of Special Election for Municipalities](#).

NOTE: Section 201.054 provides that if the special election to fill a vacancy is ordered (1) on or before the 70th day before election day, the candidate application must be filed by 5:00 p.m. on the 62nd day before election day, OR (2) after the 70th day but on or before the 46th day before election day, the candidate application must be filed by 5:00 p.m. on the 40th day before election day. This is the first of the two possible ordering times. We do **not** interpret the 70th day order date here as "moving" to the next business day because the date falls on a Saturday, as this is not the last day to order a special election to fill a vacancy for this uniform election date.

Monday, February 22, 2021 (68th day before election day)

Recommended date to conduct ballot position drawing. (Sec. 52.094).

NOTE: After the ballot drawing has occurred, the Elections Division recommends that you proof and test your ballot programming as soon as possible and **prior to the deadline to mail a ballot** if the political subdivision will be using automatic tabulating equipment to count the mail ballots or if your mail ballots are printed from the same database used to program your precinct scanners and/or DREs (See [Note 13](#) prior to Calendar of Events). **The Elections Division also recommends that you provide candidates with copies of ballot proofs so that candidates may verify the correctness of their names, positions sought, and order of names on the ballot.**

March

Monday, March 1, 2021 (61st day before election day, extended from 62nd day, Sunday; February 28th as this is Sunday; 1.006)

5:00 p.m. – Last day to file an application for a place on the ballot in a special election to fill a vacancy, if the special election is ordered on or before the 70th day before election day, Saturday, February 20, 2021. (Secs. 1.006,

201.054(a)(1)). (For more details about Section 201.054 and the two possible special election deadlines, see Saturday, February 20, 2021 [note entry](#).)

5:00 p.m. – Deadline for write-in candidates to file [Declarations of Write-In Candidacy](#) for officers for city, school district, library district, junior college district, hospital district, and common school districts in a special election to fill a vacancy if the special election is ordered on or before the 70th day before election day, Saturday, February 20, 2021. (Sec. 201.054(a)(1) and 201.054(g)).

NOTE: A declaration of write-in candidacy for a special election must be filed not later than the regular filing deadline to apply for a place on the ballot. The deadline to file an application for a place on the ballot in a special election to fill a vacancy, if the special election is ordered on or before the 70th day before election day, Saturday, February 20, 2021, is Monday, March 1, 2021. (Sec. 1.006).

Wednesday, March 3, 2021 (59th day before election day, extended from 60th day, as Tuesday, March 2, 2021 is Texas Independence Day)

Last day for the governing body of a political subdivision to deliver notice of the election to the county clerk/elections administrator and voter registrar of each county in which the political subdivision is wholly or partly located. (Sec. 4.008).

NOTE FOR COUNTY - NEW LAW: Section 4.003 as amended by House Bill 933 (2019) requires that counties post on the county website the notice and list of polling locations of any political subdivision that delivers their notice to the county under 4.008. This is regardless of whether the county is contracting with the entity. See Note 9 for more information on the requirements related to the Notice of Election.

Recommended date for county clerk/county elections administrator to deliver an initial list of voters who have submitted annual applications for ballot by mail under Section 86.0015 and scans or photocopies of those applications to the early voting clerk of any political subdivision located within the county that is holding an election on May 1, 2021. The list should only include voters that reside in the political subdivision holding the election. The list should only be created and sent to those political subdivisions that have provided notice of the election to the county clerk/elections administrator. See *also*, the note below and the [entry](#) at Tuesday, April 20, 2021, for more information about delivery of a final list of voters. See [entry](#) at Wednesday, April 28, 2021 for more information on the delivery of copies/images of the applications.

NOTE: Section 86.0015 requires the county clerk/elections administrator to provide a list of voters that have submitted an annual application for ballot by mail to all political subdivisions in their county holding an election. The law only applies to elections for which the county clerk/elections administrator is not the early voting clerk via a contract for election services or joint election agreement. The Election Division *strongly recommends* that the county and political subdivisions **discuss the frequency and method for which these lists should be transmitted** to ensure that ballots are sent out in a timely manner. Finally, the county clerk/elections administrator **must deliver either photocopies or scanned images of the applications (under Section 87.126) to the early voting clerk** of the political subdivision before the ballots by mail are delivered to the early voting ballot board for qualifying and counting under Section 87.041.

Thursday, March 4, 2021 (58th day before election day, 20th day after February 12, 2021)

Last day to notify election judges of their appointment if they were appointed, as recommended, by Friday, February 12, 2021. (Sec. 32.009(b)). Presiding judges and their alternates must be [notified](#) of their appointment in writing, not later than the 20th day after the date the appointment is made. If the appointment is for a single election, the notice may be combined with the [Writ of Election](#), which is required to be delivered to each presiding judge not later than the 15th day before the election, Friday, April 16, 2021. (Sec. 4.007, 32.009(e)). If the notices are combined, both must be delivered by the date required by the earlier notice.

Friday, March 5, 2021 (57th day before election day)

5:00 p.m. – Last day for a candidate to file [Certificate of Withdrawal](#) in a special election, in which the filing deadline is the 62nd day before election day. If a candidate withdraws or is declared ineligible by this date, his or her name is omitted from the ballot. (Secs. 145.092(b) and (e) and 145.094(a)(3)).

5:00 p.m. – City Offices with Four-Year Terms: Extended filing deadline in cities with four-year terms of office, when no candidate files for a particular office by the regular filing deadline of Friday, February 12, 2021. (Sec. 143.008). (See Friday, February 12, 2021 [entry](#)).

Friday, March 12, 2021 - Thursday, June 10, 2021 (50th day before election day – 40th day after election day)

Mandatory Office Hours: Each county clerk, city secretary, or secretary of a governing body (or the person performing duties of a secretary) must keep the office open for election duties for at least 3 hours each day, during regular office hours, on regular business days. (Sec. 31.122).

NOTE: Independent School Districts: A “regular business day” means a day on which the school district’s main business office is regularly open for business. (Sec. 31.122(b)).

NOTE: Special Elections: In the case of a special election, the office hour rule is triggered starting the third day after the special election is ordered. (Sec. 31.122).

Sunday, March 14, 2021 (48th day before election day)

Last day to publish [notice](#) for testing of automatic tabulation equipment testing and logic and accuracy testing (L&A testing) of a voting system that uses direct recording electronic (DRE) voting machines and precinct scanners **if test will be completed by recommended deadline of Tuesday, March 16, 2021**. Notice of the public tests must be published at least 48 hours before the test begins. (Secs. 127.093; 127.096; 129.022; 129.023). See [Note 13](#), above.

