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Jane Nelson
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ELECTION ADVISORY **NO. 2025-10**

TO: Election Officials

FROM: Christina Worrell Adkins, Director of Elections *CWA*

DATE: August 6, 2025

RE: Bill Summary of Senate Bill 2753

Senate Bill 2753 ("SB 2753"), as enacted by the 89th Legislature (R.S.), eliminates the four-day gap between the end of the early voting period and election day. The bill also makes several conforming changes to provisions relating to the reporting of results, the days and hours for early voting, transfer of ballot boxes, and electronic voting systems.

These provisions will apply to elections ordered after the Secretary of State's Office publishes a report and procedures relating to the implementation of SB 2753. **This summary does not serve as the report that the Secretary of State is required to publish under SB 2753**, but it is designed to assist counties, local entities, and interested parties in understanding the requirements of SB 2753.

The purpose of this document is to summarize the requirements of SB 2753 and the procedural changes relating to the implementation of those requirements. This summary is designed to assist counties, local entities, and interested parties in identifying procedures and challenges that will need to be addressed in the Secretary of State's report on the implementation of SB 2753.

All statutory references in this document are to the Texas Election Code ("the Code"), unless otherwise indicated.

Executive Summary

The primary impact of SB 2753 is to eliminate the four-day gap between the end of early voting in person and election day. There are several related changes made by the bill to implement these requirements. These changes are discussed in more detail throughout this document, but largely consist of the following:

- Early voting for most elections will begin on the 12th day before election day and end on the day before election day. There will still be a shorter early voting period for May elections, primary runoff elections, and legislative vacancy runoffs.
- Early voting must be conducted at the main location and at branch locations for each day of the early voting period, including Saturdays, Sundays, and holidays.
- Election results must now be reported by precinct, and separately reported by polling location. However, results by polling location should **not** be broken down by precinct, to protect a voter's right to a secret ballot.
- Early voting results and election day results are no longer separately reported, and both election day and early voting will be reported in a single category as in-person results. Voting by mail results will still be reported separately from in-person results.
- Any location that is designated as an early voting location will also have to be used as an election day location. However, the authority conducting the election can still use fewer locations for early voting than are required for election day, and on election day the authority can establish additional election day-only locations that were not originally used as early voting locations.
- When a location is used for both early voting and election day, the entity can use the same set of voting system equipment for both early voting and election day. In that situation, officials would print a zero tape at the start of early voting, and a results tape after the polls close on election day. The ballot box will include both the early voting ballots and the election day ballots together, since they are reported together as in-person results.
- Voting system equipment that is used in early voting may now be used on election day. Due to the changes in results reporting and the fact that early voting and election day ballots are now stored together and reported together, transitioning from early voting to election day at a polling place will not require any equipment changes in most situations.
- When a location is used for both early voting and election day, two keys are required for the early voting ballot box, while only one key is required for the ballot box on election day. The authority conducting the election has several different options for how to ensure that the presiding judge can access the ballot box on election day without requiring the second keyholder to be present.
- If the authority is hand-counting their ballots, then early voting ballots and election day ballots are stored in separate ballot boxes. The ballots from early voting will be delivered to the early voting ballot board for counting, and the election day ballots will remain at the polling place to be counted by the election judges and clerks at that location.

- Early voting in-person ballots and election day ballots will be counted after the polls close on election day, and will be reported together as in-person results. Ballots by mail can be counted after the polls open on election day (for counties with a population under 100,000) or beginning on the fourth day before election day (for counties with a population of 100,000 or more).
- Combination of election precincts is authorized in the same manner as in Senate Bill 985 (89th R.S.), which will be addressed in a separate forthcoming advisory.
- The requirements of SB 2753 will not go into effect until the Secretary of State's Office publishes a report and prescribes procedures on the implementation of the bill. Our office will release that report at a future date after consulting with counties, local entities, and other relevant parties about the necessary procedures for implementation of this bill.

We address each of these requirements in more detail below.

Early Voting Dates and Hours

SB 2753 modifies the dates of the early voting period, and establishes certain required hours for early voting.

At the bottom of this memo (in Appendix A), there are example calendars that outline the changes in required dates and hours for several upcoming elections.

Major points:

- The gap between early voting and election day is eliminated, and early voting will end on the day before election day.
- The dates of the early voting period for each type of election are changed:
 - **Default Rule (including November Elections, Runoffs Resulting from November Elections, and March Primary)**
 - 12th day before election day to the day before election day.
 - **May Elections and Runoffs Resulting from May Elections**
 - 9th day before election day to the day before election day.
 - **Primary Runoff / Legislative Vacancy Runoffs**
 - 10th day before election day to the day before election day.
- Early voting is conducted on weekends and holidays.
- Extended early voting hours are required at the Main Early Voting Location for November Elections (General and Constitutional Amendment), Primary Elections, and Legislative Vacancy Elections:
 - 12 hours on each of the last four days, except 9 hours on Sunday.
 - This requirement applies regardless of the county's population size.

Early Voting Dates

SB 2753 eliminates the four-day gap between the end of the early voting period and election day and instead creates one continuous voting period.

