

TITLE 1. ADMINISTRATION
PART 4. OFFICE OF THE SECRETARY OF STATE
CHAPTER 81. ELECTIONS
SUBCHAPTER F. PRIMARY ELECTIONS

§81.101. Primary and Runoff Election Cost Reporting; Receipt of State Funds.

(a) Definitions. The following words and terms, when used in this section, shall have the following meanings, unless the context clearly indicates otherwise.

(1) SOS--Office of the Secretary of State.

(2) Primary--An election held by a political party under Chapter 172 of the Texas Election Code to select its nominees for public office, and, unless the context indicates otherwise, the term includes a presidential primary election.

(3) Runoff--An election held to determine the nomination if no candidate for nomination to a particular office receives the vote required for nomination in the general primary election.

(4) County election officer--County election administrator, county clerk, or county tax assessor-collector, depending on the county, responsible for election duties in the county.

(5) Vendor--Any company with a voting system certified for use in Texas by the SOS.

(b) This subchapter applies to the use and management of all primary funds.

(c) Approval by the Secretary of State ("SOS") of a primary cost estimate does not relieve the recipient of primary funds including, but not limited to, the state chair of a political party, the county chair of a political party, the county election officer, or a voting system vendor, of their responsibility to comply with administrative rules issued by the SOS, or with any statute governing the use of primary funds.

(d) The SOS shall provide a primary cost estimate for each county political party broken into three categories, as applicable:

(1) The SOS will provide an estimate for each expense incurred by the county chair based on 75% of the final approved "non-contracted" costs less non-state appropriated financing sources (e.g., filing fees) for the most recent comparable election for which data is available as determined by the SOS. In order to receive the primary estimate payment, the chair must submit to the SOS a primary cost estimate via the online primary finance system prescribed by the SOS. If data is not available to create a pre-populated cost estimate or if the chair wishes to amend the pre-populated estimate, the chair may enter the appropriate data in the SOS online primary finance system.

(2) The SOS will provide an estimate for each expense incurred by the county election officer based on 75% of the final approved "contracted" costs for the most recent comparable election for which data is available as determined by the SOS. In order to receive the primary estimate payment, the county election officer must submit to the SOS a primary cost estimate via the online primary finance system prescribed by the SOS. If data is not available to create a pre-populated cost estimate or if the county election officer wishes to amend the pre-populated estimate, the county election officer may enter the appropriate data in the SOS online primary finance system.

(3) Pursuant to §173.0833 of the Texas Election Code, vendors that provide services and materials for use in a primary election shall invoice the SOS directly. That data will be imported by the SOS into the appropriate county party primary cost estimate. The spreadsheet shall comply with the following requirements:

(A) In October preceding the March primary election, vendors shall submit a single, comprehensive spreadsheet in the format prescribed by the SOS that includes data for each county primary election for which the vendor is providing services or materials.

(B) Only expenses that are billable to the primary fund may be included. Expenses including, but not limited to, early voting kits and supplies, "I Voted" stickers, and party convention supplies, must appear on a separate invoice billed to the county election officer or the party, as appropriate.

(C) If a cost is to be split between both parties, the split costs must appear separately on the spreadsheet.

(D) The vendor must identify whether the county chair or the county election officer is ordering the service. The county chair earns five (5) percent calculated against the cost of the services ordered by the chair, which is paid out by the SOS to the county chair as part of the final cost report, and the county election officer earns ten (10) percent of the cost of the services ordered by the county election officer, which is included in the estimate and final payments issued by SOS.

(E) The SOS will not make estimates available to the county chairs or the county election officers until the SOS receives the vendor spreadsheet described in this section.

(e) If a runoff election is conducted, the estimate payments will be calculated and paid following the same process prescribed in subsection (d) of this section with the following exceptions:

(1) Filing fees are not factored into the calculation.

(2) The vendor must provide SOS with a comprehensive spreadsheet of the estimated runoff costs within five (5) days after the date of the canvass of the primary election results.

(f) After the primary or runoff election, as applicable, the actual expenditures must be reported to SOS as follows:

(1) The vendors must submit a comprehensive spreadsheet that identifies the final costs and includes all applicable fields prescribed by the SOS.

(A) Only expenses that are billable to the primary fund may be included. Expenses including, but not limited to, early voting kits and supplies, "I Voted Stickers", and party convention supplies, must appear on a separate invoice billed to the county election officer or the party, as appropriate.

(B) If a cost is to be split between both parties, the split costs must appear separately on the spreadsheet.

(C) The vendor must identify whether the county chair or the county election officer is ordering the service. The county chair earns five (5) percent calculated against the cost of the services ordered by the chair, and the county election officer earns ten (10) percent of the cost of the services ordered by the county election officer.

(D) The SOS will not make final payments to the county chairs or the county election officers until the SOS receives the vendor spreadsheet described in this section.

(2) The county chair and the county election officer, if an election service contract is executed between the county executive committee and the county election officer, must submit actual expenditures via the online primary finance system prescribed by the SOS.

(A) Costs incurred by the county chair shall be reported to the SOS by the county chair. Those costs will be calculated consistent with §81.119 of this chapter (relating to County Chair Compensation).

(B) Costs incurred by the county election officer shall be reported to the SOS by the county election officer. Those costs will be calculated consistent with §81.131 of this chapter (relating to Contracting with the County Election Officer).

(g) Section 173.0832 of the Texas Election Code provides for direct payment from the SOS to a county election officer who conducts a primary election under an election services contract. The SOS requires all county election officers conducting election services for a primary election to receive direct payment from the SOS.

§81.102. Primary Funds Defined.

(a) Pursuant to §173.031 and §173.032 of the Texas Election Code, a primary fund is created for each executive committee of a political party holding a primary election. The primary fund consists of:

(1) all filing fees accompanying an application for a place on the ballot filed with the chair ;

(2) state funds paid to the chair;

(3) contributions made to the executive committee for the purpose of defraying primary election expenses; and

(4) the income earned by the fund.

(b) Any refund of money expended from a primary fund is considered part of the primary fund.

§81.103. Bank Account for Primary-Fund Deposits and Expenditures.

(a) The county chair shall establish and maintain a bank account for the sole purpose of depositing and expending primary funds; any interest earned in such an account becomes part of the primary fund.

(b) Payments issued by the Comptroller of Public Accounts will be payable to the county party chair, not the individual's name, preferably in the form of direct deposit. Direct deposit forms may be obtained from the Comptroller of Public Accounts.

