

**From:** [Elections Internet](#)  
**To:** [Elections Internet](#)  
**Subject:** MASS EMAIL (CSO-3488) - April 2, 2020 Update to COVID-19 Election Procedures  
**Date:** Thursday, April 2, 2020 4:01:45 PM  
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Dear Election Officials:

We have continued to receive questions regarding the recent proclamations by the Governor related to elections and COVID-19. We are providing some additional guidance below.

1. [Executive Order GA 14](#): Governor Abbott's March 31, 2020 executive order includes, but is not limited to, the following items. It (1) extends social distancing guidelines through April 30th, (2) defines essential services, and (3) extends school closures across the state through May 4, 2020. If you haven't already moved your May 2nd election, **you must take action to do so immediately!** This most recent executive order will prevent you from securing polling places, recruiting election workers, and allowing voters a safe way to exercise their right to vote. **If you don't move your May 2nd election, you are subjecting voters to health risks and potential criminal violations. Failure to postpone your election will put your election at severe risk for an election contest.** For procedures related to postponing your election, see [Advisory 2020-12](#).
  - a. Please note, that while Elections Personnel have been included in the federal government's advisory on essential critical infrastructure workers, this does not include voters.
2. **Cities impacted by Article XI, Section 11, Texas Constitution:**
  - a. The Governor's executive order makes it clear that you must take action to move your election, even if your city is holding a special election to fill a vacancy due to the requirements prescribed in Article XI, Section 11 of the Texas Constitution. While the executive order does not suspend the Texas Constitution's requirements to hold your election within 120 days of the vacancy, you should consult with your city attorney about the proper way to handle a postponement of this type of election.
  - b. If you opt to move your election in response to this public health crisis, and to do so safely would result in the election occurring outside of the constitutionally prescribed 120 day period, please direct your attorney to review Attorney General Opinion No. [JC-0318](#), as you may be required to hold your election on the November 2020 uniform election date.
  - c. Runoff Elections being held for Article XI, Section 11, Texas Constitution City Elections -- These situations can vary fact specific. We recommend you contact our office for specific guidance on your situation.
3. **Special Elections Regarding the Continuation of a Sales Tax:** If you have a special election scheduled for May 2, 2020 on the question of the continuation of a sales tax that cannot be rescheduled for November 3, 2020 because the tax will expire before then, please contact the Comptroller's office regarding the expiration of your sales tax. If you are unable to receive an extension from the Comptroller's office regarding your sales tax, please contact

the SOS for additional assistance.

4. **Options Other Than November 3, 2020:** The Governor's proclamation allowing a postponement only authorized a move to November 3, 2020. There is no authority for a local political subdivision, on its own order, to move an election to any other date. If an entity would like to move to a date other than November 3, 2020, there are likely only two ways to do so:
  - a. **Emergency Election under Section 41.0011(b) of the Texas Election Code:** A local political subdivision can request permission from the Governor to allow the political subdivision to order a special election on a nonuniform election date. Please note that this only applies to special elections and not general elections.
  - b. **Court Order for Nonuniform Election Date:** As there are no other options outside of the Governor's authorization to postpone the election and the option under Section 41.0011 of the Texas Election Code, a political subdivision that wishes to hold its election on a date other than November 3, 2020 could try to seek court order for an alternative date.
5. **Notice Requirements:** Any entities that are exercising the authority to postpone their election date must provide the following notice:
  - a. **Notice to Voters:** The entity should post notice on the entity's website and alert any local media organizations regarding this change to their election date.
  - b. **Notice to County Election Officer:** The entity must also provide notice to their county election officer regarding this change, as the county is required to post the entity's notice of election on the county's website no later than the 60th day before the date of the election under Election Code 4.008.
  - c. **Posted Notice at Polling Locations:** If it's possible to post notice at the polling locations that would have been used for the elections, we would recommend doing so. However, your ability to do so may be limited due to the stay-at-home orders that are in place. Please do not put your workers at risk by posting a physical notice. The most important thing is to update local media and update your website.
  - d. **Notice to SOS:** When you take action to postpone your elections, please inform us of the action taken. You may do so at [elections@sos.texas.gov](mailto:elections@sos.texas.gov).

Please let us know if you have any questions or concerns.

Keith Ingram  
Director, Elections Division  
Office of the Secretary of State  
800-252-VOTE(8683)

[www.sos.state.tx.us/elections/index.shtml](http://www.sos.state.tx.us/elections/index.shtml)

**For Voter Related Information, please visit:**



*The information contained in this email is intended to provide advice and assistance in election matters per §31.004 of the Texas Election Code. It is not intended to serve as a legal opinion for any matter. Please review the law yourself, and consult with an attorney when your legal rights are involved.*