



Statewide Election Administration

The Secretary of State (SOS) is the chief elections officer (Tex. Election Code §31.001). The SOS is appointed by the Governor (Tex. Const. art. IV, § 21). The SOS employs staff in its Elections Division, both lawyers and non-lawyers, who perform the election administration functions statutorily delegated to the SOS (TEC §31.001).

Duties of the Secretary of State's office:

- Produces official forms (§31.002), including some candidacy papers (§141.031).
- Sets training standards for election judges (§32.111). Election Judge Handbook - http://www.sos.state.tx.us/elections/forms/election_judges_handbook.pdf
- Appoints (or serves as) state inspectors, who can go into any polling place, observe proceedings, and report violations to the Attorney General (Chapter 34). Inspector Handbook - <https://www.sos.state.tx.us/elections/forms/election-inspector-handbook-2016.pdf>
- Approves the use of voting equipment (§51.031). However, local authorities (commissioner's court, or in the case of a primary, the county party) make the choice to adopt an approved voting method (§123.001).
- Prepares and distributes instructions and directives regarding the administration of elections in accordance with the election laws of the state to all state and local officials responsible for election administration duties. These include administrative rules, election advisories, memos, calendars, legal interpretations, and other materials (TEC §31.003).
- Advises and assists all election authorities with regard to the application, operation, and interpretation of the election laws (TEC §31.004).
- Distributes of federal election funds (TEC §31.009).
- Voter Identification Education (TEC §31.012).
- Provides information regarding absentee and military/overseas voting (§101.007)

Local Election Administration

The following entities can all have some role in the local administration of elections:

1. The Commissioner's Court. This is the name for the elected *legislative* body of the county. The chair of the commissioner's court is called the Judge, even though the body is legislative.
2. The County Elections Administrator, if the position is created by the Commissioner's Court
3. The County Elections Board and the County Election Commission. These two entities are legally distinct but have overlapping membership and serve similar functions.
4. The County Clerk
5. The Tax Assessor-Collector
6. The Early Voting Ballot Board and the Early Voting Signature Verification Committee (separate entities)
7. The Sheriff
8. The Chairs of the major political parties in the county

9. Municipal governments, executives, or their secretaries (town clerk or similar official)

Most of the meetings of the governing bodies listed above are open to the public (Tex. Gov't Code, Ch. 551).

Elections Officers: Election/Appointment and Duties:

The County Clerk and Tax Assessor-Collector are partisan elected positions that appear on the ballot every four years on a staggered basis (County Clerks are up for election in 2018. Tax Assessor-Collectors are up for election in 2020).

The tax assessor-collector is the voter registrar, unless there is an elections administrator, or the Commissioner's Court designates the registrar function to the county clerk (§12.001, 31.048). The Commissioners Court can also transfer election duties from clerk to tax-assessor collector, with consent of both (§31.071).

Alternatively, the Commissioner's Court can create an elections administrator position (§31.031), and the county elections commission can make an appointment to it (§31.032). Town governments, or the Commissioners Courts of adjacent counties, can create the position of joint election administrator (§31.152).

The "county elections officer" refers to either the election administrator, the tax assessor-collector, or the county clerk, whichever one election duties have been assigned to (§31.091). Most often this person is the County Clerk or Elections Administrator. That officer can contract with towns within the county to hold their elections, or with political parties in the county to run their primaries (the same terms of contract must be available to all parties) (§31.092). The county election authority must meet with the chairs of the political parties to plan for administration of primaries (§31.124). The elections authority must maintain minimum office hours during the election period (§31.122).

Ballot Preparation and Election Supplies

The ballots are prepared by the County Election Officer, with the final draft approved by the authority conducting the election (i.e. the county political parties or the presiding board of the local authority). The form of the ballots and the order of the races on the ballots is established by the election code (§52.091). For general elections for candidates, the candidates of the political party who won the last gubernatorial election in the state are listed first in each race, then the candidates of the political party who received the next highest number of votes. For primary elections, the political parties conduct drawings for ballot position and the results are submitted to the County Election Officer to prepare the ballots.

