



Texas Secretary *of* State
ELECTIONS DIVISION



Canvassing and Post-Election Requirements



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Late Ballots



Late Ballots

Check your mailbox at 5:00 p.m. the next business day for late arriving mail ballots.

- Carrier envelope must be postmarked no later than 7:00 p.m. on election night.
- Don't forget that the mailbox must also be checked at 7:00 p.m. on election night.

Arrange with your EVBB to qualify and count late arriving ballots.



Deadlines for Late Ballots

For November 4, 2025 Election

Wednesday, November 5, 2025 at 5:00 pm is the receipt deadline for late domestic ballots (those mailed within the United States requested by ABBM and postmarked not later than 7:00 PM at the location of the election on election day).

Monday, November 10, 2025 is the receipt and cure deadline for:

- Ballots from overseas voters who submitted an ABBM (those mailed within the United States after an ABBM and postmarked not later than 7:00 PM at the location of the election on election day). (Rolled forward from Sunday Nov. 9)
- Non-military (overseas) FPCA voters. (Rolled forward from Sunday Nov. 9)
- Military FPCA voters, whether domestic or overseas. No postmark is needed.
- Provisional ballots can be cured up to this date.
- Voters have up until this date to correct mail ballots with defective carrier envelopes.



Deadline for EVBB to Convene

Thursday, November 13, 2025 (9th day after election day)

- Early Voting Ballot Board must have processed and counted all qualified:
 - ABBM ballots
 - FPCA ballots
 - Provisional Ballots
 - Corrected Mail Ballots



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Reconvening of Central Counting Station



Reconvening of Central Counting Station

The presiding judge of the central counting station is required to provide and attest to a written reconciliation of votes and voters at the close of tabulation for election day and again after the central counting station meets for the last time to process late-arriving ballots by mail and provisional ballots. [§ 127.131] This is our form 12-2.

- Please keep Reconciliation forms on the website until the next election at a minimum
- Remember the two-click rule
- Ensure that the information is available throughout the 22 month retention period
- If it is feasible, make older election results available



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Canvassing Elections



Canvassing Elections

The “canvass” – is the official tabulation of the votes cast in an election

Unavoidable duty

Also called a “mandatory” or “ministerial” duty



Who Conducts the Canvass?

Political Subdivision's Governing Body – for an election ordered by an authority of a political subdivision (other than a county).

Commissioners Court – for an election ordered by the governor or by a county authority.

- [§ 67.002]



Time for Local Canvass

Under TEC 67.003, the canvass must occur within a date range after the election, and **after** all ballots that should be counted are counted.

Remember that some ballots that arrive or are accepted **after** election day should be counted.

Who sets the time and date of the canvass within the accepted range?

- The canvassing authority's **presiding officer**.
- Usually mayor for city council, county judge for commissioners court



TEC 67.003: Date Range for Local Canvass

The earliest day for a canvass in any election is the **3rd** day after Election Day (if all ballots that could be validly counted are counted).

Latest Day to Canvass in November Odd Numbered Years and May Elections: No later than the **11th day** after Election Day.

Latest day to canvass an election held on the date of the general election for state and county officers (November of an even numbered year): the **14th** day after Election Day. This does not apply in 2025.



Ballots that Arrive after Election Day

Each local canvassing authority shall canvass, not earlier than the **later** of

- The third day after Election Day;
- The date on which the early voting ballot board has verified and counted all provisional ballots, if a provisional ballot has been cast in the election;
- The date on which all timely received ballots cast from addresses outside of the United States are counted, if a ballot to be voted by mail in the election was provided to a person outside of the United States; and
- Ballots received in defective and corrected carrier envelopes must also be counted.
- [§ 67.003]



Upcoming Election: Date for Local Canvass

Friday, November 7, 2025
(3rd day after Election Day)*

Through

Monday, November 17, 2025
(13th day after Election Day)

Because the last day falls on Saturday, November 15, 2025, the deadline is extended to Monday, November 17, 2025. (Secs. 1.006, 67.003).

*If no outstanding military, overseas, provisional ballots, or ballots contained in defective carrier envelopes that were or could be corrected by voters remain to be counted.



