

# 2021

## SHORT ANSWERS TO COMMON QUESTIONS

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## WEBSITE POSTING REQUIREMENTS FOR COUNTIES

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The  symbol indicates sections that have been updated since the previous publication.

### INTRODUCTION

The following is a list of the county website posting requirements of which the Texas Association of Counties (TAC) is presently aware. Also included are citations to the statutes that contain these requirements and a summary of each requirement. All counties are required to maintain an Internet website by January 1, 2020.<sup>1</sup>

### BUDGET

#### 1. **Proposed County Budget**

Local Government Code §111.006(b) (counties with population of 225,000 or less);  
Local Government Code §111.037 (counties with population over 225,000)

The county clerk shall take action to ensure that the proposed budget is posted on the county's Internet website.

#### 2. **Final Approved Budget**

Local Government Code §111.009(b) (population of 225,000 or less);  
Local Government Code §111.040 (population over 225,000);  
Local Government Code §111.069 (alternate method of budget preparation in counties of population more than 125,000)

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<sup>1</sup> Tex. Tax Code §26.16.

The commissioners court shall ensure that a copy of the adopted budget, along with the statutorily required cover sheet, is posted on the county's Internet website at least until the first anniversary of the date the budget is adopted.

**3. Past Budget Information**

Tax Code §26.18

The county is required to post its budget for the preceding two years, along with the proposed or adopted budget for the current year, and the change in the amount of the budget from the preceding year to the current year by dollar amount and percentage. The county must also post the amount of tax revenue budgeted for maintenance and operations for the preceding two years and the current year, the amount of tax revenue budgeted for debt service for the preceding two years and the current year, and the most recent financial audit of the county.

**ECONOMIC DEVELOPMENT**

**1. Tax Abatement Guidelines and Criteria**

Tax Code §312.002(c-2)

A county shall post the current version of the guidelines and criteria governing tax abatement agreements adopted under Section 312 of the Tax Code.

**2. Local Development Agreements**



Local Government Code §381.005(c)<sup>2</sup>

A county shall provide on its website a direct link to the location of information published on the comptroller's website relating to a local economic development agreement entered into, amended, or renewed by the county, county industrial commission, or development board pursuant to Chapter 381 of the Local Government Code and which has been submitted to the comptroller for inclusion in the Local Development Agreement Database.

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<sup>2</sup>Added by HB 2404, 87<sup>th</sup> (R) Leg., effective Sept. 1, 2021. For a local development agreement in effect as of Sept. 1, 2021, the local government must submit the relevant information to the comptroller not later than Jan. 1, 2022. The comptroller shall publish on its website the local development agreement information received not later than Sept. 1, 2022.

## ELECTION NOTICE REQUIREMENTS

### 1. The Date and Location of the Next Election for County Officers

Government Code §2051.201(b)(3)

### 2. Continuous Posting of Requirements and Deadline for Filing for Candidacy

Government Code §2051.201(b)(4)

The requirements and deadline for filing for candidacy of each elected county office shall be continuously posted for at least one year before the election day for the office.

### 3. Notice of Election

Election Code §§4.003(b) and 4.008(a)

Not later than 21 days before election day, a county shall post a notice of election given by the county or provided to the county by a political subdivision located in the county, which must include the location of each polling place.

### 4. Notice of Debt Obligation Election

Election Code §4.003(f)(3)

A debt obligation election order shall be posted on the county's Internet website during the 21 days before the election along with the election notice, contents of the proposition, and any sample ballot prepared for the election.

### 5. Internet Posting of Election Notices

Election Code §4.009<sup>3</sup>



Not later than the 21<sup>st</sup> day before election day, a county that holds an election or provides election services for an election shall post on its Internet website: 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.

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<sup>3</sup> Added by SB 1116, 87<sup>th</sup> (R) Leg., effective Sept. 1, 2021

**6. Debt Obligation Voter Information Document**

Government Code §1251.052(b), (c), (d)

A county with at least 250 registered voters on the date the county adopts a debt obligation election order must prepare a voter information document stating the statutorily required facts and assumptions and post the voter information document on the county’s Internet website not later than the 21st day before election day and ending on the day after the date of the debt obligation election.

**7. Notice of Voter Identification Requirements and Elimination of Straight Ticket Voting**

Election Code §31.012(a)



The voter registrar shall provide notice of the voter identification requirements and that straight ticket voting has been eliminated pursuant to HB 25, Acts of the 85<sup>th</sup> Legislature, Regular Session, 2017 on the county’s Internet website in each language in which voter registration materials are required to be available.

