



Texas Secretary of State
ELECTIONS DIVISION



Vacancies and Special Elections for Political Subdivisions



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Vacancies



When Does a Vacancy Occur?

- *It depends on why the office is vacant*
 - Resignation is effective on the date it is accepted by the appropriate authority or the eighth day after the authority's receipt of the resignation, whichever is earlier
 - If an office is vacant due to removal or death, the vacancy occurs on that date





When Does a Vacancy Occur?

- *It depends on why the office is vacant*
 - A person who accepts a new office that may not be lawfully held at the same time resigns the first office on the day they qualify for the other office
 - A person declared ineligible to hold their office vacates it on the day the judgment becomes final





When Does a Vacancy Occur?

- *It depends on why the office is vacant*
 - A new office becomes vacant on the effective date of the act or order establishing the office
 - If a deceased or ineligible candidate is elected to office, or if a city has a successful recall election, the office becomes vacant the day the final canvass of the election is completed
 - If an officer-elect declines to take office, a vacancy occurs on the date the declination is delivered to the appropriate authority





Why Is the Vacancy Date Important?

- The date the vacancy occurs controls when a special election must be ordered, if that's going to happen.
 - A special election must be ordered as soon as practicable after the vacancy, unless the special will be held on the date of the November election, in which case it must be ordered not later than the 78th day before the election
 - Generally the special election must be held on the first uniform election date that is at least 46 days after the special election is ordered





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Vacancies in Municipalities



Vacancies in Municipalities

- **Type A Municipality**
 - **Single Vacancy**—Remaining governing board members may fill it by appointment.
 - **Terms Over 2 Years**—A special election must be held to fill the vacancy.
 - **Multiple Vacancies**—A special election must be called if two or more exist at once.

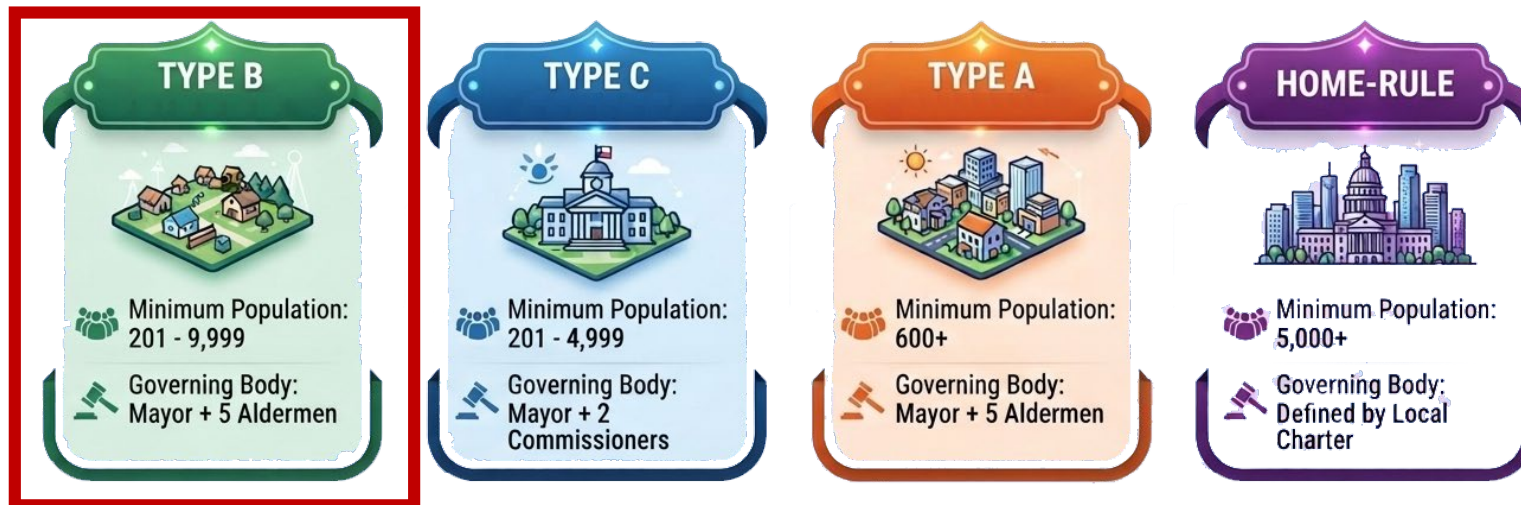




Vacancies in Municipalities

- **Type B Municipality**

- A vacancy on a municipality governing board must be filled by appointment of the aldermen
- However, if members serve more than two years in their term, a special election must be held





Vacancies in Municipalities

- **Type C Municipality**
 - A single vacancy on a municipality governing body may be filled by appointment of the two remaining members
 - If two or more vacancies exist at the same time, a special election must be called by the county judge