Canvass Meeting

Procedures for ordering, posting notice & conducting the canvass meeting should comply with Texas Open Meetings Act (Chapter 551, Texas Government Code)

The canvass is an open meeting

Two members of the authority constitute a quorum for purposes of canvassing an election [§ 67.004]

Two or more members of the governing body may perform the Election-Code based duties of the presiding officer if the office is vacant or the presiding officer fails to perform the duty unless:

- a single member of the governing body designated by law to act in place of the presiding officer performs the duty; or
- TEC specifies that the duty is to be performed by another authority acting in place of the presiding officer. [§ 31.121]



New Law: Notice for Meetings (Including Canvass)

House Bill 1522 Effective September 1, 2025: Modified notice requirements for meetings conducted under the open meetings law.

Requires posting notice **at least three business days** before date of scheduled meeting.

New requirements for meetings where a governmental body will discuss or adopt a budget.

- Statutes Affected: Government Code § 551.043



Canvass Procedure TEC 67.004

Open returns for each precinct. The canvassing authority must prepare a tabulation stating, for each candidate, and for and against each measure:

- (1) the total number of votes received in each precinct; and
- (2) the sum of the precinct totals tabulated under Subdivision (1)

The tabulation must also include, for each precinct, the total number of voters who cast a ballot for a candidate or for or against a measure in the election.



Political Subdivisions Using Paper Ballots

The precinct returns may be compared with the corresponding tally lists.

If a discrepancy is discovered between the vote totals shown on the returns and those shown on the tally list for a precinct, the presiding judge of the precinct shall examine the returns and tally list and make the necessary corrections on the returns.

(§ 67.004)



Political Subdivisions Using Electronic Voting Systems

Automatic tabulating equipment produces one set of election returns.

Canvassing authority has no tally lists to compare, but they still must prepare a tabulation of the precinct returns.

(§ 67.004)



Canvassing: After Tabulation

The Presiding Officer shall deliver:

- the tabulation to the custodian of the local election register unless it is entered directly in the election register.
- [§ 67.004(e)]
- The precinct returns, tally lists, and early voting precinct report used in the canvass to the custodian of election records.
- [§ 67.004(f)]

The presiding officer of the canvassing authority shall note the completion of the canvass in the minutes or in the recording required by Section 551.021 of the Government Code.



Activities Prohibited at Canvass

The canvassing authority may **not** open ballot boxes

May **not** recount ballots

May **not** compare the poll list with return sheet

[§ 67.004]



Effect of Recount on Canvass

If a recount is filed, it does **not** stop the canvass meeting. [Sec. 212.033]

- Canvassing authority must make a note on the canvass that a recount has been requested.

Recount **does halt** issuance of Certificate of Election.
[212.0331]



Tied Vote in a Plurality Race

When there is a tie after the canvass, such that you cannot determine the winner(s), the tie can be resolved by:

- sworn withdrawal;
- casting of lots;
- automatic recount; or

There must a second election.



Resolving a Tie Without a Second Election

The candidates may agree to cast lots [§ 2.002(f)]

- The agreement must be in writing and filed with the authority responsible for ordering the election
- The ordering authority (or its presiding officer, if it's a body) supervises casting of lots

One candidate may withdraw [§ 2.002(g)]

- A tied candidate may withdraw by a sworn written statement filed with the authority responsible for ordering election
- The remaining candidate is the winner and no casting of lots or second election is held



Resolving a Tie Without a Second Election Continued

If the tie is not resolved through a withdrawal or a casting of lots, then there is an automatic recount.

If a recount does not resolve a tie, the tied candidates may (1) cast lots not later than the day before the date the authority must order the second election; or (2) withdraw from the election by sworn withdrawal not later than 5 p.m. of the day after the date the recount is held.

[§ 2.002]



Ordering the Second Election

- Not later than the fifth day after the date the automatic recount is completed (or the final canvass following the automatic recount is completed, if applicable) the authority responsible for ordering the first election shall order the second election
- The second election shall be held not earlier than the 20th day or later than the 45th day after the date the automatic recount (or the final canvass following the automatic recount) is completed
- The order of the candidates' names on the second-election ballot is the relative order of names on the original ballot—there is no need to do a new drawing
[§ 2.002]



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Qualifying for Office



Order of Events After the Election

We recommend that post-election procedures occur in the following sequence:

- Election is canvassed at an open meeting.
- Certificate of Election is issued to newly-elected officers.
- Statement of Officer is completed (to be filed locally).
- Newly elected officers take the Oath of Office.
- After taking the Oath of Office, newly sworn officers may assume the duties of their office.



Certificate of Election

The presiding officer of the local canvassing authority prepares the certificate for each candidate who is elected to an office for which the official result is determined by that authority's canvass. (Sec. 67.016)

Who is the presiding officer of the canvassing authority?

