Deadlines for November 3, 2020 School District Elections

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**Note:** Because of the ongoing COVID-19 health crisis, deadlines and requirements may change. Continue to check this document online¹ and the Secretary of State Elections Division Advisory No. 2020-17, November 3, 2020 Election Law Calendar, for updates. By proclamation dated July 27, 2020, Governor Abbott moved the start date for early voting by personal appearance to October 13, 2020. Additional guidance from the Elections Division is attached.

For information on safety at polling places, see TASB Legal Services’ *Schools as Polling Places*.

This memo provides important dates and deadlines applicable to school districts preparing for the November 3, 2020 trustee election. In addition, many of these deadlines apply to school districts that postponed their May 2, 2020 elections pursuant to Governor Abbott’s proclamation authorizing postponement to the November 3, 2020 uniform election date. For additional information, see TASB Legal Services’ *Postponing the May 2, 2020 Election*.

TASB Policy BBB series contains specific information regarding a district’s election procedures. Additional election resources are available at TASB School Law eSource, Governance—Elections, and on the Secretary of State Elections Division Website.

Most of the dates below pertain to a general trustee election. Deadlines for a special election to fill a trustee vacancy may vary from a general trustee election. Some special election dates are included, but a district holding a special election should contact the Elections Division, TASB Legal Services, or the district’s school attorney for answers to more specific questions.

Deadlines and requirements for voter-approval tax rate elections (VATREs) or bond elections also may be different. Bond elections are addressed in TASB Policy CCA, and VATREs are addressed in TASB Policy CCG. For more information on VATREs, see eSource at Business–Finance, Taxation, and Revenue—Taxation and Voter-Approval Tax Rate Elections; for information on bond issuances, see eSource at Business–Finance, Taxation, and Revenue–Bonds, Other Revenue, and Investments.

Campaign finance deadlines are not included below but may be obtained from the Texas Ethics Commission.

The Elections Division provides a comprehensive election law calendar for each uniform election date. The most important general election dates for school districts are as follows:

- **Thursday, June 18, 2020:** Deadline to post notice of candidate application filing period.
- **Saturday, July 18, 2020:** First day to file an application for a place on the ballot or declaration of write-in candidacy.

*Note: Filing may begin before the board orders a general election. School districts are required to make applications available for potential candidates. The Elections Division offers a sample application.*

According to the Elections Division, candidate applications may be filed in person, by mail, by fax, or by email.

- **In Person:** The Elections Division recommends that someone be available for at least a few hours most days during the candidate filing period to accept filings, and that districts post a schedule on their websites and bulletin boards where meeting notices are posted of the days and times when someone will be available.

- **By Mail:** An application submitted by mail is considered to be filed at the time of its receipt by the filing authority.

- **By Fax or Email:** A signed, sworn, scanned candidate application may be submitted by fax or email if there is no filing fee. The Elections Division recommends that the filing authority establish a dedicated fax number or email address for the submission of candidate applications. This fax number or email address should be posted on the Notice of Deadline to File Applications for Place on the Ballot or wherever information about filing candidate applications is posted. An application must be notarized prior to filing via fax or email.

- **Wednesday, August 5, 2020:** Deadline to file with the Secretary of State regarding an exemption from the accessible voting system requirement. For more information, see Elections Division Advisories No. 2019-23, Electronic Voting System Procedures, and No. 2019-24, Exemptions from Voting System Accessibility Requirements.

- **Friday, August 14, 2020:** If a candidate dies on or before this date, the candidate’s name shall be omitted from the ballot.

- **Monday, August 17, 2020:**
  - Deadline to order the November general election. The Elections Division offers a sample Order of Election (Form AW1-3).
  - Deadline to file an application for a place on the general election ballot (5:00 p.m.).

*Note: The Elections Division strongly recommends that someone be available to accept filings on the filing deadline, especially from 2:00-5:00 p.m.*
For a district that postponed its May 2, 2020 election, the candidate filing period is not reopened.

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 ballot may omit the candidate’s name from the ballot. If the authority does so, the deadline for filing an application for a place on the ballot for the office sought by the candidate is extended to the fifth day after the filing deadline. No other deadlines are extended, but an extension of this deadline may affect the timing of other events, such as cancellation of the election.

- Deadline to order a special election on a measure (such as a bond election or VATRE)
  or to fill a vacancy.

*Note: An application for a place on a special election ballot may not be filed before
the election is ordered. The election order must include the filing deadline. The
Elections Division recommends posting notice of the filing period as soon as
practicable after the special election is ordered.