Election supplies are produced by the county clerk for elections ordered by the governor or county. For primary elections, supplies are produced by the county parties. For local elections, the city secretary is responsible, or secretary or presiding officer of the local body (§51.003, 52.002). The authority that produces the supplies is responsible for distributing them to the polls (§51.004). These are the same entities that are responsible for the counting of the votes, known as the "canvass" (§67.002).

The type of voting machines used for elections in each county are determined by the county elections officer, with approval and funding from Commissioner's Court (§123.001). If voting machines are being used at the polling location, regular paper ballots may not be used at that location at the same time (§125.005) unless emergency paper ballot provisions are invoked (Election Advisory No. 2018-05). There are currently only three voting system vendors certified in Texas by SOS: Election Systems and Software (ES&S), Hart Intercivic, and

Premier (formerly Diebold). A list of voting systems used in each county is available on the SOS website - <https://www.sos.state.tx.us/elections/laws/votingsystems.shtml>.

Precincts and Polling Locations

The Commissioners Court establishes (i.e. draws) the regular county election precincts (§42.001) and gives each precinct a number (§42.004). Commissioner's Court re-evaluates these precinct boundaries periodically and makes adjustments to reflect changes in the population and changes resulting from redistricting (§42.031, 42.032). County election precincts must contain at least 100 but not more than 5,000 registered voters (§42.006).

The county clerk recommends precinct polling locations, and the commissioners court designates them. The commissioners court can reject the recommendation if they have good cause to do so (§43.002). The county party chair designates the precinct polling place for the primary election, except in the case of a consolidated precinct (§43.003). The Commissioner's Court can decide to participate in a pilot program of countywide polling places, after public hearing (§43.007). The county clerk is responsible for giving notice of changes in polling places (§43.061).

For early voting, the main location is the office of the county election officer (usually either the Clerk or the EA). There may also be permanent branch locations and temporary branch locations (§85.061, 85.062), in a number and in locations determined by the County Election Officer with approval of the Commissioners Court, provided that, in a county with a population over 400,000, there must be at least one location in each State Representative district covered by the election (§85.062).

Election Board and Commission: Members and Duties

Each county has both an election board and an election commission. The duties of both are very limited. For a general election of state or county officers, or a special election, the county election board consists of: the County Judge, County Clerk, Voter Registrar (if not the same), Sheriff, and Chair of each political party that must nominate candidates by primary. For other elections, the board consists of just the first four members (not party chairs). The County Clerk is the chair of the board (§51.002).

Elections Board Duties:

- Approves the Elections Administrator's procurement of election supplies necessary to conduct the general election (§51.003(1)).
- Appoints the members and presiding judge of the Early Voting Ballot Board from lists submitted by the political parties (§87.002(c,d)).
- Appoints the members and chair of the Early Voting Signature Verification Committee from lists submitted by the political parties (§87.027(b,b1)).

The county election commission consists of: county judge (chair), county clerk (vice chair), county tax assessor-collector (secretary), the chair of each political party that made nominations for state and county officers in the last election.

Duties of the election commission: "The Legislature finds that the powers of a county election commission extend no further than to the appointment, acceptance of resignation, or recommendation for termination of a county elections administrator." - HB 1678 – 82nd Legislative Session (2011)

Early Voting Ballot Board and Signature Verification Committee: Members and Duties

For early voting, an early voting ballot board is created to process the returns (§87.001). The members include a presiding judge and at least two other members selected from lists submitted by the county political parties similar to the process for election judges and clerks (§87.002). The early voting clerk maintains a roster of who early voted (§87.121), and delivers the ballots (or equivalent) to the ballot board for counting and reports the canvass (§87.123-.1231). The early voting clerk also processes federal postcard ballots (§101.052). The early voting ballot board opens and counts mail ballots, after it first verifies and accepts them (§87.041).