- Municipal elections: Mayor
- County elections: County Judge
- Primary elections: County Chair
- All other political subdivisions elections: Board President



Contents of Certificate of Election

What does the Certificate of Election contain?

- The candidate's name;
- The office to which the candidate is elected;
- A statement that the candidate has been elected to an unexpired term, if applicable;
- The date of election;
- Signature of the officer preparing the certificate;
- Any seal used by the officer preparing the certificate to authenticate documents that the officer executes or certifies. [Sec. 67.016]



Certificate of Election

Note: A sample Certificate-of-Election form is available online. Entities may also use this as a model to make their own.

- Form 23-1
- We recommend that the presiding officer issue the Certificate of Election **at** the canvass meeting.



Type A Cities

Under Sec. 22.006 of the Local Government Code, a newly elected municipal officer of a Type A city may exercise the duties of office beginning on the **fifth** day after the date of the election, excluding Sundays.

That is Monday, November 10, 2025 (first business day after 5th day after election day)



Certificate of Elections: Canceled Elections

November 7, 2025

Note that under Sec. 2.053(e), the Certificate of Election “shall be issued to each candidate in the same manner and at the same time as provided for a candidate elected at the election.”

So for cancelled elections, the first day candidates can receive the Certificate of Election and take office is the first possible canvass day, **Friday, November 7, 2025** (with a few exceptions, such as Type-A cities)



Statement of Officer

Before an elected (or appointed) officer may assume the duties of the office, the officer must first file a Statement of Officer with the official records of the governing body. [Tex. Const. Art. XVI, § 1].

Statement of Officer: Form 23-3

Filing Authority:

- For district and state officers: Secretary of State
- For county and precinct offices: County Clerk
- For city officers: City Secretary
- For all other elections: Custodian of Election Records



Oath of Office

All elected or appointed officers shall take the Oath of Office before they begin their duties. [Tex. Const. Art. XVI, § 1]

Who can administer the oath? A partial list:

- A judge, clerk, or commissioner of a court of record; justice of the peace, or clerk of a justice court;
- The secretary or clerk of a municipality in a matter pertaining to the official business of the municipality;
- A notary public;
- A member of the legislature or a retired legislator;
- A judge, retired judge, or clerk of municipal court.

Full list is in Chapter 602 of the Government Code



Oath of Office: Water Districts

NOTE: Special procedures apply to a newly elected director of a water district governed by Chapters 36 or 49 of the Texas Water Code. A duplicate original of the oath shall also be filed with the Secretary of State within 10 days after its execution and need not be filed before the new director begins to perform the duties of office. (Tex. Water Code § 36.055, 49.055).



Warning for Type A Cities

In a Type A city, the office is vacant if the officer is not sworn in by the 30th day after election day.

Thus, timely swearing in is critical for a Type A city official (§22.007, Local Government Code)

The 30th day after is Thursday, December 4, 2025



Bond

If a bond is required, the bond **must** be executed before the officer assumes their duties.

- **Water Districts:** Officers must execute a bond for \$10,000 payable to the district. (Water Code, Sec. 49.055(c)).
- **Type C municipalities:** Mayor and Commissioners must execute a bond for \$3,000 payable to the municipality. (Loc. Gov't Code, Sec. 24.024).
- Section 22.072 of the Local Government Code states that **Type A cities** have authority to require a bond.



Holdover

- Until the new officers are qualified, the old members of the governing body hold over and continue to perform the duties of their office.

[Tex. Const. Art. XVI, § 17].



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Posting Results and Reporting Requirements



Posting Requirements: Web Posting

TEC section 65.016 set outs the web-posting requirements for election results.

- If a county contracts with a local entity to provide election services, **both** the county and the local entity must post.
- Information should be posted as soon as practicable after the election and must be accessible without having to make more than two selections (clicks) or view more than two network locations after accessing the home page.



Reporting Requirements: Web Postings

Required information on websites:

- the results of each election;
- the total number of votes cast;
- the total number of votes cast for each candidate or for or against each measure;
- the total number of votes cast by personal appearance on election day;
- the total number of votes cast by personal appearance or mail during the early voting period; and
- the total number of counted and uncounted provisional ballots cast.

TEC § 65.016



New Law: Bond Election Reporting

House Bill 3526 effective September 1, 2025: Requires a local government to submit a report to the Bond Review Board that includes certain information not later than 20th day after election day.