Tuesday, March 16, 2021 (46th day before election day)

Last day to order a special election to fill a vacancy (if authorized to fill vacancies by special election). The filing deadline will be the 40th day before election day. (Secs. 201.052 and 201.054(a)(2)). Please note that the Election Code requires the election to be ordered as soon as practicable after the vacancy occurs. (Sec. 201.051). (For more information about the write-in declaration deadline, see Monday, March 22, 2021 [note entry](#). For more details about Section 201.054 and the two possible special election deadlines, see Saturday, February 20, 2021 [note entry](#).)

Deadline to challenge the filing of an application for a place on the ballot as to form, content, and procedure, if the ballots are mailed on the 45th day before election day, Wednesday, March 17, 2021. **This deadline will change if any ballots were mailed prior to the 45th day before election day.** (Sec. 141.034).

NOTE: An application for a place on the ballot may not be challenged for compliance with the applicable requirements as to form, content, and procedure after the day **before** any ballot to be voted early by mail is mailed to an address in the authority’s jurisdiction.

Recommended date to conduct the first test of the automatic tabulating equipment and for logic and accuracy (L&A test) test on precinct scanners and DREs. (Secs. 127.093; 127.096; 129.022; 129.023). The SOS recommends you complete your first round of testing **prior to mailing your mail ballots** if those ballots will be counted using automatic tabulation equipment. If you conduct your first round of testing by this date, you must publish notice of the test 48 hours prior to testing. See [Note 13](#), above.

Wednesday, March 17, 2021 (45th day before election day)

For all voters requesting mail ballots with a standard application for ballot by mail (ABBM) who indicate that they are outside the United States, or voters requesting a mail ballot by FPCA, ballots must be mailed by this date or the 7th day after the clerk receives the application. (Sec. 86.004(b)).

Reminder: In regards to mail ballots for other voters (not military or overseas), the early voting clerk must mail a ballot not later than the 7th day after the later of: (1) the date the early voting clerk has accepted a voter’s application for a ballot by mail or (2) the date the ballots become available for mailing. However, if the 7th day falls earlier than the 37th day before election day, the voter’s mail ballot must be mailed no later than the 30th day before election day. (Sec. 86.004(a)).

NEW LAW: Every application that comes in before the 37th day before election day has to be mailed by the 30th day before election day. Any application that comes in after the 37th day before election day will follow the 7-day timeline in Sec. 86.004. (H.B. 273, 86th Legislature, 2019).

NOTE: Information on the early voting roster for both early voting in person and early voting by mail must be made available for public inspection and on the county's website if the county clerk or Election Administrator is serving as the early voting clerk or on the city's website if the city secretary is serving as the early voting clerk. The early voting roster shall be posted by 11:00am on the day after the information is entered on the roster (for early voting in person) or by 11:00am on the day after the early voting clerk receives a ballot voted by mail. If the entity does not maintain a website, the information must be on the bulletin board used for posting notices. (H.B. 1850, S.B. 902, 86th Legislature, 2019; Sec. 87.121)

Monday, March 22, 2021 (40th day before election day)

5:00 p.m. – Last day to file for a place on the ballot in a special election to fill a vacancy, if the special election is ordered after the 70th day before election day, but on or before the 46th day before election day, Tuesday, March 16, 2021. (Sec. 201.054(a)(2)). (For more details about Section 201.054 and the two possible special election deadlines, see Saturday, February 20, 2021 [note entry](#).)

5:00 p.m. – Deadline for write-in candidates to file [Declarations of Write-In Candidacy \(PDF\)](#) for officers for city, school district, library district, junior college district, hospital district, and common school districts in a special election to fill a vacancy if the special election is ordered after the 70th day before election day, but on or before the 46th day before election day, Tuesday, March 16, 2021. (Sec. 201.054(a)(1) and 201.054(g)).

Saturday, March 27, 2021 (35th day before election day; 5th day after 40th day)

5:00 p.m. – Last day for a candidate to file a [Certificate of Withdrawal](#) in a special election in which the filing deadline is the 40th day before election day. If a candidate withdraws or is declared ineligible by this date, his or her name is omitted from the ballot. Section 1.006 does not apply to this section of law, and the deadline does not move forward. (Secs. 145.092(a) and 145.094(a)(2)).

April

Thursday, April 1, 2021 (30th day before election day)

Last day to register to vote or make a change of address effective for the May 1, 2021 election. (Secs. 13.143, 15.025).

A Federal Postcard Application (FPCA) also serves as an application for **permanent** registration under Texas law **unless the voter marked “my intent to return is uncertain” (2019 form), or “my return is uncertain” (2017 form)**. The early voting clerk should make a copy (for mailing ballots, keeping records, etc.), then should forward the original to the county voter registrar, as soon as practicable. (Sec. 101.055; 1 Tex. Admin. Code Sec. 81.40(a), (c)(2)).

First day of period during which notice of election must be published **if the method of giving notice is not specified by a law outside the Election Code**, and publication is the selected method of giving notice. (Sec. 4.003(a)(1)). The notice of election ordered by an authority of a city or school district must be given by publication in a newspaper in addition to any other method specified. (Secs. 4.003(c) and (d)). This notice may be combined with the other notices you are required to publish.

Recommended date for early voting clerk to issue order calling for appointment of signature verification committee. (Sec. 87.027). This form may be used to issue order: [Order Calling for Signature Verification Committee](#). If the signature verification committee will start meeting on Sunday, April 11, 2021, the early voting clerk must post a copy of the order calling for appointment of the signature verification committee on or before this date, in order to give

Advisory 2020-37

notice of the meeting. The order must remain posted continuously for at least 10 days before the first day the committee meets. (Sec. 87.027, 1.006).

Cities, Schools, and Other Political Subdivisions: It is ***strongly recommended*** that the [Notice of Voting Order Priority](#) for voters with mobility issues also be posted on the subdivision's website, if one is maintained by the political subdivision. (Secs. 63.0015 & 85.007(d)). For more information on this requirement, see [Note 14](#).

Friday, April 2, 2021 (29th day before election day)

Recommended last day for early voting clerk to coordinate with the voter registrar receipt of supplemental and registration correction lists, if applicable, or coordinate receipt of revised original list from the voter registrar for early voting by personal appearance. (Secs. 18.001; 18.002; 18.003; 18.004).

Note that the office hour requirement of Sec. 31.122 does apply to Good Friday.

Tuesday, April 6, 2021 (25th day before election day)

Last day for the governing body of political subdivision to appoint a signature verification committee (if one was ordered by the early voting clerk on Thursday, April 1, 2021). See also [entry](#) under Thursday, April 1, 2021. (Secs. 51.002, 87.027). The appointing authority must post a notice of the appointment of committee members continuously until the last day the signature verification committee meets. This form may be used for the notice: [Notice of Appointment of Signature Verification Committee](#).

