

CALLING ELECTIONS, CANCELLATION & NOTICE

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Agenda



Getting ready to call your election



Identifying your election(s) & related requirements



Knowing your deadlines & creating your plan



Understanding your responsibilities:

Ordering your election

Giving notice of your election

Canceling your election

4 W's of Calling an Election

- WHAT is an election order?
 - Official action by the governing body calling/ordering that an election be held
 - Order must be completed before giving notice of the election
 - Instruments used to call elections include ordinances, resolutions and orders, some examples includes:
 - Cities (Baytown) use ordinances,
 - Special Districts (CCPD & FCPMSD) use resolutions, and
 - Colleges (Lee College) use orders.

4 W's of Calling an Election

- WHO can call the election?
 - Governor will order the election for statewide offices and federal offices (EC§3.003)
 - County Judge will order the election for county and precinct offices (EC§3.004)
 - Local Entities will order their own elections; e.g., City Council, School Board or Board of Directors (EC § 3.004)
 - Mayor will order the General Election for city officers in a city with a population of 1.9 million or more
 - If the law providing for an election of a political subdivision does not designate the authority to order an election, it defaults to the governing body of the political subdivision.

4 W's of Calling an Election

- WHEN is the election called?
 - Know your deadlines (103rd day through 78th)

EC §3.005 - TIME FOR ORDERING ELECTION	Election Day	Deadline to Order Election
(a) Except as provided by Subsections (c) and (d), an election ordered by an authority of a political subdivision shall be ordered not later than the 62nd day before election day.	Determined by Governing Body	
(c) For an election to be held on a uniform election date, the election shall be ordered not later than the 78th day before election day.	05/03/2025	02/14/2025
(d) Relates to tax ratification for school districts.		

4 W's of Calling an Election

- WHY must the entity call the election?
 - While your failure to order a general election does not invalidate the election, you never want to have any reason or irregularity that can be used to call your election into question
 - Special elections cannot be held at all without first having an order
 - The order outlines what you are doing, when, and how you are going to go about your election – it sets the stage for everything else



Getting Ready to Call your Election

- Identify the type of election(s) you will be holding & ensure you have identified any additional requirements for your calendar, order & notice.

GENERAL ELECTION	SPECIAL ELECTION
Regular election of candidates for office, held on uniform election date	Special elections are separate from general elections & generally relate to propositions/measures or elections for office held outside of the position's regular election cycle
<ul style="list-style-type: none">• Councilmembers• Board Members• Directors	<ul style="list-style-type: none">• Bonds(EC §3.009)• Charter Amendments (Charter)• Continuation Elections<ul style="list-style-type: none">• CCPD (Ch. 363 LGC)• FCPEMSD (Ch. 344 LGC)• Filling a Vacancy

SOS FORMS

<https://www.sos.state.tx.us/elections/forms/pol-sub/index.shtml#chapter-1>

Section 1 - Order and Notice of an Election						
Section / Form Number	Form Name	Form Link	Instructions / Notes	Legal Reference	Release Date	Previous Form Number
Subsection 1 - Order of Election for General Elections						
1-1	Order of Election - November General Election for County Officers	Form	Notes	3.004,3.006,85.004, 85.006,85.007	9/2023	1-1
1-2	Order of General Election for Municipalities	Form	Notes	3.004, 3.005, 3.006, 85.004, 85.006, 85.007	9/2023	1-2
1-3	Order of General Election for Other Political Subdivisions (other than City or County)	Form	Notes	3.004, 3.005, 3.006, 4.008, 83.010, 85.004, 85.007	9/2023	1-3
1-4	Proclamation by the Governor		Notes	3.003	9/2023	1-4
Subsection 2 - Order of Election for Special Elections						
1-7	Order of Special Election for Counties (For Governor-ordered or county-ordered measure election)	Form	Notes	3.003, 3.004, 3.005, 3.006, 83.010, 85.004, 85.007	9/2023	1-5
1-8	Order of Special Election for Municipalities	Form	Notes	3.004, 3.006, 85.004, 85.007, 201.054	9/2023	1-6
1-9	Order of Special Election for Other Political Subdivisions	Form	Notes	3.004, 3.006, 4.008, 85.004, 85.007, 201.054	9/2023	1-7