**8. County Election Office Contact Information**

Election Code §31.125



The county officer responsible for administering elections shall post contact information for the county election office on the county’s Internet website, including: the street address and zip code and mailing address if different from the street address; telephone number; fax number; and email address.

**9. Polling Places and Hours of Operation**

Election Code §31.125

The county officer responsible for administering elections shall post: the name of the building in which each polling place is located, if available; the street address and zip code of the polling place; and the days and hours of voting at each polling place location.

**10. Election Judge and Clerk Training Sessions**

Election Code §32.114(c)

The county clerk shall post notice of the time and place of each training session for election judges and clerks, and the notice shall state that the training session is open to the public.

**11. Order Changing County Election Precinct Boundary**

Election Code §42.035(a)

The commissioners court must publish notice of an order to change a county election precinct boundary in a newspaper in the county once a week for three consecutive weeks and on the county’s Internet website for three consecutive weeks.

**12. Notice of Polling Place Location Changes**

Election Code §43.061(c)(2)

The county clerk shall post notice of a change in polling place location on any Internet website maintained by the county clerk to provide election information.

**13. Internet Posting of Election Results**



Election Code §65.016<sup>4</sup>

A county that holds or provides election services for an election shall post on its Internet website: 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.

The information must 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 Internet website home page of the county.

**14. Notice of Opening a Ballot Box to Retrieve Erroneously Placed Election Records**

Election Code §66.059(b-1)

The district judge shall post notice of the date, hour, and place for opening a ballot box on the county’s Internet website for 24 hours preceding the hour set for opening the box.

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<sup>4</sup> Added by SB 1116, 87<sup>th</sup> (R) Leg., effective Sept. 1, 2021

**15. Notice of Early Voting Dates and Times**

Election Code §85.007

The county must post the dates and times for early voting periods on the county’s website if the county maintains a website.

**16. Early Voting Weekend Hours**

Election Code §85.007(c)

The early voting clerk shall post continuously for at least 72 hours the dates and hours that voting on a Saturday or Sunday is ordered to be conducted.

**17. Notice of Branch Voting Schedule**



Election Code §85.067

The early voting clerk shall post on the county internet website a schedule for each election stating the location of each permanent and temporary branch polling place, the election precincts served by each branch polling place, and the dates and hours that temporary branch voting will be conducted. The schedule shall be posted continuously for a period beginning not later than the fifth day before the first day of early voting by personal appearance and ending on the last day of that period. Amendments to the schedule must be made not later than the fifth day before voting is scheduled to begin at the additional temporary branch.

**18. Early Voting Branch Polling Place Daily Register**

Election Code §85.072(f)

The early voting clerk shall provide, in a downloadable database format, a current copy of the early voting branch polling place register for posting on the county’s website each day early voting is conducted. At a minimum, the voter registration number for each voter listed in the register must be posted.

**19. Electronic Tracking of Application for Ballot Voted by Mail or Ballot Voted by Mail**



Election Code §86.015(a)<sup>5</sup>

The secretary of state shall develop or provide an online tool to each early voting clerk that allows for the electronic tracking of an application for a ballot to be voted by mail

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<sup>5</sup> Added by HB 1382, 87<sup>th</sup> (R) Leg., effective Sept. 1, 2021

and a ballot voted by mail on the county's Internet website if the early voting clerk is the county clerk.

**20. Early Voting Signature Verification Committee**

Election Code §87.027(k-1)

The early voting clerk shall post the name and residence address of each appointee to an early voting signature verification committee continuously for the period beginning the day after the date of appointment and ending on the last day of the committee's operation in the election.

**21. Early Voting Rosters**

Election Code §87.121(g), (h), (i)

For an election in which the county clerk is the early voting clerk, information on the roster for a person who votes an early voting ballot in person or by mail shall be made available on the publicly accessible county Internet website by 11 a.m. on the day following the day the early voting clerk: (i) enters the roster listing for a person voting in person, or (ii) receives a ballot voted by mail.

**22. Risk-Limiting Audit**



Election Code §§127.301, 127.302<sup>6</sup>

The general custodian of election records shall post a notice of the date, hour, and place of a risk-limiting audit conducted for a selected statewide race or measure on the county's Internet website. This applies to an election that occurs after Aug. 31, 2026; that contains a race or measure that is voted on statewide; and in which a specified auditable voting system is used.

