

**ELECTION LAWS OF TEXAS:
INCLUDING ALL ACTS OF THE
LEGISLATURE GOVERNING
ELECTIONS, BOTH GENERAL AND
PRIMARY, TO DATE**

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Election Laws of Texas: Including All Acts of the Legislature Governing elections, both general and primary, to date by F. C. Weinert

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COMPILED BY
F. C. WEINERT
SECRETARY OF STATE



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ELECTION LAWS.

TIME AND PLACE OF HOLDING ELECTIONS.

Article 2910. ELECTIONS, GENERAL, TIME FOR HOLDING.—A general election shall be held on the first Tuesday after the first Monday in November, A. D. 1912, and every two years thereafter, at such places as may be prescribed by law, after notice given as prescribed by law. [Acts 1905, 1st S. S. p. 535.]

Art. 2911. ELECTIONS, SPECIAL, TIME FOR HOLDING.—Special elections shall be held at such times and places as may be fixed by law providing therefor. [Id. sec. 62.]

Art. 2912. POLLS, HOURS OF OPENING AND CLOSING.—In all elections, general, special or primary, the polls shall be open from eight o'clock in the morning until seven o'clock in the evening; and the election shall be held for one day only. [Id. sec. 64.]

Art. 2913. PRECINCTS, ELECTION, FORMED HOW AND WHEN, PUBLICATION.—The county commissioners court of each county may, if they deem it proper, at each August term of the court, divide their respective counties, and counties attached thereto for judicial purposes, into convenient election precincts, each of which shall be differently numbered and described by natural or artificial boundaries or survey lines by an order to be entered upon the minutes of the court. They shall immediately thereafter publish such order in some newspaper in the county for three consecutive weeks. If there be no newspaper in the county, then such copy of such order shall be posted in some public place in each precinct in the county. No election precinct shall be formed out of two or more justice precincts, nor out of the parts of two or more justice precincts. [Id. sec. 7.]

Art. 2914. PRECINCTS IN CITIES AND TOWNS, HOW FORMED.—The county commissioners court, in establishing new election precincts, shall divide any city or town into as many election precincts as they see proper, none of which shall have resident therein more than three hundred and fifty voters, as ascertained by the vote of the last preceding general city or town election. Every ward in every incorporated city, town or village shall constitute an election precinct, unless there shall have been cast in the said ward, at the last general city or town election held therein, more than three hundred and fifty votes. Cities and towns, and towns and villages incorporated under the general laws shall not necessarily constitute election precincts; and no precinct shall be made out of parts of two wards. Provided, that this section [article] shall not apply to cities, towns and villages of less than ten thousand inhabitants; and, in such cities, towns and villages, the justice precincts in which said cities, towns and villages are situated may be divided

into election precincts without regard to the wards of such cities, towns and villages, and without reference to the number of votes to be cast. [Id. sec. 8.]

Art. 2915. [1709] UNORGANIZED COUNTIES, PRECINCTS AND VOTING IN.—Each unorganized county of the State of Texas which is attached, for judicial purposes, to an organized county shall be attached, for election purposes, to some one of the commissioners precincts of such organized county, and voters in such unorganized county shall be authorized to vote in any election for commissioner of such commissioners precinct; provided, when more than one election precinct has been established by law in such unorganized county of the State, each election precinct therein shall be attached, for election purposes, severally to one of the commissioners precincts of such organized county; and voters in such election precincts shall be authorized to vote in any election for commissioner of the commissioners precinct to which such election precinct has been attached. [Acts 1885, p. 89.]

Art. 2916. [1733] [1689] VOTERS SHALL VOTE IN PRECINCT WHERE THEY RESIDE.—All voters in any county shall vote in the election precinct in which they reside. [Act Aug. 23, 1876, p. 308, sec. 14. Acts of 1881, p. 97.]

Art. 2917. COLLECTOR, ORDER FIXING PRECINCTS TO BE SERVED ON.—The county commissioners court shall cause to be made out and delivered to the county collector of taxes, before the first day of September, annually, a certified copy of the last order fixing the limits and designating the number or name of each precinct for the year following. [Acts 1905, 1 S. S., p. 535.]

