Web Posting Requirements and Best Practices for a User Friendly Website

Election Law Seminar
December 2023

Web Posting Requirements

- Two Categories of Election Web Posting Requirements
  - Continuous Postings
  - Election Specific Postings

Entity Website Web Posting Requirements – Continuous

Summary of Election Related Information

- **Name of Members of Governing Body**

- **Contact Information** for each member of governing body if different than taxing unit's contact info

- **Mailing Address, Email Address, and Phone Number** of the taxing unit

- **Date and Location of Next Officer Election**

  - Address of main administrative office (place where candidates can file an application)

  - Next election means:

    - General Election for Officers

    - Special Elections for Vacancies, upon ordering.

  - Polling Places (election day and early voting locations)

    - Your jurisdiction already must post polling places on your website as part of standard election notice requirements. See the relevant entries in our calendars. Sections 85.006, 85.007 of the Texas Election Code.

Entity Website Web Posting Requirements – Continuous

Summary of Election Related Information

- The **requirements** and **deadlines** for filing for candidacy of each elected office of the political subdivision shall be continuously posted for at least one year before election day for that office.

  - **Requirements for Filing for Candidacy**

    - Application Requirements (Forms, Filing Fee, Petition Requirements)

    - Qualifications for Office (Eligibility)

  - **Deadlines for Filing for Candidacy**

    - For May 2024 elections, the posting requirement began May 4, 2023

    - For November 2024 elections, the posting requirement began November 5, 2023

    - Important Election Dates 2023-2024

    - Election Law Calendars

Sec. 26.18, Tax Code; Sec. 11.1518, Educ. Code
Chapter 2051, Subchapter F, Government Code

Entity Website Web Posting Requirements – Continuous

<u>Summary of Election Related Information</u>

- Each notice of a meeting of the political subdivision's governing body under Subchapter C, Chapter 551 of the Government Code; and
- Each record of a meeting of the political subdivision's governing body under Section 551.021 of the Government Code

- **<u>For these two items only</u>**:
    - Requirements for posting notice of meetings and record of meetings of the political subdivision's governing body does not apply to:
    - A county with a population of less than 10,000;
    - A municipality with a population of less than 5,000 located in a county with a population of less than 25,000; or
    - A school district with a population of less than 5,000 in the district's boundaries and located in a county with a population of less than 25,000.

Sec. 26.18, Tax Code; Sec. 11.1518 Educ. Code
Chapter 2051, Subchapter F, Government Code

Entity Website Web Posting Requirements – Election Specific

- Election Specific Posting Requirements
  - Notice of Deadline to File Applications for Place on the Ballot (Sec. 141.040)
  - Notice of Election (4.003 for Cities and Schools)
  - Voter Information Document/Debt Obligation Order (Debt Obligation Elections) (3.009, 4.003)
  - **NEW LAW**: Notice of Voting Order Priority (recommended web posting)(Sec. 63.0015)
  - Date of Election (4.009 for Cities and Schools)
  - Candidates (4.009 for Cities and Schools)
  - Measures (4.009 for Cities and Schools)
  - Early Voting and Election Day Polling Places (4.009 for Cities and Schools)
  - Signature Verification Committee Appointment Order, if applicable
  - Notice of L&A Testing, if applicable
  - Early Voting Rosters (87.121)
  - Election Day Rosters (87.121)
  - Election Results (65.015)
  - Reconciliation Form, if applicable (127.121)

Notice of Election

- **The notice must include:**

  - The type and date of the election;
  - The location of the main early voting polling place, including the street address, room number, and building name. **The notice must designate which location is the main early voting polling place**;
  - The location of each polling place, including the street address, room number, and building name;
  - The hours the polls will be open;
  - The regular dates and hours for early voting by personal appearance;
  - The dates and hours of any Saturday or Sunday early voting;
  - The early voting clerk's official mailing address or street address at which the clerk may receive delivery by common or contract carrier, if different, phone number, e-mail address, and the Internet website, if the early voting clerk has an Internet website;
  - We recommend that the information regarding branch early voting locations be included as part of your notice; and
  - Any other information required by law.

Election Code §§ 4.003, 4.004

Candidate Information

- **Candidate and Polling Place Information on County, City, and School District Websites:** Not later than the 21st day before election day, a county that holds an election or provides election services for an election must post certain information related to its upcoming elections.

