

# The State of Texas



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John B. Scott  
Secretary of State

## **ELECTION ADVISORY** **No. 2022-20**

TO: All Cities, School Districts, and Other Political Subdivisions

FROM: Keith Ingram, Director of Elections 

DATE: May 2, 2022

RE: Canvass and Recount Deadlines for the May 7, 2022 Elections of Cities, School Districts and Other Political Subdivisions

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This advisory is designed to be read together with the [recount outline](#) on our website. The [recount forms](#) can be downloaded from our website; alternatively, you may contact our office and request that the outline and forms be sent directly to you.

All statutory references in this advisory are to the Texas Election Code (“the Code”), unless otherwise indicated.

### **Canvass Dates**

The final canvass is the local canvass for cities, schools, and other local political subdivisions. (Tex. Elec. Code § 67.005). The local canvass for the May 7, 2022 uniform election must be held not earlier than the third day after election day (Tuesday, May 10, 2022) and not later than the eleventh day after election day (Wednesday, May 18, 2022).

The canvass cannot occur until the early voting ballot board has qualified and counted all provisional ballots, if any; or the date on which all timely received late-arriving ballots (if any) are counted. For details about late-arriving ballots, see below. (Tex. Elec. Code § 67.003).

### **Recount Deadlines**

Below are the deadlines for filing a recount for local elections of cities, school districts and other political subdivisions that were held on the May 7, 2022 uniform election date. Please note that there are two sets of recount filing deadlines. Which set of deadlines applies is based on the method of election (i.e., majority or plurality).

The deadline for filing a recount depends on the date the election is actually canvassed.

All ballots received by 7:00 p.m. on election day must be counted on election day. However, you may count a late domestic ballot from a non-military voter or a military voter using an Application for Ballot by Mail (“ABBM”) (not a Federal Post Card Application (“FPCA)) that arrives no later than 5:00 p.m. on the next business day after election day (Monday, May 9, 2022) if it bears a cancellation mark of the postal service or a receipt mark of a common or contract carrier or a courier not later than 7:00 p.m. on May 7, 2022. The last day to receive a ballot from an overseas voter using an ABBM or FPCA is five days after the election, which is Thursday, May 12, 2022. The last day to receive a ballot from a military voter using an FPCA is the sixth day after the election, which is Friday, May 13, 2022. The last day for the early voting ballot board to convene and count provisional and overseas ballots is the ninth day after the election, which is Monday, May 16, 2022. (Tex. Elec. Code §§ 65.051, 67.003, 86.007(a)(2), 86.007(d)(3), 87.125, 101.057).

### **Deadlines for Regular Recount Requests**

If the election is on a measure or if your entity elects officers:

- By plurality (a candidate must receive more votes than any other candidate for that office to win);

**OR**

- There were only two candidates in the race (even if your entity does not elect by plurality).

**THEN the deadline to file for a recount is 5:00 p.m. of the 2nd day after the canvass of the election.** (Tex. Elec. Code §§ 212.021, 212.028, 212.081, 212.083).

**NOTE:** Section 212.028 was amended by [House Bill 3107](#) (87th Leg., R.S., 2021) to provide one date for the regular recount filing deadline.

Please note that candidates are elected by plurality vote, unless the law specifically provides otherwise (e.g., statute, home-rule charter, court order). (Tex. Elec. Code § 2.001).

If these criteria apply to your entity, then for the May 7, 2022 election, the following dates apply:

<b>Canvass Date</b>	<b>Recount Request Deadline (Regular):</b>
Tuesday, May 10, 2022	5:00 p.m., Thursday, May 12, 2022
Wednesday, May 11, 2022	5:00 p.m., Friday, May 13, 2022
Thursday, May 12, 2022	5:00 p.m., Monday, May 16, 2022 (Sec. 1.006)
Friday, May 13, 2022	5:00 p.m., Monday, May 16, 2022 (Sec. 1.006)

Saturday, May 14, 2022	5:00 p.m., Monday, May 16, 2022
Sunday, May 15, 2022	5:00 p.m., Tuesday, May 17, 2022
Monday, May 16, 2022	5:00 p.m., Wednesday, May 18, 2022
Tuesday, May 17, 2022	5:00 p.m., Thursday, May 19, 2022
Wednesday, May 18, 2022	5:00 p.m., Friday, May 20, 2022

## Deadlines for Expedited Recount Requests

### IF your entity elects:

- By majority vote (a candidate must receive more than half of the votes cast in the election, to win);

### AND

- There were more than two candidates in the race.

**THEN the deadline to file for a recount is 2:00 p.m. on the first day after the date of the canvass of the election, unless this deadline falls on a Saturday, Sunday, or legal state holiday, in which case, the deadline is extended to 10:00 a.m. on the next business day.** (Tex. Elec. Code §§ 212.081, 212.083, 212.088).

**NOTE:** Section 212.083 was amended by [House Bill 3107](#) to provide one date for the expedited recount filing deadline.

If these criteria apply to your entity, then for the May 7, 2022 election, the following dates apply:

Canvass Date	Recount Request Deadline (Expedited):
Tuesday, May 10, 2022	2:00 p.m., Wednesday, May 11, 2022
Wednesday, May 11, 2022	2:00 p.m., Thursday, May 12, 2022
Thursday, May 12, 2022	2:00 p.m., Friday, May 13, 2022
Friday, May 13, 2022	10:00 a.m., Monday, May 16, 2022 (Sec. 212.088)

Saturday, May 14, 2022	10:00 a.m., Monday, May 16, 2022 (Sec. 212.088)
Sunday, May 15, 2022	2:00 p.m., Monday, May 16, 2022
Monday, May 16, 2022	2:00 p.m., Tuesday, May 17, 2022
Tuesday, May 17, 2022	2:00 p.m., Wednesday, May 18, 2022
Wednesday, May 18, 2022	2:00 p.m., Thursday, May 19, 2022

### **Note About Joint Canvassing Authorities**

Section 271.011 authorizes a joint canvassing authority. If your joint election agreement designated a joint canvassing authority, please be advised that Section 212.026(b) of the Code requires the recount petition to be filed with the presiding officer of your **regular** canvassing authority.

### **Reminder on Tie Votes and Automatic Recounts**

Please note that even though recounts can be requested by candidates based on unofficial returns, the **automatic recount** based on a tie pursuant to Section 2.002 (**plurality vote**) should be based on the **official canvassed returns**.

In a race requiring a **majority vote**, the candidates in a runoff are the “top two” candidates (**based on the official canvassed returns**); either the two with the highest and second-highest number of votes, or the two who tie for the highest number of votes. There is not an automatic recount when the top two candidates tie in a majority vote scenario. A candidate may timely request a recount as usual. The Election Code provides that an automatic recount will be conducted in other (rare) circumstances (for example, a three-way tie for highest vote, or a tie for the second-highest vote). (Tex. Elec. Code § 2.023).

**NEW LAW:** Certain procedures for responding to a tie vote under Sections 2.002 and 2.028 were amended by [House Bill 3107](#). For more details, please see [House Bill 3107](#), our [Recount Outline](#), and Advisory 2022-19 Post-Election Procedures.

**NOTE:** A tie vote in the final canvassed vote for a measure election (for-against proposition) means the measure fails. There is no automatic recount. A recount may be timely requested by authorized persons.

If you need additional assistance, you may contact the [Elections Division](#) toll-free at 1-800-252-VOTE (8683).

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