Saturday, April 10, 2021 (21st day before election day)

Last day to post notice of election on bulletin board used for posting notices of meetings of governing body. (Sec. 4.003(b)). A [Record of Posting Notice of Election](#) should be completed at the time of posting. (Secs. 1.006; 4.005).

Last day to post notice of election in each election precinct, if the method of giving notice is **not** specified by a law outside the Election Code and notice is given by this method in lieu of publication. (Secs. 1.006; 4.003(a)(2)). Cities and school districts **must** publish their notice in the newspaper. A [Record of Posting Notice of Election](#) should be completed at the time of posting. (Secs. 1.006; 4.005).

All Political Subdivisions: The election notice shall be posted on the political subdivision's website, if the political subdivision maintains a website. The order and notice should include all days and hours for early voting by personal appearance including voting on **ANY** Saturday or Sunday. (Secs. 85.006 & 85.007). **Note for cities and counties**, the election notice **must** be subsequently amended to include voting later ordered for **ANY** Saturday or Sunday and **must** be posted on the political subdivision's website, if maintained.

NOTE FOR COUNTIES - NEW LAW: Section 4.003 as amended by House Bill 933 (2019) requires that counties post on the county website the notice and list of polling locations of any political subdivision that delivers their notice to the county under 4.008. This is regardless of whether the county is contracting with the entity, regardless of whether the entity is conducting their own election or contracting with the county.

Sunday, April 11, 2021 (20th day before election day)

First day that the signature verification committee may begin operating, if one is created. (Sec. 87.027).

Monday, April 12, 2021 (19th day before election day)

Deadline for a person who is not permanently registered to vote to submit a postmarked FPCA, in order to receive a ballot for any non-federal election held on May 1, 2021. A person submitting who is **not** permanently registered to vote and submits a postmarked FPCA after this date and before election day is not entitled to receive a ballot for any non-federal election. See Friday, April 16, 2021 [entry](#) for timeliness of an FPCA received without a postmark. (Secs. 1.006; 101.052(e)).

NOTE: Be sure to check the list of registered voters for permanent registration status. Also, state law authorizes an FPCA to also serve as an application for **permanent registration**; therefore, the person might be permanently-registered based on a prior-FPCA. Even if the FPCA arrives too late for a particular election, the early voting clerk will still need to forward the original FPCA to the county voter registrar, after making a copy for your early voting clerk's use (mailing ballots, etc.) and records unless the voter marked **"my return is not certain" (2013 form), or "my return is uncertain" (2017 form)** in which case, it will not serve as a permanent registration.. (Sec. 101.055; 1 Tex. Admin. Code Sec. 81.40).

NOTE: Overseas (non-military) voters marking the FPCA "do not intend to return" (2011 form) or "my return is not certain" (2017 form) receive a federal ballot **only** regardless of the date filed. (Chapter 114). In a local election (where there is no federal office on the ballot), this means there is **no ballot to send the voter**.

Tuesday, April 13, 2021 (18th day before election day)

If a **defective application to vote early by mail** is received on or before this date, the early voting clerk must mail the applicant a new application with explanation of defects and instructions for submitting the new application. For defective applications received after this date and before the end of early voting by personal appearance, the early voting clerk must mail only the [Notice of Rejected Application for Ballot by Mail](#) and a statement that the voter is not entitled to vote early by mail unless he or she submits a sufficient application by the deadline, which is Tuesday, April 20, 2021. (Secs. 84.007(c); 86.008).

Wednesday, April 14, 2021 (17th day before election day)

Last day to publish notice of L&A test for voting systems if test will be held on Friday, April 16, 2021, if testing was not already completed by March 16, 2021. Notice of the public L&A Test must be published at least 48 hours before the test begins. (Secs. 129.001, 129.023). See [Note 13](#), above.

Last day to post continuous notice of early voting schedule for branch early voting polling places. (Sec.85.067).

Friday, April 16, 2021 (15th day before election day)

Deadline to receive an FPCA **without** a postmark. If an FPCA is received by this date **without** a postmark to prove mailing date, the early voting clerk will accept the FPCA and mail the applicant a full ballot even if the applicant is **not** a permanently registered voter but meets the requirements under Title 2 of the Election Code (*unless the voter marks the FPCA form indicating the "my intent to return is uncertain" (2019 form), or "my return is uncertain" (2017 form), in which case the voter receives a federal-only ballot*). (Sec. 101.052(i)). See [Note](#) under entry for Monday, April 12, 2021.

Last day to conduct public L&A test of a voting system. We highly *recommend* that this test is done on an earlier date to allow time for corrections to programming, if necessary. (See [Note 13](#), above). Per Section 129.023, the L&A test shall be conducted not later than 48 hours before voting begins on such voting systems, assuming that the voting system will first be used for early voting in person.

Last day to notify election judges of duty to hold election ([Writ of Election](#)). Notice must be given by the 15th day before the election or the 7th day after the day the election is ordered, whichever is later. The Writ of Election must be given to each presiding judge and include:

1. The judge's duty to hold the election;
 2. The type and date of election;
 3. The polling place location at which the judge will serve;
 4. The polling place hours; and
 5. The maximum number of clerks the judge may appoint.
- (Sec. 4.007).

Last day for a voter to hand-deliver their application for a ballot by mail (Sec. 84.008)

Monday, April 19, 2021 (12th day before election day; day before the last day to apply for a ballot by mail)

First day to vote early in person. (Sec. 85.001(e))

Political Subdivisions Other than Cities and Counties: Early voting in person must be conducted at least eight (8) hours each weekday that is not a legal state holiday unless the political subdivision has fewer than 1,000 registered voters, in which case early voting in person must be conducted for at least three (3) hours per day. (Sec. 85.005(b)).

Cities and counties: Early voting in person must be conducted on the weekdays of the early voting period and during the hours that the county clerk's or city secretary's main business office is regularly open for business. (Sec. 85.005(a)). However, because cities and counties must have office hours for election-related business at least three (3) hours every business day for this type of election (see Friday, March 12, 2021 [entry](#)), we harmonize these requirements with the result that, if a city or county is not regularly open for business on one or more weekdays, on those "closed" days, a city or county must conduct early voting for at least three (3) hours a day at the main early voting location (except for a city's two 12-hour days, when it must be open for the full 12 hours).

Cities: Cities must choose **two weekdays** for the main early voting polling place location to be open for 12 hours during the regular early voting period. The city council must choose the two weekdays. (Sec. 85.005(d)).

Independent School Districts: Despite the change in state law that allows an ISD to be closed on school holidays during the mandatory office hours period, you are **required** to be open during the entire early voting period, except on legal state and national holidays.

Joint Elections: If conducting early voting by personal appearance jointly, we *recommend* a unified schedule covering all requirements; i.e., no entity's requirements should be neglected or subtracted as a result of a joint agreement.