The early voting clerk determines if an early voting signature verification committee is to be appointed. A group of 15 voters can by petition force the early voting clerk to create the committee. The committee is appointed by the election board, the chairs of the county political parties, and the governing authority of local governments if they called the election (§87.027). To serve, a nominee must be a qualified elector of the county (for a statewide race) or of the political subdivision or district the race is held in. There must be at least five members, and if there are more than 12, subcommittees may be appointed. The role of the signature verification committee is to compare the signature on ballot envelopes to that on ballot applications or voter registrations, to confirm that they are from the same person. It requires a majority vote (in either a committee of the whole or subcommittee) to find that the signatures do not match (§87.027).

Election Judges and Election Clerks (Poll Workers)

Poll workers are responsible for opening and closing the polls, checking in voters and providing them with a ballot, assisting eligible voters with preparing their ballot, counting the ballots, and turning in the tabulated election returns, ballots, and other materials to the county elections officer. Poll workers are paid varying rates set by the Commissioners Court.

Each precinct has a presiding judge and an alternate (§32.001). Presiding Judges are in charge of the polling place and are responsible for managing the orderly conduct of the election in accordance with the law (§32.071). This includes law enforcement powers to prevent breaches of the peace, such as appointing special peace officers and issuing arrest warrants (§32.075). The judges for county election precincts are appointed by the commissioner's court in July or August and serve for a year. To be eligible to be an election judge, one must be a qualified voter of the precinct unless there is not a qualified voter in the precinct willing to serve, then the judge is simply required to be a qualified voter in the county (§32.051). The presiding judge and the alternate must be of different parties. The judge representing the party whose candidate for governor received the highest number of votes in that precinct is appointed first, and the representative of the party getting the next most votes is the alternate (§32.002). For a primary, the judges are appointed by the chair of the county party (§32.006). For elections ordered by other jurisdictions, the governing authorities of those jurisdictions may make the appointments (§32.005).

The election judges appoint election clerks to help them, for that election only (§31.031). The alternate judge is automatically a clerk (§32.032). There are at least 2 clerks appointed for each precinct, and can be more, up to the limit set by the county commissioners court (§32.033). To be eligible to be an election clerk, one must be a qualified voter in the county. (§32.051). Students aged 16 or older who are US citizens and have undergone required training are also eligible to serve as clerks (§32.0511). Elected officials, candidates and their employees, and those convicted of election offenses, are ineligible.

County party chairs submit names of nominees for election judges and clerks affiliated with their party (§32.034). A person affiliates with a political party during a given primary election year by either voting in a

party's primary or by taking the oath of affiliation (§162.003 & 162.006). The deadline for the county parties to submit names for appointment is different for counties with populations over or under 500,000. If the party chairs submit their lists by the prescribed deadline, the presiding judge is required to appoint clerks from the list (§32.034). The clerks are to be appointed in numbers reflecting the partisan make-up of the precinct as per the results of the last Gubernatorial election. The process is similar for election worker appointments for early voting (see the chart below).

The lists should be submitted by the county parties in the following manner (SOS Election Advisory No. 2016-13):

Position	Date List Due	List Submitted to...
Election Judge Presiding and Alternate)	June 30 in a county over 500k July 31 in a county under 500k	County Commissioners Court
Election Clerks	25th day before election day	Presiding Judge of Precinct (If no judge appointed by 25th day, list is submitted to county chair of party with highest number of gubernatorial votes or commissioners court if no chair.)
Early Voting Election Officers	June 30 in all counties.	County Clerk
Early Voting Ballot Board Judge/Member	Recommended deadlines: June 30 in a county over 500k July 31 in a county under 500k	County Election Board
Signature Verification Committee Member	Recommended deadline: Monday, August 29, 2016 in all counties.	County Election Board
Presiding Judge/ Alternate Judge of Central Count	June 30 in a county over 500k July 31 in a county under 500k	County Commissioners Court

NEW LAW as of Sept. 2017: Removal procedures have been adopted to address situations where election judges and clerks cause a disruption in a polling location or wilfully disobey the provisions of the Election code (§32.002(g), §32.034(f)).