Art. 2918. POLLING PLACES AND POLL TAX LISTS IN TOWNS, ETC., UNDER GENERAL LAW.—In towns or cities incorporated under the general laws, the city council may provide for city or town elections that there shall be one or more polling places; and, in such case, the certified list of poll taxpaying voters for all election precincts in which voters reside who are to vote at any such polling place shall be used therefor. [Id. sec. 9.]

Art. 2919. BUT ONE ELECTION POLL IN CERTAIN CITIES AND TOWNS.—In all cities and towns in this State in which the number of electors at the last municipal election does not exceed four hundred in number, but one election poll shall be opened at any municipal election; and all officers of such towns and cities to be elected shall be voted for at such poll. [Acts 1897, p. 10.]

OFFICERS OF ELECTION.

Article 2920. JUDGES AND CLERKS OF ELECTION; PRESIDING JUDGES; APPOINTMENT, QUALIFICATION AND DUTIES.—The county commissioners court shall, at the February term, appoint from among the citizens of each voting precinct in which there are less than one hundred voters who have paid their poll tax and received their certificates of exemption two reputable men who are qualified voters as judges of the election. They shall be selected from different political parties, if practicable,

and shall continue to act until their successors are appointed. When the bounds of the precinct are changed so that one or more judges reside outside of the precinct for which they were appointed, the court shall appoint others to fill such vacancy or vacancies. One of the judges, who shall, in all cases, belong to the party that, at the last general election, cast the largest vote for governor throughout the State shall be designated as the presiding judge at elections; he shall appoint two competent and reputable clerks of different political parties, if practicable, who are qualified voters, to act as clerks of the election. The order appointing all judges shall be entered of record. The presiding judge shall act in receiving and depositing the votes in the ballot boxes, and the other judge shall act in counting the votes cast; one of the clerks shall keep the poll list and list of qualified voters, and, upon the poll list he shall write at the time of voting the name and number of each voter; the other clerk shall act as canvassing clerk, and shall keep the tally list of votes counted; said officers shall perform such other duties as the presiding judge may direct. [Acts 1905, S. S., p. 533, sec. 57.]

Art. 2921. JUDGES AND CLERKS OF ELECTION IN PRECINCTS OF OVER 100 POLL TAX RECEIPTS, APPOINTMENT AND DUTIES.—For every precinct in which there are one hundred male citizens or more who have paid their poll tax or received their certificates of exemption, the commissioners court shall appoint four judges of election, who shall be chosen when practicable from opposing political parties, one of whom shall be designated as presiding judge. The presiding and one associate judge shall act in receiving and depositing the votes in the ballot box, and the other two judges shall act in counting the vote cast. The presiding judge shall appoint four competent and reputable clerks who have paid their poll tax, and of different political parties, when practicable; two of said clerks shall assist in keeping poll lists and the list of qualified voters; upon the poll lists they shall write the name and number of each voter, and at the time voted. Two clerks shall be canvassing clerks, who shall keep tally lists of votes counted and perform such other duties as the presiding judge may direct. At the close of the canvassing, and during its progress, the tally clerks shall compare their tally lists and certify officially to their correctness. Provided, that in all elections held under the provisions of this title, other than general elections, local option elections and primary elections, the officers to be appointed by the commissioners court to hold said elections shall be a presiding judge, and assistant judge and two clerks, whose compensation shall be two dollars per day, and two dollars to the presiding judge extra for making return of the election. [Id. sec. 58.]

[Note.—For appointment of judges and clerks by voters, see Art. 2994.]

Art. 2922. DISQUALIFICATIONS FOR BEING JUDGES, ETC., OR MEMBERS OF EXECUTIVE COMMITTEES.—No one who holds an office of profit or trust under the United States or this State, or in any city or town in this State, except a notary public, or who is a candidate for office, or who has not paid his poll tax, shall act as judge, clerk, or supervisor of any election, nor as chairman nor as member of an executive committee, either for the State or any district or county. [Id. sec. 60.]