**23. Public Test of Logic and Accuracy Testing of Direct Recording Electronic Voting Machines**

Election Code §129.023(b)

At least 48 hours before a public logic and accuracy test of a voting system is conducted, the general custodian of election records shall post notice of the test, and the test shall be open to the public.

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<sup>6</sup> Added by SB 598, 87<sup>th</sup> (R) Leg., effective Sept. 1, 2021



**24. Public Notice of Extended Filing for an Application for General Primary Ballot**

Election Code §172.055(c)

For an office filled by voters of a single county, if the deadline for filing applications for a place on the general primary ballot is extended, not later than 24 hours after a candidate withdraws or is declared ineligible or after the authority preparing the notice learns of the candidate's death, the authority shall deliver a copy of the notice to the county clerk. The county clerk shall post notice of the extended filing period on the county website.

**25. Notice of Primary Election and Consolidated Precincts**

Election Code §172.1112(a)

The county clerk shall post notice of a primary election and a notice of consolidated precincts, if applicable, in the same manner prescribed by §4.003(b) for general and special elections.

**26. Notice of Accepting Voters with Certain Disabilities**

Election Code §63.0015

The following notice regarding the priority given at the polling place to persons with mobility problems must be posted on each Internet website relating to elections maintained by the county:

“Pursuant to Section 63.0015, Election Code, an election officer may give voting order priority to individuals with a mobility problem that substantially impairs the person's ability to move around. A person assisting an individual with a mobility problem may also, at the individual's request, be given voting order priority. Disabilities and conditions that may qualify you for voting order priority include paralysis, lung disease, the use of portable oxygen, cardiac deficiency, severe limitation in the ability to walk due to arthritic, neurological, or orthopedic condition, wheelchair confinement, arthritis, foot disorder, the inability to walk 200 feet without stopping to rest, or use of a brace, cane, crutch, or other assistive device.”

## **27. Security of Voted Ballots**



Election Code 127.1232(b)<sup>7</sup>

The general custodian of election records in a county with a population of 100,000 or more shall implement a video surveillance system that retains a record of all areas containing voted ballots from the time the ballots are delivered to the central counting station, signature verification committee, or early voting ballot board until the canvass of precinct election returns. The video shall be made available to the public by a livestream.

## **ETHICS AND CAMPAIGN FINANCE**

### **1. Candidate, Officeholder, and Specific-Purpose Committee Reports**

Election Code §254.0401

The county clerk of a county with a population of 800,000 or more shall make reports filed by a candidate, officeholder, or specific-purpose committee in connection with a county office or the office of county commissioner available to the public on the county Internet website not later than the 5<sup>th</sup> business day after filing.

### **2. Conflicts Disclosure Documents**

Local Government Code §176.009(a)

A county shall provide access on its Internet website to the statements and questionnaires filed pursuant to Local Government Code Chapter 176.

## **GENERAL ADMINISTRATION**

### **1. County Contact Information**

Government Code §2051.201(b)

Each county shall post on a publicly available Internet website the county's contact information, including a mailing address, telephone number, email address and each elected county officer.

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<sup>7</sup> Amended by SB 1, 87<sup>th</sup> Leg., 2<sup>nd</sup> Called Session, 2021, effective ??, 2021

**2. Elected Officer Information**

Government Code §2051.201(b)(2)

Each county shall post on a publicly accessible Internet website each elected officer of the political subdivision. The subsection does not state what information about the officers must be posted. We would suggest at least the name and contact information.

**3. Utility Bills of Government Entities**

Government Code §2265.001

A county must record in an electronic repository the amount of electricity, water, or natural gas consumed for which it is responsible to pay and the aggregate costs for those utility services and report the recorded information on a publicly accessible Internet website with an interface designed for ease of navigation if available, or at another publicly accessible location.

**4. County Treasurer's Report**

Local Government Code §114.026(d)

The affidavits of the members of the commissioners court certifying compliance with Local Government Code §114.026(c) must be filed with the county clerk, published and posted on the county's Internet website.

**5. Sale or Lease of Advertising Space**

Local Government Code §263.251



If the commissioners court adopts a procedure by which the county leases advertising space in or on a county-owned building; on personal property owned or leased by the county; or on an official county Internet website, the notice must be posted on the county's Internet website continuously for the 14 days immediately before the date the award of the sale or lease is made. The notice must also be published at least one time in a newspaper of general circulation in the county not earlier than the 30<sup>th</sup> day or later than the 14<sup>th</sup> day before the date the award of the sale or lease is made.