(c) The county chair, or any employee paid from the primary fund, shall not commingle primary funds with any other fund or account.

(d) Each payment issued from a primary-funds account must include a statement regarding the payment being void after a period of time, such as "VOID AFTER 180 DAYS."

(e) The county chair shall complete bank reconciliations on a monthly basis.

(f) After all primary expenditures have been paid, the primary bank account may be retained with a sufficient minimum balance, generally \$50. All bank account information must be transferred to the incoming county chair in accordance with §81.108 of this chapter (relating to Transfer of Records to New County Chair).

(g) Revenue received for a primary may not be used to pay expenses for a previous primary.

§81.104. Signature on Checks; Authorization of Primary-Fund Expenditures.

(a) Except as provided by this section, the county chair, or an authorized agent of the county chair, shall

sign all checks drafted on the primary-fund account.

- (b) The county chair must authorize all primary-fund expenditures.
- (c) The county chair must sign all of the following drawn on a primary-fund account:
 - (1) checks issued for an amount of \$1,000 or greater;
 - (2) payroll checks to administrative personnel; and
 - (3) checks to sole-source vendors.

(d) The county chair or an authorized agent shall not sign a check drawn on a primary-fund account with a rubber stamp or other facsimile of the signature.

§81.105. Payee of Checks from Primary-Fund Account Restricted.

(a) Except as provided by this section, an individual, who is authorized to draft primary-fund checks, shall make checks payable to an entity or a person. An individual, who is authorized to draft primary-fund checks, may draft a check payable to "cash" or "bearer" only to establish a petty-cash fund, for county chair seminar travel reimbursement, personal loans to the primary fund to cover eligible expenses approved by the SOS, and county chair compensation consistent with §81.119 of this chapter (relating to County Chair's Compensation).

(b) An individual authorized to draft primary-fund checks shall not make checks payable to the county party as contributions or to election judges for reimbursement for payments to election clerks.

§81.106. Deposits.

- (a) The county chair, or an authorized agent of the county chair, shall:
 - (1) deposit all filing fees, contributions, and miscellaneous receipts into the primary fund; and
 - (2) maintain an itemized list detailing the source of all funds deposited into the primary fund including, but not limited to, all candidate filings.

(b) The SOS will verify the itemized list of candidate filings against the data reported pursuant to §172.029 of the Texas Election Code and §81.112 of this chapter (relating to List of Candidates and Filing Fees).

§81.107. Primary-Fund Records.

- (a) The county chair shall preserve all records relating to primary-election expenses until the later of:
 - (1) 22 months following the primary elections; or
 - (2) the conclusion of any relevant litigation or official investigation.

(b) In order to receive approval of a final cost report, the county chair shall transmit copies of receipts, bills, invoices, contracts, competitive bids, petty-cash receipts for items and services and copies of all monthly bank statements, electronic bookkeeping records (i.e., Quicken or Quickbooks) or check register, and any other related materials documenting primary-fund expenditures. Purchase requisitions are not considered receipts and may not be remitted as such. The SOS reserves the right to request all receipts and related documentation.

(c) Unless otherwise provided by the SOS, not later than August 31 of the year in which the primary elections occur, the county chair shall:

- (1) comply with all final cost reporting requirements;
- (2) return all unexpended and uncommitted primary funds upon SOS approval of the final cost report.

(d) If the chair does not file a final cost report, the matter may be reported to the Attorney General's Office for misappropriation of funds in accordance with §81.113 of this chapter (relating to Misuse of State Funds).

§81.108. Transfer of Records to New County Chair.

(a) The chair shall transfer in an orderly manner to his or her successor or the appropriate county committee all primary-election records, including financial records listed under §81.107 of this chapter (relating to Primary-Fund Records), required by law to be maintained or within the 30th day after the date the term of office of a new county chair begins, whichever comes first (in accordance with Texas Election Code §171.028).

(b) Texas Election Code §171.028 provides a criminal penalty for failure to transfer records to the new county chair.

(c) If a vacancy occurs in the office of county chair, the county executive committee shall appoint an individual to serve as the custodian of primary-election records until a new county chair is appointed or elected.

(d) If the final cost report has not been finalized at the time the records are transferred or a vacancy occurs, it is the responsibility of the incoming chair or the appointed custodian and the outgoing chair to determine how best to complete the primary finance process, including the disbursement of the county chair compensation.

(e) Payments issued by the Comptroller of Public Accounts will be payable to the county party chair, not the individual's name, as described in §81.103(b) of this chapter (relating to Bank Account for Primary-Fund Deposits and Expenditures). Therefore, it is the responsibility of the individual with access to the primary fund established pursuant to §81.102 of this chapter (relating to Primary Funds Defined) and §81.103 of this chapter

to ensure final payment(s) from the primary fund are issued properly to close-out the financing of the Primary.

§81.109. Costs not Payable with Primary Funds.

(a) Pursuant to §173.001 of the Texas Election Code, only expenses necessary for and directly related to the conduct of primary elections are payable from primary funds.

(b) Political expenses and expenses for any activity forbidden by statute or rule are not payable from the primary fund. Examples of non-payable expenses include, but are not limited to, the following:

- (1) expenses incurred in connection with a convention of a political party;
- (2) any food or drink items;
- (3) stationery not related to the conduct of the primary election;
- (4) costs associated with voter-registration drives or get-out-the-vote campaigns;
- (5) election notices, except for public testing announcements;
- (6) early voting costs, except for ballots and early voting ballot board costs;
- (7) a public building used as a polling place or central counting station if the building is normally open the day of the election, including a charge for personnel, utilities, or other expenses incurred before or after regular business hours;
- (8) election worker compensation to attend training;
- (9) costs for training material available through the SOS;
- (10) duties a county election officer is statutorily required to perform as well as salaries of county personnel during regular business hours;
- (11) voting by mail kits and postage related to mail ballots;
- (12) purchases of MBBs/PEBs or other voting system items transferable to other elections;
- (13) voting booths and ballot boxes owned by the county and other county-owned equipment where there is no statutory authority to charge for said equipment including, but not limited to, electronic poll books, removable voting system components, vehicles, etc;
- (14) a sign that is used to indicate a location of a polling place for a primary election or primary runoff election that violates any of the following criteria:
 - (A) a sign that refers to a candidate or measure on the ballot;
 - (B) a sign in which the size and format is not coordinated between the political parties holding a primary election or primary runoff election in the same county.