    - The date of the election;

    - The location of each polling place;

    - Each candidate for an elected office on the ballot; and

    - Each measure on the ballot.

- A **city** or independent **school district** that holds an election and maintains an Internet website **must also post this same election information on its website** even if the county is posting this data.

Election Code §§ 4.009, 65.016

Polling Locations (TEC 31.016)

The Secretary of State must post election day and early voting polling place locations for **county** and **local** elections including:

- polling place building name, if any

- street address and zip code, and

- days and hours of voting under each location.

Early Voting Rosters (TEC 87.121)

- Information contained on Early Voting Rosters (both in-person and by-mail) must be posted on the entity's website.
  - At minimum, the roster must contain the voter's name, VUID, and precinct number

- For all elections in which the **County Clerk** is the early voting clerk:
  - Information contained on Early Voting Rosters (both in-person and by-mail) must be posted on the county's website.
  - **SOS Recommendation**: 11:00 am per 87.121(g) and (h)

- For all other elections (County Clerk is **NOT** the early voting clerk by law or contract)
  - Information contained on Early Voting Rosters (both in-person and by-mail) must be posted on the website.
  - If no website, then bulletin board used for posting notice of meetings of the governing body of the authority.
  - **SOS Recommendation:** 11:00 am per 87.121(g) and (h)

Early Voting Rosters (TEC 87.121)

- If an early voting clerk fails to post their early voting rosters in accordance with Section 87.121, a person registered to vote in the county where the early voting clerk is conducting early voting may file a complaint with the Secretary of State regarding the early voting clerk's noncompliance.

- The SOS has no way of receiving and posting early voting roster information for local elections.

- However, the SOS does provide a link to county election websites which will contain the county's rosters.

- **Best practice for entities:**

  - If contracting with the county – the early voting roster must be posted on the county website and the entity should provide a link to that list on the entity's website.

  - If not contracting with the county – the early voting roster must be posted on the entity's website

Ballot by Mail Tracker (TEC 86.015, 87.121)

- Requires the Secretary of State to provide an online tool on the Secretary of State's website that enables a person who has submitted an application for a ballot by mail to track the location and status of the person's application and ballot.

- For each carrier envelope containing a mail ballot, the ballot by mail tracker must assign or record a serially numbered and sequentially issued barcode or tracking number unique to each envelope.

  - **Best Practice:** Local entities will need to work with the counties in comparing the ID numbers provided on the ABBM and carrier envelope to the ID numbers on the voter's registration record and reporting the ballot by mail activity in TEAM so voters can utilize the Ballot Tracker

Election Results

- A county that holds an election or provides election services for an election for a **public entity** must post certain information on their website.

- A **city** or independent **school district** that holds an election and maintains an Internet website **must also post this same election information on its website** even if the county is posting this data.

 The information must:

  - Be posted **as soon as practicable** after the election; **and**

  - Be **accessible** without having to make more than two selections or view more than two network locations after accessing the home page of the county, city or school district, whichever is applicable.

- We recommend that election results information remain posted on the entity's main page (or within two clicks of the main page) at least until the next election, and that the information continues to be available for the full 22-month retention period for election records.

  - Entities may choose to make older election results information available on their website.

Election Code §§ 4.009, 65.016

Election Results (cont'd)

Required information on websites:

- the results of each election;

- the total number of votes cast;

- the total number of votes cast for each candidate or for or against each measure;

- the total number of votes cast by personal appearance on election day;

- the total number of votes cast by personal appearance or mail during the early voting period; and

- the total number of counted and uncounted provisional ballots cast.

Election Code §§ 4.009, 65.016

Reconciliation Forms (TEC 127.131)

- The presiding judge of the central counting station must provide and attest to a written reconciliation of votes and voters at the close of tabulation for election day and again after the central counting station meets for the last time to process late-arriving ballots by mail and provisional ballots.

- Requires that the form be posted on a website maintained by the county with election returns and results.

  - **Best Practice –** Cities, schools, and other political subdivisions should also post this reconciliation form along with the entities election returns and results.

Does Your Political Subdivision Have a Website?

- Consider changing your web address to a .gov free website avail for SLTTs (State, Local, Tribal and Territorial)
  - For more information visit dotgov.gov

- If you do not yet have a website, please consider having a discussion with your governing body about obtaining one from a source that it approves.

