

The State of Texas

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Carlos H. Cascos
Secretary of State

MEMORANDUM

TO: All County Election Officers (County Clerks/Elections Administrators/County Tax Assessors Collectors)

FROM: Keith Ingram, Director of Elections 

DATE: September 1, 2016

RE: Preparation of Ballot for Write-In Candidates and Independents, Procedures for Uncontested Candidates Declared Elected and Legend Printing Instructions

Instructions Specific to the Preparation of the Ballot in Regards to Write-In Candidates and Independents

Section 52.068(a) of the Code states that if there is no candidate to be printed on the ballot for an office and there is no declared write-in candidate for that office, the office title does not need to be printed on the ballot.

Section 124.0621 of the Code states that for counties using an optical scan ballot, blank write-in lines need to be provided on the ballot only for offices where a declared write-in candidate has been certified. You may include the language "write-in (voto escrito)" under the write-in line on your ballot to describe the purpose of the line. For counties using a DRE, a blank write-in line needs to appear on the ballot page under the race title following the candidates' names that are printed on the ballot. You will need to post special instructions on how the voter is to vote for a write-in candidate on the DRE.

The yellow sample ballot displays a square in the write-in column for which a candidate filed a valid declaration of write-in candidacy for state or district office. Do not print a write-in square for each race printed on the ballot; only races with declared write-in candidates should have a square.

When you prepare the list of declared write-in candidates, do not include candidates running for any district office that is not included in your county. The list is to be posted in each voting booth, on the wall where voters may be standing in line, and included with each mail ballot.

The Code does not provide direction on how to list multiple write-in candidates for the same office on the List of Declared Write-in Candidates. If there are two or more declared write-in candidates in any one race, the Secretary of State recommends that you list them in alphabetical order or conduct a ballot drawing pursuant to Section 52.094(a) & (c) of the Code. The list of declared write-in candidates should list only those candidates running for offices for which the voter is eligible to vote. For example, if your county has a declared write-in candidate for County Commissioner, Precinct 1,

that candidate's name should appear only on the list posted in the voting precincts contained in that commissioner's precinct.

The List of Declared Write-in Candidates must be mailed with the official balloting materials to all voters who vote by mail and must be posted in each voting station during early voting and Election Day.

Procedures for Uncontested Candidates Declared Elected

State and District Offices

The Secretary of State will not certify the uncontested candidates for state and district offices as declared elected. These uncontested candidates are certified with all other candidates and must be printed with a voting space in the regular ballot order.

County and Precinct Offices

As county elections officer, you have the authority to print your uncontested county and precinct candidates as declared elected. If you choose to print your ballot this way, you will make a declaration that those candidates are uncontested and duly-elected. You do not need to file this with the commissioners' court, but you must keep it with your other election records. At the local canvass, you will issue a certification of election to these candidates; however, the County Judge will continue to issue certificates to those candidates who won the election and were contested.

If you choose to print your ballots this way, you do not include a voting space but merely list all uncontested candidates at the end of your ballot under the heading "Unopposed Candidates Declared Elected."

You will need to include the candidate's name and the office title to which the county or precinct candidate is duly-elected. You may print all of your duly-elected county and precinct candidates on all ballots and do not need to take into account specific ballots styles. For example, if both your county commissioners' races for Precinct 1 and 3 were uncontested, you may print both races on all ballots, even ballots where voters would not be voting on county commissioner in this election. Remember, if you do this type of ballot for one uncontested candidate, you must do it for all your county or precinct uncontested candidates. You cannot pick and choose which uncontested candidates will be printed on the ballot with or without a voting space.

For counties using electronic voting systems, you also have the authority to group your uncontested races and block vote them, per Section 124.003 of the Code.

The Sample Ballot posted to our website demonstrates the ballot layout for how Uncontested Candidate Declared Elected should appear on the ballot.

Printing Legend Instructions

If you abbreviate the party names on the ballot, you must also print a legend containing the explanation for each party. We suggest that you print the party legend at the bottom of the ballot or in the instruction box. For those of you who use voting equipment that will not allow you to place party legend on the ballot, we direct you to place the legend in each voting booth. You may combine the party legend with the List of Declared Write-In Candidates and below is a sample of how that combined posting would appear.

LIST OF DECLARED WRITE-IN CANDIDATES

Name of Candidate

Office Sought

Name

United States Senator

LEGEND OF PARTY AFFILIATION OR INDEPENDENT PRINTED ON BALLOT

Republican=Rep
Democratic =Dem
Libertarian=Lib
Green=Grn
Independent=Ind

If you have any questions regarding this memorandum or the information enclosed, please call the Elections Division toll-free at 1-800-252-2216 or email elections@sos.texas.gov.

KI:TJ