ORDINANCE NO. 2024-03

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FRIENDSWOOD, TEXAS, ORDERING THE GENERAL ELECTION TO BE HELD ON THE 4TH DAY OF MAY, 2024, FOR THE PURPOSE OF ELECTING THE MAYOR AND TWO COUNCILMEMBERS FOR POSITIONS ONE (1) AND THREE (3); ORDERING A SPECIAL ELECTION TO BE HELD ON THE 4TH DAY OF MAY, 2024, FOR THE PURPOSE OF REAUTHORIZING THE LOCAL SALES AND USE TAX IN THE CITY OF FRIENDSWOOD AT THE RATE OF THREE-EIGHTHS OF ONE PERCENT TO CONTINUE PROVIDING REVENUE FOR MAINTENANCE AND REPAIR OF MUNICIPAL STREETS; MAKING OTHER PROVISIONS RELATED TO SUCH ELECTION; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

WHEREAS, the Friendswood City Council deems that, in accordance with the laws of the State of Texas, a general election should occur on May 4, 2024, for the purpose of electing a Mayor, a Councilmember to Position No. One (1) and a Councilmember to Position No. three (3); and

WHEREAS, the Friendswood City Council deems that, in accordance with the laws of the State of Texas, a special election should occur on May 4, 2024, for the purpose of reauthorizing the local sales and use tax in the City of Friendswood at the rate of three-eighths of one percent to continue providing revenue for maintenance and repair of municipal streets; and

- Some governing bodies that hold both a general election and special election on the same election date have one order with both. Just make sure that the required information in the SOS forms are included.

Knowing your deadlines

- Create your election calendars – START EARLY:
 - Compile important election dates from Secretary of State. (Always up early)
 - TMCCCP Election Law Calendar for Municipalities
 - Texas Association of School Boards
 - County specific election calendars & deadline. (Joint Elections or Contracting Services)
 - Entity specific election deadlines (Code of Ordinances, Charter, Board Rules)
 - Other statutes specific to types of special elections (bonds, charter, etc.)

- IDENTIFY DEADLINES & INPUT INTO CALENDARS
 - Outlook, AI Calendars (Motion AI), Old School Paper Calendars
 - (large, small, desk, personal planners, white boards)
 - Color Code, share with others & keep it close for quick referencing.

