

Q&A with the Elections Division  
February 28, 2024



# Important Dates

- **Thursday, February 29, 2024**

- **ABBM/FPCA**

- If an ABBM was faxed or emailed (or FPCA was faxed) by Friday, February 23, 2024, the voter must submit their original ABBM by this day.

- **Central Counting Station Plan**

- Section 127.007 of the Texas Election Code requires the manager of the central counting station (“CCS”) to “establish and implement a written plan for the orderly operation of the central counting station.”
- The CCS plan must be made available to the public on request no later than 5 p.m. on the 5th day before election day. For the current election, that deadline is Thursday, February 29, 2024.



# Wildfires and Natural Disasters

- Polling Place Closures
- Securing Voted Ballots, Chain of Custody
- Communicating with our Office



# Contingency Plans

- Communication Plans
- Polling Place Relocation
  - Communicate with SOS
- Election Day Activities
- Storage of Election Equipment
- Emergency Response



# Ostrewich Electioneering Litigation

- **February 2019:** Case filed in federal court – challenging Sections 61.003, 61.010, and 85.036 of the Code in the context of voters’ apparel during voting
- **September 2021:** District court entered final judgment – finding that Sections 61.003 and 85.036 infringed on First Amendment right to free speech
- **June 2023:** On appeal, the Fifth Circuit issued an opinion – upholding Sections 61.003, 61.010, and 85.036 in their entirety
- **January 2024:** The U.S. Supreme Court declined to review the case, effectively ending the litigation
- **End result:** All three electioneering provisions are in full force and effect



# Fleeing Voters

- If a voter leaves the polling place with their ballot, there is no legal authority for the voter to return to the polling place at a later time to deposit their ballot in the ballot box. [Election Advisory No. 2020-09](#) provides additional guidance related to fleeing voters.



# Counting Timeframes for Counties Over 100K

- Counties with a population over 100,000 may begin counting early voting ballots at the end of the period for early voting by personal appearance
  - May not produce a printed record of the results before the polls open on election day
- Counties with a population of less than 100,000 may not begin counting until the polls open on election day



## Delivery of Records at the End of EV

- Ballots and records from a branch EV location must be delivered by an election officer or designated law enforcement officer (Sec. 85.071)
- Poll watchers appointed to a branch location are entitled to observe the delivery process of those ballots and records from that location
  - If ballots and records are delivered to CCS, watchers who are appointed to CCS can also observe activities at CCS after delivery (Sec. 33.060)
  - If ballots and records are delivered to general custodian, general custodian has discretion to allow the poll watchers to observe activities in their office after delivery, but it is not an authorized location for watchers to be appointed and therefore it is not required





# Election Night Reporting Requirements

- Early Voting Returns **MUST** be reported at 7:00 pm (Sec. 68.034)
- Periodic Reporting of Results Required.
  - If only partial results are available, the Texas Election Code requires periodic reporting until result tabulation is completed.
- Communicate with our office if there are delays.



# SOS Availability

- **General Rule**
  - SOS Staff is available for assistance 8:00 am to 5:00 pm Monday through Friday on regular business days.
- **Extended Hours for this week (2/26 -3/1)**
  - SOS Staff available 8:00 am – 7:00 pm.
- **Election Day**
  - SOS Staff available beginning at 6:00 AM – ENR Activities



# Questions?

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