TYPE B



Minimum Population:
201 - 9,999

Governing Body:
Mayor + 5 Aldermen

TYPE C



Minimum Population:
201 - 4,999

Governing Body:
Mayor + 2 Commissioners

TYPE A



Minimum Population:
600+

Governing Body:
Mayor + 5 Aldermen

HOME-RULE



Minimum Population:
5,000+

Governing Body:
Defined by Local Charter



Vacancies in Municipalities

- **Home-Rule Municipality**
 - Charter will generally provide for the filling of vacancies
 - Texas Constitution still requires a special election if terms last more than two years

TYPE B



Minimum Population:
201 - 9,999

Governing Body:
Mayor + 5 Aldermen

TYPE C



Minimum Population:
201 - 4,999

Governing Body:
Mayor + 2 Commissioners

TYPE A



Minimum Population:
600+

Governing Body:
Mayor + 5 Aldermen

HOME-RULE



Minimum Population:
5,000+

Governing Body:
Defined by Local Charter



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Vacancies in School Districts



Vacancies in Independent School District Boards of Trustees

- Remaining trustees may fill the vacancy by appointment or, if the school board trustees are appointed by a municipal governing body, that body may make an appointment
- Alternatively, the board or municipal governing body may order a special election





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Filling Vacancy by Special Election



Filling a Vacancy by Special Election

- **Order of Election**
 - The election should be ordered as soon as practicable after the vacancy occurs, unless the special will be held on the date of the November election, in which case it must be ordered not later than the 78th day before the election





Filling a Vacancy by Special Election

- **Date of Election**
 - A special election to fill a vacancy should take place on the first authorized election date on or after the 46th date the election is ordered
 - *Exception:* A law outside the Election Code that authorizes a special election to be held earlier





Vacancies in Unexpired Term and Full Term

- Consider a scenario where a vacancy occurs in an office that has some unexpired term left, and a full term for which a person was just elected.
- **A special election should be just for the succeeding full term**





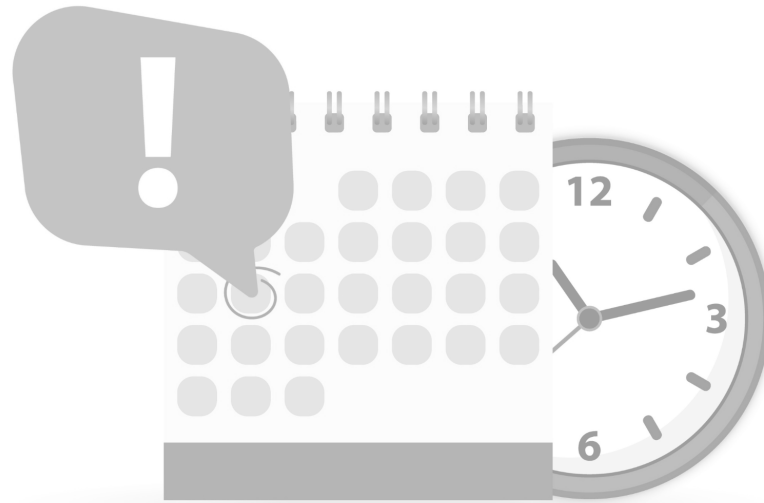
Candidate Filing Periods

- **General Rule**
 - Filing period opens when the election is ordered
 - Closes on:
 - 5 p.m. of the 62nd day before the election, for election ordered on or after the 70th day before the election
 - 5 p.m. of the 40th day before the election, for election ordered on or after the 46th day and before the 70th day before the election
 - 6 p.m. of the 75th day before the election, for an election to be held on the November general election date



Candidate Filing Periods

- Write-in candidates must file a declaration of write-in candidacy no later than the prescribed filing deadline.





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Prescribed Forms



Forms for Ordering a Special Election

- [Order of Special Election for Municipalities](#) (Form 1-8)
- [Order of Special Election for Other Political Subdivisions](#) (Form 1-9)

1-8
Prescribed by Secretary of State
Sections 3.004, 3.006, 85.004, 85.007, 201.054 Texas Election Code
9/2023

ORDER OF SPECIAL ELECTION FOR MUNICIPALITIES
(ORDEN DE ELECCIÓN ESPECIAL PARA MUNICIPIOS)

An election is hereby ordered to be held on ____/____/____ for the purpose of voting
(date) ____ con el propósito de votar
(Por la presente se ordena celebrar una elección el ____/____/____ (fecha) a las ____ p.m.

Applications for a place on the ballot shall be filed by: ____/____/____ at ____ p.m.
(A deadline is required to be stated in the order for a special election.)
(Solicitudes para un lugar en la boleta serán presentadas por: ____/____/____ a las ____ p.m.)
(De acuerdo con la orden de elección especial se requiere una fecha límite)

List Offices/Propositions/Measures on the ballot (Enúmere los puestos/proposiciones/medidas oficiales)

1-9
Prescribed by Secretary of State
Sections 3.004, 3.006, 4.008, 85.004, 85.007, 201.054 Texas Election Code
9/2023

ORDER OF SPECIAL ELECTION FOR OTHER POLITICAL SUBDIVISIONS
(ORDEN DE ELECCIÓN ESPECIAL PARA OTROS SUBDIVISIONES POLÍTICAS)

An election is hereby ordered to be held on ____/____/____ for the purpose of:
(date) ____ con el propósito de:
(Por la presente se ordena que se llevará a cabo una elección el ____/____/____ (fecha) a las ____ p.m.)