Calendar Samples

PROPOSED TIMELINE FOR CITY OF FRIENDSWOOD, MAY 3, 2025, GENERAL ELECTION FOR COUNCILMEMBER POSITION NOS. 4 & 6

May 2025

Su	Mo	Tu	We	Th	Fri	Sat
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

STEP	PROCESS STEP	DAYS	LEGAL REFERENCE	PROPOSED DATE
1	Deadline to post candidate requirements for next General Election.	One year prior to election date. Recommend that information is on election page year-round and updated after each canvass.	Sections 2051.151, 2051.152 Texas Government Code, & SOS Form 1-20	05/03/2024
2	Post Notice of Filing Period (City Hall notice boards & City website).	Not later than the 30th day before the first day to file 01/17/24	EC §141.040	12/16/2023
3	Post Notice of Candidate Drawing (City Hall notice boards & City website) & include in Candidate Packet in order to comply with written notice of drawing to candidates. Post Candidate Packet (online & have packet on thumb drive) Harris County – Jurisdictions can begin requesting new boundaries/street list.	As soon as practical At least 72 hrs. preceding time of drawing	EC §52.094	12/06/2023
4	First day to apply for a ballot by mail using Application for a Ballot by Mail (ABBM) or Federal Post Card Application (FPCA). <i>Note:</i> In Texas you must apply for this on a yearly basis.	Can be filed anytime during the calendar year, however, must be received at least 11 days before the first election in which the voters seek to request a ballot by mail. Note that for elections held on a Tuesday, the 11 th day falls on a weekend and the deadline to submit the application would be the previous business day.	FPCA – MOVE ACT (2022) & ABBM/FPCA EC §86.0015(b), §4.007(c) Also, See SOS Election Advisory 2018-09	01/07/2024
5	Place items on the agenda for the first Council meeting in January (January 06, 2025): <ul style="list-style-type: none"> Authorize City Manager to execute election services contracts with Galveston County and Harris County <i>Note:</i> Harris County may not contract with the City for election services in May of even numbered years. If this is the case, engage Galveston County to hold the totality of the election. <ul style="list-style-type: none"> The Council calls general election to elect Councilmember Positions #4 and 6 (at large positions) by ordinance. <i>Note:</i> Once the ordinance is executed, send to LanguageUSA to translate into Spanish, Vietnamese & Chinese (Traditional) so you can post on website.	CC meeting in January & For a uniform election date other than the date of the general election for state and county officers, the election is called not later than the 78 th day before election day (02/14/2025)	EC §3.005 (c)	12/03/2023
6	City Council will deliver notice of the Election to the county clerk and voter registrar for Harris County & Galveston County. Notice must be sent certified mail & also via email to the designated emails: entify@vote.hctx.net & entify.electionsVR@tax.hctx.net (Harris) & wendi.fragoso@co.galveston.tx.us & Chervyle.johnson@co.galveston.tx.us (Galveston) <i>Note:</i> Verify the names and addresses of the County Clerk/Elections Administrator and/or Voter Registrar in order to send notice. <i>Note:</i> Send cover letter with certified copy of Ordinance Ordering the Election in all four languages. Harris in 4 languages & Galveston in English/Spanish only.	Not later than the 60th day before election day (03/05/2025) Best practice is to send immediately following the Council meeting and execution of ordinance.	EC §4.008	01/07/2024

30	31								
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Deadlines	Recommended	First Day EV	Election Day
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What Goes in the Order?

- Your order must include (EC §§ 3.006, 83.010, 85.004, & 85.007):
 1. Date of election;
 2. Offices or measures to be voted on;
 3. Location of the main early voting by personal appearance polling place (including the street address, room number/name, and building name);
 4. Branch early voting by personal appearance polling places (place (including the street address, room number/name, and building name);
 5. The dates and hours for early voting (recommended for counties, required for other entities);
 6. The dates and hours of any Saturday and Sunday early voting (recommended for counties, required for other entities);
 7. Applications for ballot by mail - early voting clerk's official mailing address, phone number, email address and Internet website (if the EV clerk has an Internet website);
 8. Cutoff date for receiving ABBM/APCA applications;
 9. Signature of Mayor/Presiding Officer/President; and
 10. Additional requirements from other statutes.

Note: For special election to fill a vacancy, the order must include the filing deadline (EC §201.054(c)).



Appointment of early voting clerks/judges



Clerk/judge pay



Type of election equipment being used



Runoff information & responsibilities



If holding joint election with other entities or contracting those duties out via election services contract or joint election

Election Notices

- WHAT is an election notice?

It is **NOT** the same thing as your Order of Election. Remember first you must order the election before you can let everyone know about it.

It is **NOT** the same as registering your notice of intent to hold an election with county administrators prior to the election order - this is more for planning purposes. (Harris County – online entity portal).

Entity Information Sheet - December 2024

** - required fields*

* Entity Name

* Contact

* Address

Address 2

* City

General Election Date
 Entity is planning an Election for December 14, 2024

Type of Election:
 Trustee or Director
 Bond or Proposition
 Other

We are requesting streets and boundaries with Registrar to update and confirm district map for the 2024 election

* Entity is contracting with Harris County for December 2024
 Yes
 No

Election Notices



WHAT is an election notice?
EC §4.003



Your Notice of Election comes after your order your election, and gives the public information about the upcoming election in various forms; including one or more of the following:

- Publication in a newspaper;
- Posting in a public place;
- Mail;
- Posting on a governmental bulletin board.
- Posting on your website is mandatory.



NOTE: Notice required by Sec. 4.003 is in addition to any other notice given.