**6. Municipal and County Water and Energy Improvement Regions**

Local Government Code §399.009(c)(2)

The county shall post the report required by this section for a proposed county water and energy improvement region on its Internet website.

## JUDICIAL

### 1. **Juvenile Court Information**

Family Code §58.352

In a county with a population of 600,000 or more, not later than the 10<sup>th</sup> day of each quarter, the juvenile court judge must post on the county's Internet website certain information about children committed to a correctional facility operated by the Texas Juvenile Justice Department.

### 2. **Court Orders of Nondisclosure**

Government Code §411.0745

Each county or district clerk's office that maintains an Internet website shall include on that website a link to the electronic application and printable application form for a petition for an order of nondisclosure available on the Office of Court Administration's Internet website.

### 3. **Report on Court Appointments**

Government Code §36.004(b)(2)

The county or district clerk shall prepare a report on court appointments for an attorney ad litem, guardian ad litem, guardian, mediator, or competency evaluator for a case before the court in the preceding month and post the report to any Internet website of the court not later than the 15<sup>th</sup> day of each month.

### 4. **Notice of Self-Help Procedures**

Government Code §51.808

The clerk of each court in this state shall post on the court's Internet website a link to the self-help resources Internet website designated by the Office of Court Administration of the Texas Judicial System. The Office of Court Administration's self-help website will include lawyer referral services, the name, location and any website of any local legal aid office, any self-help center serving the county in which the court is located and the State Law Library's internet website.

## LAW ENFORCEMENT

### 1. Impoundment of Estrays

Agriculture Code §142.009

If the sheriff cannot determine the owner of an estray, the sheriff shall post a notice of the impoundment on the public notice board at the courthouse and advertise the impoundment in a newspaper of general circulation in the county or on the county's Internet website for at least 15 days after the date of the impoundment.

### 2. Use of Unmanned Aircraft by Law Enforcement Agencies

Government Code §423.008

Not earlier than January 1 and not later than January 15 of each odd- numbered year, each county law enforcement agency located in a county with a population greater than 150,000 shall post to its Internet website a copy of their report to the governor and other state officials detailing the agency's use of unmanned aircraft.

## OPEN GOVERNMENT

### 1. Notice of Open Meeting and Record of a Meeting

Government Code §551.056, §2051.201

Notice of a commissioners court meeting must be concurrently posted on the website, in addition to normal physical posting. A county with a population of 65,000 or more must also post the meeting agenda.<sup>8</sup>

Counties with a population greater than 10,000 must post each record<sup>9</sup> of a commissioners court meeting.

### 2. Posting of Video and Audio Recordings

Government Code §551.128

Commissioners courts of counties with a population of 125,000 or more shall make a video and audio recording of reasonable quality for each regularly scheduled open meeting that is not a work session or special called meeting and make an archived

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<sup>8</sup> Because the terms "notice" and "agenda" are used interchangeably in the Open Meetings Act and in common parlance, it is not clear what additional information should be included under this provision.

<sup>9</sup> The term "record" is undefined.

copy of the recording available on the Internet. The recording of the meeting may be posted either on the county's own site or on a publicly accessible video-sharing or social networking site. The meeting must be posted no later than seven days after the recording was made and must be maintained on the Internet for not less than 2 years after posting.

**3. Public Information Request Form**

Government Code §552.235

A county that allows requestors to use the public information request form developed by the attorney general shall post the form on its website.

**PROPERTY**

**1. Revision of Subdivision Plats**

Local Government Code §232.009<sup>10</sup>

The county must post notice of proposed subdivision plat revisions that do not impact a public interest or public property on the county's Internet website continuously for at least 30 days preceding the date of the meeting until the day after the meeting.

**2. Property Owner's Bill of Rights**

Property Code §21.0112

Before negotiating with a property owner prior to exercising eminent domain, a county must provide the property owner with the Property Owner's Bill of Rights as contained in Government Code §402.031, and must post it on the county's Internet website, if feasible.

**3. Notice of Foreclosure Sale**

Property Code §51.002(f-1)

The county must post notice of foreclosure sales on a page on its Internet website and make the notice available for viewing without charge or registration.

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<sup>10</sup> Applies only to real property located outside municipalities and the extraterritorial jurisdiction of municipalities with a population of 1.5 million or more as determined under Chapter 42, Local Government Code.