- Deadline for a district that postponed its May 2, 2020 election to revise the Order of
  Election to reflect changes to the following:

  o Date of the election;

  o Main early voting location or branch early voting locations;

  o Early voting dates and hours, including weekend early voting; or

  o Early voting clerk contact information.

- Recommended date to appoint presiding and alternate judges; presiding judges and
  alternates must be notified of appointment in writing not later than the 20th day
  after appointment.

  - **Thursday, August 20, 2020:** Deadline to file an application for a place on the ballot or a
    declaration of write-in candidacy in a special election to fill a vacancy (6:00 p.m.).

    *Note: For a district that postponed a May 2, 2020 special election, the candidate filing
    period is not reopened for that special election; however, if a district ordered a new
    special election to fill a vacancy for November 3, 2020, the special election candidate
    filing deadlines for the November 3, 2020 election apply.

  - **Friday, August 21, 2020:** Deadline to file declaration of write-in candidacy in the general
    election (5:00 p.m.).
Monday, August 24, 2020:

- Recommended first day an unopposed election may be cancelled if requirements are satisfied. The Election Division’s Cancellation of Election outline provides more information about this process, and the Elections Division offers a Certification of Unopposed Candidates and a sample Order of Cancellation.

- Last day a candidate may submit a Certificate of Withdrawal from the general election (5:00 p.m.). If a candidate withdraws or is declared ineligible by this date, the candidate’s name is omitted from the ballot. Texas Election Code section 145.098 allows withdrawal after the deadline under limited circumstances.

  *Note: For a district that postponed its May 2, 2020 election, the deadlines related to declarations of ineligibility, withdrawal, or death that apply to the November 3, 2020 election also apply to all candidates who were on the ballot for the postponed May 2, 2020 election.

- Recommended deadline to hold drawing to determine order of candidates’ names on the ballot. Notice of the date, time, and place of the ballot drawing must be posted continuously for 72 hours immediately preceding the scheduled time of the drawing and mailed to candidates not later than the fourth day before the drawing.

  *Note: The Elections Division recommends that a district provide ballot proofs to candidates to verify accuracy of their names, positions sought, and order of names.

  For a district that postponed its May 2, 2020 election, all ballot order actions taken for that election are preserved.

Tuesday, August 25, 2020: Last day a candidate may submit a Certificate of Withdrawal from a special election. If a candidate withdraws or is declared ineligible by this date, the candidate’s name is omitted from the ballot.

Friday, September 4, 2020: Deadline to deliver notice of the election to the county election officer and voter registrar for each county in which the district is located.

Monday, September 14 - Sunday, December 13, 2020: Mandatory office hours—A district must keep the office open for election duties for at least three hours each day, during regular office hours, on days on which the district’s main office is regularly open for business. Thus, a district may be closed during this period for a school holiday, even if it is not a state or national holiday.

Friday, September 18, 2020: Deadline to challenge an application for a place on the ballot as to form, content, and procedure if ballots are mailed on the 45th day before election day (Saturday, September 19, 2020). If ballots were mailed before that day, this deadline will change.
*Note: An application may not be challenged as to form, content, or procedure after the day before any ballot to be voted early by mail is mailed. For more information on reviewing applications and the process for declaring candidates ineligible, see Elections Division guidance regarding candidacy filing.

- **Sunday, October 4 - Saturday, October 24, 2020:** Period in which to publish notice of the election.

*Note: School districts are required to publish notice in a local newspaper in addition to giving notice by other methods. School districts also must publish notice of the election on the district website, if the district maintains one. For more information on notice requirements, see Note 9 in the Elections Division’s election law calendar. The Elections Division provides a sample Notice of Election.

In addition, the Elections Division strongly recommends that a district post on its website the Notice of Voting Priority for voters with mobility problems under Texas Election Code section 63.0015. For more information on accepting voters with certain disabilities, see note 15 in the Elections Division’s election law calendar.

For a district that postponed its May 2, 2020 election, the notice requirements and deadlines for the November 3, 2020 election apply to the postponed election.

Additional notice requirements apply to a bond election.

- **Monday, October 5, 2020:** Last day to register to vote or make a change of address effective for the November election.

- **Tuesday, October 13, 2020:**

  - First day to vote early in person. (Moved from October 19, 2020, by Governor’s proclamation.)

    *Note: School districts are required to be open during the entire early voting period, except on state or national holidays. This differs from the requirements for mandatory office hours.

    With limited exceptions, early voting at temporary branch polling places must be conducted for at least eight hours on the same weekdays that early voting is required to be conducted at the main early voting place.