The governing body must deliver a copy of the notice of election to County Clerk & Voter Registrar for the counties in which the political subdivision resides. Include the Elections Administrator if there is one. EC §4.008

Election Notices

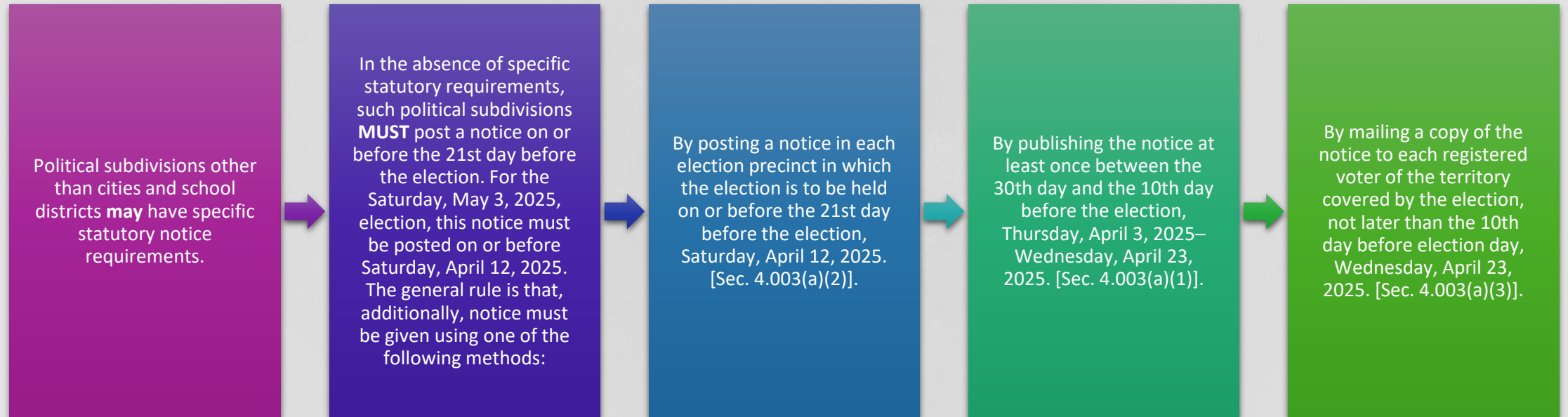
WHAT must be included in your election notice (EC §§ 1.021, 4.004, 85.007)?

The type and date of the election;	The location of each polling place, including the street address, room number, and building name;	The hours the polls will be open;	The location of the main early voting polling place, including the street address, room number, and building name;	The regular dates and hours for early voting by personal appearance;	The dates and hours of any Saturday or Sunday early voting, if any;	The early voting clerk's mailing address, as well as the phone number, email address, and the Internet website	Include branch locations, dates, and hours	Notice must also include the email address at which the early voting clerk may receive applications for a ballot by mail.
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Additionally, the notice must be posted on your website.

Election Notices



Additional notice requirements

BOND ELECTION	CHARTER AMENDMENTS	LOCAL OPTION
<p>Government Code, Chapter 1251</p>	<p>See home-rule Charter & Local Government Code Sec. 9.004</p>	<p>Election Code, Chapter 501</p>
<ul style="list-style-type: none"> • Entities holding bond elections must provide additional notice per Section 4.003(f). A debt obligation order under Section 3.009 must be posted: • On election day and during early voting by personal appearance, in a prominent location at each polling place. • Not later than the 21st day before the election, in three public places in the boundaries of the political subdivision holding the election. • During the 21 days before the election, on the political subdivision’s Internet website, prominently and together with the notice of the election, a copy of the sample ballot, and the contents of the proposition, if the political subdivision maintains an Internet website 	<ul style="list-style-type: none"> • The Notice of Election must include a substantial copy of the amendment itself • Notice of the election shall be published in a newspaper of general circulation published in the municipality. • The notice must: <ul style="list-style-type: none"> • include a substantial copy of the proposed amendment; • include an estimate of the anticipated fiscal impact to the municipality if the proposed amendment is approved at the election; and • be published on the same day in each of two successive weeks, with the first publication occurring before the 14th day before the date of the election. 	<ul style="list-style-type: none"> • If a city council or county commissioners court ordering the election wishes to provide notice in addition to the mandatory methods described above, one or more of the following optional methods may be used: • Notice may be posted in each election precinct in which the election is to be conducted by the 21st day before election day; or • Notice may be mailed to each registered voter of the territory covered by the election by the 10th day before election day. • For Cities: Section 501.103(b) of the Election Code provides that in municipal local option liquor elections, the notice must also identify (by number) which county voting precincts are contained in all or in part within the territory of the city.

