

The State of Texas



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Jane Nelson
Secretary of State

ELECTION ADVISORY **NO. 2023-18**

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

FROM: Christina Adkins, Director of Elections *CHA*

DATE: October 16, 2023

RE: Canvass and Recount Deadlines for the November 7, 2023 Elections of Cities, School Districts and Other Political Subdivisions

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 November 7, 2023 uniform election must be held not earlier than the third day after election day (Friday, November 10, 2023) and not later than the eleventh day after election day (Monday, November 20, 2023). Because the eleventh day falls on Saturday, November 18, 2023, the deadline is extended to Monday, November 20, 2023. (Tex. Elec. Code §§ 1.006, 67.003).

The canvass cannot occur until the early voting ballot board has: (1) qualified and counted all provisional ballots, if a provisional ballot has been cast in the election; (2) counted all timely received late-arriving ballots, including next business day, military and overseas ballots; and (3) counted all ballots contained in previously defective carrier envelopes which were corrected by voters by the required deadline. See summary of late-arriving ballots 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 November 7, 2023 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 day after election day (Wednesday, November 8, 2023) 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 November 7, 2023.

The last day to receive a ballot from an overseas non-military voter using an FPCA is five days after the election, which is Monday, November 13, 2023. The deadline is extended to the next regular business day, which is Monday, November 13, 2023, due to the 5th day falling on a Sunday. (Tex. Elec. Code §§ 1.006, 86.007(d-1)).

The last day to receive a ballot from a military voter using an FPCA is the sixth day after the election, which is Monday, November 13, 2023. The last day a voter may come in person to the early voting clerk's office to correct certain defects on their carrier envelope is the sixth day after the election, which is Monday, November 13, 2023. (Tex. Elec. Code §§ 87.0271, 87.0411).

The last day for the early voting ballot board to convene and count "late domestic ballots," provisional ballots, overseas ballots, and ballots contained in previously defective carrier envelopes which were corrected by voters by the required deadline is the ninth day after the election, which is Thursday, November 16, 2023. (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). Please note that if the last day for performance of an act is a Saturday, Sunday, or legal state or national holiday, such as

the Thanksgiving Day national holiday on November 23, 2023 and the day after Thanksgiving Day which is a state holiday, Friday, November 24, 2023, the act is timely if performed on the next regular business day, except as otherwise provided by the Code. (Tex. Elec. Code § 1.006).

NOTE: Section 212.028 of the Election Code provides 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 November 7, 2023 election, the following dates apply:

Canvass Date	Recount Request Deadline (Regular):
Friday, November 10, 2023	5:00 p.m., Monday, November 13, 2023 (Sec. 1.006)
Saturday, November 11, 2023	5:00 p.m., Monday, November 13, 2023
Sunday, November 12, 2023	5:00 p.m., Tuesday, November 14, 2023
Monday, November 13, 2023	5:00 p.m., Wednesday, November 15, 2023
Tuesday, November 14, 2023	5:00 p.m., Thursday, November 16, 2023
Wednesday, November 15, 2023	5:00 p.m., Friday, November 17, 2023
Thursday, November 16, 2023	5:00 p.m., Monday, November 20, 2023 (Sec. 1.006)
Friday, November 17, 2023	5:00 p.m., Monday, November 20, 2023 (Sec. 1.006)
Saturday, November 18, 2023	5:00 p.m., Monday, November 20, 2023
Sunday, November 19, 2023	5:00 p.m., Tuesday, November 21, 2023
Monday, November 20, 2023	5:00 p.m., Wednesday, November 22, 2023

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, such as the Thanksgiving Day national holiday on November 23, 2023 and the day after Thanksgiving Day which is a state holiday, Friday, November 24, 2023, 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 of the Election Code provides one date for the expedited recount filing deadline.

If these criteria apply to your entity, then for the November 7, 2023 election, the following dates apply:

Canvass Date	Recount Request Deadline (Expedited):
Friday, November 10, 2023	10:00 a.m., Monday, November 13, 2023 (Sec. 212.088)
Saturday, November 11, 2023	10:00 a.m., Monday, November 13, 2023 (Sec. 212.088)
Sunday, November 12, 2023	2:00 p.m., Monday, November 13, 2023
Monday, November 13, 2023	2:00 p.m., Tuesday, November 14, 2023
Tuesday, November 14, 2023	2:00 p.m., Wednesday, November 15, 2023
Wednesday, November 15, 2023	2:00 p.m., Thursday, November 16, 2023
Thursday, November 16, 2023	2:00 p.m., Friday, November 17, 2023
Friday, November 17, 2023	10:00 a.m., Monday, November 20, 2023 (Sec. 212.088)
Saturday, November 18, 2023	10:00 a.m., Monday, November 20, 2023 (Sec. 212.088)
Sunday, November 19, 2023	2:00 p.m., Monday, November 20, 2023
Monday, November 20, 2023	2:00 p.m., Tuesday, November 21, 2023

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).

For more details, please see our [Recount Outline](#) and Advisory 2023-17 Post-Election Procedures and Qualifying for Office.

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).

CA:HM:RJ