§81.110. Fidelity Bond Purchase.

(a) An individual with responsibilities that include the receipt or expenditure of primary funds may purchase a fidelity bond with money from the primary fund.

(b) An individual purchasing a bond under this section shall base the amount of the bond on the anticipated total amount of primary funds that the individual will collect and disburse from November 1 immediately preceding the primary elections to the last day of the month in which the final primary election occurs. The amount used for the purpose of determining the amount of the bond shall not exceed \$50,000, unless a higher amount is approved by the SOS.

§81.111. Interest on Start-up Loan to Open Primary Fund is Not Reimbursable. A county chair may acquire a start-up loan to defray the cost of the primary elections, prior to receiving reimbursement from the state. A county chair may not use primary funds, which are subsequently approved by the SOS, to pay interest on loans used to defray operating expenses incurred prior to the receipt of such funds.

§81.112. List of Candidates and Filing Fees.

(a) Submission of information.

(1) Submission of filed application. Pursuant to §§172.029, 172.117, and 172.122 of the Texas Election Code, for each general primary election, all state and county chairs shall electronically submit information about each candidate who files with the chair an application for a place on the ballot, including an application for the office of a political party, and shall certify the returns and the final list of candidates by electronic affidavit through the electronic submission service prescribed by SOS referenced in paragraph (2) of this subsection.

(2) Method of submission. The chair shall submit candidate information through an electronic submission service prescribed by the SOS. The SOS shall maintain the submitted information in an online database, in accordance with §172.029(b) of the Texas Election Code. The SOS is not responsible for the accuracy of the information submitted by the chair; the SOS is responsible only for providing the electronic submission service, displaying the information publicly on its website, and maintaining the online database.

(3) Information required for submission. The electronic submission service will notate the types of

information that must be inputted for a complete submission of candidate information. However, the chair must submit any and all information on the candidate's application for which there is an applicable entry field on the electronic submission service.

(4) Submission deadline. A chair shall submit a candidate's information and a notation of each candidate's status not later than 24 hours after the chair completes the review of the candidate's application, in accordance with §172.029 of the Texas Election Code. By not later than the 8th day after the regular filing deadline, the chair shall submit a candidate's information and a notation concerning the candidate's status for all candidates who filed, in accordance with §172.029 of the Texas Election Code. The county chair will not be able to make modifications to the submitted information or notations on or after the 9th day after the regular filing deadline. If modifications to a candidate's information or notation are required on or after the 9th day after the regular filing deadline, such changes must be made by the state chair.

(5) Submission of nominee by executive committee. If a candidate is nominated by the appropriate executive committee for a place on the general election ballot in accordance with §145.036 or §202.006 of the Texas Election Code, the appropriate chair shall notify the state chair who shall submit the candidate's information and notation through the electronic submission service prescribed by the SOS, in accordance with §172.029 of the Texas Election Code. The submission of the candidate's information and notation shall be completed not later than 5 p.m. on the 71st day before general election day to allow for the preparation of the general election ballot by the authority printing the ballots.

(6) Time for notations. The county chair will be able to update notations to describe the status of each candidate beginning the first day after the day of the primary election. If modification to the notation is needed, the appropriate chair will update the candidate information to reflect the candidate's status from the list of notations available. The notations must be complete and accurate not later than 5 p.m. on the 71st day before general election day to allow for the preparation of the general election ballot by the authority printing the ballots.

(b) Notification of filing.

(1) County chair: delivery of candidate list. Upon submission of information for all candidates who filed and whose applications have been reviewed and accepted for a place on the ballot, the county chair shall notify the applicable county election officer that candidate information has been submitted for all candidates, in accordance with §172.029 of the Texas Election Code. Notification may be sent by email, regular mail, or personal delivery, so long as it is delivered by no later than the 9th day after the regular filing deadline.

(2) State chair: notification of submission. Upon submission of information for all candidates who filed and whose applications have been reviewed and accepted for a place on the ballot, the state chair shall notify the applicable county chairs that candidate information has been submitted for all candidates, in accordance with §172.028 and §172.029 of the Texas Election Code. Notification may be sent by email, regular mail, or personal delivery, so long as it is delivered by no later than the ninth day after the regular filing deadline.

(3) Notification. Pursuant to §172.056(b) of the Texas Election Code, the chair shall notify the county chairs, the county election officer, or the state chair, as applicable, that a candidate filed an application that complied with the applicable requirements during the extended filing period. Notification shall be made by email, regular mail, or personal delivery.

(4) Court order. If a court orders a candidate's name to be placed on the ballot or removed from the ballot, the chair shall immediately notify the state chair.

(c) Public display and failure to submit.

(1) Public display of information. The SOS will publicly display on its website a limited portion of the information submitted by the chair. For candidates for public office, the SOS will publicly display, via its website, the candidate's name, any public mailing address and any electronic mail address at which the candidate receives correspondence relating to the candidate's campaign provided by the candidate pursuant to §141.031(a)(4)(M) of the Texas Election Code, and office sought, along with the office's corresponding precinct, district or place. For candidates for the office of a political party, the website will publicly display the name of the chair and, if applicable, the corresponding numeric identifier.

(2) Failure to submit information. If a county chair fails to electronically submit candidate information for all candidates who filed and whose applications have been reviewed and accepted for a place on the ballot, the chair is directly responsible for delivering a certified list of all candidates to the state chair to comply with the electronic submission requirements of §172.029 of the Texas Election Code on behalf of the county chair.

§81.113. Misuse of State Funds. The SOS shall refer any misuse or misappropriation of primary funds to the appropriate prosecuting authority for the enforcement of all civil and/or criminal penalties. Prosecuting authority includes but is not limited to Office of the Attorney General. Misuse of funds includes not complying with reporting requirements prescribed by the Texas Election Code or this title.

§81.114. Conflicts of Interest.

(a) No disbursements may be made from the primary fund to the county chair personally, or to an entity or business in which the party, the county chair, the county chair's spouse, or the county chair's family has a financial interest, except for payments for:

- (1) election day workers;
- (2) incidental administrative costs; or
- (3) the county chair's compensation.

(b) For the purposes of this section, "family" is defined as individuals related within the third degree of consanguinity (blood) or the second degree of affinity (marriage).