As a result, for most elections, early voting by personal appearance will begin on the 12th day before election day and continue through the day before election day, including weekends and holidays. (Sec. 85.001(a))

For elections held on the uniform election date in May, and any resulting runoff from the May election, early voting by personal appearance begins on the 9th day before election day and continues through the day before election day, including weekends and holidays. (Sec. 85.001(e))

For primary runoff elections and runoff elections to fill legislative vacancies, early voting by personal appearance begins on the 10th day before election day and continues through the day before election day, including weekends and holidays. (Sec. 85.001(a)-(b))

However, for all elections, if the date scheduled for the **first day** of the early voting period is a Saturday, Sunday, or legal state holiday, then the early voting period will instead begin on the next regular business day. (Sec. 85.001(c))

Early Voting Hours at the Main Early Voting Location for Counties

SB 2753 does not modify the general requirements for early voting hours at the main early voting location for elections where the county election officer is serving as the early voting clerk. In general, early voting must be conducted each day of the early voting period for at least 9 hours each day. Voting may not be conducted earlier than 6:00 AM or later than 10:00 PM. (Sec. 85.005(a))

However, under SB 2753, early voting is now required on weekends and holidays, so early voting at the main location must also be conducted for at least 9 hours on those days, unless extended hours are required for a specific type of election. (Sec. 85.005(a))

SB 2753 requires extended early voting hours for certain days of the early voting period at the main location for November Elections (General and Constitutional Amendment), Primary Elections, and Legislative Vacancy Elections. Specifically, in those elections, early voting must be conducted for 12 consecutive hours on each of the last four days of the early voting period, except that only 9 consecutive hours of early voting are required on Sunday. Voting may not be conducted earlier than 6:00 AM or later than 10:00 PM. (Sec. 85.005(c))

Early Voting Hours at the Main Early Voting Location for Local Entities (Not Counties)

SB 2753 does not modify the general requirements for early voting hours at the main early voting location for elections where a local entity's election officer is serving as the early voting clerk. In general, early voting must be conducted each day of the early voting period for at least 9 hours

each day, or for 4 hours each day if the territory covered by the election has fewer than 1,000 registered voters. (Sec. 85.005(b))

However, under SB 2753, early voting is now required on weekends and holidays, so early voting at the main location must also be conducted for at least 9 hours on those days, or for 4 hours each day if the territory covered by the election has fewer than 1,000 registered voters. (Sec. 85.005(b))

If the local entity is contracting with the county and the county is serving as the entity's early voting clerk, then the local entity will follow the county's early voting hours.

Early Voting Hours at Temporary Branch Locations for Counties

SB 2753 does not modify the general requirements for early voting hours at temporary branch early voting locations for elections where the county election officer is serving as the early voting clerk. In general, early voting must be conducted each day of the early voting period for at least 8 hours each day. (Sec. 85.064(b))

However, under SB 2753, early voting is now required on weekends and holidays, so early voting at the temporary branch locations must also be conducted for at least 8 hours on those days. (Secs. 85.005(a), 85.064(b))

Early Voting Hours at Temporary Branch Locations for Local Entities (Not Counties)

SB 2753 does not modify the general requirements for early voting hours at temporary branch early voting locations for elections where a local entity's election officer is serving as the early voting clerk. In general, early voting must be conducted each day of the early voting period for at least 8 hours each day, or for at least 3 hours each day if the early voting clerk is not a city secretary and the territory covered by the election has fewer than 1,000 registered voters. (Sec. 85.064(b))

However, under SB 2753, early voting is now required on weekends and holidays, so early voting at the temporary branch locations must also be conducted for at least 8 hours on those days, or for at least 3 hours each day if the early voting clerk is not a city secretary and the territory covered by the election has fewer than 1,000 registered voters. (Secs. 85.005(b), 85.064(b))

If the local entity is contracting with the county and the county is serving as the entity's early voting clerk, then the local entity will follow the county's early voting hours.

Early Voting Hours at Permanent Branch Locations

If an entity has permanent branch early voting locations, the permanent branch location must have the same early voting dates and hours as the main early voting location, including any extended voting hours. (Sec. 85.063)

Under SB 2753, this means that early voting at branch locations will also be conducted on weekends and holidays, and for the same hours (including extended hours) that voting is conducted at the main early voting location. (Secs. 85.005(a) & (b), 85.063)

Polling Place Selection

SB 2753 requires any location that is used as an early voting location, including the main early voting location, to also be used as an election day location. However, additional election day-only locations can be established to meet the minimum number of required locations for election day. This means that some locations will be used for both early voting and election day, and there may be some that will be used for election day only. However, a location cannot be used for early voting only.

Under SB 2753, the existing requirements for the number of polling places and the distribution of those polling places for early voting and election day will generally remain the same. However, because SB 2753 requires any location that is used as an early voting location to also be used as an election day location, election officials will need to be mindful of the requirements for election day locations when setting up their early voting locations.

Major points:

- All early voting locations, including the main early voting location, must also be designated as election day polling places.
- Early voting and election day results are reported together as in-person results. If ballots are counted using a voting system, this means that the same voting system equipment and ballot boxes can be used for both early voting and election day.
- The law generally requires more election day polling places than early voting locations, so there will likely be several election day-only polling places.
- Counties should be mindful of the rules governing the placement of election day polling places when selecting their early voting locations.

General Rules for Selecting Early Voting Locations

For most elections, a main early voting location must be established, and the commissioners court (or governing body of the political subdivision) may establish additional branch early voting locations as needed for the conduct of the election. If the early voting clerk has a satellite office, that location must also be designated as a permanent branch early voting location. (Secs. 85.002, 85.061, 85.062)

For the general election for state and county officers (November of even-numbered years), a primary election or primary runoff election, or a special election to fill a legislative or congressional vacancy, the Election Code requires the commissioners court to establish a main early voting location and a certain number of branch early voting locations, depending on the population size of the county:

County Population Size	Required Branch Early Voting Locations
400,000 or more	At least one in each state representative District
120,000 – 399,999	At least one in each commissioners precinct
100,000 – 119,999	In a specific county election precinct, if a petition is received from 15 registered voters of that precinct; otherwise may establish as needed
Less than 100,000	None required, but may establish as needed

(Sec. 85.062(d))

In general, when determining the number of early voting locations and where to place them, the authority conducting the election should ensure that the locations are distributed in a way that adequately serves the needs of the jurisdiction's voters.