Questions on reporting requirements?
Contact the Bond Review Board:

- Website: <https://www.brb.texas.gov/>
- Phone: (512) 463-1741



NEW LAW: HB 521 Curbside Voting and Assistant Procedures

Requires that curbside voters execute a form attesting that they are physically unable to enter the polling place

Please see our Advisory No. 2025-12 for a full description

See Form 7-66 Curbside Voter Statement

Completed forms must be delivered to the Secretary of State as soon as practicable.

Send the forms to elections@sos.texas.gov.



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NEW LAW: HB 521 Curbside Voting and Assistant Procedures

When curbside voters are given transportation by another person, election officers must ask the person providing transportation whether they have assisted seven or more curbside voters during entire voting period (early voting and election day combined) by transporting them to vote curbside.

An updated version of Form 7-65 (Information of Person Who Provided Transportation to a Total of Seven or More Curbside Voters During Early Voting and Election Day) is in the [Election Forms Index](#).

Completed forms must be delivered to the Secretary of State as soon as practicable.



NEW LAW HB 521: Assistance Reporting

Requires election officers to complete an assistance form when assisting a voter.

HB 521 provides that not later than the 30th day after the date of the election, the county election official shall report to the Secretary of State information regarding **any individuals, including election workers**, who assisted a total of seven or more voters during the early voting period and on election day. The information required:

- The name and address of the person assisting the voter;
 - The relationship to the voter of the person assisting the voter; and
 - Whether the person assisting the voter received or accepted any form of compensation or other benefit from a candidate, campaign, or political committee.
- See Form 7-67 Election Worker Assistance Sheet
- Submit these forms to elections@sos.texas.gov.



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Post-Election Hand Count Audit (or, the audit formerly known as the PMC)



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New Law: Senate Bill 827 Post-Election Hand Count Audit

Renames Partial Manual Count to the Post-Election Hand Count Audit.

Requires hand count audit of early voting locations and election day locations to be conducted by polling location rather than by precinct.

- Still requires ballots by mail to be counted by precinct.

Count will be conducted in at least one percent of election day polling locations and early voting locations, or in three locations, whichever is greater.

For ballots by mail, count will be performed for at least one percent of the precincts in which a ballot by mail was cast, or in three precincts, whichever is greater.

Requires general custodian to designate members of the early voting ballot board to perform hand count audit.



Post-Election Hand Count Audit

Senate Bill 827 (Cont.)

Authorizes general custodian to select additional precincts and polling places for the hand count audit.

Watcher appointed must satisfy same eligibility requirements under Chapter 33 of the Election Code.

General custodian must post the results on county's Internet website.



Post-Election Hand Count Audit For Nov. 4, 2025

Friday, November 7, 2025 (72 hours after election day) is the last day to **begin** the PEHCA for entities using electronic voting systems for the counting of ballots (Sec. 127.201)

Tuesday, November 25, 2025 (21st day after election day) the count must be completed.

REMINDER: SB 827 provides that by the third day after the count is completed, the general custodian must deliver written results to the Secretary of State **and post the results on the county's website** in the same location that the county provides information on election returns and election results. (Sec. 127.201(e)).



PEHCA Training

We will have a webinar on the PEHCA on this upcoming Thursday, October 16, 2025, so please log in.

PEHCA advisory and handbook coming soon.



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Preserving Records



Voted-Ballot Security

During the preservation period, the voted ballots must be preserved securely in a locked ballot box inside a locked room for at least 60 days. [§ 66.058]

- After 60 days, the general custodian of records may transfer voted ballots to another secure container for the remainder of the preservation period.



Valid Reasons to Open the Ballot Box

The ballot box with voted ballots may only be opened to:

- complete PEHCA, if required;
- comply with a court order;
- complete official request for a recount; or
- after 60 days, transfer the ballots.

If an authorized entry is made into a ballot box during the preservation period, the box or container shall be relocked or re-secured, and the box and key or secure container returned to the custodian. [§ 66.058]



Voted-Ballot Access: Sec. 1.012

Images of voted ballots (if maintained) and cast vote records shall be made available for public inspection beginning on the first day after the final canvass of an election is completed.

On the 61st day after election day, the general custodian of election records shall make the **original** voted ballots available for public inspection.

The OAG hotline for Public Information Act is (877) OPEN-TEX (673-6839).

Please see our advisories on voter privacy (Advisory No. 2024-20) and public inspection of ballots (Advisory No. 2024-05)



Available Support



WEBINARS



TRAINING



RESOURCES

elections@sos.texas.gov

800-252-VOTE • 512-463-5650

sos.texas.gov