NOTE - NEW LAW: Section 85.064 as amended by House Bill 1888 (2019) requires that early voting at temporary branch polling places must now be conducted on the **same weekdays** that early voting is required to be conducted at the main early voting polling place under 85.005 (i.e. each weekday of the early voting period that the main location will be open) and must remain open for either: (1) eight hours each day, or (2) three hours each day if the city or county clerk does not serve as the early voting clerk for the territory and the territory has fewer than 1,000 registered voters. **This means that even if your main early voting location is able to be open for fewer than eight hours, your branch locations must still be open for the eight or three hour minimum that applies to your election.** See [Advisory No. 2019-20](#) for more details.

First day a county with a population of 100,000 or more **that is holding a county-ordered election** on May 1, 2021, or entities that have are having joint elections with such a county may convene their early voting ballot board and begin processing and qualifying mail ballots; however, the mail ballots may not be counted until (i) the polls open on election day, or (ii) for a county with a population of 100,000 or more that is holding **a county-ordered election** on May 1, 2021, or entities that are having joint elections with such a county, the end of the period for early voting in person. (Sec. 87.0241). The early voting clerk shall continuously post notice for 24 hours preceding each delivery of voting materials that is to be made before the time for opening the polls on election. (Sec. 87.0222). This law only applies to May of an odd-numbered year. **NOTE: results may not be released until the polls close on election day.**

The county clerk/elections administrator must ensure that photocopies or scanned images of annual applications for ballot by mail have been delivered to the early voting clerk of every political subdivision holding an election before the ballots by mail are delivered to the early voting ballot board.

A voter who becomes sick or disabled on or after Monday, April 19, 2021 may vote a late ballot if the sickness or disability prevents the voter from appearing at the polling place without the likelihood of needing personal assistance or of injuring his or her health. (Sec. 102.001). See [Application for Emergency Early Voting Ballot Due to Sickness or Physical Disability \(PDF\)](#). An application may be submitted after the last day of the period for early voting by personal appearance and before 5:00 p.m. on Election Day. (Sec. 102.003).

Tuesday, April 20, 2021 (11th day before election day)

Last day to receive an [FPCA \(PDF\)](#) from a registered voter. If the voter is **not** registered in the county (and/or marked intent to return “not certain”), **the voter is still eligible for a ballot containing federal offices only**. In a local (non-federal) election, this means there is **no ballot** to send the voter. (Secs. 101.052(b), (f); 114.004(c)).

Last day for early voting clerk to receive applications for a ballot to be voted by mail. (Sec. 84.007(c)). All applications to vote by mail must be received by the early voting clerk before the close of regular business or 12 noon, **whichever is later**. Applications to vote by mail must be submitted by mail, common or contract carrier, fax (if a fax machine is available in the office of the early voting clerk), or by electronic submission of a scanned application with an original signature. The early voting clerk’s designated email address must be posted on the Secretary of State’s website.

If an ABBM is faxed or emailed or if an FPCA is faxed, then the applicant must submit the ORIGINAL application BY MAIL to the early voting clerk so that the early voting clerk **receives the original no later than the 4th business day after receiving the emailed or faxed ABBM or faxed FPCA**. If the early voting clerk does not receive the original ABBM or FPCA by that deadline, then the emailed or faxed ABBM or faxed FPCA will be considered incomplete, and the early voting clerk may NOT send the applicant a ballot. The requirement to mail the original application does not apply to an **emailed FPCA**. For additional information on this law, please see Note 15, above.

Last day for county clerk/elections administrator to deliver final list of voters that have submitted an annual application for ballot by mail to political subdivisions located within the county holding an election on May 1, 2021, for which the county clerk/elections administrator is not the early voting clerk via a joint election agreement or contract for election services Sec. 86.0015(c).

Wednesday, April 21, 2021 (10th day before election day)

Last day of period during which notice of election must be published if method of giving notice is **not** specified by a law outside the Election Code and **publication** is the selected method of giving notice. (Sec. 4.003(a)(1)). The notice of election ordered by an authority of a city or school district must be given by publication in a newspaper, in addition to any other method specified. (Secs. 4.003(c) and (d)).

NOTE: The election notice shall be posted on the political subdivision’s website, if the political subdivision maintains a website.

Last day to mail a copy of the notice of election to each registered voter of the territory that is covered by the election and is in the jurisdiction of the authority responsible for giving notice **if method of giving notice is not specified by a law outside the Election Code** and this method of giving notice is selected. (Secs. 1.006, 4.003(a)(3)).

Cities and Counties – Weekend Early Voting Hours – Notice Requirement: Last day to post notice on bulletin board used for posting notice of meetings of the governing body, if early voting will be conducted on Saturday, April 24, 2021. (Sec. 85.007). Notice must be posted at least 72 hours before early voting begins on a Saturday or Sunday. Notice (including the days and hours of early voting) must also be posted to the political subdivision’s website, if one is maintained.

Thursday, April 22, 2021 (9th day before election day)

Cities and Counties – Weekend Early Voting Hours – Notice Requirement: Last day to post notice on bulletin board used for posting notice of meetings of the governing body, if early voting will be conducted on Sunday, April 25, 2021. (Sec. 85.007). Notice must be posted at least 72 hours before early voting begins on a Saturday or Sunday. Notice (including the days and hours of early voting) must also be posted to the political subdivision’s website, if one is maintained.

Monday, April 26, 2021 (5th day before election day, day before last day of early voting, 4th business day after the deadline to apply for a ballot by mail)

A voter is eligible to vote a late ballot if they will be out of the county on election day due to a death in the immediate family (related within 2nd degree of consanguinity or affinity) that occurs on or after this day. The voter may submit the [Application for Emergency Early Ballot Due to Death in Family](#) starting Wednesday, April 28, 2021 (the day after early voting in person ends). (Secs. 103.001, 103.003(b)). An application may be submitted after the last day of the

Advisory 2020-37

period for early voting by personal appearance before the close of business on the day before election day. (Sec. 103.003).

Deadline for the early voting clerk to receive, by mail, the original of an ABBM that was faxed or emailed of an FPCA that was faxed on the deadline to apply for a ballot by mail, Tuesday, April 20, 2021.

A voter who faxed or emailed their ABBM or faxed their FPCA must mail the original to the early voting clerk so that the early voting clerk **receives the original no later than the 4th business day after receiving the emailed or faxed ABBM or faxed FPCA**. For more information, see the [entry](#) under Tuesday, April 20, 2021 and Note 15.

Last day to publish notice of public test of automatic tabulating equipment, if test will be held on Wednesday April 28, 2021, and testing was not already completed. The public notice of the test of automatic tabulating equipment must be published at least 48 hours before the test begins. (Sec. 127.096).

Tuesday, April 27, 2021 (4th day before election day)

Last day to vote early by personal appearance. (Sec. 85.001(e)).