Because those early voting locations must also be used as election day locations under SB 2753, the authority conducting the election should also consider the rules for placement of election day locations when determining where to place any early voting locations.

General Rules for Selecting Early Voting Locations – Local Entities

In May elections, local entities generally have discretion to establish their own early voting locations as needed for the conduct of their election. (Sec. 85.062)

However, if the entity is conducting an election on the November uniform election date, the entity must use at least one of the county's early voting locations located within the entity's territory for early voting. Local entities must also use each of the county's regular polling places on election day. (Secs. 42.0621, 85.010)

Due to the changes in SB 2753, local entities conducting an election on the November uniform election date can no longer establish their own separate early voting locations from the county unless that location will be used as one of the county's election day locations. Because those entities must use the same election day locations as the county, and because early voting locations must also be used as election day polling places, there is no longer a mechanism for local entities to use their own separate location during the early voting period for a November election if it is not used by the county on election day.

Local entities conducting November elections should consider contracting with their county, or must coordinate closely with the county on the polling locations that will be selected.

General Rules for Selecting Election Day Locations – Precinct-Based Counties

For precinct-based counties, the Election Code requires one polling place per county election precinct. Each precinct must have a polling place located within the boundaries of that precinct. (Sec. 43.001)

However, the Election Code provides mechanisms for multiple county election precincts to be served by a single polling place in certain situations. These mechanisms can be used to reduce the total number of polling locations required for an election by having multiple precincts served by a single polling location.

Combination is available for all elections, depending on the number of registered voters located within each precinct that is being combined, or depending on the availability of a suitable building that can be used as a polling place. (Sec. 42.0051)

Consolidation is also available for primary elections and for special elections in which the use of county election precincts are required (such as the constitutional amendment election or a county-ordered measure election). (Secs. 42.008, 42.009)

Combination and consolidation of precincts have specific rules and procedures for when they may be used and how the records and results from each precinct are reported. Our office will be releasing a forthcoming advisory on the legislative changes made by Senate Bill 985 (89th R.S.) and the procedures relating to combination and consolidation of precincts.

When considering where to place early voting locations under SB 2753, a county that uses precinct-based voting must avoid placing multiple early voting locations in the territory of a single precinct, or placing multiple early voting locations in the territory of multiple precincts that will be combined or consolidated to be a single precinct on election day.

General Rules for Selecting Election Day Locations – Countywide Counties

For countywide counties, the Election Code requires counties to use a specific methodology to determine the required number of polling places and the placement of those polling places. (Sec. 43.007(f) & (m))

For the number of polling places, a countywide county would start by looking at the number of polling places they would need to use if they were conducting a precinct-based election. In general, this will be equal to the number of county election precincts in the county. The county may reduce this number through the use of combination or consolidation, which are described in more detail above.

For a county that is enrolled in the countywide polling place program for their first year in the program, the county will need to have a number of polling places equal to at least 65% of the number of polling places that would be required if they were conducting a precinct-based election. For all elections held after the first year, the required number of polling places will be

at least 50% of the number of polling places that they would have for a precinct-based election. (Sec. 43.007(f))

In other words, the county will look at the number of county election precincts, consider whether that number can be reduced through combination or consolidation, and then establish a number of countywide polling places equal to at least 50% of that number (or 65% for the county's first year in the program). (Sec. 43.007(f))

For placement of countywide polling locations, the Election Code provides that each commissioners precinct must have at least one polling place, and the total number of polling places in one commissioners precinct may not be more than twice the number of polling places in any other commissioners precinct. (Sec. 43.007(m))

When determining the placement of early voting locations under SB 2753, the county should consider these requirements for the number and placement of countywide polling places in making those decisions, and in determining where and how many additional election day-only locations will be needed to comply with those requirements.

Early Voting Locations as Election Day Locations

SB 2753 requires any location that is used as an early voting location to be also used as an election day polling place. This includes temporary branch early voting locations, permanent branch early voting locations, **and the main early voting location**. (Sec. 43.0015)

Due to the changes in results reporting requirements and the fact that early voting in person results are reported in a single category with election day results as in-person voting results, if the entity counts their ballots using a voting system, then the entity will **not** need to use separate equipment or separate ballot boxes between early voting and election day at a polling location. When the polls close on election day, the early voting ballots and election day ballots will be delivered together from the polling place to the general custodian's office or the central counting station (depending on the entity's setup). For guidance on procedures for elections in which the ballots are hand-counted, please see the section below on Hand-Counting Procedures. (Secs. 65.014, 65.016, 85.071, 87.103, 87.129, 127.131), (Sec. 129.057 - Repealed in SB 2753)

For precinct-based counties, a voter may only vote at the polling place that corresponds to their residence address on election day. While a voter may vote at any location in the county during early voting, on election day, a voter in a precinct-based county would need to vote at their specific polling place. Precinct-based counties will need to ensure that on election day, their official list of registered voters and/or electronic pollbook is printed or configured to only allow the voters from that specific precinct to vote at that polling place.

For countywide counties, a voter may vote at any location in the county on election day, just like in early voting. Countywide counties may not need to make configuration changes to their electronic pollbooks when transitioning from early voting to election day at a polling location, but we recommend that counties consult with their pollbook vendor for guidance on the applicable procedures for their system.

Establishing Additional Election Day-Only Locations

The polling place requirements for early voting locations generally result in fewer early voting locations to be placed than election day locations. While SB 2753 requires early voting locations to also be used as election day locations, most counties will need to establish additional election day-only locations in order to reach the required number of polling places for election day.