Cancelling Election

- WHO can cancel an election?
 - The authority that ordered the election is the same that is responsible for cancelling it. This authority is granted pursuant to EC §2.082.
 - City Councils for cities
 - School Board for school districts
 - Board of Directors for Special Districts
 - For local authorities that contract with counties for election services or joint elections, note that counties do not have the authority to certify your unopposed candidates.

Canceling Election

- WHEN can an election be cancelled (EC §2.051)?
 - A political subdivision can cancel an election if:
 - Members of the governing body are elected from territorial units (i.e., single-member districts); &
 - Each candidate is unopposed and no at-large opposed race appears on the ballot
 - A political subdivision can cancel an election in a particular territorial unit even if there is an opposed race in another territorial unit (i.e., another single-member district)
 - A political subdivision may cancel an election on a measure (special election) if it is determined that the action to be authorized by the election may not be taken, regardless of the outcome of the election. (EC §2.081)

Election Types / Cancellation Tips

PURE AT-LARGE	AT LARGE BY PLACE	SINGLE MEMBER DISTRICTS
<ul style="list-style-type: none"> • The candidates run as one group on the ballot. • All qualified voters in the political subdivision may vote in the race. • The top “vote-getters” win the number of positions available. • Generally, pure at-large is the “default” method of election for cities and school districts, and it takes an action by the governing body (or a court) to change method of election. <ul style="list-style-type: none"> • Special Law Districts have method of election set by enacting legislation. 	<ul style="list-style-type: none"> • The candidates run in separate groups on the ballot for each available position. • All voters within political subdivision get to vote in all races. • It generally takes an act of the governing body or a court order to move to this type of method of election. 	<ul style="list-style-type: none"> • The territory of the political subdivision is divided into districts, and candidates run in their district of residence. • ONLY voters within the single member district get to vote for candidates of that district. • It generally takes an act of the governing body or a court order to move to this type of method of election.
<p>REMEMBER: If there are the same number of candidates as the number of offices to be filled, the election can be cancelled.</p>	<p>REMEMBER: If at least one position is opposed, then all at-large candidate races must appear on the ballot.</p>	<p>REMEMBER: Unopposed single-member districts may be cancelled, unless a contested at-large position is on the ballot; such as Mayor or At-Large Councilmember positions.</p>

REMEMBER: Special elections are considered separate and apart from general elections that are held by the same political entity on the same election day; e.g., measures (propositions) & special election to fill a vacancy on the governing body.

Certification of Unopposed Candidates, EC § 2.052



- I am at the end of the filing period, and I can cancel my election, what do I do next?
 - The authority responsible for having the ballot prepared in an election shall certify, in writing, that a candidate is unopposed in an election for office.
 - Such certification must be made to the governing body of the political subdivision as soon as possible after the filing deadlines for applications for place on the ballot and write-in candidate declarations.
 - The political subdivision does not need to certify the unopposed candidate status with the county, but if you are in a joint election or contractual agreement with the counties, you want to notify them as soon as possible & follow up with a copy of the certification/order of the election cancellation.

Withdrawal

The general rule for a candidate who wishes to withdraw is 5 p.m. of the 71st day before election day in elections held on a uniform election date [EC §143.007(c) and §145.092(f)]. A candidate in an election for which the filing deadline for an application for a place on the ballot is not later than 5 p.m. of the 62nd day before election day may not withdraw from the election after 5 p.m. of the 57th day before election day [EC §145.092].