- CISA – Cybersecurity and Infrastructure Security Agency has resources for local governments
  - CISA is an arm of the Department of Homeland Security - www.cisa.gov
  - CISA services are available to all SLTTs – State Local Tribal and Territorial governments
  - Cybersecurity assessments can be obtained at NO COST
  - There are many low cost and no cost services available through CISA

Election Website Security

- Make sure your website is secure.
- If not using a secure website, cyber threat actors might be able to post misinformation, or change information on your website.
  - Talk to your IT department or vendor about security
- Using a secure website gives elections credibility in general.
- Make sure that when using social media to communicate with the voting public, the information posted there directs voters to your official website.

Texas Secretary of State

Elections Infrastructure ISAC

Join the EI-ISAC – Free for U.S. Elections Organizations

Membership in the Elections Infrastructure ISAC is open to all state, local, tribal, and territorial government organizations that support the elections officials of the United States of America, and associations thereof. This is always a free and voluntary membership for these eligible organizations.

If you are affiliated with an eligible organization, please fill out this form and an EI-ISAC representative will reach out to you as soon as possible to complete the membership enrollment process.
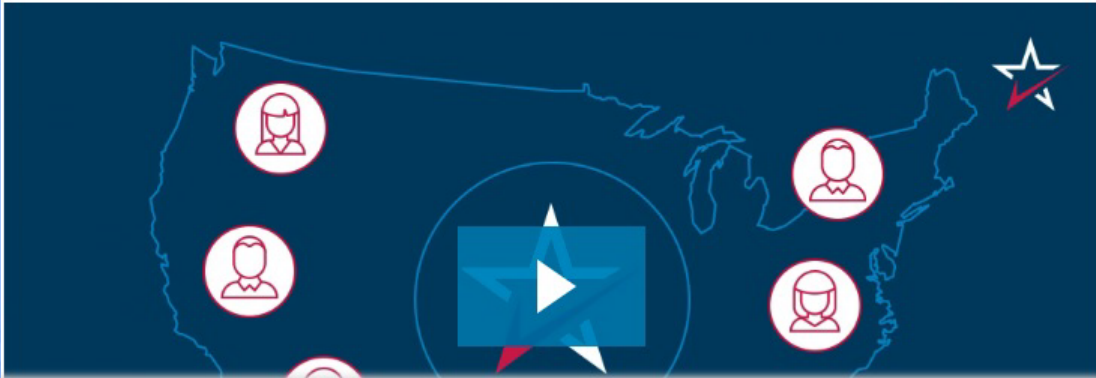
- Consider Joining EI-ISAC – Elections Infrastructure Information Sharing and Analysis Center
  - EI-ISAC is an arm of CISA www.cisecurity.org/ei-isac

- It is free to join to all SLTTs (State, Local, Tribal and Territorial Governments) www.learn.cisecurity.org/ei-isac-registration

If Using a Vendor or Internal IT, Give Specific Instructions

- Give detailed instructions to your vendor/IT of where you want the information placed.

- Create a schedule for your vendor/IT with deadlines for posting things based on the election cycle.

- Try to give the vendor/IT your deadlines at the beginning of an election year.
  - Create a standard time for when things must be updated before each election
    - Example: 90 days before Election Day

- Make sure to proof the information once the vendor/IT has updated it.

Most Relevant Information Highly Visible

- When voters visit your website, make sure that the information for the current election is at the top of the webpage.
    - Some entities or their vendors list everything in chronological order which results in the current election being at the bottom of the page.
    - Make sure that the most relevant information is at the top of the page where voters land when they visit.
        - Voters shouldn't have to scroll very far for the information.
    - A list of polling locations should be on your website 90 days before the election, if possible.
    - The deadline for your order of election is the 78th day before election day. They should be posted by that date if not earlier.
        - Governing body approval is not necessary to publish your preliminary list.
        - Update the locations on your Order and Notice of Election as needed.

Posting Sample Ballots

- Post a sample ballot for each ballot style.
  - If there are multiple ballot styles, post each unique style with a legend that tells which precincts are in each ballot style.
  - If there are splits for political subdivisions, you can say:
    - *All or portions of precincts:* 102, 103, 104 etc.

- Remember, a sample ballot must say "Sample Ballot" at the top of each sample ballot.