At these election day-only locations, the procedures for setting up the location and opening the polls on election day will generally be the same procedures that are currently used for opening the polls on election day or on the first day of early voting. When the polls close on election day, ballots, supplies, and records will be delivered using the same procedures that are currently used for closing the polls on election day.

Results Reporting Requirements

SB 2753 requires election day results and early voting results to be reported as a single set of in-person voting results. This means that there will be two results categories: voting in person, and voting by mail.

For entities that count their ballots using a voting system, early voting ballots are now retained at the polling place and comingled with election day ballots. For those entities, early voting results will be counted and reported along with election day results as in-person voting results on election night. **This means that early voting results will no longer be available at 7 PM on election night.**

For entities that hand count, early voting ballots are stored separately from election day ballots, with the early voting ballots counted by the early voting ballot board and the election day ballots counted by the presiding judge and clerks at each polling place. These results will still be reported together as in-person voting results on election night. For more guidance on the procedures for conducting a hand count, please see the section below on Hand-Counting Procedures.

Major points:

- Early voting results and election day results are reported together as in-person results. Ballot by mail results are still reported separately from in-person results.
- Large counties will no longer be able to count early voting ballots before election day. For ballots counted by a voting system, the early voting ballots will be counted with election day ballots after polls close on election day. For ballots counted by hand, the early voting ballots may be counted after the polls open on election day.
- Election results must now be reported by precinct, and separately reported by polling location. However, results by polling location should **not** be broken down by precinct, to protect ballot secrecy.
- When the canvass is conducted, the canvassing authority will certify the total number of votes received for each candidate and for/against a measure in each precinct, the total

number in each polling location, and a summary of the total number for each candidate and for/against each measure.

Results Reporting Procedures

Results will now be reported in two categories: in-person voting results, and early voting by mail results. For entities that count their ballots using a voting system, election day ballots and early voting ballots will be tabulated together and reported together as voting in-person results. For entities that count their ballots by hand, election day ballots and early voting ballots will be separately counted, but will still be reported together as voting in-person results. (Secs. 65.014, 65.016, 67.004, 67.017, 85.071, 87.103, 87.1231, 87.129, 127.131, 172.124)

In addition, results must be reported by precinct and separately reported by polling location. However, results by polling location should **not** be broken down by precinct, to protect ballot secrecy. Instead, the authority conducting the election must generate a report of the total number of votes received for each candidate and for/against each measure in each precinct, and a report of the total number of votes received for each candidate and for/against each measure at each polling place. (Secs. 65.014, 65.016, 67.004, 67.017, 85.071, 87.103, 87.1231, 87.129, 127.131, 172.124)

There are a few different possible methods of generating a results report for each polling place:

- For systems that use a central accumulator, through a report generated by the system that contains the results by polling place.
- For systems that use precinct scanners, through the results tape that is generated at the polling place at the time the polls close on election day.
- For systems that only use central scanners, by scanning the ballots from each polling place as a separate batch and producing a results report for each batch.
- For hand-counted elections:
 - The early voting ballot board will need to separately count the ballots cast at each early voting location and generate a separate set of returns for each location.
 - The ballot board will also need to separately prepare precinct returns for each precinct.
 - On election day, the election judge and clerks at each location will be responsible for counting the election day ballots cast at that location. The returns will serve as both the precinct returns for that precinct and the returns for that polling location.
 - The general custodian will be responsible for aggregating the early voting results prepared for each polling location with the election day results for that location to generate the unofficial results for that polling location.
 - The general custodian will also be responsible for aggregating the early voting results prepared for each precinct with the election day results for that precinct to generate the unofficial results for that precinct.

Counties may develop other procedures for producing a report of the total number of votes received for each candidate or for/against each measure at each polling location. The above list

describes several possible reporting options for different county configurations, but it is not an exhaustive list.

Reporting Procedures for Specific Categories of Voting When Reporting by Polling Place

When generating a report of results by polling place, the following categories of ballots should be reported in the following manner:

- Ballots by Mail – Reported as a “Ballot by Mail” Polling Place
- Provisional – Reported as a “Provisional” Polling Place
- Limited Ballot (In Person) – Reported with the Main Early Voting Polling Place
- Limited Ballot (By Mail) – Reported with the Ballot by Mail Polling Place
- Late Voting by Disabled Voter – Reported with the Ballot by Mail Polling Place
- Presidential Ballot (In Person) – Reported with the Main Early Voting Polling Place
- Presidential Ballot (By Mail) – Reported with the Ballot by Mail Polling Place

Canvassing Procedures

The governing body of the political subdivision is responsible for canvassing the total number of votes received for each candidate and for/against each measure in each precinct, and a summary of those totals. (Sec. 67.004)

Under SB 2753, the canvassing authority must also canvass the total number of votes received for each candidate and for/against each measure in each polling location. (Sec. 67.004)

When preparing materials for the canvassing authority, in addition to the traditional precinct-by-precinct report and summary reports, officials will also need to include a report of the results by polling location.

Ballot Box Procedures

SB 2753 requires early voting locations to be used as election day locations, allows early voting ballots and election day ballots to be comingled in the same ballot box when using a voting system to count ballots, and requires early voting results and election day results to be reported together as in-person voting results. Each of these changes will impact procedures for ballot boxes.

Major points:

- If the ballots are counted using an electronic voting system, then early voting ballots and election day ballots that are cast at the same polling location will be stored in the same ballot box and will be counted and reported together.
- If the entity will be hand-counting ballots, then the ballot box containing early voting ballots will be delivered to the general custodian at the end of early voting, and the general custodian will give the ballot box to the early voting ballot board to hand-count

the ballots. A separate ballot box will be delivered to the polling place for election day ballots, and the election day ballots will be hand-counted by the presiding judge and clerks at the polling location. This issue is discussed in more detail in the section below on Hand-Counting Procedures.

