

# The State of Texas



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Ruth R. Hughs  
Secretary of State

## **ELECTION ADVISORY** **No. 2021-04**

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

FROM: Keith Ingram, Director of Elections 

DATE: May 1, 2021

RE: Canvass and Recount Deadlines for the May 1, 2021 Elections of Cities, School Districts and Other Political Subdivisions

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This deadline memo 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 mailed directly to you.

### **Canvass Dates**

The final canvass is the local canvass. (Tex. Elec. Code § 67.003). The local canvass for the May 1, 2021 Elections of Cities, School Districts and Other Political Subdivisions must be held not earlier than the third day after election day (Tuesday, May 4, 2021) and not later than the eleventh day after election day (Wednesday, May 12, 2021).

The canvass cannot occur until the early voting ballot board has verified and counted all provisional ballots, if a provisional ballot has been cast in the election; or the date on which all timely received ballots cast from addresses outside of the United States are counted, if a ballot to be voted by mail in the election was provided to a person outside of the United States. (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 1, 2021 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. You cannot canvass your election until the early voting ballot board has convened and counted all provisional, late and overseas ballots. 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 ABBM (not an FPCA) that arrives no later than 5:00 p.m. on the next business day after election day (Monday, May 3, 2021) 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 1, 2021. The last day to receive a ballot from an overseas voter using an FPCA is five days after the election, which is Thursday, May 6, 2021. 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 7, 2021. 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 10, 2021. [Tex. Elec. Code §§ 65.051, 67.003 & 86.007(d)(3)]

### Deadlines for Regular Recount Requests

If your entity elects:

- 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 THE LATER of these two dates:** 5:00 p.m. on the 5th day after election day; or 5:00 p.m. on the 2nd day after the canvass of the election. [Secs. 212.021, 212.028, 212.081, 212.083] NOTE: Because of various changes in the law, **the second day after the canvass will always be the later of the two dates.**

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

If these criteria apply to your entity, then for the May 1, 2021 election, the following dates apply:

<b>Canvass Date</b>	<b>Recount Request Deadline (Regular):</b>
Tuesday, May 4, 2021	5:00 p.m., Thursday, May 6, 2021
Wednesday, May 5, 2021	5:00 p.m., Friday, May 7, 2021
Thursday, May 6, 2021	5:00 p.m., Monday, May 10, 2021 (Sec. 1.006)
Friday, May 7, 2021	5:00 p.m., Monday, May 10, 2021 (Sec. 1.006)

Saturday, May 8, 2021	5:00 p.m., Monday, May 10, 2021
Sunday, May 9, 2021	5:00 p.m., Tuesday, May 11, 2021
Monday, May 10, 2021	5:00 p.m., Wednesday, May 12, 2021
Tuesday, May 11, 2021	5:00 p.m., Thursday, May 13, 2021
Wednesday, May 12, 2021	5:00 p.m., Friday, May 14, 2021

**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 THE LATER of these two dates : 2:00 p.m. on the third day after election day; or 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. [Secs. 212.081, 212.083, 212.088] NOTE: Because of various changes in the law, the first day after the canvass will always be the later of the two dates.**

If these criteria apply to your entity, then for the May 1, 2021 election, the following dates apply:

<b>Canvass Date</b>	<b>Recount Request Deadline (Expedited):</b>
Tuesday, May 4, 2021	2:00 p.m., Wednesday, May 5, 2021
Wednesday, May 5, 2021	2:00 p.m., Thursday, May 6, 2021
Thursday, May 6, 2021	2:00 p.m., Friday, May 7, 2021
Friday, May 7, 2021	10:00 a.m., Monday, May 10, 2021 (Sec. 212.088)
Saturday, May 8, 2021	10:00 a.m., Monday, May 10, 2021 (Sec. 212.088)

Sunday, May 9, 2021	2:00 p.m., Monday, May 10, 2021
Monday, May 10, 2021	2:00 p.m., Tuesday, May 11, 2021
Tuesday, May 11, 2021	2:00 p.m., Wednesday, May 12, 2021
Wednesday, May 12, 2021	2:00 p.m., Thursday, May 13, 2021

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

Section 271.011 of the Texas Election Code 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. 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). [Sec. 2.023]

See [recount outline](#) and Advisory 2021-05 on post-election procedures for more details.

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

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