5:00 p.m. – Deadline to submit a [Request for Election Inspectors](#) for election day, Saturday, May 1, 2021 to the Secretary of State. (Sec. 34.001).

Early voting clerk must post [Notice of Delivery of Early Voting Balloting Materials](#) to the early voting ballot board if materials are to be delivered to the board on Wednesday, April 28, 2021. Notice must be posted continuously for 24 hours preceding each delivery to the board. (Secs. 87.0221; 87.0222; 87.023; 87.024; 87.0241).

The Notice of Delivery of Early Voting Balloting Materials serves as notice of the convening of the early voting ballot board. Your entity should also post notice every time the early voting ballot board reconvenes.

Wednesday, April 28, 2021 (3rd day before election day; day after early voting in person ends)

First day that counties with a population of 100,000 or more (or local subdivisions conducting a joint election with such a county) may convene their early voting ballot board and begin counting ballots; however, the results may not be announced until after the polls close. (Secs. 87.0222, 87.0241)

If a county with a population of 100,000 or more (or a local subdivision conducting a joint election with such a county) is convening their early voting ballot board early to begin counting ballots, and will be using automatic tabulating equipment, the test will need to be completed at least 48 hours before the equipment is used to count ballots. (Secs. 87.0222, 87.0241, 127.093, 127.096)

First day political subdivisions may convene the early voting ballot board for the purpose of processing and qualifying mail ballots or to receive ballots voted early in person after the end of the period for early voting in person and before the polls open on election day.

NOTE: The ballot board may not begin counting the ballots until election day. The early voting clerk shall continuously post notice for 24 hours preceding each delivery of voting materials that is to be made before the time for opening the polls on election day. (Secs. 87.0221, 87.023, 87.024, 87.0241). This is unlike in odd-numbered years when entities conducting a joint election with a county of 100,000 or more may begin to process and count ballots on the 8th day before election day. See [Notice of Delivery of Ballots Voted by Mail \(PDF\)](#).

NOTE: The county clerk/elections administrator must ensure that photocopies or electronic recordings of annual applications for ballot by mail have been delivered to the early voting clerk of every political subdivision holding an election before the ballots by mail are delivered to the early voting ballot board.

Advisory 2020-37

First day to submit an [Application for Emergency Early Ballot Due to Death in Family](#) to vote a late ballot because of a death in the immediate family that occurred on or after Monday, April 26, 2021, and will require absence from the county on election day. (Secs. 103.001, 103.003(b)).

Last day to conduct public test of automatic tabulation equipment. Per Section 127.093, the test shall be conducted at least 48 hours before the automatic tabulating equipment is used to count ballots voted in an election and was not previously tested. We highly **recommend** that this test is done on an earlier date to allow time for corrections to programming, if necessary. (See Note 13, above).

Friday, April 30, 2021 (day before election day)

Last day to submit an [Application for Emergency Early Ballot Due to Death in Family](#). The application must be submitted by the close of business on this day. (Sec. 103.003(b)).

Last day for early voting clerk to mark the precinct list of registered voters with a notation beside each name of voter who voted early, and deliver list to election judges. The early voting clerk must also deliver the precinct early voting list. (Sec. 87.122). This may be delivered electronically if your county is using an e-pollbook.

Delivery of Provisional Ballots and Forms: If the voter registrar wants to take possession of the provisional ballots and forms on election night, the voter registrar must inform the custodian of the election records and post a [Notice of Election Night Transfer](#) no later than Friday, April 30, 2021, 24 hours before election day. (1 Tex. Admin. Code. Sec. 81.174(d)(3)). However, under this type of delivery, the county voter registrar **must** go to the office of the custodian of election records and pick up the provisional ballots and forms.

NOTE: The general custodian of election records (or the early voting clerk, if applicable) must also post a [Notice of Delivery of Provisional Ballots](#) at least 24 hours before delivery will occur. (1 T.A.C. 81.174(b)(1)).

May

Saturday, May 1, 2021 - (Election Day)

7:00 a.m. – 7:00 p.m. - Polls open. (Sec. 41.031).

Voter registrar's office is open. (Sec. 12.004(c)).

Early voting clerk's office is open for early voting activities. (Sec. 83.011). A voter may hand deliver a marked ballot by mail to the early voting clerk's office while the polls are open on election day. Under Section 86.006 of the Election Code, as amended by S.B. 5 (85th Regular Session, 2017), the voter must provide an acceptable form of identification under Section 63.0101 upon delivery. (86.006). The identification procedure is the same as that used for personal appearance voting under SB 5 (85th Regular Session, 2017) (Secs. 63.0101; 86.006).

Sick and disabled persons may vote at the main early voting polling place if **electronic voting systems** are used at regular polling place(s) on election day **and** the voter has a sickness or condition that prevents the voter from voting in the regular manner without personal assistance or likelihood of injury. (Sec. 104.001, 104.003).

However, if the early voting ballots by mail are processed at a location other than the main early voting polling place, the early voting clerk may require the voting to be conducted at that location. (Sec. 104.003).

5:00 p.m. -

Deadline for receiving [Application for Emergency Early Voting Ballot Due to Sickness or Physical Disability](#) for late ballots to be voted by persons who became sick or disabled on or after Monday, April 19, 2021. (Sec. 102.003(b)).

7:00 p.m. -

Regular deadline for receiving **early voting ballots** by mail. **BUT see [entry for Monday, May 3, 2021 on “late domestic ballots,” \[entry for Thursday May 6, 2021, and the \\[entry for Friday, May 7, 2021 on other “late” ballots.\\]\\(#\\)\]\(#\)](#)**

Deadline for receiving **early voting ballots** by mail and late ballots cast by voters who became sick or disabled on or after, Monday, April 19, 2021. (Secs. 86.007(a); 102.006(c)).

NOTE: Receipt of Mail Ballots: All early voting ballots sent by mail from inside the United States that are received by 7:00 p.m. on election day, May 1, 2021, **must be counted on election night**. If the carrier envelope does not bear a cancellation mark or a receipt mark, the ballot must arrive before the time the polls are required to close **on election day**. (Sec. 86.007(a)(1)). If the early voting clerk cannot determine whether a ballot arrived before that deadline, the ballot is considered to have arrived at the time the place at which the carrier envelopes are deposited was last inspected for removal of returned ballots. (Sec. 86.007(b)). The early voting clerk **must** check the mailbox for early voting mail ballots at least once after the time for regular mail delivery. (Sec. 86.007(b)).