- Two locks are required for early voting ballot boxes, while one lock is required for election day. For locations that serve as early voting locations and election day locations, there are several different options to ensure that the presiding judge can access the ballot box on election day without requiring the second keyholder to be present. Those options are discussed in more detail below.

Ballot Box Procedures

The ballot box must be opened and inspected on the first day of voting at a polling location to confirm that the box is empty and does not have any ballots inside. For locations that will be used for both early voting and election day, this is done when the polling place is being set up for the first day of early voting. For election day-only locations, this is done when the polling place is being set up before the polls open on election day. (Sec. 65.002)

Because early voting locations are also required to be used as election day locations, there are specific procedures for handling the ballot boxes at those locations, depending on the manner in which the ballots are counted.

If the ballots are counted using automatic tabulating equipment, early voting and election day ballots will be stored in the same ballot box and counted and reported together. If the ballots are counted by hand, then early voting ballots will go to the early voting ballot board for counting, and election day ballots will be counted by the presiding judge and clerks at the polling place. (Secs. 65.001, 85.032, 85.071, 87.061, 87.129)

Those procedures are described in more detail below:

If the ballots are counted using automatic tabulating equipment:

- Early voting ballots and election day ballots that are cast at the same polling location will be stored in the same ballot box and will be counted and reported together.
- A single set of voting system equipment will be used at the polling place to count the ballots for both early voting and election day. Those results will be reported together as in-person voting results, and will no longer be broken out into separate categories for early voting and election day. (Secs. 65.014, 65.016, 85.071, 87.103, 87.129, 127.131), (Sec. 129.057 - Repealed in SB 2753)
- This process does not prevent counties from using procedures that allow for the secure transfer of ballots back to the general custodian's office when the ballot box is full. Those procedures are still authorized and would remain the same. (Sec. 85.032)
- During the early voting period and/or on the last night of early voting before election day, the ballot box can either be retained securely at the polling location, or it can be brought back to the main early voting location each night for storage and returned to the polling location the next morning. (Sec. 85.071)

- Two locks are required to be placed on the ballot box during early voting. One key is held by the early voting clerk, and the other key is held by the custodian of keys under Election Code Section 66.060. (Secs. 66.060, 85.032)
- Only one lock is required to be placed on the ballot box on election day, but the law does not prohibit a second lock from being placed on the ballot box. There are several different options for dealing with this transition, which are discussed below in the section on Ballot Box Key Procedures.

If the ballots are counted by hand:

- Separate ballot boxes will be used for early voting ballots and election day. The early voting ballot box will have two locks with two different keys. The election day ballot box will have one key. (Secs. 66.060, 85.032, 85.071(c)(3))
- During the early voting period, the ballot box can either be retained securely at the polling location, or it can be brought back to the main early voting location each night for storage and returned to the polling location the next morning. (Sec. 85.071)
- At the close of polls at the end of early voting, the ballot box will be delivered to the general custodian. (Sec. 85.071(c)(3))
- The general custodian will give the early voting ballot box to the early voting ballot board to hand-count the early voting ballots. (Secs. 87.021, 87.022)
- A separate ballot box will be used for election day ballots. (Sec. 85.032(g))
- The election day ballots will be hand-counted by the presiding judge and clerks of the polling location. (Sec. 65.001)
- The counting process is described in more detail in the section below on Hand-Counting Procedures.

Ballot Box Key Procedures

SB 2753 **does not** change the number of locks required on early voting ballot boxes and election day ballot boxes. Early voting ballot boxes must have two locks with two different keys (one held by the early voting clerk and the other held by the custodian of keys under Election Code Section 66.060), while election day ballot boxes are only required to have one key. There are a few different ways to navigate this transition when the same ballot box is used for both early voting and election day. (Secs. 66.060, 85.032)

In addition, SB 2753 amends Election Code Section 85.032 to allow the custodian of keys to provide the second key to the presiding judge of the central counting station, the presiding judge of the early voting ballot board, **or the presiding judge of an election day polling place.** (Sec. 85.032(d))

For election day-only locations, only one lock is required for the ballot box. The key would be retained by the presiding judge. (Sec. 66.060)

For locations that are used for both early voting and election day, there are a few different ways to navigate the transition between the two locks for early voting and the single lock for election day, including (but not limited to) the following:

- Both locks from the early voting period can stay on the ballot box on election day, and the custodian of keys under Election Code Section 66.060 can provide the key to the second lock to the presiding judge of the election day polling place after early voting ends and before voting on election day begins.

OR

- Both locks from the early voting period can stay on the ballot box on election day, and the custodian of keys under Election Code Section 66.060 can be present at the polling place if the ballot box needs to be accessed due to capacity issues or other emergencies on election day, or at the close of polls on election day.

OR

- The second lock can be removed from the ballot box at the time the polls open on election day, and the presiding judge would retain the key for the remaining lock on the ballot box.

OR

- The double-locked ballot box can be returned to the general custodian's office at the end of the night on the last day of early voting, and a new ballot box with one lock can be delivered to the polling place before the polls open on election day.

When performing a transfer of ballot box keys, as a best practice the individuals transferring responsibility of those keys and ballot boxes should complete chain of custody documentation recording the transfer.

Voting System Procedures

SB 2753 makes a number of changes to voting system procedures that facilitate the single voting period created by the bill, including modifying the reporting requirements for election results and authorizing voting system equipment to be used for both early voting and election day.

Major points:

- Voting system equipment that is used during early voting can now also be used on election day. This means that if a polling place is used for both early voting and election day, the same equipment and media sticks can be used for both phases and they do not need to be replaced or changed out between early voting and election day.

