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**MASS EMAIL (CEO): Certificate of Qualification of County and Precinct Officers**

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From Texas Secretary of State Elections Division <TXSoSAgency@public.govdelivery.com>

Date Fri 12/20/2024 2:01 PM

To Irene Espinoza <iespinoza@co.bailey.tx.us>

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## Texas Secretary of State



### ELECTIONS DIVISION

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**TO: Texas Election Officials**

**FROM: Elections Division, Texas Secretary of State**

**SUBJECT: MASS EMAIL (CEO): Certificate of Qualification of County and Precinct Officers**

**DATE: December 20, 2024**

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County Election Officials,

Pursuant to Section 601.006 of the Texas Government Code, the County Clerk, or County Election Administrator (TEC 31.031), must submit a statement certifying the names and dates of qualification for county and precinct officers to the Secretary of State for issuance of Commissions.

You may review your recently elected county officials in the Texas Election Administration Management (TEAM) system. The information from the November 5, 2024 General Election is prepopulated for your convenience. You may edit or add information for newly elected officials. You will need to verify the name, office, address, phone, fax number and email address for all officials. **Training material is available on the TEAM DocShare** site to assist you with this process. As a reminder, this information will be used to update county contact information on the Secretary of State's website.

You may begin updating this information today. However, please **DO NOT CERTIFY OR SUBMIT PRIOR TO JANUARY 1, 2025.**

Pursuant to Section 601.003 of the Texas Government Code, if a person was elected to an office for a full term, he or she cannot assume the duties of office until the beginning of the term, which is January 1, 2025. For these officials, please indicate **January 1, 2025** as the qualification date for office. Additionally, persons elected to full terms qualify by: 1) filing the statement of officer with the **local authority**; 2) taking their constitutional oath of office; 3) filing a bond (if required); and 4) assuming the duties of their office on January 1 or as soon thereafter as possible. Please note that the county judge and commissioner's

court members have additional items to which they must swear pursuant to Section 81.002, Texas Local Government Code. Our office does not prescribe the oath. You may want to include these statements in the constitutional oath.

Pursuant to Section 601.004 of the Texas Government Code, a person elected to an unexpired term may assume his or her duties immediately upon receiving his or her Certificate of Election from the County Judge and qualifying for office.

**The certified statement should be submitted to the Secretary of State on or immediately after January 1, 2025.** Once received, the Secretary of State will prepare a Certificate of Commission and Commission card for each duly elected official and mail to the county office for disbursement.

As always, if we can assist you in any way, please do not hesitate to contact our office at (800)252-8683 or (800)252-2216 or at [Elections@sos.texas.gov](mailto:Elections@sos.texas.gov).

Thank you,

**Julia Montes**

Elections Division, Manager of the TEAM Program

Office of the Texas Secretary of State - Elections Division 800-252-8683

[elections@sos.texas.gov](mailto:elections@sos.texas.gov) | [www.sos.state.tx.us/elections](http://www.sos.state.tx.us/elections)

*The information contained in this email is intended to provide advice and assistance in election matters per §31.004 of the Texas Election Code. It is not intended to serve as a legal opinion for any matter. Please review the law yourself, and consult with an attorney when your legal rights are involved.*

If you have any questions regarding this e-mail, please e-mail [elections@sos.texas.gov](mailto:elections@sos.texas.gov)

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Please also see our voting system advisory here: **No. 2019-23 - Electronic Voting System Procedures Advisory.**

**Q: Is there a notice requirement for the public hearing on use of the program?**

**A:** The hearing is held by the commissioners court, which means that Chapter 551 of the Government Code applies. Specifically, the commissioners court must give written notice of the date, hour, place and subject of the meeting. Notice must be provided in a place readily accessible to the general public at all times and must be provided at least 72 hours before the scheduled time of the meeting. A copy of the notice provided for the public hearing(s) should be included in the county's application.

**Q: How many countywide polling places should my county have?**

**A:** County election precincts must be in compliance with Section 42.005 (officer line rule), Section 42.006 (population requirements), and Section 42.007 of the Election Code (combining incorporated and unincorporated territory). Chapter 43 of the Election Code governs the selection of polling places. Generally, Section 43.001 of the Election Code dictates that each election day precinct established for an election shall be served by a single polling place located within the boundary of the precinct.