Art. 2923. SUPERVISORS OF ELECTIONS, APPOINTMENT, ETC., POWERS AND DUTIES.—The chairman of the county executive committee, for each political party that has candidates on the official ballot, or if he fails to act, any three members of such committee, may, not less than five days before the general election, nominate one supervisor of election for each voting precinct, who has paid his poll tax, by presenting his name to the county judge, who shall indorse his approval on the certificate of his nomination if he is a reputable citizen, but not otherwise. And thereupon, on his presenting such nomination and its approval to the presiding judge of the precinct, he shall be permitted to sit conveniently near the judges, so that he can observe the conduct of the election, including the counting of the votes, the locking and sealing of the ballot boxes, their custody and safe return. He shall not be permitted to enter into any conversation with the judges or clerks regarding the election while it is progressing, except to call the attention of the judges or clerks to any irregularity or violation of the law that he may observe. Before he shall be permitted to act as supervisor, he shall take an oath, to be administered by the presiding judge, that he will mention and note any errors he may see in testing or counting the votes, and that he will well and truly discharge his duties as supervisor impartially, and will report in writing all violations of the law and irregularities that he may observe to the next grand jury. [Id. sec. 59.]

Art. 2924. SUPERVISORS, APPOINTED, HOW, ETC.; DUTIES.—Any one-fifth of the candidates whose names appear on the official ballot may, on the day preceding the election or prior thereto, agree in writing signed by them upon two supervisors who, when selected, shall be sworn as election officers. Said supervisors shall be qualified voters of the county in which they may serve as such supervisors. Said supervisors, while the election is being held, shall remain in view of the ballot boxes until the count is concluded. It shall be their duty to be present at the marking of the ballot of any voter, by the judge of said election, not able to make his own ballot, to see that said ballot is marked in accordance with the wishes of the voter; and it shall further be their duty to see that each and every ballot is correctly called. The said supervisors shall note any and all fraud or irregularity occurring, and report same to the next grand jury. [Acts 1905, 1 S. S., p. 552. Acts 1909, 2 S. S., p. 451, sec. 12.]

[Note.—For appointment of officers and supervisors of election in cities, towns, etc., see Arts. 2934 and 785.]

Art. 2925. COMPENSATION OF JUDGES AND CLERKS.—Judges and clerks of general and special elections shall be paid two dollars a day each; and the judge who delivers the returns of election, immediately after the votes have been counted, shall be paid two dollars for that service; provided, the polling place of his precinct is at least two miles from the court house and provided, also, he shall make returns of all election supplies not used when he makes return of the election. [Acts 1905, 1 S. S., p. 557, sec. 146.]

Art. 2926. [1752] COMPENSATION OF JUDGES AND CLERKS.—The compensation of judges and clerks of general and special elections shall be paid by the county treasurer of the county where such services are rendered, upon the order of the commissioners court of such county;

provided, twelve working hours shall be considered a day within the meaning of this article.

Art. 2927. **PRECINCTS, ORDER DEFINING TO BE SERVED ON PRECINCT JUDGES.**—Precinct judges for all general elections shall be served with copies of the order of the county commissioners court, properly certified to by the clerk of the said court, designating the number, name and bounds of the election precinct and of their appointment as judges. Such service shall be made by the sheriff or a constable within ten days after the entry of such order, and return shall be made thereof on a copy showing when, where and how he executed the same. [Id. sec. 11.]

Art. 2928. [1708] [1665b] **PRESIDING OFFICERS IN UNORGANIZED COUNTIES.**—It shall be the duty of the commissioners court to which any unorganized county is attached for judicial purposes to appoint some suitable person in each of such unorganized counties to serve as a presiding officer of elections in said unorganized county; which appointment shall be made in the same manner as in the appointment of presiding officers in election precincts in organized counties. [Acts of 1861, p. 97.]

ORDERING ELECTIONS, ETC.

Article 2929. **PROCLAMATION OF ELECTION BY GOVERNOR.**—Notice shall be given to the people of all elections for State and district officers, electors for President and Vice-President of the United States, members of Congress, Members of the Legislature and all officers who are elective every two years. Such notices shall be by proclamation by the Governor ordering the election, not less than thirty days before the election, issued and mailed to the several county judges. [Acts 1905, 1 S. S., p. 528, sec. 30.]

