

2023 School Board Election Law Calendar

This document is for informational purposes only. It is provided to superintendents and administrators with highlights on election law dates in Texas for school districts. Specific questions and circumstances regarding elections impacting a school district should be individually discussed with the school district's legal counsel.

The following are important dates related to the Tuesday, November 7, 2023, school board trustee election. If you have any question regarding election procedures, contact the Elections Division Office of the Secretary of State, 800.252.VOTE (8683).

Note on Countywide Polling Places

Political subdivisions holding an election on the **November uniform election date must** use county election precincts and the county polling places. (Secs. 42.002, 42.0621, 43.004). This is the case even when the county has adopted the countywide polling place system; in that case the entity must have a presence in every countywide location in the county, not just the locations physically within the territory of the political subdivision. (Secs. 42.002, 43.007(e)).

Note on Joint Election Requirements

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).

NOTE - At minimum, a school district needs to share polling places with a city or public junior college district conducting an election on the uniform election day. Sharing polling places is sufficient to meet the joint election requirement.

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 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.

Note of Notice of Election

School districts are required to publish their notice in a newspaper at least once between the 30th day and the 10th day before the election (October 8-October 28). School districts must also post notice on the governmental bulletin board used for posting notice of public meetings and website (as well as the County's website), no later than October 17. All days and hours for early voting by personal appearance including voting on any Saturday or Sunday must be included in the notice of the election. Notice of the election must be delivered to the county clerk and voter registrar of each county in which the school district is located not later than the 60th day before Election Day (September 8). The election notice, which includes the days and hours of early voting, must be posted on the school district's website, if it maintains a website.

Notice of Previous Polling Place

If a different polling place is being used from the previous location held by the same authority, notice must be posted at the entrance of the previous polling place informing voters of the current polling place location, if possible.

July 22

- First day to apply for a place on the ballot.

August 21 (78th day BED)

- Deadline to order a general election, unless otherwise provided in the Election Code.
- 5 p.m. Last day to file for place on ballot.
- An application by mail is considered to be filed when it is received.

August 25(74th day BED)

- 5 p.m. Deadline for write-in candidates to file declarations of write-in candidacy.
- First day for notice of ballot draw.

August 28 (71st day BED)

- Recommended first day that an election may be canceled if all filing deadlines have passed and each candidate for an office listed on the ballot is unopposed.
- Last day for candidates to withdraw.
- If you are having a special election to fill a vacancy for an unexpired (partial) term, you cannot 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).

August 29 (70th day BED)

- Last day to order a special election to fill a vacancy.
- Recommended deadline to hold drawing of ballot order.

September 4 (64th day BED)

- Last day to file 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, Tuesday, August 29, 2023. (Sec. 201.054(a)(1)) .
- 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 on or before the 70th day before election day, Tuesday, August 29, 2023. (Sec. 201.054(a)(1), 201.054(g)).

September 8 (60th day BED)

- Deadline to deliver notice of the election to the county election officer and voter registrar for each county in which the district is located.

September 11 (57th day BED)

- Last day for a candidate to file Certificate of Withdrawal (PDF) 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), (e) and 145.094(a)(3)). 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.

September 18 – December 17 (50th day BED – 40th day after Election Day [AED])

- Mandatory office hours. Secretary of governing body must keep office open for election duties for at least three hours each day, during regular office hours, on regular business days.

September 22 (46th day BED)

- Last day to order a special election to fill a vacancy (if authorized to fill vacancies by special election). If the election was ordered after the 70th day before election day, the filing deadline will be the 40th day before election day. (Secs. 201.052, 201.054(a)(2)). 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:
<https://www.sos.state.tx.us/elections/forms/pol-sub/1-7fa.pdf>

September 23 (45th day BED)

- Deadline to mail overseas and military ballots (must notify Secretary of State within 24 hours if deadline can't be reached)
- Early voting clerk may begin mailing early voting ballots to applicants as soon as ballots are available.
 - **Reminder Regarding FPCAs and Overseas ABBMs:** If the early voting clerk receives an FPCA (from a military or non-military voter) or an ABBM from an overseas voter after the 45th day deadline, then the ballot **must** be mailed within seven days after the early voting clerk **receives** the FPCA or ABBM. (Secs. 86.004(b), 101.104).
 - **Reminder:** In regards to mail ballots for other voters (not military voters using an FPCA or overseas voters using an FPCA or ABBM), 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)). This means that for every application that comes in before the 37th day before election day, the balloting materials must 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.
 - **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 elections administrator is serving as the early voting clerk. For an election held by a political subdivision in which the county clerk or elections administrator is not serving as the political subdivision's early voting clerk, then the information on the roster must be made available on the Internet website of the authority ordering the election. The early voting roster shall be posted by 11:00 a.m. on the day after the information is entered on the roster (for early voting in person) or by 11:00 a.m. 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. (Sec. 87.121).