NOTE: An early voting mail ballot that is not received by 7:00 pm on election day may not be counted unless the ballot may be counted late, which applies to ballots mailed from outside the United States (Sec. 86.007(d)), late domestic ballots (Sec. 86.007(a)(2)), and ballots from members of the armed forces and merchant marine of the United States, their spouses and dependents (Sec. 101.057). See [entry for Monday, May 3, 2021 on “late domestic ballots,” \[entry for Thursday May 6, 2021, and the \\[entry for Friday, May 7, 2021 on other “late” ballots.\\]\\(#\\)\]\(#\) See Tex. Sec’y of State Election \[Advisory No. 2018-02\]\(#\).](#)

NOTE: Delivery of Early Voting by Personal Appearance and Mail Ballots: The early voting clerk delivers the voted ballots, the key to the double-locked ballot box, etc., to the early voting ballot board at the time or times specified by the presiding judge of the early voting ballot board, during the hours the polls are open or as soon after the polls close, as practicable. (Secs. 87.021; 87.022). The custodian of the key to the second lock of the double-locked early voting ballot box delivers his or her key to the presiding judge of the early voting ballot board on request of the presiding judge. (Secs. 85.032(d); 87.025). The custodian is the chief of police or city marshal for city elections, the constable of the justice precinct in which the office of the political subdivision’s main office governing body is located (or the sheriff, if there is no constable), for an election ordered by an authority of a political subdivision other than a county or city, and the sheriff for an election ordered by the Governor or a county authority. (Sec. 66.060). If ballots are to be delivered before election day, the early voting clerk must post notice at least 24 hours before each delivery at the main early voting polling place. [Form AW6-6](#)

Note on Delivery of Early Voting Ballot to Early Voting Ballot Board Before Election Day: Early voting ballots may be delivered to the early voting ballot board at any time after early voting by personal appearance ends. Mail ballots may be qualified and processed (signatures verified, carrier envelopes opened, and the secrecy envelope containing the ballot placed in a secure location), but they may not be counted until election day. (Secs. 87.0221; 87.0222; 87.023; 87.024; 87.0241). If ballots are to be delivered before election day, the early voting clerk must post notice at least 24 hours before each delivery at the main early voting polling place. [Form AW6-6](#)

Exception: a county with a population of 100,000 or more that is *holding a county-ordered election on May 1, 2021*, or entities that are having joint elections with such a county may process the ballots (i.e., qualify, and accept or reject, but *not* count) as early as the 8th day before the last day of early voting in person; in such an election, votes may be counted no earlier than the end of the period for early voting by personal appearance; the results may not be released until the polls close on election day. (Secs. 87.023, 87.024, 87.0221, 87.0222, 87.0241(b), 87.042). If ballots are to be delivered before election day, the early voting clerk must post notice at least **24 hours** before each delivery at the main early voting polling place.

NOTE: Manual Examination of Ballots Before Processing on Automatic Counting Equipment: The central counting station manager shall direct the manual examination of all electronic voting system ballots to ascertain whether the ballots can be processed in the usual manner or if the ballots need to be duplicated to clearly reflect the voter's intent. (Sec. 127.125).

Exception: Counties with a population of 100,000, or more or entities that are having joint elections with counties with a population of 100,000 or more, may process the mail ballots (i.e., qualify, and accept or reject, but not count) as early as the 8th day before the end of the early voting period; in such an election, votes may be counted no earlier than the end of the period for early voting by personal appearance; the results may not be released until the polls close on Election Day. (Secs. 87.0221; 87.0222; 87.023; 87.024; 87.0241(b); 87.042). If ballots are to be delivered before Election Day, the early voting clerk must post notice at least 24 hours before each delivery at the main early voting polling place. (Secs. 87.0221(b); 87.023(b); 87.024(b)). [Form AW6-6](#)

NOTE: Testing of Tabulating Equipment: The second test of automatic tabulating equipment used for counting ballots at a central counting station must be conducted immediately before the counting of ballots with equipment begins. The third test must be conducted immediately after the counting is completed. (Secs. 127.093; 127.097; 127.098).

Transfer of Provisional Ballots to Voter Registrar Election Night: The county voter registrar may take possession of the ballot box(es) or transfer case(s) containing the provisional ballots (or provisional ballot affidavits when DRE systems are used) on election night (instead of on the next business day) by informing the custodian of election records and posting a notice of such election night transfer no later than 24 hours before election day. Under this type of delivery, the voter registrar must go to the office of the custodian and pick up the ballot box(es) or transfer case(s) and associated forms. (Sec. 65.052; 1 T.A.C.§§ 81.172 – 81.174 & 81.176). [Form AW8-19](#)

After the polling place is officially closed and the last person has voted, the presiding judge may from time to time make an unofficial announcement of the total number of votes counted for each candidate and/or for or against each proposition in the order that they appear on the ballot. (Sec. 65.015(a)) The announcement shall be made at the entrance to the polling place. (Sec. 65.015(c))

NOTE: The authority conducting the election may require or prohibit such announcements. (Sec. 65.015(b)) Unofficial election results must be released by the central counting station as soon as they are available after the polls close, but the presiding judge of the central counting station, in cooperation with the county election officer, may choose to withhold the release of vote totals until the last voter has voted. (Sec. 127.1311)

NOTE: Precinct election returns are delivered to the appropriate authorities after completion. (Secs. 66.053(a); 127.065; 127.066; 127.067).

Last day to post notice of governing authority's meeting to canvass returns of election if canvass is to take place on Tuesday, May 4, 2021 (3rd day after election). (Sec. 67.003(b)). This notice must be posted at least 72 hours before the scheduled time of the meeting. (Secs. 551.002; 551.041; 551.043, Texas Government Code).

Monday, May 3, 2021 (1st business day after election day)

5:00 p.m. – Deadline to receive “late domestic ballots” mailed **within** the United States from **non-military voters and from any military voters** who submitted an **Application for Ballot by Mail** (“ABBM”) (**not** a Federal Postcard Application – “FPCA”), if the carrier envelope was placed for delivery by mail or common or contract carrier **AND** bears a cancellation mark of a postal service or a receipt mark of a common or contract carrier or a courier indicating a time not later than **7:00 p.m.** at the location of the election on election day, May 1, 2021. (Secs.

86.007, 101.057 and 101.001). A late domestic ballot cannot be counted if it does not bear a cancellation mark or a receipt mark.

NOTE: Because of the deadline to receive “late domestic ballots” it is imperative that you check your mail at 5:00pm!

NOTE: Section 86.007 provides that a marked ballot voted by mail that a voter received due to submitting an ABBM may arrive at the address on the carrier envelope not later than 5:00 p.m. on the day **after** election day, if the carrier envelope was placed for delivery by mail or common or contract carrier from **within** the United States **and** bears a cancellation mark of a postal service or a receipt mark of a common or contract carrier or a courier from **not later than 7:00 p.m.** at the location of the election on election day.