Sample of Certificate of Unopposed Candidates

CERTIFICATE OF UNOPPOSED CANDIDATES

STATE OF TEXAS §
 §
COUNTY OF GALVESTON §

TO: THE MAYOR AND CITY COUNCIL, CITY OF FRIENDSWOOD, TEXAS

In accordance with Section 2.052, Texas Elections Code, I, Leticia Brysch, City Secretary for the City of Friendswood, Texas, and the authority responsible for having the official election ballot prepared, hereby certify that the following candidates are unopposed for election to office, for the election scheduled on May 4, 2024.

Office:	Candidate:
Mayor	Mike Foreman
Councilmember, Position No. 1	John Ellisor
Councilmember, Position No. 3	Trish Hanks

WITNESS BY MY HAND AND SEAL of the City of Friendswood on this 4th day of March, 2024.

(SEAL)

LETICIA BRYSCH, CITY SECRETARY

Certification & Election Cancellation – After Actions

- Upon receiving certification that candidates are unopposed, the governing body of the political subdivision must, by order or ordinance, declare such unopposed candidates elected.

11. MAY 4, 2024, GENERAL ELECTION

- A. Receive the Certificate of Unopposed Status for the positions of Mayor, Councilmember Position No. 1 and Councilmember Position No. 3.
- B. Consider an ordinance declaring (1) the unopposed candidate Mike Foreman elected to the Office of Mayor, (2) the unopposed candidate John Ellisor elected to the Office of Councilmember Position No. 1, and (3) the unopposed candidate Trish Hanks elected to the Office of Councilmember Position No. 3; and canceling the associated May 4, 2024, General Election.

NOTE: Certification of Unopposed Candidate does not cancel the election, the governing body MUST take action and cancel the election via an ordinance or order.

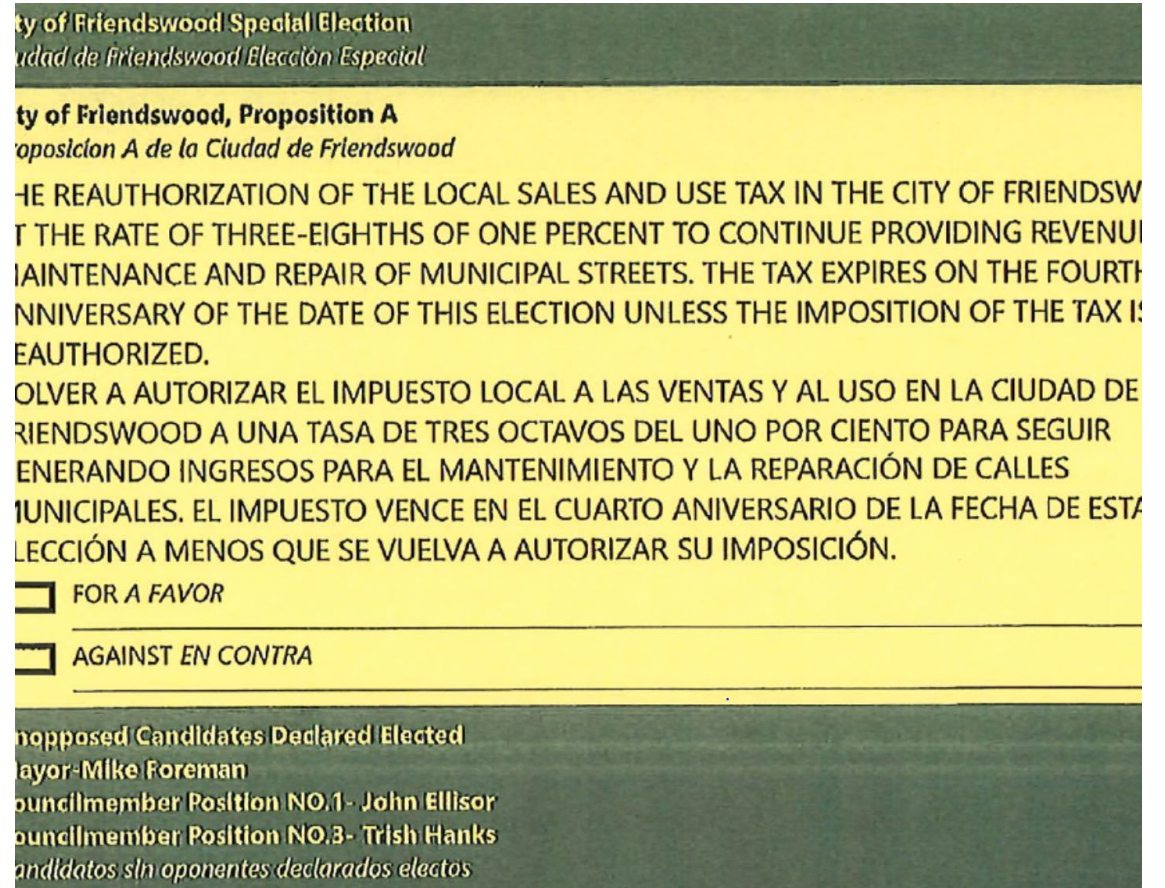
Certification & Election Cancellation – After Actions