	1st Degree	2nd Degree	3rd Degree
Consanguinity	Father	Grandfather	Aunt
Blood Relation	Mother	Grandmother	Uncle
	Son	Grandson	Great-grandson
	Daughter	Granddaughter	Great-granddaughter
		Brother	Great-grandfather
		Sister	Great-grandmother
			Niece
			Nephew
Affinity	Father	Spouse's Grandfather	
Relation by	Mother	Spouse's Grandmother	
Marriage	Daughter	Spouse's Granddaughter	
	Son	Spouse's Grandson	
		Spouse's Sister	
		Spouse's Brother	

(c) Discounted expenditures, such as a reduced rate for leasing space, does not exempt the cost from this section.

§81.115. Requirement for Competitive Bids for Services or Products.

(a) This section does not apply to expenditures of \$2,000 or less. (Note: A large purchase may not be divided into small lot purchases to circumvent the dollar limits established by this section. For example, expenditures for computer equipment to a single vendor that total more than \$2,000 are subject to the competitive bid requirement and may not be split between printers/scanner/computers.)

(b) The county chair must purchase all services and products using competitive bids from no less than three sources. Proper documentation must be submitted with the final cost report to indicate the type of procurement service used and the source for those services.

(c) The county chair must document or otherwise provide an explanation regarding the lack of available bids from vendors (sole source). This documentation or explanation must be submitted with the final primary election cost report.

(d) If the county chair contracts with the county election officer who has a term contract for election supplies or services or utilizes the Texas Cooperative Purchasing Program, then competitive bids are not required.

§81.116. Estimating Voter Turnout.

(a) The county chair shall use the formula set out in the following figure, with necessary modifications as determined by the chair, to determine the estimated voter turnout for each precinct for the primary elections. This formula is a guideline and must be adjusted if the local political situation indicates a higher voter turnout than that derived by the formula.

The formula for estimating turnout for the primary elections is:

$$A \times (B + C) = D$$

Where:

A = the percentage of voter turnout for the office that received the most votes in the most recent comparable party primary election (percentage is the sum of all votes cast for the office that received the most votes in the most recent comparable party primary election divided by the number of registered voters).

B = the number of registered voters as of October preceding the primary.

C = 25% of the number resulting when you multiply A x B.

D = Preliminary Estimated Turnout.

(b) After estimating the voter turnout for each precinct, the county chair shall use the guidelines set forth in §§81.117, 81.124, and 81.125 of this chapter (relating to the Number of Election Workers per Polling Place, Number of Ballots per Voting Precinct, and Number of Direct Record Electronic (DRE) Units or Precinct Ballot Counters per Voting Precinct) to determine the necessary personnel, supplies, and equipment for each precinct (i.e., ballots, election judges and clerks, voting devices, or machines).

(c) After estimating the need for personnel, supplies, and equipment for each precinct, the county chair shall combine all precinct data to determine the total countywide estimate.

(d) The county chair may use the estimate calculated under subsection (c) of this section to determine the estimated cost of the election.

§81.117. Number of Election Workers per Polling Place. The county chair shall use the formula set out in the following figure to determine the number of election workers allowable for each polling place.

Number of Election Workers Per Voting Precinct
(Includes one judge and one alternate judge who serves as a clerk)

Estimated Turnout Per Polling Location	Paper Ballot/Optical Scan (primary voting method)	Electronic Voting System (primary voting method)
200 or fewer	3	3
201 - 400	5	4
401 - 700	6	5
701 - 1,100	8	6
1,101 or more	12	8

§81.118. Flex Scheduling of Precinct Workers. The presiding judge may hire individuals to work in shifts. The county chair may assign clerks to work in shifts that end before the examination or counting of the ballots begins.

§81.119. County Chair's Compensation.

(a) Pursuant to §173.004 of the Texas Election Code, a county chair may receive compensation for administering primary elections.

(b) The SOS shall not authorize payment under this section until the county party's final cost report has been received, including the necessary supporting documentation required in §81.107 of this chapter (relating to Primary-Fund Records), and approved by the SOS. The SOS shall notify the county chair of the approval via email. The chair may view the approved costs by line item in the online primary finance system prescribed by SOS.

(c) After all other expenses have been paid and the final cost report has been approved by SOS, the county chair shall be paid with a check drawn on the county's primary-fund account.

(d) The SOS may deny compensation to county chairs who file delinquent final-cost reports.

(e) Legal fees and county election service contract costs incurred and reported to SOS by the county election officer will not be included in the formula for determining the county chair's compensation.

§81.120. Compensation for Election-Day Workers.

(a) Except as provided by subsection (b) of this section, the compensation paid to polling-place judges, clerks, early-voting-ballot board members, or persons working at the central counting station for the general-primary and primary-runoff elections shall be equal to the hourly rate paid by the county for such workers in county elections up to \$8.00 per hour from the primary fund. All workers must attend a training class certified by the SOS. Online pollworker training classes are available on the SOS website.

(b) The county chair may pay technical support personnel at the central counting station (appointed under Texas Election Code §§127.002, 127.003, or 127.004) compensation which is more than \$8.00 per hour, but costs may not exceed those paid to county staff for comparable work.

(c) Except as provided by this section, a judge or clerk may be paid only for the actual time spent on election duties performed in the polling place or central counting station. If an election worker elects to donate his or her compensation to the county party, signed documentation referencing that fact, by the election worker and chair, must be placed in the primary records.

(d) The county chair may allow one election worker from each polling place up to one hour before election day to annotate the precinct list of registered voters.

(e) The county chair is authorized to pay members of the early voting ballot board.

(1) Members of the early voting ballot board may only be compensated for the actual number of hours worked up to \$8.00 per hour from the primary fund.

(2) Additionally, members may reconvene to process provisional or late ballots. The provisional ballot/late counting process must be completed not later than the 7th day after the primary or runoff primary elections.

(f) Compensation for the election judge or clerk who delivers and picks up the election supplies on election day may not exceed \$15 per polling place location.

(g) Except as provided by subsection (f) of this section the county chair may not pay an election-day worker for travel time, delivery of supplies, or attendance at the precinct convention.

§81.121. No Compensation for Attending Election Schools for Judges or Clerks.

(a) Training materials may be ordered free of charge from the SOS.

(b) The county chair may not be reimbursed for materials published and provided by the SOS.

(c) Costs associated with attending an election school are not an allowable cost subject to primary reimbursement.

§81.122. Personnel Payroll Taxes and Benefits.

(a) The county chair shall follow all applicable federal and state laws with respect to payroll taxes, including election day judges and clerks.