## PUBLIC FINANCE

### 1. Capital Appreciation Bonds

Government Code §1201.0245(b)(4)

Before issuing capital appreciation bonds that are secured by ad valorem taxes, the commissioners court must post the total amount of the proposed bonds; the length of maturity; the projects to be financed; the intended use of the bond proceeds; the total amount of the county's outstanding bonded indebtedness at the time of the bond election; the total amount of the county's outstanding bond indebtedness; cost of the bond issuance; and disclosure of any personal or financial relationships between members of commissioners court and any financial advisor, bond counsel, bond underwriter, or other professional associated with the bond issuance.

The commissioners court must regularly update the total amount of the county's bonded indebtedness.

### 2. Annual Report of Certain Financial Information

Local Government Code §140.008

The county must provide information annually to the Comptroller detailing the county's outstanding debt obligations secured by ad valorem taxes and post the annual report on the county's website. The county must include the contact information for the main office of the county on the county's website. (The "main office" of the county is usually considered to be the county judge's office.) See §140.008 (d) and (e) for alternatives to posting certain debt obligation information in a manner prescribed by the comptroller and alternatives to posting for counties with a population of less than 35,000.

### 3. Alternative Finance and Procurement for Public and Private Facilities and Infrastructure

Government Code §2267.066(a)(1)

The commissioners court may enter into agreements with private entities to develop qualifying public works projects or to improve real estate owned by the county. The county must post notice of proposed projects on its Internet website no later than the 10<sup>th</sup> day after the date the proposals are accepted.

## TAX RATES

### 1. Notice of Tax Rate

Tax Code §26.04(e)



By August 7 or as soon thereafter as practicable, the designated officer or employee calculating the no-new-revenue and voter-approval tax rates shall post prominently on the home page of the county's Internet website in the form prescribed by the comptroller: the no-new-revenue tax rate, the voter-approval tax rate, and an explanation of how they were calculated; the estimated amounts of interest and sinking fund and maintenance and operation or general fund balances remaining at the end of the current fiscal year that are not encumbered with or by corresponding existing debt obligation; and a schedule of the county's debt obligations showing specified information.

### 2. Tax Rate Increase Notice

Tax Code §26.05(b)

If the commissioners court proposes to adopt a tax rate higher than the no-new-revenue maintenance and operations rate, it must post on the county's Internet website notice that the county intends to raise more taxes than last year, and state approximately how much the taxes on a \$100,000.00 home will increase.

### 3. Simplified Tax Rate Notice for Taxing Units with Low Tax Levies

Tax Code §26.052(f)

A county providing notice under this section must post the notice on its Internet website in addition to publishing notice in the legal section of a newspaper with general circulation in the county.

### 4. Hearing on Tax Increase

Tax Code §26.06(c)

The county must post notice for the hearing necessary to increase a tax rate on the county's Internet website and publish the notice in a newspaper. The notice must be posted prominently on the homepage of the website from the date the notice is first published in the newspaper until the public hearing is concluded.



5. **Supplemental Notice of Hearing on Tax Rate Increase**

Tax Code §26.065



The county must post the notice prescribed by this section prominently on the home page of its Internet website before the public hearing on a proposed tax rate increase for at least 7 days immediately before the public hearing on the proposed tax rate increase and at least 7 days immediately before the date of the vote proposing the increase in the tax rate.

6. **Posting of Tax Rates on County Internet Website**

Tax Code §26.16

Each county shall maintain an internet website. The tax assessor-collector shall annually post on the county's Internet website tax-related information including the adopted tax rate, the maintenance and operations rate, the debt rate, the no-new-revenue tax rate, the no-new-revenue maintenance and operations rate and the voter-approval tax rate for the most recent five tax years for each taxing unit that is located in the county in the form of a table under the heading "Truth in Taxation Summary".

The tax assessor-collector shall also post immediately below the "Truth in Taxation Summary" table the statement and definitions specified in Tax Code §26.16(d).

In addition, the tax assessor-collector shall post the tax rate calculation forms used by the designated officer or employee of each taxing unit whose territory is located wholly or partially within the county to calculate the no-new revenue and voter-approval tax rates of the taxing unit for the most recent five tax years beginning with the 2020 tax year; and the name and official contact information for each member of the governing body of the taxing unit.

By August 7 or as soon thereafter as practicable, the tax assessor-collector shall post the current tax year tax rate calculation forms.