- If there are too many precincts to post each ballot style, consider posting an all encompassing Sample Ballot/Bedsheet Ballot.
  - If there are splits for political subdivisions, you can say:
    - *All or portions of precincts:* 102, 103, 104 etc.

Link to VoteTexas.gov

- Please place a link on the website to VoteTexas.gov with an explanation of the information that can be obtained there.
  - Voting by Mail   Poll Watcher Training
  - ID Requirements   Poll Worker Training
  - Voter Registration   Ballot by Mail Tracker

VOTETEXAS.GOV
POWERED BY THE TEXAS SECRETARY OF STATE
★ ★ ★

Click on the image above to visit www.votetexas.gov a website that contains information on frequently asked questions, allows you to check your registration status, and provides other important details about the upcoming election.

Link to "Am I Registered?"

- If voters are visiting your website to see if they are registered, provide the county voter registrar's phone number so they can call to find out their status.

OR

- Provide the link to the Secretary of State's website so that they can verify their own information without calling.

Click on the above image to verify your registration status.

Ballot By Mail Tracker Link

- … and on the county's Internet website if the early voting clerk is the county clerk/EA of a county that maintains an Internet website.
  - The county must have a website, so the link to the ballot by mail tracker should be on the elections page of the website.
  - Please make the link to the Ballot by Mail Tracker highly visible.
    - Voters can track their ABBMs and their Carrier Envelopes on the Tracker.

Other Recommended Links for the Elections Page

- Legally Required Notices
  - Order of Election
  - Notice of Election
  - Meeting Times for SVC and EVBB
  - Notice of Logic and Accuracy Testing
  - Notices of Cancellation, Debt Obligation
  - Notice of Destruction of Ballots (if you had to make corrections to your paper ballot)
- The most current versions of Candidate Applications and Certificates of Appointment of a Poll Watcher – Old versions cannot be used
- Link to FVAP – Federal Voting Assistance Program for FPCA voters
- How to Become an Election Worker
- Poll Watcher Training

Links to ADA and Language Information

- All voter-facing information must be posted in all languages required in your county
  - All of Texas must have information in English and Spanish
- Ballot by Mail Information
- Consider adding links to the resources that are available for voters with disabilities
  - Curbside voting information
  - Information about voter assistance
  - Information about physical accessibility in polling places
  - Local transportation resources

Post Information about the Voting Process

- The address to which your Application for a Ballot by Mail must be sent
  - Information about hand delivery of an ABBM or a voted ballot
- ID Requirements
- Consider posting information about the use and function of the voting system
  - Review the check in process
  - How to cast a ballot
- If your vendor has videos or other training materials, post them
- Information may be available from your vendor online already

Post Information about the Voting Process

- Summary of important dates
  - VR deadline
  - ABBM and FPCA application deadlines
  - Dates for the Early Voting Period
    - Hours for Early Voting
  - Election Day
- Where to send Ballot by Mail – UPS and FedEx do not ship to P.O. Boxes so make sure to provide your physical address as well
- Special Forms of Early Voting
  - Limited Ballot
  - Late Voting Due to Sickness or Disability
  - Late Voting Due to Death in the Family
- Provisional Voting

Election Results

- Unofficial results should be posted as soon as available
  - Complete the Preliminary Reconciliation Form – Unofficial Results (Form 12-1)
  - Remember the "Two Click Rule"

- Official results should follow after the canvass.
  - Complete the Reconciliation Form - Official Totals (Form 12-2)

- Information for any recounts should be posted if a request is filed

- Consider keeping historical results for at least 5 years or indefinitely

- Consider keeping past sample ballots in an archive as well

Election Results – Two Click Rule

- Remember the "two click" rule – Information should be posted as soon as practicable after the election and must be accessible without having to make more than two selections or view more than two network locations after accessing the home page of the county, city or school district, whichever is applicable. [TEC 65.016(c)]

- Results information that must be posted:
  - the results of each election;
  - the total number of votes cast;
  - the total number of votes cast for each candidate or for or against each measure;
  - the total number of votes cast by personal appearance on election day;
  - the total number of votes cast by personal appearance or mail during the early voting period; and
  - the total number of counted and uncounted provisional ballots cast.

  [TEC 65.016(a)]

When you put more information on your website…

You won't have to take as many calls from the public.

Texas Secretary of State

Questions???

Elections@sos.Texas.gov