(b) The county chair may not use primary funds to pay penalties or interest resulting from a failure to file required tax returns or from failure to pay the employer's portion of employment taxes.

(c) The county chair shall maintain copies of all federal and state payroll tax returns and forms, and keep such copies with the primary records. (The county chair shall also transmit copies of these records to the SOS at the SOS's request.)

(d) The county chair may not pay for group medical, dental, life insurance or retirement benefits with primary funds.

§81.123. Administrative Personnel and Overall Administrative Costs Limited.

(a) "Administrative Personnel" means a non-election-day worker.

(b) The employment of administrative personnel is not required for the conduct of the primary elections.

(c) Pursuant to §81.114 of this chapter (relating to Conflicts of Interest), no member of the county chair's family may be paid an administrative salary from primary funds.

(d) If administrative personnel are utilized, salaries or wages for such personnel are payable from the primary fund for a period beginning no earlier than November 1 immediately preceding the primary election and ending no later than the last day of the month in which the primary election or runoff primary election, if applicable, is held.

(e) If the county chair contracts with third parties or the county election officer for election services, the overall administrative personnel costs to be submitted to the SOS for reimbursement cannot include administrative expenses provided by third parties or a county election officer. (Administrative personnel costs include, but are not limited to, polling location services, ballot ordering, and secretarial services.)

(f) The SOS may disallow full payment for administrative personnel if it is determined that the contracting county election officer substantially performed the conduct of the election.

(g) Other administrative costs chargeable to the primary fund include office rental, telephone and utilities, office furniture and equipment rental, computer purchase, office supplies, and bank fees.

(h) In addition to the limitations set forth in the Texas statutes and Subchapters F and G of this chapter of the Texas Administrative Code, including but not limited to §§81.127, 81.128, and 81.129 of this chapter (relating to Office Equipment and Supplies, Telephone and Postage Charges, and Office Rental), the funding caps illustrated in Figure: 1 TAC §81.123(h) apply to the total administrative expenses a county chair may charge to the primary fund.

Administrative Costs		
Number of Registered Voters	Costs Allowed Thru March 31	Additional Month for Runoff
10,000 or less	\$300	\$75
10,001 - 25,000	\$1,500	\$375
25,001 - 50,000	\$3,000	\$750
50,001 - 140,000	\$12,000	\$3,000
140,001 - 325,000	\$24,000	\$6,000
325,001 - 500,000	\$40,000	\$10,000
Over 500,000	\$52,000	\$13,000

§81.124. Number of Ballots per Voting Precinct.

(a) The county chair shall determine the minimum number of ballots to be furnished to each polling place based on the estimated voter turnout formula established pursuant to §81.116 of this chapter (relating to Estimating Voter Turnout). The county chair shall not distribute to a polling place fewer ballots than the amount indicated by the formula provided by §81.116 of this chapter.

(b) If the chair determines that more ballots than the minimum are necessary, he or she may order a maximum number of ballots up to an amount that is equal to the number of registered voters in the precinct.

(c) In no event should a polling place ballot supply be limited so as to impede the voting process or jeopardize voting rights.

§81.125. Number of Direct Record Electronic (DRE) Units or Precinct Ballot Counters per Voting Precinct.

(a) The county chair shall use the table set out in the following figure to determine the number of precinct ballot counters and DRE units allowable for each precinct.

Number of Direct Record Electronic (DRE) Units and/or Precinct Ballot Counters Estimated

Voter Turnout Per Voting Precinct	DRE Units	Precinct Ballot Counters
300 or fewer	2	1
301 - 450	3	1
451 - 600	4	1
601 - 750	5	1
751 - 900	6	1
For each additional 300 voters:	2	0

(b) If a county chair determines that the number of precinct ballot counters and/or DRE units authorized under the formula is inadequate, he or she must acquire permission from the SOS to obtain additional machines, counters, or devices.

(c) Pursuant to federal and state law, there must be at least one accessible voting unit in each precinct. If the

county has insufficient accessible voting units to allow each party to conduct a separate primary in all county election precincts, then each party will need to consolidate county election precincts in accordance with §42.009 of the Texas Election Code in order to accommodate the number of accessible voting units that can be allocated to each party by the county election officer in accordance with §51.035 of the Texas Election Code. Alternatively, the parties, with the agreement of a majority of the full membership of county commissioners court and the county election officer, may conduct a joint primary under §172.126 of the Texas Election Code.

(d) In precincts that are conducting a limited joint election for purposes of sharing a polling place and an accessible voting unit, the presiding election judge from the party whose candidate for governor received the highest number of votes in the precinct or consolidated precinct in the most recent gubernatorial general election shall deliver the device(s) containing the vote totals to the general custodian. The presiding judge of the party whose candidate for governor received the highest number of votes in the precinct or consolidated precinct in the most recent gubernatorial general election may designate the presiding judge or clerk of the other party to deliver the device(s) containing the vote totals to the general custodian.

§81.126. Training Reimbursement to Attend County Chairs Election Law Seminar.

(a) Except as provided by this section, the SOS shall reimburse from the state primary fund, the actual travel expenses for the county chair or the county chair's designee who will be responsible for the primary finance bookkeeping to attend the SOS Election Law Seminar for County Chairs. (The SOS shall provide travel reimbursement forms at the seminar.)

(b) The SOS shall reimburse the county chair or the county chair's designee for:

- (1) mileage (if driving personal vehicle);
- (2) airfare (coach only);
- (3) airport transfers;
- (4) airport parking;
- (5) lodging; and
- (6) any other reasonable expenses related to an individual's attendance at the Election Law Seminar for County Chairs.

(c) The SOS shall use an electronic mapping tool available on the internet (including, but not limited to, Mapquest, Google Maps, or Bing Maps) to determine distances traveled to attend the Election Law Seminar for County Chairs. The SOS shall reimburse mileage claims from the county seat to and from Austin using the mileage rate approved by the State Comptroller at the time of the seminar.

(d) The SOS shall reimburse actual lodging expenses in an amount not to exceed the rates approved by the state, plus applicable taxes.

(e) As provided by the Texas General Appropriations Act, the SOS shall not make reimbursements for gratuities or tips. In addition, the SOS will not reimburse for meals.

(f) The county chair or the chair's designee must submit actual receipts to the SOS in order to be reimbursed for airfare, lodging, parking, or airport transfers.

