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PRESS RELEASE

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City releases statement on May, 2022 election

Kerrville, Texas (Feb. 11, 2022)—During last Tuesday's city council meeting, council adopted a resolution which sets out the city's May General Election. The May election, to occur on Saturday, May 7, includes the election of Mayor, Councilmembers for Places 3 and 4, plus a bond election, which if approved would authorize the issuance of bonds for the development of a Public Safety Complex.



Prior to the council's vote on the resolution setting the election, a citizen addressed council as to his arguments why holding the council election this May violates the city's charter. The citizen has repeatedly made this argument to the city since December of 2020.

The position of the city attorney has not changed since he first researched this issue and provided his position to council. Put simply, the city attorney does not believe that the city is violating any law by holding its election in May.

To quickly recap the issue, in March 2020, which marked the beginning of the COVID-19 pandemic, the Texas governor issued a proclamation which authorized all Texas cities to postpone their May 2020 elections until Nov. 3, 2020. The governor essentially suspended the Texas Election Code to the “extent necessary” to allow cities and other political subdivisions to take this action “without otherwise adjusting the term of office.” The governor’s proclamation, which was issued in response to COVID-19 concerns, may be viewed online at <https://gov.texas.gov/news/post/governor-abbott-issues-proclamation-allowing-for-postponement-of-local-elections-set-for-may-2nd>.

Pursuant to the governor’s emergency power authority stemming from the public health crisis, the Kerrville city council adopted a resolution postponing the city’s May 2020 election to November 2020 pursuant to the governor’s proclamation. Immediately following the governor’s action, the Texas Secretary of State, which oversees state elections, received questions and issued guidance on the postponements. The Secretary of State’s guidance provided that “[postponing an election] is not a permanent move. The Governor’s proclamation has the effect of postponing an election, but it is not a permanent move. The result is that [a city’s] current office holders will be holdovers until the next election occurs. Your newly-elected office holders in November will have a shorter term. Their next election will return back to the May date.” Thus, councilmembers

elected in May 2018 served an extended term, while those elected into office in November 2020 will serve a shortened term.

In addition, Section 41.001 of the Texas Election Code, which applies to the city's elections, provides that entities must hold their election on a uniform election date. Entities wishing to change their election date must look to Section 41.0052 of the Election Code for the authority to do so. As this section's authority expired in 2016, there is no authority for the city to change its election date from May.

The City of Kerrville has held municipal elections in May every year since 1988, with the exception of May 2020.