September 28 (40th BED)

- 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, Friday, September 22, 2023. (Sec. 201.054(a)(2)).
- 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, Friday, September 22, 2023. (Sec. 201.054(a)(1), 201.054(g)).

October 3 (35th BED)

- Last day for a candidate to file a Certificate of Withdrawal (PDF) 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.** (Secs. 145.092(a), 145.094(a)(2)). 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.

October 8 (30th BED)

- First day of a period during which notice of any school district election must be published. This notice must be published in a newspaper that is published within the boundaries of the school district, or if no newspaper is published within the district, in a newspaper of general circulation in the district. The notice must include the nature and date of the election, the location of each polling place, the hours the polls will be open, the regular dates and hours for early voting by personal appearance, the dates and hours of any Saturday or Sunday early voting, the location of the main early voting polling place, and the early voting clerk's mailing address. The notice must be posted on the school district's website, if it maintains a website.
- It is strongly recommended that the Notice of Voting Order Priority (PDF) 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)).
- If a different polling place is being used than at the previous election held by the same authority, Notice of Change to Polling Place (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)

October 10 (28th day BED)

- Last day a person may register to vote in the November 8 election.
- Recommended last day for early voting clerk to order supplemental and registration correction lists, if applicable.
- Last day for a voter to make a change of address that will be effective for the election.

October 17 (21st day BED)

- Deadline to post notice of election on bulletin board used for posting notices of meetings of school board and website (Record of Posting Notice of Election (PDF) should be completed at the time of posting). The information posted on the website must include:
 1. the date of the election;
 2. the location of each polling place;
 3. each candidate for an elected office on the ballot; and
 4. each measure on the ballot. (Sec. 4.009).

October 23 (15th day BED)

- First day to vote early in person.
- School districts are required to be open during the entire early voting period for at least 9 hours unless the District has fewer than 1,000 registered voters, then it only must be open for four hours.
- Last day to notify presiding judges of duty to hold election (Writ of Election).
- If an FPCA is received by this date without a postmark to prove the 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.
- 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. (Sec. 85.005(b)).
- If entities are 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. See Note 7 regarding joint elections generally.

October 27 (11th day BED)

- Last day to receive an FPCA from a registered voter.
- Last day to receive an application for ballot by mail.
- SB 1599 (2023, R.S.) amended Section 86.008 of the Code, effective September 1, 2023, to require that if the early voting clerk determines that it would not be possible for the applicant to correct certain defects in a mail ballot application and return an application form by mail before the deadline, the clerk may notify the applicant by telephone or e-mail of the defect, and inform the applicant that the applicant may come to the early voting clerk's office before the deadline and correct the defect in person. The clerk shall notify the applicant of a defect discovered and provide the information required to permit the applicant to correct the defect using the Secretary of State's online Ballot by Mail Tracker, if possible.

October 28 (10th day BED)

- Last day to publish notice of any school district election.

October 30 (8th day BED)

- Section 127.1232 provides that in counties with a population of 100,000 or more, the general custodian of election records shall implement a video surveillance system that retains a record of all areas containing voted ballots: (1) from the time the voted ballots are delivered to the central counting station until the canvass of the precinct election returns; and (2) from the time the voted ballots are delivered to the signature verification committee or early voting ballot board until the canvass of precinct election returns. Video from the surveillance system shall be made available to the public by live stream. The recorded video is considered an election record and shall be retained by the general custodian until the end of the calendar year in which an election is held or until an election contest filed in the county has been resolved, whichever is later. (Sec. 127.1232). Tex. Sec'y of State Election Advisory No. 2022-10.
- SB 1599 (2023, R.S.) amended Section 87.0222 of the Code, effective September 1, 2023, to provide that not later than the ninth day before election day, the jacket envelopes containing early voting ballots voted by mail **MUST** be delivered to the early voting ballot board. **This requirement applies regardless of the county's population size**. Any jacket envelopes of early voting ballots voted by mail returned after delivery of the ballots to the early voting ballot board may be delivered to the presiding judge of the early voting ballot board between the end of the ninth day before election day and the closing of the polls on election day, or as soon after closing

as practicable, at the time or times specified by the presiding judge. The early voting clerk shall post notice of each delivery of balloting materials that is to be made before the time for opening the polls on election day. The notice must be posted at the main early voting polling place continuously for at least 24 hours immediately preceding the delivery. Because the ninth day falls on a Sunday, October 29, 2023, the deadline is extended to Monday, October 30, 2023. (Sec. 1.006).

