



CITY COUNCIL CONSIDERATION ITEM

CITY OF FAIR OAKS RANCH, TEXAS

AGENDA TOPIC: Presentation of the Certificate of Unopposed Candidates and consideration and possible action approving a resolution declaring the unopposed candidate in the February 25, 2025 Special Election elected to office and to cancel said Special Election

DATE: January 16, 2025

DEPARTMENT: City Secretary

PRESENTED BY: Christina Picioccio, TRMC, City Secretary

INTRODUCTION/BACKGROUND:

Jonathan Swarek was the sole applicant to file for Council Place 6, a position vacated by Council Member Muenchow. The seat is set to be filled through a special election scheduled for February 25, 2025. Following the conclusion of the filing periods for ballot and write-in candidacies on December 26, 2024, Mr. Swarek remained unopposed.

Pursuant to Chapter 2 of the Election Code, the procedure to declare the candidates unopposed as elected and to cancel the Special Election is as follows:

Subchapter C. Election of Unopposed Candidate

Step 1 – Sec. 2.052 – Certification of Unopposed Status

- (a) The authority responsible for having the official ballot prepared shall certify in writing that a candidate is unopposed for election to an office if, were the election held, only the votes cast for that candidate in the election for that office may be counted.
- (b) The certification shall be delivered to the governing body of the political subdivision as soon as possible after the filing deadlines for placement on the ballot and list of write-in candidates.

Step 2 – Sec. 2.053. – Action on Certification

- (a) On receipt of the certification, the governing body of the political subdivision by order or ordinance shall declare each unopposed candidate elected to the office. If no election is to be held on election day by the political subdivision, a copy of the order or ordinance shall be posted on election day at each polling place used or that would have been used in the election.
- (b) If a declaration is made under Subsection (a), the election is not held.

Step 3 – Sec 2.053

- (e) A certificate of election shall be issued to each candidate in the same manner and at the same time as provided for a candidate elected at the election. The candidate must qualify for the office in the same manner as provided for a candidate elected at the election.

Subchapter D. Cancellation of Elections

Step 4 – Sec. 2.081 Cancellation of Moot Measure

- (a) If an authority that orders an election on a measure determines that the action to be authorized by the voters may not be taken, regardless of the outcome of the election, the authority may declare the measure moot and remove the measure from the ballot.
- (b) If a measure is declared moot under this section and is removed from the ballot, the authority holding the election shall post notice of the declaration during early voting by personal appearance and on election day, at each polling place that would have been used for the election on the measure.

This agenda item is to initiate the steps as outlined above

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

Compliance with State Election Laws

LONGTERM FINANCIAL & BUDGETARY IMPACT:

The adopted budget allocates \$32,000.00 for the FY 2024-25 election budget. With the cancellation of this Special Election, the funding will be available, in its entirety, for the May Regular Election.

LEGAL ANALYSIS:

Resolution approved as to form.

RECOMMENDATION/PROPOSED MOTION:

I move to accept the Certificate of Unopposed Candidates and to approve a resolution declaring the unopposed candidate in the February 25, 2025 Special Election elected to office and to cancel said Special Election.