- Results must be reported by polling location. Results must also be separately reported by precinct. For voter privacy reasons, a report of the results for each precinct at a specific polling location should not be generated.
- Voting system equipment at the polling place should be secured each night during early voting, and on the night between the end of early voting and election day.
- For counties over 100,000, ballots by mail can still be counted before election day, beginning on the fourth day before election day. Early voting in person ballots and election day ballots cannot be counted until the time that the polls open on election day. For most counties, this means that early voting in person ballots and election day ballots will be counted together on election night. **This process will likely delay the timeframes for reporting unofficial results on election night.**

Zero Tapes and Results Tapes

On the first day of voting at a location, a zero tape must be printed from each voting machine showing that the public counter was reset to zero and that no ballots have been cast on the device in the current election. (Sec. 61.002)

For locations that serve as both early voting locations and election day locations, the zero tape would be printed on the first day of early voting. If the same scanner is used for both early voting and election day, then a zero tape would not be printed on election day from that device.

For locations that serve as election day-only locations, the zero tape would be printed before the polls open on election day.

At the close of polls on election day, a results tape must be printed from each scanner showing the total number of votes received for each candidate or for/against each measure on the device. If the same scanner is used for both early voting and election day, this tape will include the results for the entire voting period (early voting and election day) on that device at that polling location. (Sec. 61.002)

Equipment for Early Voting and Election Day

SB 2753 allows for the same voting system equipment to be used for both early voting and election day. This means that voting system equipment **does not** need to be changed out between the last day of early voting and election day. (Secs. 85.071(d), 87.129), (Sec. 129.057 - Repealed in SB 2753)

If a voting device is used for both early voting and election day, it must be secured each night of the early voting period as well as on the night between early voting and election day. (Sec. 85.033)

In most situations, the same scanners and voting devices will be used for the entire voting period (early voting and election day) at a given polling place.

Reporting Requirements

Results will now be reported in two categories: in-person voting results, and early voting by mail results. Election day ballots and early voting ballots will be tabulated together and reported together as voting in-person results. (Secs. 65.014, 65.016, 67.004, 67.017, 85.071, 87.103, 87.1231, 87.129, 127.131, 172.124)

These reporting procedures are discussed in more detail above in the section on Results Reporting Requirements.

Counting Procedures

For ballots that are counted using electronic voting system equipment, early voting ballots and election day ballots will be counted and reported together. If a central counting station is used in the election, then the ballots will be delivered together to the central counting station and counted and reported together. (Secs. 85.071(d), 87.129)

Because results must be reported by polling place and by precinct, specific procedures may need to be followed to generate the appropriate results reports, depending on the voting system used by the entity. The procedures for doing so are discussed in more detail above in the section on Results Reporting Requirements.

Early Counting Timeframes

Because early voting ballots and election day ballots are delivered together after the polls close on election day, there is no longer an option for early voting in-person ballots to be counted before election day. Those ballots will be counted with the election day ballots on election night. **Please be aware that this process will likely delay the timeframes for reporting unofficial results on election night.**

For counties with a population of 100,000 or more (or local entities contracting with such counties), ballots by mail may be counted beginning on the fourth day before election day. Those results may be reported at the time the polls close on election day. (Sec. 87.0241(b)(2))

For counties with a population of less than 100,000, ballots by mail may be counted beginning at the time the polls open on election day. Those results may be reported at the time the polls close on election day. (Sec. 87.0241(b)(1))

Hand-Counting Procedures

SB 2753 establishes requirements for results reporting and ballot storage and delivery that impact the manner in which hand-counting is conducted.

Major points:

- When ballots are hand-counted, early voting ballots and election day ballots at the same polling place are stored in separate ballot boxes. The early voting ballot board will count early voting ballots and ballots by mail, and election day ballots will be counted by the presiding judge and clerks at the election day polling place.
- Results must be reported by precinct and separately reported by polling location.
 - For election day ballots, in most situations, the precinct returns will also be the results for that specific polling place. If the county has combined precincts, then the aggregated precinct returns for the combined precinct will be the results for that specific polling place.
 - For early voting ballots, the early voting ballot board will need to prepare a tabulation of the results by polling location, and a separate tabulation of the results by precinct.
- Results for election day and early voting in person are reported together as in-person voting results. When the general custodian of election records receives the precinct returns and the polling place returns from the early voting ballot board, the general custodian will aggregate those returns with the election day returns to create in-person voting results by precinct and separately by polling location.

Delivery of Ballot Boxes

If the ballots for an election are counted by hand, then separate ballot boxes will be used for early voting and election day. (Secs. 85.032(g), 85.071(c)(3))

The early voting ballots will be delivered to the early voting clerk after the polls close on the last day of early voting. The early voting clerk will then deliver the ballots to the early voting ballot board for hand-counting. (Secs. 85.071, 87.021, 87.022)

The election day ballots will be counted by the presiding judge and clerks at the location at which the ballots were cast. (Sec. 65.001)

Hand-Counting Early Voting Ballots

The early voting ballot board is responsible for hand-counting the ballots for early voting in person and ballot by mail. (Sec. 87.061)

SB 2753 requires election results to be reported by polling location and by precinct. Because a voter may vote at any early voting location in the county during the early voting period, the ballot box containing early voting ballots for each polling place will contain ballots from multiple precincts in the ballot box. The early voting ballot board will need to prepare precinct returns for each polling location during the counting process.

