

# CHAPTER 11

## BRANCH EARLY VOTING LOCATIONS

### SECTION A: PERMANENT BRANCHES [SEC. 85.061]

#### COUNTY

In a countywide election for which the county clerk is required to be the early voting clerk, an early polling place is located at each of the clerk's permanent branches unless the commissioners court establishes a temporary branch and provides that the permanent branch is not to be used.

#### CITY/SCHOOL/OTHER POLITICAL SUBDIVISION

Not applicable in City, School, or Other Political Subdivision elections.

### SECTION B: TEMPORARY BRANCHES [SEC. 85.062]

#### COUNTY

1. Commissioners court may establish temporary branch early voting places in any election.
2. In a primary election or the general election for state and county officers, the commissioners court in a county with more than 100,000 population must establish a minimum number of branch early voting locations, as follows:
  - a. in a county with a population of 400,000 or more, at least one branch polling place in each state representative district; and
  - b. in a county with a population between 100,000 and 400,000, at least one branch polling place in each commissioners precinct.
3. In a special election to fill a vacancy in the office of state representative, state senator, or United States representative, the commissioners court of a county with 100,000 or more population must establish a minimum number of branch early voting locations, as follows:
  - a. in a county with a population of 400,000 or more, at least one branch polling place in the affected state representative district, senate district, or congressional district; and
  - b. in a county with a population between 100,000 and 400,000, at least one branch polling place in each commissioners precinct containing territory covered by the election.

#### CITY/SCHOOL/OTHER POLITICAL SUBDIVISION [SEC. 85.062]

1. Governing body may establish temporary branch early voting places in any election.
2. Branch location may be in a permanent building or temporary building.

3. Branch location is not required to be in a building owned by political subdivision.

## SECTION C: DAYS AND HOURS

### COUNTY

1. Permanent branch [Sec. 85.063]
  - a. same as main early polling place
2. Mandatory temporary branch in county with more than 100,000 or more population
  - a. same number of hours as at main early polling place, including extended weekday and weekend hours [Sec. 85.064(b)]
3. Non-mandatory temporary branch in county with 100,000 or more population [Sec. 85.064]
  - a. Voting may be conducted on any one or more days and during any hours of early voting period.
  - b. Authority authorized to order Saturday and Sunday early voting may order early voting on Saturday or Sunday at any one or more of the temporary branches.
4. Temporary branch in county with a population less than 100,000 [Sec. 85.065]
  - a. Voting may be conducted on any one or more days and during any hours of the early voting period.
  - b. Authority authorized to order Saturday and Sunday early voting may order early voting on Saturday or Sunday at any one or more of the temporary branches.

### CITY/SCHOOL/OTHER POLITICAL SUBDIVISION

1. Any day during the period for early voting.
2. Any hours during the period for early voting.

## SECTION D: WHO CAN VOTE AT AN EARLY VOTING LOCATION? [SEC. 85.066]

### COUNTY

1. General rule: Any voter can vote early at any branch early voting location
2. For a countywide election in a county with a population of more than 2.5 million (Harris County) and a primary election in a county with a population of more than 1 million (Harris, Dallas, Bexar, and Tarrant Counties), commissioners court may limit voting to voters of particular state representative districts

- a. Must serve substantially equal numbers of voters.
- b. Maximum of four groups of state representative districts may be established.

#### CITY/SCHOOL/OTHER POLITICAL SUBDIVISION

Any voter can vote early at any branch early voting location.

#### SECTION E: NOTICE OF BRANCH EARLY VOTING [SEC. 85.067]

1. Must be posted on the bulletin board used for posting notices of meetings of the governing body for 5 days before early voting by personal appearance begins.  
  
May be amended after 5th day before early voting begins to include notice of additional temporary branch.  
  
Amendment must be made no later than 5th day before voting will begin at the additional temporary branch.
2. Must give:  
  
location of each branch polling place; and  
  
dates and hours of operation.

#### SECTION F: APPOINTMENT OF DEPUTY CLERK [SEC. 85.069]

1. Early voting clerk must appoint at least one deputy to supervise each branch early polling place.

#### SECTION G: COMBINATION FORMS

1. Applications (Combination Form) submitted at a branch must be delivered to the main early polling place no later than 1:00 p.m. of the day following the day they were received at the branch. [SEC. 85.070]
2. If voting at a branch is conducted for 2 hours at one location and then "moved" for voting at another location, a new combination form must be started to reflect applications received at each location.

#### SECTION H: BALLOTS [SEC. 85.071]

1. Voted ballots may be retained at branch location in locked room not accessible to anyone else, or
2. delivered by election officers or law enforcement officers to the main early polling place at the end of each day's voting.
3. Same rule applies for unvoted ballots, but different container.

## SECTION I: SECURITY [SEC. 85.032]

1. Ballot box is double-locked (two locks with two different keys).
2. Early voting clerk keeps key to one lock; key to second lock goes to person who gets the keys to the ballot boxes used on election day.
3. Ballot box must also be sealed with a numbered wire seal through the hasp and numbered paper seals over the slot.
4. Ballot box must be kept in a safe place overnight.
5. Voting machine must be secured at the close of each day's voting.
6. Ballot box must be inactivated when voting is completed at the branch location.

EXCEPTION: If the early voting clerk will be conducting early voting at a branch location for less than the full early voting period ("mobile voting") then separate ballot boxes are not required. For example, if the early voting clerk conducts two hours of early voting at the supermarket and then moves down the street to conduct two hours of early voting at the community center, then only one ballot box is required. However, new combination forms, register of official ballots, and other forms must be maintained for each branch location.

## SECTION J: CURBSIDE VOTING [SEC. 85.034]

1. Election official may carry ballot to a disabled voter at the curb.
2. Use mail ballot and ballot envelope.
3. Voter seals ballot in envelope and gives to clerk for deposit in ballot box.
4. Clerk must indicate on envelope that voter voted under this procedure before placing envelope in ballot box.

## SECTION K: ASSISTANCE TO VOTER [SEC. 85.035]

Procedure is same as on election day except one election official (instead of two) may assist.

## SECTION L: ELECTIONEERING [SEC. 85.036]

1. Electioneering is prohibited:
  - a. for a building that is also used as a precinct polling place, within 100 feet of any outside door through which a voter may enter the building; and
  - b. for any other structure, within 30 feet of the entrance to the voting area.
2. Persons who are not expressly permitted to be in polling place are excluded to the extent practicable. [Sec. 85.062(b)]

## SECTION M: BRANCH DAILY REGISTER [SEC. 85.072]

1. A separate register must be kept for each branch regardless of the length of time the branch is open for operation.
2. Shows who voted at branch that day.
3. Name, address, voter registration number, precinct.
4. Delivered to early clerk at end of each day.
5. Preserved for period for retaining election records.
6. Copy kept at branch.