

# The State of Texas



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Jane Nelson  
Secretary of State

## **ELECTION ADVISORY** **NO. 2023-27**

**TO:** County Election Officials and County Chairs

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

**DATE:** December 23, 2023

**RE:** Ballot Preparation and Sample Ballots for March 5, 2024 Primary Election

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The ballot drawing for the March 5, 2024 primary election was required to have occurred not later than Thursday, December 21, 2023. After the ballot drawing is completed, you may prepare your ballots. Our office recommends completing your ballots **not later than the 60th day before election day, which is Friday, January 5, 2024**. The early voting clerk may begin mailing ballots to voters who have requested them as soon as the ballots are ready, and **must mail ballot to military and overseas voters not later than Saturday, January 20, 2024**.

### **Preparing Ballots:**

We have enclosed a sample ballot to assist you in preparing your ballot. The sample ballot shows the correct office title with the Spanish translation as well as the order of the races that are to appear on the ballot. **The sample ballot contains races that are not necessarily applicable to your county.** For example, "County School Trustee" only applies to the Harris County Department of Education. Accordingly, you will need to pick and choose the races that are applicable to your county, based on the party certification. The sample ballot includes titles for races that are not normally up in 2024, but may be up for an unexpired (partial) term. It also contains only one title for each race; it is possible that you have more than one office on your ballot and, therefore, will need to repeat that race title. In preparing a ballot, remember that a voter may only receive a ballot that contains the races on which the voter is entitled to vote. As a result, you may have more than one type of ballot for voting in your county. These different types of ballots are often referred to as "ballot styles" or "ballot combinations." **The sample ballot is only a guide and is not designed for you to insert the names of the candidates directly on the sample ballot.**

Please remember that a voter may not be given a ballot that contains an office for which the voter is not entitled to vote. As a result, anytime you have a race on the ballot that is not common to all voters, a new ballot style has to be printed.

### **Preparing Ballots for Public Offices:**

Candidates for public office may **not** be declared nominated if they are unopposed in the primary election. **You must print their names on the ballot under the appropriate race title.** Votes for these candidates will be cast and counted. If you **do not** have a candidate running for a particular public office (either state, district, county, or precinct), do not include that office on the ballot.

**NEW LAW** – SB 1089 (88th Leg., R.S., 2023) – repealed Section 2.056 of the Election Code and eliminated the ability of the Secretary of State and county election officers to declare unopposed candidates for county, district, and statewide offices elected and to cancel the elections for the unopposed offices. These unopposed candidates will appear on the November General Election ballot and must receive at least one vote to be elected to office.

### **Preparing Ballots for the Office of County Chair:**

Even if only one candidate filed for county chair, the name of that candidate must be printed on the ballot. The candidate must receive at least one vote. There is no method to declare an unopposed candidate for county chair elected.

Section 171.0231 of the Texas Election Code allows a county executive committee to authorize write-in candidates for the offices of county chair and precinct chair.

#### **1. Instructions for Preparing Ballots for the Office of County Chair.**

- A. More than one candidate filed to have name printed on ballot and no declared write-in candidates filed:
  - 1. Race is printed on ballot; and
  - 2. No write-in line is provided and write-in voting is prohibited.
- B. Only one candidate filed for county chair to have name printed on ballot:
  - 1. Race is printed on ballot; and
  - 2. No write-in line is provided and write-in voting is prohibited.

**Please note that the instructions below only apply when a county executive committee has authorized write-in candidates.**

- C. Only one candidate filed as a write-in candidate for county chair and no candidate filed to have name printed on ballot:
  - 1. Race is printed on ballot with one write-in line;
  - 2. List of the declared write-in candidate is posted in each voting booth;
  - 3. Write-in voting is restricted to candidate on declared list; and
  - 4. No other write-in votes will be counted.
- D. One candidate filed to have name printed on ballot and at least one candidate filed as a write-in candidate:
  - 1. Race is printed on ballot with one write-in line;
  - 2. List of declared write-in candidates is posted in each voting booth;

3. Write-in voting is restricted to candidates on declared list; and
  4. No other write-in votes will be counted.
- E. Two candidates filed for write-in candidacy and no one filed to have name printed on ballot:
1. Race is printed on ballot with one write-in line;
  2. List of declared write-in candidates is posted in each voting booth;
  3. Write-in voting is restricted to candidates on declared list; and
  4. No other write-in votes will be counted.

### **Preparing Ballots for the Office of Precinct Chair:**

The office of precinct chair is a distinctive office and requires a new ballot style for each precinct. If the office of precinct chair is printed on the ballot with candidate names, print the precinct number as part of the race title. **NOTE:** If you are using an electronic voting system, you may use paper ballots for precinct chair races and hand count those ballots.

Section 171.0221 of the Texas Election Code provides that if only one candidate's name is to be placed on the ballot for the office of precinct chair, the election for that office is not held, and the unopposed candidate, if otherwise eligible, shall be declared elected to the office.

Section 171.0231 of the Texas Election Code allows a county executive committee to authorize write-in candidates for the offices of county chair and precinct chair.

#### **1. Instructions for Preparing Ballots for the Office of Precinct Chair.**

- A. More than one candidate filed to have name printed on ballot and no declared write-in candidates filed:
  1. Race is printed on ballot; and
  2. No write-in line is provided and write-in voting is prohibited.
- B. Only one candidate filed for precinct chair to have name printed on ballot:
  1. Candidate declared elected and race is not printed on ballot.

**Please note that the instructions below only apply when a county executive committee has authorized write-in candidates.**

- C. Only one candidate filed as a write-in candidate for precinct chair and no candidate filed to have name printed on ballot:
  1. Candidate declared elected and race is not printed on ballot.
- D. One candidate filed to have name printed on ballot and at least one candidate filed as a write-in candidate:
  1. Race is printed on ballot with one write-in line;
  2. List of declared write-in candidates is posted in each voting booth;
  3. Write-in voting is restricted to candidates on declared list; and
  4. No other write-in votes will be counted.
- E. Two candidates filed for write-in candidacy and no one filed to have name printed on ballot:
  1. Race is printed on ballot with one write-in line;
  2. List of declared write-in candidates is posted in each voting booth;
  3. Write-in voting is restricted to candidates on declared list; and

4. No other write-in votes will be counted.

If you have any questions regarding these matters, please feel free to contact the Elections Division toll-free at 1-800-252-2216.

Enclosure:

- **Republican Sample Ballot (PDF)**
- **Democratic Sample Ballot (PDF)**

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