An example of a procedure for doing so is outlined below:

- Remove early voting ballots from early voting ballot boxes for each polling location, with the ballots separated by location.
- While keeping the ballots separated by polling location, sort the ballots into separate stacks for each precinct within the stack of ballots for that polling place.
- Hand-count the ballots for each location and prepare precinct returns for each polling place.
- The presiding judge will then aggregate the precinct returns for each polling place to generate polling place returns containing the total number of votes received for each candidate and for/against each measure (as well as overvotes and undervotes) for each polling place, along with the total number of ballots cast at the polling place.
- The presiding judge will also aggregate the precinct returns that were generated for each polling place, and generate precinct returns for each precinct. Those returns must contain the total number of votes received for each candidate and for/against each measure (as well as overvotes and undervotes) for each precinct, along with the total number of ballots cast in the precinct.

Please note that any records containing the results by precinct at a specific polling place may present potential ballot secrecy issues. The general custodian of election records should work with their entity's legal counsel and request an attorney general opinion regarding any necessary redactions that would be needed to protect the secrecy of a voter's ballot when responding to a public information request for those records. (Sec. 31.014(a-1); Tex. Const. Art. VI, Sec. 4)

After the ballots have been counted and both sets of returns (results by polling place and results by precinct) have been completed and certified by the presiding judge, the ballots, returns, and other records will be delivered to the general custodian of election records in the usual manner. (Sec. 87.063)

Hand-Counting Election Day Ballots

The presiding judge and clerks of each polling place are responsible for hand-counting the ballots for election day. (Sec. 65.001)

SB 2753 requires election results to be reported by polling location and by precinct. When ballots are hand-counted in an election, the election must be conducted using precinct-based voting on election day. Accordingly, the election day ballot box for a polling location will only contain the ballots for the precinct (or precincts) that corresponds to that polling location. Therefore, the election day precinct returns for that polling place will generally also serve as the election day polling place returns for that polling place.

If the county has combined precincts, then separate precinct returns will be prepared for each precinct contained within the combined precinct. The aggregated precinct returns for the combined precinct will be the results for that specific polling place. (Sec. 42.0051)

After the ballots have been counted and the returns have been completed and certified by the presiding judge, the ballots, returns, and other records will be delivered to the general custodian of election records in the usual manner. (Sec. 66.051)

Aggregating Results for Election Night Reporting and Canvass

For a hand-counted election, the general custodian will receive the following sets of returns from the early voting ballot board and the election day polling place:

- Early voting returns for each polling location
- Early voting returns for each precinct
- Election day returns for each polling location/precinct
- Ballot by mail returns for each precinct

The general custodian will prepare the following unofficial tabulations using these sets of returns:

- Unofficial results by polling location
 - In-person results for each polling location
 - Early voting results for each polling location + election day returns for each polling location
 - Summary ballot by mail results
 - For purposes of this report, ballot by mail will be treated as a single polling location.
- Unofficial results by precinct
 - In-person results for each precinct
 - Early voting results for each precinct + election day results for each precinct
 - Ballot by mail results for each precinct

(Secs. 65.016, 66.051, 66.056, 87.063, 87.103)

After the early voting ballot board meets for the last time after election day to count any provisional ballots, late-arriving mail ballots, or mail ballots that were corrected through the corrective action process after election day, the general custodian will prepare the following for the canvassing authority:

- Results by polling location
 - In-person results for each polling location
 - Summary ballot by mail results
 - Summary provisional ballot results
 - Total number of votes cast in each polling location
- Results by precinct
 - In-person results for each precinct
 - Ballot by mail results for each precinct
 - Total number of votes cast in each precinct

(Sec. 67.004)

Frequently Asked Questions

As a reminder, the changes in law made by SB 2753 will apply only to elections ordered after the Secretary of State's Office publishes a report and procedures relating to the implementation of SB 2753. **This summary does not serve as the report that the Secretary of State is required to publish under SB 2753**, but it is designed to assist counties, local entities, and interested parties in understanding the requirements of SB 2753.

Q: Our main early voting location is located in the county election officer's main business office. For election day, can the polling place be moved to another room in the same building as the county election officer's main business office?

A: Section 43.0015, as enacted by SB 2753, requires the main early voting location to be designated as an election day polling place.

If it is not practically possible to conduct election day voting in the same room that early voting is conducted at the main early voting location, then election day voting may be conducted in a different room as long as it is located in the same building as the location of the main early voting location. In that situation, the authority conducting the election should indicate on the notice of election which room number will be used for early voting and for election day.

Q: If I have a location that is used for early voting and election day, do I have to change out my voting system equipment between the end of early voting and election day?

A: No. SB 2753 allows for the same units of voting system equipment to be used for both early voting and election day.

In addition, SB 2753 allows for early voting and election day results to be reported together in a single category as in-person voting results, and no longer requires separate results categories for early voting and election day. The bill also allows a single ballot box to be used for early voting ballots and election day ballots at the same polling place when they are counted using automatic tabulating equipment.

Q: If I realize I need an additional early voting location partway through the early voting period, can I add a location? If so, how does that affect the procedures outlined in this bill?

A: Yes, you can establish an additional location partway through the early voting period. Once a location is opened, it must remain open for the remainder of the early voting period and on election day. Notice of the additional location must be posted for at least 5 days before voting at the new location will begin. (Sec. 85.067(c))

If you will be opening a new location during the early voting period, then you would print your zero tapes from your voting devices on the first day of voting at the new polling location. (Sec. 61.002)

Q: Can I use different voting system equipment for election day from what I use during early voting?

A: It depends. Any polling locations used during early voting must also be used as polling locations on election day. The bill authorizes voting system equipment that is used during the early voting period to be used for election day as well. At the end of the day on election day, a results tape must be printed at the polling place from any tabulation devices. The results tape should include the results for both early voting and election day. (Secs. 43.0015, 61.002), (Sec. 129.057 - Repealed in SB 2753)

If the authority conducting the election determines that it is necessary to use different voting devices for election day from the devices that were used in early voting, the original equipment should still remain secured at the polling location on election day so that the presiding judge can print a results tape from the device after the polls close on election day.