(g) The county chair shall submit request for reimbursement no later than 60 days after the seminar. If a request for reimbursement is submitted after this date, the SOS may deny the request.

(h) Overnight lodging for two nights is approved for counties that are more than 200 miles distance from Austin; otherwise, prior approval for more than one night of lodging must be obtained from SOS.

§81.127. Office Equipment and Supplies.

(a) Rental of office equipment is not required in order to conduct primary elections.

(b) The county chair may lease office equipment necessary for the administration of the primary elections for a period beginning November 1 immediately preceding the primary election and ending not later than the last day of the month in which the primary election or runoff election primary, if applicable, is held.

(c) The county party may not rent or lease equipment in which the party, the county chair, or a member of the county chair's family has a financial interest. (See definition of "family" at §81.114(b) of this chapter (relating to Conflicts of Interest).)

(d) The county chair or party shall rent equipment from an entity that has been in business for at least 18 months and has at least three other bona fide clients and is on file with the corporation department of the SOS or locally.

(e) The purchase of office supplies must be reasonable and/or necessary for the administration of the primary election to be payable from the primary fund.

(f) The county chair or party may be reimbursed for the cost of incidental supplies used in connection with the primary election. (Examples of reasonable incidental supplies include paper, toner, and staples.)

(g) The county chair may not use primary funds to purchase any single office-supply item or equipment

valued at over \$1,500. These items are not considered the property of the party chair, rather the property of the county party, and must be transferred to the incoming party chair when a new chair takes office.

(h) The county chair may not pay notary public expenses from the primary fund.

(i) Computer serial numbers must be reported to SOS to ensure the asset can be tracked from one election to the next.

(j) Any computer purchased with primary funds is to be used for primary related functions. It is not considered the property of the party chair, rather the property of the county party, and must be transferred to the incoming party chair when a new chair takes office.

(k) A computer purchased with primary funds shall be used for two primary election cycles before a new computer may be purchased using primary funds.

§81.128. Telephone and Postage Charges.

(a) The SOS shall reimburse necessary telephone and postage costs incurred with respect to the administration of the primary elections beginning no earlier than November 1 immediately preceding the primary election and ending no later than the last day of the month in which the primary election or runoff primary election, if applicable, is held.

(b) Personal landline and cellular phone charges will not be reimbursed with primary funds.

§81.129. Office Rental.

(a) The rental of office space is not required for the conduct of the primary elections.

(b) The SOS shall reimburse necessary office space rental expenses incurred with respect to the administration of the primary elections for a period beginning no earlier than November immediately preceding the primary election and ending not later than the last day of the month in which the primary election or runoff primary election, if applicable, is held.

(c) If the rental of office space is necessary, the county party shall rent office space in a regularly rented commercial building. Office rent shall not exceed the fair market rate for comparable office space in the same area.

(d) Unless such services are required in accordance with the lease agreement, no payment may be made with primary funds for janitorial services, parking, or signage.

(e) The county party may not rent or lease office space in which the party, the county chair, the county chair's spouse, or the county chair's family has a financial interest. (See definition of "family" at §81.114(b) of this chapter (relating to Conflicts of Interest).) Discounted office space does not exempt the cost from §81.114 of this chapter, Conflicts of Interest.

(f) If the party leases space for the purpose of the primary only, the county chair shall transmit a copy of the three competitive bids obtained as well as the lease agreement to the SOS, along with a copy of the final cost report.

(g) If the party maintains a lease, unrelated to the conduct of the primary, the cost of that lease will not be reimbursed in excess of 30% of the monthly rental cost by the state as a primary expense, including utilities. In addition, if the party maintains a lease unrelated to the primary, the SOS will not reimburse the party for a second lease without prior approval from the SOS.

§81.130. Payment for Use of County-Owned Equipment.

(a) §123.033 of the Texas Election Code provides for the rental rate that a county may charge for the use of its equipment. (The rental rates are \$5 for each unit of tabulating equipment and \$5 for each unit of electronic voting system equipment installed at a polling location.) Removable components, such as a flash drive or accessibility component, may not be charged separately.

(b) In addition to subsection (a) of this section, the primary fund may be used to pay the actual expenses incurred by the county in transporting, preparing, programming, and testing the necessary equipment, as well as for staffing the central counting station.

(c) The county chair shall submit all calculations for amounts charged for the use of county-owned and non-county-owned equipment to the SOS for review with the final cost report.

(d) The county chair shall not use primary funds to pay expenses related to the use of non-county-owned equipment, including, but not limited to, ballot boxes and voting booths pursuant to §51.035 of the Texas Election Code, without approval from the SOS.

(e) Pursuant to §51.035 of the Texas Election Code, counties may not charge the county parties for use of county-owned voting booths or ballot boxes and other county-owned equipment where there is no statutory authority to charge for said equipment; however, the primary fund may pay the actual expenses incurred by the county in transporting the equipment to and from the polling places if the county provides that service.

§81.131. Contracting with the County Election Officer.

(a) The SOS has prepared a Primary Election Services Contract and a Joint Primary Election Service Contract (the "Model Contract"). Copies of the appropriate Model Contract may be obtained from the SOS.

(b) The county chair may use the Model Contract when executing an agreement for election services between the county executive committee and the county elections officer. (Contractible election services are listed in Subchapter B of Chapter 31 of the Texas Election Code.)

(c) The Model Contract may be revised as necessary to accommodate the specific agreement between the county chair and county election officer; however, activities not required by law are not payable with primary funds. Accordingly, those activities should be identified in the contract, including a stipulation as to whether the county chair or the county election officer will be responsible for the cost. Each contracting entity shall report the costs for which it is responsible via the online primary finance system prescribed by SOS. The entity that reports said expense(s) will receive direct payment from SOS for those expense(s). Costs reported by the county election officer qualify for the ten percent "general supervision fee" authorized under §31.100 of the Texas Code. Expenses reported by the county chair qualify for the county chair compensation (see §81.119 of this chapter (relating to County Chair's Compensation)).

(d) The county election officer must submit to the county chair an accounting of the actual costs incurred in the performance of the election services contract. In addition, the county election officer shall report the primary-eligible expenses to SOS via the online primary finance system prescribed by SOS.