November 3 (4th day BED)

- Last day to vote early by personal appearance.
- Early voting clerk must post [Notice of Delivery of Early Voting Balloting Materials \(PDF\)](#) to the early voting ballot board if materials are to be delivered to the board on Saturday, November 4, 2023. 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).

November 4 (3rd day BED; day after early voting ends)

- First day to submit an [Application for Emergency Early Ballot Due to Death in Family \(PDF\)](#) to vote a late ballot because of a death in the immediate family that occurred on or after Thursday, November 2, 2023, and will require absence from the county on election day. (Secs. 103.001, 103.003(b)). An application may be submitted after the last day of the period for early voting by personal appearance and before the close of business on the day before election day. (Sec. 103.003).

November 5 (Daylight Saving Time Ends)

- For November 2024 Election: Chapter 2051 of the Government Code requires any political subdivision with the authority to impose a tax that maintained a publicly available Internet website at any time on or after January 1, 2019, to 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 [Tex. Sec'y of State Election Advisory No.2019-19](#).

November 6 (1 day BED)

- Last day to submit an application for emergency early ballot due to death in the family.
- Last day for early voting clerk to deliver the precinct early voting lists.

November 7 (Election Day)

- 7 a.m. – 7 p.m. Polls are open. Early voting clerk and voter registrar's offices are open. Early voting office is open for early voting activities.
- 7 a.m. – 7 p.m. Early voting clerk's office is open for voting by disabled and ill persons when 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.
- 5 p.m. Deadline for receiving applications for late ballots to be voted by persons who became ill or disabled on or after October 27.
- Early voting clerk must check mailbox for early voting mail ballots at least once after time for regular mail delivery. Clerk delivers voted ballots, key to double-locked ballot box, etc. to early voting ballot board at time or times specific by presiding judge of early voting ballot board, during the hours the polls are open, or as soon after the polls close as practicable.
- All electronic voting system ballots shall be manually examined to determine if the ballots can be processed in the usual manner or if the ballots need to be duplicated to clearly reflect a voter's intent.
- All marked early voting ballots sent by mail from inside the U.S. must arrive before the time the polls are required to close. Marked ballots that are not timely returned may not be counted, unless the ballot was cast outside the U.S. If a ballot was cast outside the U.S. before 7 p.m. on Election Day, it is considered timely if it is received in the 5th day after the election.
- The custodian (constable) of the key to the second lock on 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.
- Early voting ballots may be delivered to the early voting ballot board at any time after personal appearance ends.
- The second test of automatic tabulating equipment used or counting ballots at a central counting station must be conducted immediately before the counting of ballots with the equipment begins. The third test must be conducted immediately after the counting is completed.
- Precinct election returns are delivered to the appropriate authorities after completion.
- As soon as practicable, post additional election information, including:
 - results
 - total number of votes cast
 - total votes cast for each candidate or for or against each measure

- total number cast by personal appearance on Election Day
- total number cast by personal appearance or by mail-in early voting
- total number of counted and uncounted provisional ballots

November 8 (1st business day AED)

- Deadline to receive “late domestic ballots” mailed within the United States from non-military voters who submitted an Application for Ballot by Mail (“ABBM”).
- Deadline for general custodian of election records to deliver provisional ballots to voter registrar by this day and during regular business hours.
- NOTE: A school district located in more than one county will have to make delivery of the provisional ballots and forms to the voter registrar in each county in which the school district is located.

November 10 (3rd day AED)

- Last day for districts using electronic voting systems, except for a voting system that uses DREs, to begin a partial manual count of the ballots in three precincts or one percent of the precincts, whichever is greater. Results of manual count must be mailed to Secretary of State not later than the third day after the manual count is completed.
- First day to conduct local canvass, but early voting ballot board has verified and counted all provisional ballots and all timely receiving mailed ballots.
- First day a trustee can assume office. (Please note that canvass must be accomplished prior to assumption of office.)