- If the candidates are declared elected, the election is not held. The governing body must post a copy of the order or ordinance declaring the unopposed candidates elected at each polling place that would have been used in the election.
 - Political subdivisions MUST translate the election ordinance/order for the posting
 - Political Subdivisions that contracted with counties for election services, will need to coordinate with them about posting the notice at the polling places.

NOTE: Additional notice never hurts, so consider posting on your notice boards and website.

Certification & Election Cancellation – On the ballot

- If there is a separate election being held at the same time as a cancelled election, the unopposed candidates must be listed on the ballot for that separate election under the heading “Unopposed Candidates Declared Elected”. The candidates shall be grouped in the same relative order prescribed for the ballot generally. No votes are cast in connection with the candidates.



Note that it is imperative that that you verify that you can cancel your election, & follow the steps accurately, failure to do so will result in a vacancy.

Certification & Election Cancellation – After Actions

- Unopposed candidates who are declared elected are issued certificates of election in the same manner as candidates who are elected.
- Unopposed candidates who are declared elected must qualify for office in the same manner as candidates who are elected.
(Oath/Statement)
- An unopposed candidate who is declared elected may not qualify for office until after the regular canvass takes place (or would have taken place).
 - For Type A general law municipalities, this also means officers must wait until the 6th day after the election to qualify & take office

CERTIFICATE OF ELECTION

IN THE NAME AND BY THE AUTHORITY OF THE
CITY OF FRIENDSWOOD, TEXAS

THIS IS TO CERTIFY, THAT

MIKE FOREMAN

WAS DULY ELECTED TO THE POSITION OF

MAYOR

FOR PURPOSES OF THE MAY 4, 2024, GENERAL ELECTION, AND PURSUANT TO THE CITY OF FRIENDSWOOD ORDINANCE No. 2024-07, ADOPTED BY THE FRIENDSWOOD CITY COUNCIL ON MARCH 4, 2024, DECLARING THE UNOPPOSED CANDIDATES ELECTED AND CANCELING THE RELATED ELECTION SCHEDULED FOR MAY 4, 2024.

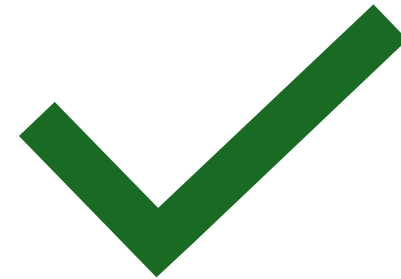
IN TESTIMONY WHEREOF, I HAVE HEREUNTO SIGNED MY NAME AND CAUSED THE SEAL OF FRIENDSWOOD, TEXAS TO BE AFFIXED AT THE CITY OF FRIENDSWOOD, THIS THE 14TH DAY OF MAY 2024.

PRESIDING OFFICER OF CANVASSING AUTHORITY

Other things to consider



Duties and Roles with completion
column



Create a Notice Checklist with
completing column