(e) The SOS may only pay actual costs incurred by the county and payable under provisions of the Texas Election Code, an election-services contract, or these administrative rules. Costs prohibited by this chapter that appear in the election service contract are not reimbursable with primary funds and must be articulated as such in the contract. Counties may not charge a flat fee for services unless the county can produce a methodology that demonstrates the fee is equal to or less than the actual costs incurred by the county, except when authorized by statute. Charges may be set at a rate of up to ten (10) percent of the annual license and maintenance fees for the software used to create the ballot style and program the electronic voting equipment.

(f) Salaries of personnel regularly employed by the county may not be paid from or reimbursed to the county from the primary fund even if the employee used their vacation time to perform the duties.

(g) A county election officer may not contract for the performance of any duty or service that he or she is statutorily obligated to perform.

(h) Section 31.100 of the Texas Election Code authorizes the election officer to assess a "general supervision fee" of up to 10 percent against the amount of the contract. The general supervision fee will not be applied to any services in which the county election officer subcontracts with another vendor that assesses a surcharge or administrative fee.

§81.132. Cost of Early Voting to Be Paid by the County.

(a) Pursuant to §173.003 of the Texas Election Code, the only expense to be paid from primary funds for early voting is ballot costs and the early voting ballot board.

(b) The county shall pay for voting-by-mail kits including, but not limited to, postage, early-voting workers, and all other costs incurred that are related to early voting.

(c) The county chair shall not include non-eligible expenses related to early voting in a primary-election-services joint resolution, county election services contract or a primary cost report.

§81.133. No Charge for Use of a Public Building as Polling Place; Political Conventions.

(a) Pursuant to §43.033 of the Texas Election Code, no charge may be made for the use of a public building as a polling place if that building is normally open for business on election day.

(b) A central counting station is subject to subsection (a) of this section.

(c) Primary funds may not be used to pay any charge for the use of a building for a state or county political convention.

§81.134. Legal Expenses.

(a) The party chair (all references to "party chair" in this section refer to both the state chair and the county chair) may contact the SOS Elections Division for advice and assistance in election matters in accordance with §31.004 of the Texas Election Code. (Attorneys with the Elections Division may be reached toll-free by calling 1-800-252-2216. There is no charge for this service.)

(b) The SOS shall not provide primary-fund reimbursement for legal expenses arising as a result of the negligent or wrongful acts of the party chair or a member of the state or county executive committee, or the failure of the party chair or a member of the state or county executive committee to comply with the Texas

Election Code, the Texas Administrative Code, or advice provided by the Elections Division in accordance with §31.004.

(c) In addition to any other requirements or limitations under this section and Chapter 173 of the Texas Election Code, the SOS shall not provide primary-fund reimbursement for legal expenses unless the party chair complies with the following preconditions before any legal expenses are incurred subject to appropriation by the Texas Legislature:

(1) The party chair requests in writing by mail, fax, or email to the Director of the Elections Division of the SOS to retain legal counsel the cost of which shall may be paid for with primary funds and the Director approves such request for the expenditure of primary funds in writing.

(2) The request shall include the style and cause number of the lawsuit for which the party chair seeks to retain legal counsel, the name of the attorney he or she wishes to retain, a brief summary of the facts that are the subject of the lawsuit, the attorney's hourly rate, and an estimate of the legal expenses necessary for legal services rendered in defense of the party chair, on behalf of the chair, the executive committee, and the party.

(3) The SOS shall not reimburse legal expenses if the county chair fails to notify the SOS of litigation within thirty (30) business days following the receipt of service of process.

(d) By failing to obtain prior written approval as provided in subsection (c) of this section, the party chair, on behalf of the chair, the executive committee, and the party, waives any right to primary-fund reimbursement for any legal costs or expenses incurred.

(e) Subject to appropriation by the Texas Legislature, notwithstanding anything to the contrary in this chapter, and only if prior written approval is obtained as set forth in subsection (c) of this section, the SOS may provide primary-fund reimbursement for legal fees and expenses incurred by the party chair only for a lawsuit commenced against the chair which seeks to include a candidate's name on the Primary Election ballot after the chair either rejected the candidate's application or declared the candidate ineligible or which seeks to exclude a candidate's name from the Primary Election ballot after the chair declined to do so.

(f) The party chair seeking reimbursement for legal expenses shall provide to the SOS copies of all invoices related to legal expenses, along with all relevant pleadings, docket sheets, judgments and orders in the case, and any additional information requested by the SOS prior to approval or rejection of legal fee reimbursement from the primary fund.

(g) The SOS shall review all submitted documentation and invoices for legal expenses and make a determination as to the compensability and reasonableness of the legal fees and expenses. Upon SOS approval and subject to appropriation by the Texas Legislature, the SOS shall reimburse legal expenses the lesser of the hourly rate submitted or the hourly rate reflected in the State Bar of Texas--Hourly Rates Report at the time the final invoice for reimbursement of legal expenses is submitted.

(h) All legal invoices, pleadings, correspondence, and any additional information requested by the SOS submitted to the SOS for reimbursement are subject to the Public Information Act (Chapter 552, Texas Government Code), and the party chair is advised not to submit any documents that are subject to attorney-client or work product privilege.

§81.135. Primary Procedure for Counties without County Party Leadership.

(a) The county election officer of a county where the county chair is vacant shall contract with the state chair of a political party under the following circumstances:

(1) There is an insufficient number of members serving on the county executive committee to fill a vacancy on the committee;

(2) The party is unable to establish a temporary executive committee under §171.027 of the Texas Election Code; and

(3) The election is required for the nomination of a political party to a statewide office, a multicounty district office, or a presidential primary election.

(b) The county election officer and the state chair shall enter into an election services contract consistent with §81.131 of this chapter (relating to Contracting with the County Election Officer), which, in accordance with §172.128 of the Texas Election Code, also provides that the county election officer shall be eligible to be reimbursed for primary election expenses in the same manner a county chair would be reimbursed under Subchapter D, Chapter 173.

(c) The state party shall report costs incurred consistent with this section to the SOS and receive funding consistent with this chapter.

§81.136. Primary Procedure Upon County Chair Request or Failure to Comply with Certain Duties.

(a) The state chair may, with the consent of the secretary of state and the county executive committee, if one exists for the county, accept money into the state primary fund on behalf of a county party. The state chair

must keep records to track the money that is attributable to a county.

(b) The state chair of a party, or the state chair's designee, may submit cost reports prescribed under this chapter on behalf of a county chair if the county chair:

- (1) requests the state chair to submit the statement on the county chair's behalf; or
- (2) fails to submit the statement by the deadline.