NOTE: This deadline does **not** apply to ballots sent by non-military voters who are overseas but who applied for a ballot using an ABBM or FPCA; these voters have until the 5th day after election day to return their ballots (or the next business day if the 5th day falls on a weekend or legal state or federal holiday). This deadline also does **not** apply to ballots mailed (domestically or from overseas) by certain members of the military who applied for a ballot using an FPCA; those voters have until the 6th day after election day to return their ballots. See the [entry for Thursday, May 6, 2021](#), and the [entry for Friday, May 7, 2021](#).

Unless the county voter registrar has already taken possession of the provisional ballots prior to this date, the general custodian of election records must deliver the ballot box(es) or transfer case(s) containing the provisional ballots (or provisional ballot affidavits when DRE systems are used), along with the Summary of Provisional Ballots and the List of Provisional Voters for each precinct to the voter registrar by this day. The general custodian of election records makes this delivery to the voter registrar during the voter registrar office’s regular business hours. (Secs. 65.052, 65.053; 1 T.A.C. §§ 81.172 – 81.174 & 81.176).

NOTE: Political Subdivisions Located in More than One County: A political subdivision will have to make delivery of the provisional ballots and forms to the county voter registrar in each county in which the political subdivision is located. (1 Tex. Admin. Code Secs. 81.172 – 81.174).

NOTE: If the county voter registrar wants to take possession of the provisional ballots and forms on election night (Saturday, May 1, 2021), the county voter registrar must inform the custodian of the election records and post a notice of the transfer no later than 24 hours before Election Day. However, under this type of delivery, the county voter registrar **must** go to the custodian of election records office and pick up the provisional ballots and forms. Also, note that the county voter registrar may take possession of provisional ballots prior to election night if ballots are kept separate and may be provided without unlawful entry into ballot box. (1 Tex. Admin. Code Secs. 81.172 – 81.174).

Tuesday, May 4, 2021 (3rd day after election day)

Last day to begin the **partial manual count** for entities using electronic voting systems for the counting of ballots. This is the last day to **begin** manual recount of ballots in three precincts or one percent of precincts, whichever is greater. (Sec. 127.201(a), (g)). The count must be completed not later than the 21st day after election day. Results of manual count must be delivered to Secretary of State not later than the 3rd day after the manual count is completed. (Sec. 127.201(e)). No partial manual count needs to be done of ballots cast on DRE voting machines, but partial manual count must be completed for mail ballots. (Sec. 127.201(g)).

NOTE: For information on how to begin the partial manual count, please see the advisory issued by the Secretary of State’s office. [Advisory 2018-30](#)

The first possible day to conduct official local canvass of returns by governing authority of the political subdivision. However, the canvass may not be conducted until the ballot board has verified and counted **all** provisional ballots, if a provisional ballot has been cast in the election, **AND counted all timely received mailed domestic ballots cast from addresses within the United States, and all timely received mailed ballots cast from addresses outside the United States. (Secs. 67.003 and 86.007).** Notice of canvass must be posted at least 72 hours continuously before the canvass is conducted.

NOTE: If a recount petition has been filed and a winning candidate's race is involved in the recount, the certificate of election cannot be issued for that race until the recount has been completed. (Secs. 67.016; 212.0331).

Cities, Schools, and Other Political Subdivisions: First day that newly-elected local officers may qualify and assume the duties of their offices. Please note that the canvass must have been completed **before** an officer can assume office. (Sec. 67.016). If a political subdivision was able to **cancel** its election, this is the first day its elected officials can be issued a certificate of election and take the oath of office. (Secs. 2.053(e); 67.003; 67.016). For information on who can administer an oath please see Chapter 602 of the Government Code.

NOTE: This does not apply to officers of a Type A general law city, who cannot qualify until the 6th day after election day. See entry on Friday, May 7, 2021.

Thursday, May 6, 2021 (5th day after election day)

Last day to receive ballots from **non-military and any military voters** casting ballots from **outside of the United States**, who submitted an **ABBM**, (not an FPCA) **AND** who placed their ballots in delivery by 7:00 p.m. on election day, Saturday, May 1, 2021, as evidenced by a postal service cancellation mark or a receipt mark of a common or contract carrier or a courier (Secs. 86.007; 101.057; 101.001). A late overseas ballot sent by a voter who applied for a ballot using an ABBM (not a military FPCA) **cannot be counted** if it does **not** bear a cancellation mark or a receipt mark. For military voters casting ballots who submitted an FPCA, please see [entry](#) for Friday, May 7, 2021.

NOTE: A marked ballot voted by mail from **outside** of the United States by a voter who received the ballot due to submitting an ABBM is considered timely if it is received at the address on the carrier envelope not later than **the fifth day** after the date of the election. Further, the delivery is considered timely if the carrier envelope or, if applicable, the envelope containing the carrier envelope is properly addressed with postage or handling charges prepaid **and** bears a cancellation mark of a recognized postal service or a receipt mark of a common or contract carrier or a courier indicating a time **by 7:00 p.m.** on election day.

Last day to receive ballots from **non-military voters** casting ballots from **overseas**, who submitted an **FPCA**, **AND** who placed their ballots in delivery by 7:00 p.m. on election day, Saturday, May 1, 2021. (Sec. 86.007(d) and (e)).

Friday, May 7, 2021 (6th day after election day)

Last day to receive carrier envelopes mailed domestically (within the United States) OR overseas from voters who submitted an **FPCA AND** who are **members of the armed forces of the United States, or the spouse or a dependent of a member of the armed forces, members of the merchant marines of the United States, or the spouse or a dependent of a member of the merchant marines.** (Secs. 101.057; 101.001).

NOTE: Section 101.057 states that carrier envelopes mailed domestically or overseas from certain **military voters** (members of the armed forces of the United States, or the spouse or a dependent of a member of the armed forces, members of the merchant marines of the United States, or the spouse or a dependent of a member of the merchant marine) who submitted a **Federal Post Card Application (FPCA)** may arrive on or before the 6th day after election day. (Secs. 86.007, 101.057 and 101.001).

NOTE: The carrier envelope or, if applicable, the envelope containing the carrier envelope sent by the military members listed above who applied to vote by mail using the FPCA does NOT need to bear a cancellation or receipt mark in order to be counted.

Deadline for ID related provisional voter to: (1) present acceptable photo identification to county voter registrar; or (2) if the voter does not possess and cannot reasonably obtain acceptable photo identification, follow the Reasonable Impediment Declaration procedure at the county voter registrar; or (3) execute an affidavit relative to "natural disaster" or "religious objection" in presence of county voter registrar, if applicable; or (4) qualify for the disability exemption, if applicable, with the county voter registrar. (Secs. 65.054; 65.0541).

Deadline for voter registrar to complete the review of provisional ballots. (1 Tex. Admin. Code Sec. 81.175(a)(1)).

First day that newly elected officers of Type A general law city may qualify and assume duties of office (per Sec. 22.006, Local Government Code), but see **NOTE**, below.

