

TEXAS SECRETARY of STATE

HOPE ANDRADE

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Election Advisory No. 2011-09

To: All County, City, School District, and Other Political
Subdivision Election Officials
From: Ann McGeehan, Director of Elections
Date: June 24, 2011
RE: Legislative Implementation of the federal Military and
Overseas Voter Empowerment Act and the Impact on the
Texas Election Calendar

To comply with the federal Military and Overseas Voter Empowerment Act (MOVE), the Texas Legislature enacted Senate Bill 100 (SB 100) in the 82nd Regular Session. This Advisory is intended to provide a basic summary and notice of the impact on the 2012 election calendar. SB 100 does not apply to the November 8, 2011 election. Our office will soon provide more detailed information concerning all the new requirements.

As required by MOVE, SB 100 enhances the voting process for military and overseas voters who may encounter obstacles and time delays with the standard vote by mail process. SB 100 requires ballots to be mailed or emailed to military and overseas voters no later than the 45th day before the election. This requirement applies to:

1. All elections in which a federal office appears on the ballot;
2. Elections to fill a vacancy in the state legislature, unless the election is an emergency or expedited; and
3. An election held jointly with an election described in (1) or (2).

In addition, SB 100 provides that a Federal Postcard Application is effective for a single calendar year instead of the previous effective period of two federal general elections.

The mandate to mail ballots 45 days before an election has a significant impact on the entire election calendar. For example, although primary elections will continue to be the first Tuesday in March, runoff primary elections are moved from the second Tuesday in April to the fourth Tuesday in May.

SB 100 also affects the May uniform election date which now falls between the March primary and the May primary runoff. Early voting for the primary runoff begins two days after the May uniform election date. SB 100 limits the May uniform election date in even-numbered years to only non-county elections. The May uniform election date in odd-numbered years is unaffected.

The deadlines to order elections and the deadlines to file an application for place on the ballot are also adjusted. Below is a summary of the new 2012 election dates and deadlines:

Deadline to file an application for place on the primary ballot	December 12, 2011
Deadline to conduct primary ballot drawing	December 20, 2011
Deadline to mail ballots to MOVE voters for primary	January 21, 2012
Primary Early Voting Period	February 21-March 2, 2012
Deadline to file an application for place on the May ballot	March 5, 2012
PRIMARY ELECTION DAY	March 6, 2012
Deadline to mail ballots to MOVE voters for runoff	April 7, 2012
May uniform election day early voting period	April 30 – May 8, 2012
MAY UNIFORM ELECTION DAY (Limited)	May 12, 2012
Primary Runoff Early Voting Period	May 14 – 18, 2012
PRIMARY Runoff Election Day	May 22, 2012

Cities, schools or other political subdivisions that hold a general election in May of even-numbered years are urged to contact their county election officials soon to determine if county election officials will be able to contract to either conduct the election or lease voting equipment in May of even-numbered years. County election officials are not required to contract to conduct elections in May of even-numbered years. Similarly, counties are not required to lease voting equipment if doing so jeopardizes the equipment's availability for county elections.

SB 100 does not require a political subdivision to change its general election date but it does allow a political subdivision to change to the November uniform election date or to May of an odd-numbered year. Consistent with legislative intent, the Office of the Secretary of State will likely adopt an administrative rule clarifying that a political subdivision may move its general election date from May of an even-numbered year to May of an odd-numbered year.

In addition, SB 100 contains the following provisions to facilitate a change in election date and/or a change to the term of office:

- A home rule city may pass a resolution to change the general election date or to provide for the election of all members of the governing body at the same election. The resolution supersedes any charter provision to the contrary.
- A school board may adopt a resolution no later than December 31, 2011 that changes the length of trustees' terms. The resolution must provide for staggered terms of either three or four years, and the transition must begin with the first regular election occurring after January 1, 2012.
- A general law municipality whose governing body serves one or three year terms or staggered terms may adopt a resolution no later than December 31, 2012, changing the length of term to two years or providing for the election of all members of the governing body at the same election.

- Any political subdivision that elects the members of its governing body to a term that consists of odd-numbered years may adopt a resolution no later than December 31, 2012, changing the length of the term to an even number of years.

While more detailed information is forthcoming, we wanted to alert you to the election calendar changes so that you can begin to assess the impact on your election calendar. If you have any questions or need additional information, please contact the [Elections Division](#) at 1-800-252-VOTE (8683).