November 13 (first business day after 5th day AED; 6th day AED)

- Last day a voter may come to the early voting clerk’s office in person to correct certain defects on their carrier envelope. (Secs. 87.0271, 87.0411). See Note 18.
- 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, Tuesday, November 7, 2023, 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 an FPCA) **cannot be counted** if it does **not** bear a cancellation mark or a receipt mark. The deadline is extended to the next regular business day, which is Monday, November 13, 2023, due to the 5th day falling on a Sunday. (Secs. 1.006, 86.007(d-1)).
- Section 86.007 provides that 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 a **FPCA**, **AND** who placed their ballots in delivery by 7:00 p.m. on election day, Tuesday, November 7, 2023. (Sec. 86.007(d), (e)). The deadline is extended to the next regular business day, which is Monday, November 13, 2023, due to the 5th day falling on a Sunday. (Secs. 1.006, 86.007(d-1)).
- Last day to receive carrier envelopes mailed domestically (within the United States) OR overseas from voters who submitted a **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 marine**, members of the Texas National Guard, or the spouse or a dependent of a member of the Texas National Guard, a member of the National Guard of another state, or the spouse or a dependent of a member of the National Guard of another state, or members of the Reserves, or the spouse or a dependent of a member of the Reserves. (Secs. 101.057, 101.001).

November 16 (9th day AED)

- 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 the following ballots addressed below.
 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, November 7, 2023, and were received not later than 5:00 p.m. on the first business day after election day, on Wednesday, November 8, 2023. (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, Monday, November 13, 2023. The deadline is extended to the next regular business day, which is Monday, November 13, 2023, due to the 5th day falling on a Sunday. (Secs. 1.006, 87.125(a), 86.007(d)).
3. any ballots received by the 6th day after election day, Monday, November 13, 2023, 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, members of the Texas National Guard, or the spouse or a dependent of a member of the Texas National Guard, a member of the National Guard of another state, or the spouse or a dependent of a member of the National Guard of another state, or members of the Reserves, or the spouse or a dependent of a member of the Reserves, 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. (Sec. 65.051(a)) .

November 17 (10th day AED)

- Last day for presiding judge of the early voting ballot board to mail notices of rejected mail ballots to voters.

November 20 (13th day AED & 10th day after first possible canvass)

- Deadline for custodian of election records or presiding judge of the early voting ballot board to retrieve provisional ballots from county voter registrar.
- Last day to canvass the election (reminder that you must post 72 hours in advance for the canvass).

November 21 (14th day AED)

- HB 5180 (2023, R.S.) amended Section 1.012 of the Code, effective September 1, 2023, to provide that on the first day after the final canvass of an election is completed, the general custodian of election records shall make images of voted ballots and cast vote records available for public inspection.

November 28 (21st day AED)

- Last day to complete partial manual count.

November 30 (23rd day AED)

- Last day for the presiding judge of the early voting ballot to mail notices of outcome of provisional ballots to voters if the local canvass was held on the last day of the canvass period.

December 7 (30th day AED)

- Local political subdivisions no longer have to submit precinct-by-precinct returns to the Secretary of State.

December 17 (40th day AED)

- Last day of the period for mandatory office hours.

January 1, 2024

- First day that surveillance video of areas containing voted ballots from the November 7, 2023 election may be destroyed IF there is no unresolved election contest.
- Section 127.1232 provides that in counties with a population of 100,000 or more (or political subdivisions contracting with a county with a population of 100,000 or more), the general custodian of election records shall implement a video surveillance system that retains a record of all areas containing voted ballots: (1) from the time the voted ballots are delivered to the central counting station until the canvass of the precinct election returns; and (2) from the time the voted ballots are delivered to the signature verification committee or early voting ballot board until the canvass of precinct election returns. Video from the surveillance system shall be made available to the public by live stream. The recorded video is considered an election record and shall be retained by the general custodian until the end of the calendar year in which an election is held or until an election contest filed in the county has been resolved, whichever is later. (Sec. 127.1232). Tex. Sec'y of State Election Advisory No. 2022-10.

January 7, 2024 (61st day AED)

- First day ballot boxes may be unlocked and its voted ballots be transferred to another secure container for the remainder of the preservation period.
- HB 5180 (2023, R.S.) amended Section 1.012 of the Code, effective September 1, 2023, to provide that on the 61st day after election day, the general custodian of election records shall make the original voted ballots available for

public inspection. 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)). Proper redaction must take place prior to public inspection.

September 8, 2025 (day after 22 months after November 7, 2023, election)

- Ballot box contents may be destroyed if no contest or criminal investigation has arisen and if no open records request has been filed. NOTE: Election results must be permanently maintained in the election register. Candidate locations must be retained by the school board for two years after date of election.

- **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 Tex. Sec'y of State Election Advisory No. 2019-23.