The number and location of polling places need to adequately serve the voters so that the county is in compliance with the Voting Rights Act. When making a designation regarding the location of a polling place, the commissioners court of a county with a population of more than 175,000 may not designate a location as a polling place that would require a voter in the precinct to travel more than 25 miles from the voter's residence to the polling place.

Section 42.0051 of the Election Code provides that election precincts may only be combined in counties with a population of less than 1.2 million that are not participating in the countywide polling place program. **Thus, counties that participate in the countywide polling place program under Section 43.007 of the Election Code may no longer combine election precincts. See Tex. Sec'y of State Election Advisory No. 2023-11.**

County election precincts may also be consolidated for special elections under Section 42.008 and for primary elections under Section 42.009 of the Election Code. County election precincts may not be consolidated for the general election for state and county officers. Section 43.007(m) of the Election Code requires a county participating in the countywide polling place program to have at least one countywide polling place in each commissioners court precinct. Additionally, the total number of polling places open for voting in a commissioners court precinct may not exceed more than twice the number of countywide polling places located in any other commissioners court precinct.

In addition to these requirements, during the first year in which a county participates in the program, the total number of countywide polling places may not be less than 65% of the number of precinct polling places that would otherwise be located in the county for that election. After this, that number drops to no less than 50% of the number of precinct polling places that would otherwise be located in the county for that election.

Please note that Section 85.062(f-1) of the Election Code provides that the location of temporary branch polling places in an election in which countywide polling places are used must be determined with the same methodology that is used for the location of countywide polling places.

For additional information, please see our presentation regarding [precincts and polling places \(PDF\)](#).

**Q: Who determines where the countywide polling places will be located?**

**A:** In an election under the program, a county must adopt a methodology for determining where each polling place will be located. Some factors to consider in this process include: availability of public transportation to a polling location, population size near the polling location, and availability of a suitable building for a polling place. In addition, the county election authority is advised to consult with the county attorney to ensure compliance with the Voting Rights Act. For this reason, the Secretary of State strongly encourages counties to form vote center advisory committees to obtain feedback on voting locations.

**Q: Who would serve on a vote center advisory committee?**

**A:** The vote center advisory committee would consist of members from local political subdivisions, precinct officials and organizations that represent minority voters and voters with disabilities.

**Q: How should my county notify voters of the change in polling locations?**

**A:** Pursuant to Section 4.004 of the Code, the notice of election must identify the Election Day polling places in the county. Section 1.021 of the Code requires that any notice of polling locations, which includes the notice of election, must include more detailed information regarding the polling locations, including: the polling location's street address, any applicable suite or room number, and any applicable building name.

For counties participating in the countywide polling place program, each countywide polling place location in a county must post a notice of the four nearest countywide polling place locations by driving distance pursuant to Section 43.007 of the Election Code. Additionally, if there is a court order extending voting hours past 7:00 p.m. in a given county, all countywide polling places located in that county shall remain open for the length of time dictated in the court order. Please note, our office created a form that your entity may use as a [sample \(PDF\)](#) when posting the information required by Section 43.007.

**Q: How are judges and clerks appointed for countywide polling locations?**

**A:** Section 32.002 of the Election Code provides a procedure for the selection of presiding and alternate judges for a countywide polling place. Under this section, the county chairs shall submit a list of names of persons eligible for appointment as election judges to the county commissioners court. The commissioners court must apportion the number of judges for countywide polling places in direct proportion to the percentage of election precincts located in each county commissioners precinct won by each party in the last gubernatorial election.

For example, if the county has 10 county election precincts located in county commissioner precinct #1 and one party won 6 of those 10 precincts in the last gubernatorial election while the other party won 4 of those 10 precincts, there would be a 60% to 40% split of the county election precincts in that county commissioner precinct for the two parties. This means that if the county plans to have five countywide polling places in county commissioner precinct #1, the commissioners court must appoint a presiding judge from the list of the party who won 60% of the county election precincts to three of those five countywide polling places in county commissioner precinct #1 and a presiding judge from the list of the party who won 40% of the county election precincts to the remaining two of the five countywide polling places in county commissioner precinct #1. This is because 60% of five polling places is equal to three polling places and 40% of five polling places is equal to two polling places.

In cases where the application of percentages for countywide polling place judges does not result in a whole number, our office recommends that a county attempt to get as close to the percentages as possible and uniformly apply any resolution method.