(c) The state chair shall conduct the ballot drawing in accordance with §172.082 of the Texas Election Code if the county chair:

- (1) requests that the state chair conduct the drawing; or
- (2) fails to conduct the drawing by the deadline set in this section.

SUBCHAPTER G. JOINT PRIMARY ELECTIONS

§81.146. Applicability of Other Rules. Except for areas of conflict, the general-primary-finance rules of Subchapter F of this chapter (relating to Primary Elections) apply to the conduct of joint primaries.

§81.147. County Election Officer to Conduct Joint Primary.

(a) Pursuant to §172.126(a) of the Texas Election Code, the county election officer shall supervise the overall conduct of joint primary elections.

(b) The county election officer is responsible for:

- (1) appointing election judges and clerks;
- (2) determining the ballot format and type of voting system for each precinct; and
- (3) procuring election equipment and supplies.

(c) The decision to conduct a joint general primary election or runoff primary election, as applicable, must be made by majority vote of the full membership of the commissioners court and with the unanimous approval of the county election officer and the county chair of each political party required to nominate candidates by primary election.

§81.148. Appointment of Various Election Officials.

(a) Upon receipt of the lists of names of election judges and clerks from each county chair not later than the second Monday in December, the county election officer shall select co-judges, co-alternate judges, and appoint clerks (if applicable) for each precinct. (These selections are made in accordance with §172.126(c) of the Texas Election Code and §81.152 of this title (relating to Estimating Voter Turnout for Joint Primaries).)

(b) The county election officer shall determine the total number of election workers required and select from the party chairs' lists the individuals to be appointed as co-judges, members of the early voting ballot board, and presiding judge and clerks of central counting station. The county election officer shall ensure party balance in these selections.

(c) If the total number of individuals (presiding judge plus election clerks) serving on the early voting ballot board or at the central counting station is an odd number, the county election officer shall appoint an additional member from the party whose candidate for governor received the highest number of votes in the county in the most recent gubernatorial general election.

§81.149. Number of Election Workers per Joint Polling Place.

(a) The county election officer shall use the table set out in the following figure, to determine the number of election workers allowable for each joint polling place.

(b) Each polling place shall have no less than one co-judge from each party and one clerk from each party.

(c) If the total number of workers is an odd number, the county election officer shall appoint an additional worker from the list of the party whose candidate for governor received the highest number of votes in the precinct in the most recent gubernatorial general election. (If precincts have been consolidated or combined for the joint primary, then the highest number of votes is determined by adding together the votes from the consolidated or combined precincts.)

Number of Election Workers Per Joint-Voting Precinct
(Includes two co-judges and two alternate judges who serve as a clerk)

Estimated Turnout Per Joint-Polling Location	Paper Ballot/Optical Scan (primary voting method)	Electronic Voting System (primary voting method)
200 or fewer	4	4
201 - 400	6	5
401 - 700	7	6
701 - 1,100	9	7
1,101 or more	13	9

§81.150. Qualifications of Co-judges and Alternates Co-judges. The presiding co-judge and alternate co-judge must be a qualified voter of a precinct that is included in the consolidated or combined precincts in which they are serving.

§81.151. Authority of Co-Judge for Joint Primary Polling Places, Joint Primary Central Counting Station, and Joint Primary Early Voting Ballot Board.

(a) A co-judge may only process provisional voters from the judge's own party. (This applies to the provisional process at the polling place.)

(b) A co-judge may only determine a voter's intent on an irregularly marked ballot cast by a voter from the co-judge's own party. (This limitation applies to individuals serving in a co-judge capacity at the polling place, early-voting-ballot board, or central counting station.)

§81.152. Estimating Voter Turnout for Joint Primaries.

(a) Each county chair shall estimate voter turnout for each precinct using the formula set out in the following figure.

The formula for estimating turnout for the joint primary elections is:

$$(A \times B) + C + D = E$$

Where:

A = the percentage of voter turnout for the office that received the most votes in the most recent comparable party primary election (percentage is the sum of all votes cast for the office that received the most votes in the most recent comparable party primary election divided by the number of registered voters).

B = the number of registered voters as of October preceding the primary.

C = 25% of the number resulting when you multiply A x B.

D = Other party's estimated turnout figure.

E = Preliminary Estimated Turnout for Joint-Primary Election.

(b) The county election officer shall combine the turnout estimates provided by each party chair for each joint-primary precinct.

(c) The county election officer shall enter this information in Section B of the Joint Primary Resolution.

§81.153. Delivery of Election Records and Supplies.

(a) In joint precincts using an electronic voting system in which only one ballot box or only one voting unit is used, the co-judge from the party whose candidate for governor received the highest number of votes in the precinct or consolidated precinct in the most recent gubernatorial general election shall deliver the election supplies, including the voting unit containing the vote totals. (Note: A county election officer may use separate ballot boxes for each party when using electronic voting systems, if applicable.)

(b) The co-judge of the party whose candidate for governor received the highest number of votes in the precinct or consolidated precinct in the most recent gubernatorial general election may designate the other co-judge or a clerk to deliver the ballot box and/or device containing the vote totals.

(c) In a jurisdiction using paper ballots, each co-judge shall deliver their party's ballot box and election returns.

§81.154. Ballots for Joint Primary Elections. The county election officer shall prepare ballots in a joint primary so that each party's ballots are easily distinguishable. The county election officer may use different colors of paper in order to achieve this distinction. (Note: Yellow paper may not be used. Only sample ballots may be printed on yellow paper.)

§81.155. Returning Surplus Funds. Following final payment of necessary expenses for conducting the joint primary elections, not later than August 31 of the year in which the primary elections occur, and upon the SOS approval of all final costs, surplus primary funds shall be remitted to the SOS. If a final cost report is not filed with the SOS, the matter may be reported to the Attorney General's Office in accordance with §81.113 of this chapter (relating to Misuse of State Funds).

§81.156. Liability of County Election Officer. The county election officer is not liable, in his or her official or individual capacity, for debts related to the conduct of a joint primary incurred by the county executive committee or county chairs resulting from an insufficient legislative appropriation.

§81.157. Joint-Primary Contract with the County Election Officer.

(a) If a joint primary is approved, the county election officer shall supervise the primary and runoff elections, as applicable, in accordance with §172.126 of the Texas Election Code.

(b) The county chair of each political party and election officer shall enter into an election services contract.

(c) The rules set forth in §81.131 of this chapter (relating to Contracting with the County Election Officer) apply to the contract.