Art. 2930. **ORDER FOR ELECTION BY COUNTY JUDGE, ETC.; WRITS OF ELECTION, ETC.**—The county judge, or if his office is vacant, or if he fails to act, then two of the county commissioners shall order an election for county and precinct officers, and all other elections which under the law the county judge may be authorized to order. The county judge, or county commissioners, as the case may be, shall issue writs of election ordered by him or them, in which shall be stated the office or offices to be filled by the election or the question to be voted on, or both, as the case may be, and the day of election. [Id. sec. 31.]

Art. 2931. [1725] [1682] **WRITS OF ELECTION, HOW SERVED, ETC.**—The writs of election and copies of the form of returns shall be delivered to the sheriff of the county, who shall, previous to the day of election, deliver the same to the presiding officer of each election precinct in which the election is ordered to be held, and in case there be no presiding officer in any such election precinct, the writ and form shall be delivered to the qualified voter of such election precinct who resides at or nearest to the voting place in such precinct.

Art. 2932. **INVALIDATED—ELECTION NOT; HOW.**—A failure, from any cause, on the part of the Governor or the county judge or commissioners court, or of both to order or give notice of any general election shall not invalidate the same if otherwise legal and regular. [Id.]

Art. 2933. NOTICE OF ELECTION; BY WHOM GIVEN; REQUIREMENTS AS TO.—The county judge, or if he fails to act, then two county commissioners, shall cause notice of a general election or any special election to be published by posting notice of election at each precinct thirty days before the election; which notice shall state the time of holding the election, the office to be filled, or the question to be voted on, as the case may be; provided, that in local option, stock law, and road tax elections, the notices of elections, or any other special election specially provided for by the laws of this State, shall be given in compliance with the requirements of laws heretofore or hereafter enacted governing said elections respectively; and provided, also, that if a vacancy occurs in the State Senate or House of Representatives during the session of the Legislature, or within ten days before it convenes, then twenty days notice of a special election to fill such vacancy shall be sufficient. Posting of notice of an election shall be made by the sheriff or a constable, who shall make return on a copy of the writ, how and when he executed the same. [Id. sec. 33.]

Art. 2934. IN CITIES, TOWNS, ETC., ORDERING ELECTIONS, NOTICE, OFFICERS, SUPERVISORS.—In all city, town and village elections, the mayor, or if he fails to, then the board of aldermen or the officials in whom authority is vested by law, shall order elections pertaining alone to municipal affairs, give notice and appoint election officers to hold the election, unless a different method be prescribed by the charter of such city, town or village; but, in all cases, supervisors may be selected as in general elections, and the judges and clerks shall each be selected from different political parties when practicable. [Id. sec. 34.]

Art. 2935. VACANCY, ORDER FOR ELECTION TO FILL, ETC.—In all cases of vacancy in a civil office in the State, caused by death or resignation or otherwise, the vacancy of which is to be filled by election, the officer or officers, authorized by this title to order elections shall immediately make such order, fixing the day, not exceeding thirty days after the first public notice of such order to fill the unexpired term, and cause like notice to be given and issue writs as provided for in general elections. [Id. sec. 35.]

Art. 2936. [1805] [1754] IN CASE OF A TIE ANOTHER ELECTION SHALL BE HELD.—Whenever, at any election, there shall be an equal number of votes given to two or more persons, for the same office, except executive offices as provided in the Constitution, and no one elected there-to, the officer to whom the returns are made shall declare such election void as to such office only, and shall immediately order another election to fill such office; and notice shall be given, and such other election shall be held in the same manner as is provided in other elections. [Act Aug. 23, 1876, p. 310, sec. 24. P. D. 3606.]

Art. 2937. FORMS OF BLANKS FURNISHED BY SECRETARY OF STATE.—The Secretary of State shall, at least thirty days before the general election, prescribe to the county judge of each county forms of all blanks necessary under this title. [Acts 1905, S. S., p. 528, sec. 32.]