**Q: Are judges and clerks for countywide polling places required to be registered voters of the county election precinct where that countywide polling place is located?**

**A:** Presiding and alternate judges for countywide polling places are not required to be qualified voters of any particular election precinct, but they must be qualified voters of the county. Additionally, a presiding or alternate judge for a countywide polling place does not have to reside in the election precinct where the countywide polling place is located, and more than one presiding or alternate judge from the same election precinct may be selected to serve on election day.

**Q: If the election for my county is cancelled, does notice need to be posted at all countywide polling locations?**

**A:** Yes. Under the Election Code, if an election is not held, notice should be posted on election day at each polling location that would have been used for that election. Under the program, this would mean that notice would be posted at each countywide polling location on election day in the event the election is cancelled.

**Q: How does my county apply for “successful” status?**

**A:** Following one election under the program, a county may apply for “successful” status with the Secretary of State and continue to use countywide election precinct polling places in subsequent elections. In reviewing an application for “successful” status, the Secretary of State may consider any complaints that have been supplemented with evidence with respect to the county using countywide precincts in an election. The county commissioners court must hold a public hearing on the use of countywide precincts. Notice of the meeting must be provided to all county party chairs, local political subdivisions and affected public interest groups. A recording or transcript of the hearing must be provided to the Secretary of State, along with a copy of the notice of hearing. The county must also provide a copy of the order or resolution passed by the commissioners court approving continued participation in the program.

The county judge will submit a letter requesting “successful” designation to the Secretary of State along with the recording or transcript of the public hearing. The letter requesting “successful” status must also include information regarding how the county plans to account for possible population growth and an increase in registered voters within the county as it pertains to the number of polling places available for future elections. The Secretary of State will review the transcript or recording of the hearing, as well as reports of the county’s elections using the program, to confirm the county met the requirements of the Code. Voter turnout data for elections using the program will be compared with turnout in previous elections without use of the program to determine whether use of the program caused a substantial reduction in voter turnout.

The Secretary of State reserves the right to withdraw a county’s “successful” status via written notification to the county elections officer and county judge, if the circumstances establish that the county’s program does not comply with Section 43.007 of the Texas Election Code.

## **Deadlines and Other Pertinent Dates**

**Q: What are the deadlines and key dates for implementing the countywide polling place program for the May 3, 2025 uniform election date?**

**A:** The schedule for implementing the countywide polling place program for the May 3, 2025 uniform election date is as follows:

- **Thursday, January 23, 2025** – Deadline for counties to submit their proposed plan (detailing the county’s ability to comply with Section 43.007 of the Texas Election Code) to Secretary of State. Note that counties that have participated in previous countywide election precincts programs are not required to hold a public hearing under Section 43.007(b) of the Code, though we urge that they do so. Counties that have not previously participated in a countywide program will have to include a recording of the public hearing as part of the proposed plan which will necessitate more lead time for the process which may require them to initiate the process earlier than previously participating counties.
- **Monday, February 24, 2025** – Deadline for Secretary of State to approve proposed local plans for the program and provide detailed guidance on the information that will be requested from the Secretary of State and that will be included in the final legislative report. The counties will be required to submit this information to the Secretary of State no later than 30 days after the election.
- **Monday, June 9, 2025** – Deadline for county clerk/elections administrator to submit election report to Secretary of State.

**Q: What are the deadlines and key dates for implementing the countywide polling place program for the November 4, 2025 uniform election date?**

**A:** The schedule for implementing the countywide polling place program for the November 4, 2025 uniform election date is as follows:

- **Monday, July 28, 2025** – Deadline for counties to submit their proposed plan (detailing the county’s ability to comply with Section 43.007 of the Texas Election Code) to Secretary of State. Note that counties that have participated in previous countywide election precincts

programs are not required to hold a public hearing under Section 43.007(b) of the Code, though we urge that they do so. Counties that have not previously participated in a countywide program will have to include a recording of the public hearing as part of the proposed plan which will necessitate more lead time for the process which may require them to initiate the process earlier than previously participating counties.

- **Wednesday, August 27, 2025** – Deadline for Secretary of State to approve proposed local plans for the program and provide detailed guidance on the information that will be requested from the Secretary of State and that will be included in the final legislative report. The counties will be required to submit this information to the Secretary of State no later than 30 days after the election.
- **Thursday, December 4, 2025** – Deadline for county clerk/elections administrator to submit election report to Secretary of State.

If you are interested in participating in the program or need more information, please contact **Andre Montgomery** or call our office toll-free at 1-800-252-2216.

CA:HM:AM