Q: How are results reports handled when county election precincts are combined for election day?

A: When county election precincts are combined under Election Code Section 42.0051, the precincts will be served by a single polling place, but the precinct results will be reported separately.

In other words, when you are preparing your precinct returns, each precinct included in the combined precinct will have a separate precinct return, even though the ballots were cast at the same polling place on election day.

When you are preparing your polling place returns, those returns will include all of the ballots cast at that polling place, even if those ballots were cast from multiple different precincts.

Q: How are results reports handled when county election precincts are consolidated for election day?

A: When county election precincts are consolidated under Election Code Sections 42.008 or 42.009, the precincts will be served by a single polling place, and the precinct results will be reported for the entire consolidated precinct as a whole.

In other words, when you are preparing your precinct returns, each precinct included in the consolidated precinct will be included in a single set of precinct returns for the entire consolidated precinct.

Q: How are provisional ballots reported on the report of the results by polling place?

A: After the provisional ballot is reviewed by the early voting ballot board and accepted for counting, the ballot is separated from its provisional ballot envelope and is no longer linked to a specific voter or to the specific polling place at which the ballot is cast, for voter privacy reasons.

Therefore, when provisional ballots are counted and reported on the report of the results by polling place, provisional ballots will be separately reported as their own polling place for reporting purposes.

Provisional ballots will still be reported for the precincts that the ballot style corresponds to for the report of the results by precinct.

Appendix A – Example Calendars

Below are some example calendars that outline the changes in dates and hours from existing law to the law under SB 2753:

November 2, 2027 Constitutional Amendment Election:

Before SB 2753

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
October 17	18	19	20	21	22	23
X	at least 9 hours	at least 9 hours	at least 9 hours	at least 9 hours	at least 9 hours	only if ordered
24	25	26	27	28	29	30
only if ordered	at least 9 hours	at least 9 hours	at least 9 hours	at least 12 hours	at least 12 hours	NONE
31	November 1	2	3	4	5	6
NONE	NONE	ELECTION DAY				

Under SB 2753

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
October 17	18	19	20	21	22	23
X	X	X	X	at least 9 hours	at least 9 hours	at least 9 hours
24	25	26	27	28	29	30
at least 9 hours	at least 9 hours	at least 9 hours	at least 9 hours	at least 9 hours	at least 12 hours	at least 12 hours
31	November 1	2	3	4	5	6
at least 9 hours	at least 12 hours	ELECTION DAY				

March 7, 2028 Primary Election:

Before SB 2753

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
20	21	22	23	24	25	26
X	NONE (Presidents' Day)	at least 9 hours	at least 9 hours	at least 9 hours	at least 9 hours	at least 12 hours
27	28	29	1	2	3	4
at least 6 hours	at least 12 hours	at least 12 hours	at least 12 hours	NONE (Texas Indep. Day)	at least 12 hours	NONE
5	6	7	8	9	10	11
NONE	NONE	ELECTION DAY				

Under SB 2753

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
20	21	22	23	24	25	26
X	X (Presidents' Day)	X	X	at least 9 hours	at least 9 hours	at least 9 hours
27	28	29	1	2	3	4
at least 9 hours	at least 9 hours	at least 9 hours	at least 9 hours	at least 9 hours (Texas Indep. Day)	at least 12 hours	at least 12 hours
5	6	7	8	9	10	11
at least 9 hours	at least 12 hours	ELECTION DAY				

May 6, 2028 Uniform Election:**Before SB 2753**

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
April 23	24	25	26	27	28	29
X	at least 9 hours	at least 9 hours	at least 9 hours	at least 9 hours	at least 9 hours	only if ordered
30	May 1	2	3	4	5	6
only if ordered	at least 9 hours	at least 9 hours	NONE	NONE	NONE	ELECTION DAY

Under SB 2753

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
April 23	24	25	26	27	28	29
X	X	X	X	at least 9 hours	at least 9 hours	at least 9 hours
30	May 1	2	3	4	5	6
at least 9 hours	at least 9 hours	at least 9 hours	at least 9 hours	at least 9 hours	at least 9 hours	ELECTION DAY

May 23, 2028 Primary Runoff Election:**Before SB 2753**

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
14	15	16	17	18	19	20
X	at least 12 hours	at least 12 hours	at least 12 hours	at least 12 hours	at least 12 hours	NONE
21	22	23	24	25	26	27
NONE	NONE	ELECTION DAY				

Under SB 2753

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
14	15	16	17	18	19	20
X	at least 9 hours	at least 9 hours	at least 9 hours	at least 9 hours	at least 12 hours	at least 12 hours
21	22	23	24	25	26	27
at least 9 hours	at least 12 hours	ELECTION DAY				

November 7, 2028 Presidential Election:**Before SB 2753**

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
October 22	23	24	25	26	27	28
X	at least 9 hours	at least 9 hours	at least 9 hours	at least 9 hours	at least 9 hours	at least 12 hours
29	30	31	November 1	2	3	4
at least 6 hours	at least 12 hours	at least 12 hours	at least 12 hours	at least 12 hours	at least 12 hours	NONE
5	6	7	4	5	6	7
NONE	NONE	ELECTION DAY				

Under SB 2753

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
October 22	23	24	25	26	27	28
X	X	X	X	at least 9 hours	at least 9 hours	at least 9 hours
29	30	31	November 1	2	3	4
at least 9 hours	at least 9 hours	at least 9 hours	at least 9 hours	at least 9 hours	at least 12 hours	at least 12 hours
5	6	7	4	5	6	7
at least 9 hours	at least 12 hours	ELECTION DAY				