Council members may take office anytime following the canvass. Section 22.006 of the Texas Local Government Code states that a newly-elected municipal officer of a Type A city may exercise the duties of office beginning the fifth day after the date of the election, excluding Sundays. However, **no newly elected official may qualify for office before the official canvass of the election has been conducted** (or would have been conducted, in the event of a cancelled election). Section 22.036 of the Texas Local Government Code further requires that the newly-elected governing body of the municipality “meet at the usual meeting place and shall be installed.”

If a recount petition has been filed and a winning candidate’s race is involved in the recount, the certificate of election cannot be issued for that race until the recount has been completed. (Secs. 67.016; 212.0331).

NOTE: If Type-A municipal officer-elect fails to qualify for office within 30 days after the date of the officer’s election, the office is considered vacant. (Sec. 22.007, Local Government Code) See Monday, May 31, 2021 entry.

NOTE FOR 2021 MAY ELECTION: H.B. 305, 86th Legislature, 2019, requires that political subdivisions with the authority to impose a tax and maintains a publicly available internet website at any time on or after January 1, 2019, must post on that website the requirements and deadline for filing for candidacy of each elected office of the political subdivision **continuously for one year** before the election day for that office. See [Election Advisory No. 2019-19](#).

Monday, May 10, 2021 (9th day after election day)

Deadline for custodian of election records or presiding judge of the early voting ballot board to retrieve provisional ballots from county voter registrar. (Sec. 65.051(a))

Last day for **early voting ballot board** to convene to qualify and count:

1. any late **domestic** ballots (from non-military and from any military voters who submitted an ABBM) that bear a cancellation mark or receipt mark indicating they were placed for delivery by mail or common or contract carrier not later than 7:00 p.m. on election day, May 1, 2021, and were received not later than 5:00 p.m. on the first business day after election day, on Monday May 3, 2021. (Secs. 86.007(a); 87.125(a)).
2. any late ballots that were submitted from outside the United States by voters who applied for the ballot using an ABBM or by non-military voters who applied for the ballot using an FPCA, and which were received by the 5th day after election day, Thursday May 6, 2021. (Secs. 87.125(a)); 86.007(d)).
3. any ballots received by the 6th day after election day, Friday May 7, 2021, from voters who are members of the armed forces of the United States, or the spouse or a dependent of a member of the armed forces, members of the merchant marines of the United States, or the spouse or a dependent of a member of the merchant marine and who applied for a ballot using an FPCA. (Secs. 101.057; 87.125(a)).
4. any provisional ballots that have been reviewed by the voter registrar. (Secs. 65.051(a)).

NOTE: Ballots that do not qualify under 1-3 above should be treated as ballots not timely returned and should not be delivered to the ballot board.

NOTE: If the early voting ballot board needs to meet after this date, it will require a court order to do so

The time the board reconvenes is set by the presiding judge of the early voting ballot board. (Secs. 86.007(d); 87.125).

Tuesday, May 11, 2021 (10th day after election day)

Advisory 2020-37

The presiding judge of the EVBB shall mail a [Notice of Rejected Ballot \(PDF\)](#) to voters whose mail ballots were rejected no later than the 10th day after election day or as soon as practicable, depending on when the EVBB last convenes. (Sec. 87.0431).

Wednesday, May 12, 2021 (11th day after election day)

Last day for official canvass of returns by governing authority of political subdivision. (Sec. 67.003).

NOTE: If a recount petition has been filed and a winning candidate's race is involved in the recount, the certificate of election cannot be issued for that race until the recount has been completed. (Secs. 67.016; 212.0331).

Monday, May 17, 2021 (16th day after election day)

NEW LAW: Election records must be available in an electronic format no later than this day, for a fee of not more than \$50.00. (S.B. 902, 86th Legislature, 2019)

Monday, May 24, 2021 Saturday, June 26, 2021 (20th day after the canvass through the 45th day after the canvass; 23rd day after election day; 12th day after last canvass date)

Possible period for runoff election, depending on the date of the official canvass unless a charter provides for a later date. If Monday, May 31, 2021 (Memorial Day) is the first possible day, it does not move, since it is not the last possible day to hold a runoff election.

NOTE: The order of the names on the runoff ballot should be in the same relative order as they appeared on the general election ballot, so no ballot drawing is required for the runoff ballot. (Sec. 52.094)

Last day for the presiding judge of the early voting ballot board to mail [Notice of Outcome to Provisional Voter \(PDF\)](#) to provisional voters, if the canvass was held on Wednesday, May 12, 2021. Such notices must be delivered to provisional voters by the presiding judge no later than the 10th day after the local canvass. (The deadline falls on Saturday, May 22, 2021, and is extended to this day under Section 1.006, to Monday May 24, 2021.) (65.059; 1 Tex. Admin. Code Sec. 81.176(e)).

Last day to complete the partial manual count, which is first business day after the 21st day after the election. (Secs. 1.006, 127.201(a)).

Monday, May 31, 2021 (30th day after election day)

If a Type A municipal officer-elect fails to qualify for office within 30 days after the date of the officer's election, the office is considered vacant. (Sec. 22.007, Local Government Code)

NEW: Last day to file **electronic** precinct-by-precinct returns with the Secretary of State for certain county elections. Local political subdivisions no longer have to submit this information to the Secretary of State. (Sec. 67.017)

June

Thursday, June 10, 2021 (40th day after election day)

Last day of the period for mandatory office hours. See [entry](#) for Friday, March 12, 2021. (Sec. 31.122).

July

Thursday, July 1, 2021 (61st day after election day)

First day that ballot box(es) may be unlocked and its voted ballots may be transferred to another secure container for the remainder of the preservation period. (Sec. 66.058(b)).

2021-2023

Thursday, March 2, 2023 (day after 22 months after May 1, 2021 election day)

Contents of ballot box(es) may be destroyed **IF** no contest or criminal investigation has arisen (Secs. 1.013; 66.058), and **IF** no open records request has been filed ([Tex. Att'y Gen. ORD-505 \(1988\)](#)).

All election records must be preserved for 22 months from election day, even when there is no federal office on the ballot. (Sec. 66.058).

Notable Exceptions:

Permanent Records: Election results must be permanently maintained in the election register. (Sec. 67.006).

Electronic Voting Systems: See advisories on our website for preservation procedures for electronic voting systems. (See [Election Advisory No. 2019-23](#).)

Tuesday, May 2, 2023 (day after Two Years after May 1, 2021 election day)

NOTE: Retention of Voter Registration List: County voter registrar must maintain **copy** of each voter list prepared for each countywide election for 2 years (24 months) after election day. (Sec. 18.011).

NOTE: Retention of Candidate Applications: Candidate applications must be retained by the governing body for **two** years after date of election. (Sec. 141.036).