  - Deadline to post notice of election on bulletin board used for posting board meeting notices. A Record of Posting Notice of Election should be completed at the time of posting.

    *Note: The county must post a copy of a notice of election provided by a district under Texas Election Code section 4.008(a) [see Friday, September 4, 2020] on the county’s website. A district may post a copy of the notice on the bulletin board used for posting board meeting notices.
− **Friday, October 30, 2020:** Last day to vote early in person.

− **Monday, November 2, 2020:** Deadline to post the requirements and deadline for filing for candidacy for school board trustee for the November 2, 2021 general election.

  *Note: For more information, see TASB Legal Services’ Website Posting Requirements for Elections. The filing deadlines include the first day to file an application for a place on the ballot (Saturday, July 17, 2021), the last day to file an application for a place on the ballot (Monday, August 16, 2021), and the last day to file a declaration of write-in candidacy (Friday, August 20, 2021).

− **Tuesday, November 3, 2020:** Election Day—Polling places must be open from 7:00 a.m. to 7:00 p.m.

− **Friday, November 6 - Tuesday, November 17, 2020:** Canvassing period

  *Note: The canvass may not be conducted until the early voting ballot board (EVBB) has verified and counted all provisional ballots, if any, AND all timely-received ballots by mail. For more information on the EVBB, see the Elections Division’s EVBB Handbook. If a district cancelled its election, this is the first day the newly elected (unopposed) candidates may be issued a certificate of election and take the oath of office.

  *For additional information on post-election procedures, see TASB Legal Services’ After the School Board Election. In addition, the Elections Division issues an election advisory regarding post-election procedures and qualifying for office after each election.*

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This document is continually updated, and references to online resources are hyperlinked, at [tasb.org/services/legal-services/tasb-school-law-esource/governance/documents/deadlines-for-november-2020-school-district-elections.pdf](https://tasb.org/services/legal-services/tasb-school-law-esource/governance/documents/deadlines-for-november-2020-school-district-elections.pdf). For more information on this and other school law topics, visit TASB School Law eSource at [schoollawesource.tasb.org](https://schoollawesource.tasb.org).

*This document is provided for educational purposes only and contains information to facilitate a general understanding of the law. It is not an exhaustive treatment of the law on this subject nor is it intended to substitute for the advice of an attorney. Consult with your own attorneys to apply these legal principles to specific fact situations.*

*Updated August 2020*

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TASB Legal Services
Dear Election Officials:

Yesterday, Governor Greg Abbott issued a proclamation suspending Section 85.001(a) of the Texas Election Code to expand the early voting period for the November 3, 2020 elections. Pursuant to the Governor’s proclamation, the early voting period for any election authorized to occur on November 3, 2020 will begin on Tuesday, October 13, 2020 and last through Friday, October 30, 2020. As the proclamation recognizes, this expansion will allow for increased in-person voting opportunities for the November 3, 2020 elections while maintaining appropriate social distancing standards in response to the COVID-19 disaster. Additionally, the proclamation suspends a portion of Section 86.006(a-1) to allow a voter to hand deliver their marked mail ballot to the early voting clerk’s office before election day.

In connection with the Governor’s proclamation, we would like to provide additional guidance on several items:

1. **Extended Early Voting Days and Hours:** As a reminder, in addition to the increased number of early voting days pursuant to the Governor’s proclamation, the Texas Election Code allows you flexibility to offer voters extended early voting hours. Specifically, you can provide extended hours beyond the minimum number of hours required for weekdays during early voting, as set forth in Section 85.005, in order to allow persons more opportunities to vote after work. You can also provide for more than the minimum of weekend hours, if petitioned for additional weekend voting, as detailed in Section 85.006.

2. **Expansion of In-Person Delivery for Mail Ballots:** We will be providing more detailed guidance about procedures related to this part of the Governor’s proclamation as well as providing updated forms.

3. **Updated Resources:** As a result of the Governor’s proclamation, there are a number of SOS resources that will be updated. Below is a list of resources that you can expect updates to this week. As the updates become available, we will be notifying you via email and/or web updates.
   - November 3, 2020 Election Law Calendar
   - Important Election Dates
   - “Dear Voter” Letter
   - Information about Returning Your Carrier Envelope (Carrier Insert) (Form 5-22a)
   - Information about Returning Your Carrier Envelope (FPCA Carrier Insert) (Form 5-35)
   - Roster for Voters Hand-Delivering Carrier Envelope (Form 5-11a)
   - Ballot Envelope (Form 5-21f) (will provide language for sticker if envelopes already
Please let us know if you have any questions or concerns.

Thank you,

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*For Voter Related Information, please visit:*