Additionally, many polling places have interpreters for voters who have limited English proficiency. State law requires the presiding judge of an election precinct to make reasonable efforts to appoint a sufficient number of election clerks who are trained and fluent in both English and Spanish to serve the needs of the Spanish-speaking voters of the precinct, if five percent (5%) or more of the inhabitants are persons of Spanish origin or descent (§272.009). In counties with large Asian American populations, such as Harris, interpreters are also needed who are bilingual in English and Vietnamese or Madarin.

Poll Watchers

Political parties, candidate campaigns, or groups of citizens supporting a write in candidate or a ballot measure, can appoint poll watchers in Texas. Each appointing authority gets up to two watchers per polling place, or seven during early voting (§33.003-007). Poll watchers must live in the county or district in which the election is occurring. A person who is an employer or relative of an election official, public officers, candidates, and people convicted of elections offenses, are ineligible to serve (§33.031-35). Poll watchers can observe the casting but not marking of ballots, the meetings of the early voting ballot board and central counting stations, the securing of voting machines, and can even request to accompany an officer delivering ballots to one of those bodies. The watcher can raise concerns about potential violations with the election officers, but cannot converse with the voter at all, or discuss the election with the election officer (§33.053-.060). The SOS produces a Guide for Poll Watchers - <https://www.sos.state.tx.us/elections/forms/pollwatchers-2018.pdf>.

Volunteer Deputy Voter Registrar

For a citizen in Texas to assist people with completing voter registration applications, they need to be trained and designated as a Volunteer Deputy Voter Registrar (VDVR) by their local registrar. To be a VDVR, you must be 18 years or older, a US citizen and resident of Texas, fully discharged from any criminal sentence, and not adjudicated incapacitated to vote. A VDVR can only register voters from the county in which they were certified. For more information about becoming a VDVR, and the restrictions that apply, visit the [Secretary of State's VDVR guide](#).

Other Texas Election Administration Law Resources:

TX SOS website – Conducting Your Elections Page -
<https://www.sos.state.tx.us/elections/conducting/index.shtml>

TX SOS website - Forms, Resources, and Legal Library -
https://www.sos.state.tx.us/elections/laws/resources_legal.shtml

Texas Election Code, Texas Administrative Code, and Texas Constitution -
<http://www.statutes.legis.state.tx.us/>

Election Officials:

Texas Secretary of State
1.800.252.VOTE (8683)
512.463.5650
elections@sos.texas.gov
www.sos.state.tx.us/elections/

Harris County Clerk
(713) 755-6411
www.harrisvotes.org/

Harris County Voter Registrar
713-274-8200
www.hctax.net/Voter/Registration

Political Parties - Statewide:

Green Party of Texas
(512) 551-0310
<http://www.txgreens.org>

Libertarian Party of Texas
(800) 422-1776
(512) 279-7860
<http://www.lptexas.org/>

Republican Party of Texas
512.477.9821
info@texasgop.org
<https://www.texasgop.org>

Texas Democratic Party
512-478-9800
yellowdog@txdemocrats.org
<https://www.txdemocrats.org/>

Political Parties – Harris County:

Harris County Democratic Party
713-802-0085
harrisdemocrats@harrisdemocrats.com
<https://harrisdemocrats.org/>

Harris County Green Party
713.866.6285
hcgp@txgreens.org
<http://hcgp.org/>

Harris County Libertarian Party
713-467-2989
<http://www.lpharris.org/>

Harris County Republican Party
(713) 838-7900
<http://www.harriscountygop.com/>

Protecting Voting Rights:

Election Protection
866-Our-Vote (866-687-8683)
volunteer@866ourvote.org
<https://www.866ourvote.org/>
@866OURVOTE

Voting Rights Institute
www.votingrightsinstitute.org
@The_VRI

American Constitution Society
<https://www.acslaw.org/>
@ACSLaw

Texas Civil Rights Project
(512) 474-5073
<http://texascivilrightsproject.org/>
@TXCivilRights

Texas State Conference of the NAACP
512-358-1359
<http://www.txnaacp.org/>