Applications for a place on the ballot shall be filed by: ____/____/____ at ____ p.m.
(A deadline is required to be stated in the order for a special election.)
(Solicitudes para un lugar en la boleta serán presentadas por: ____/____/____ a las ____ p.m.)
(De acuerdo con la orden de elección especial se requiere una fecha límite)

List Offices/Propositions/Measures on the ballot (Enúmere los puestos/proposiciones/medidas oficiales)



Form for Notice of a Special Election

- [Notice of Special Election for Cities, Schools, and Other Political Subdivisions](#) (Form 1-16)

1-16
Prescribed by Secretary of State
Sections 4.004, 4.009, 83.010, 85.004, 85.007, Texas Election Code
9/2023

NOTICE OF SPECIAL ELECTION FOR OTHER POLITICAL SUBDIVISIONS
(AVISO DE ELECCIÓN ESPECIAL PARA OTRAS SUBDIVISIONES POLÍTICAS)

To the registered voters of the County of _____, Texas:
(A los votantes registrados del Condado de _____, Texas)

Notice is hereby given that the polling places listed below will be open from 7:00 a.m. to 7:00 p.m.,
_____/_____/_____ for voting in a special election to elect:
(Notifíquese por la presente, que los sitios de votación citados abajo se abrirán desde las 7:00 a.m.
hasta las 7:00 p.m. el ____/____/_____ para votar en la elección especial para elegir:

List Offices/Propositions/Measures on the ballot (Enumere los puestos/proposiciones/medidas oficiales en la boleta)

On Election Day, voters must vote at the countywide polling place.



Application for Place on the Ballot

2-50
Prescribed by Secretary of State
Section 141.031, Chapters 143 and 144, Texas Election Code; Section 11.055, Texas Education Code
07/2025

**APPLICATION FOR A PLACE ON THE BALLOT FOR A SPECIAL ELECTION
FOR A CITY, SCHOOL DISTRICT OR OTHER POLITICAL SUBDIVISION**

ALL INFORMATION IS REQUIRED TO BE PROVIDED UNLESS INDICATED AS OPTIONAL¹ Failure to provide required information may result in rejection of application.

APPLICATION FOR A PLACE ON THE _____ (name of election)
TO: City Secretary/Secretary of Board
I request that my name be placed on the above-named official ballot as a candidate for the office indicated below.

OFFICE SOUGHT (Include any place number or other distinguishing number, if any.) ☐ FULL ☐ UNEXPIRED

FULL NAME (First, Middle, Last) **PRINT NAME AS YOU WANT IT TO APPEAR ON THE BALLOT***

PERMANENT RESIDENCE ADDRESS (Do not include a P.O. Box or Rural Route.
If you do not have a residence address, describe location of residence.) **PUBLIC MAILING ADDRESS** (Address for which you receive campaign related correspondence, if available.)

CITY **STATE** **ZIP** **CITY** **STATE** **ZIP**

PUBLIC EMAIL ADDRESS (Address for which you receive campaign related emails, if available.) **OCCUPATION** (Do not leave blank) **DATE OF BIRTH** **VOTER REGISTRATION VOID NUMBER²** (Optional)

TELEPHONE CONTACT INFORMATION (Optional) Office: _____ Cell: _____

FELONY CONVICTION STATUS (You MUST check one) **LENGTH OF CONTINUOUS RESIDENCE AS OF DATE THIS APPLICATION WAS SWORN IN THE STATE OF TEXAS** **IN TERRITORY/DISTRICT/PRECINCT FROM WHICH THE OFFICE SOUGHT IS ELECTED**

☐ I have not been finally convicted of a felony.
☐ I have been finally convicted of a felony, but I have been pardoned or otherwise released from the resulting disabilities of that felony conviction and I have provided proof of this fact with the submission of this application.³

This Box Must ONLY be Completed by Candidates for School District Board of Trustees

Check the Box Below:
☐ I am aware that I am not eligible to serve as a trustee of an independent school district if I am required to register as a sex offender under Chapter 62, Code of _____

I am also signing and swearing to the following statements: I further swear that my nickname is _____ I have been commonly known by this _____ or affiliation. I have been commonly known by this _____ the rules for how _____

- [Application for a Place on the Ballot for a Special Election for a City, School, or Other Political Subdivision \(Form 2-50\)](#)



Available Support



WEBINARS



TRAINING



RESOURCES

elections@sos.texas.gov

800-252-VOTE • 512-463-5650

sos.texas.gov