

PROCLAMATION

BY THE

Governor of the State of Texas

TO ALL TO WHOM THESE PRESENTS SHALL COME:

WHEREAS, the resignation of Representative Blake Farenthold has created a vacancy in the U.S. House of Representatives for the 27th Congressional District of Texas, which consists of all or parts of Aransas, Bastrop, Caldwell, Calhoun, Gonzales, Jackson, Lavaca, Matagorda, Nueces, Refugio, San Patricio, Victoria and Wharton counties; and

WHEREAS, Article I, Section 2 of the U.S. Constitution and Section 204.021 of the Texas Election Code require that a special election be ordered upon such a vacancy, and Title 2, Section 8 of the U.S. Code requires that the date of such election be as prescribed by state law; and

WHEREAS, Section 3.003 of the Texas Election Code requires the special election to be ordered by proclamation of the Governor; and

WHEREAS, Section 203.004(a) of the Texas Election Code provides that the special election must be held on the first uniform date occurring on or after the 36th day after the date the special election is ordered unless there is an emergency requiring that the vacancy be filled sooner; and

WHEREAS, pursuant to Section 41.001 of the Texas Election Code, the only viable uniform election date remaining in 2018 is November 6; and

WHEREAS, should a special election on November 6, 2018, result in a runoff, Section 2.025(d) of the Texas Election Code provides that the runoff election date cannot be held sooner than the 70th day after the final election canvas, and the earliest possible date for that runoff election would likely occur well into January of 2019; and

WHEREAS, compliance with the aforementioned laws would leave District 27 without representation in the U.S. House of Representatives for the remainder of 2018, or the bulk thereof; and

WHEREAS, all counties contained within this district continue to be under the Governor's disaster declaration related to the devastation resulting from Hurricane Harvey, and it is imperative to fill this vacancy to ensure that the 27th Congressional District is fully represented as soon as possible; and

WHEREAS, Section 41.0011 of the Texas Election Code provides that the Governor may order an emergency special election before the appropriate uniform election date; and

WHEREAS, Section 203.004(b) of the Texas Election Code provides that an emergency special election must be held on a Tuesday or Saturday on or after the 36th day and before the 50th day after the election is ordered; and

WHEREAS, Section 201.054 of the Texas Election Code, which prescribes filing deadlines for special elections, prevents the Governor from calling a special election earlier than 46 days from the day the election is called, despite the 36 to 50 day window of time specified in Section 203.004(b); and

WHEREAS, the federal Uniformed and Overseas Citizens Absentee Voting Act requires that validly requested absentee ballots in federal elections be transmitted to absent uniformed services voters and overseas voters no later than 45 days prior to the election; and

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WHEREAS, members of our U.S. armed forces, their families and overseas citizens should have a full opportunity to participate in every election; and

WHEREAS, the election to fill the vacancy in the U.S. House of Representatives for the 27th Congressional District of Texas is a federal election; and

WHEREAS, it is impossible to hold a special election earlier than November 6 that complies with all applicable state and federal election laws; and

WHEREAS, the Governor has the authority under Texas Government Code 418.016 to suspend certain statutory provisions if strict compliance with those provisions would in any way prevent, hinder or delay necessary action in coping with a disaster; and

WHEREAS, the Governor has the authority under Texas Government Code 418.012 to issue proclamations that have the force and effect of law; and

WHEREAS, hurricane relief efforts depend heavily on action at the federal level, which necessitates that those people residing in the disaster zone have full and effective representation in Congress as soon as possible; and

WHEREAS, unless suspended, the aforementioned state election laws will deny the residents of District 27 an effective voice in the U.S. House of Representatives until November, at the earliest; and

WHEREAS, should the emergency special election result in a runoff, the runoff election would likely be held in September, 2018, at the latest; and

WHEREAS, the Attorney General of Texas has opined, in KP-0191, that the Governor may suspend those state election laws that prevent, hinder or delay necessary action in coping with the damage caused by Hurricane Harvey; and

WHEREAS, a prolonged vacancy in Congressional District 27 will prevent, hinder or delay necessary action in coping with the damage caused by Hurricane Harvey;

NOW, THEREFORE, I, GREG ABBOTT, Governor of Texas, under the authority vested in me by the Constitution and Statutes of the State of Texas, and after consulting with the U.S. Department of Justice's Civil Rights Division, do hereby order an emergency special election to be held in Congressional District 27 on Saturday, June 30, 2018, for the purpose of electing a U.S. Representative for Congressional District 27 to serve out the unexpired term of Blake Farenthold.

Candidates who wish to have their names placed on the special election ballot must file their applications with the Secretary of State no later than 5:00 p.m. on April 27, 2018.

Ballots validly requested pursuant to the federal Uniformed and Overseas Citizens Absentee Voting Act shall be transmitted no later than 5:00 p.m. on May 16, 2018.

Ballots not subject to the federal Uniformed and Overseas Citizens Absentee Voting Act shall be mailed to voters entitled to vote by mail no later than 5:00 p.m. on May 31, 2018.

Early voting by personal appearance shall begin on June 13, 2018, and end on June 26, 2018.

To the extent the dates specified in this proclamation conflict with any state election law requirements, those laws are suspended pursuant to Section 418.016 of the Texas Government Code. This suspension is effective only for the special election ordered in this proclamation.

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A copy of this order shall be mailed immediately to the County Judges of all counties contained within Congressional District 27, and all appropriate writs will be issued and all proper proceedings will be followed for the purpose that said election may be held to fill the vacancy in District 27 and its result proclaimed in accordance with law.



IN TESTIMONY WHEREOF, I have hereto signed my name and have officially caused the Seal of State to be affixed at my office in the City of Austin, Texas, this the 24th day of April, 2018.

A handwritten signature in black ink that reads "Greg Abbott".

GREG ABBOTT
Governor of Texas

ATTESTED BY:

A handwritten signature in black ink that reads "RBP".

ROLANDO B. PABLOS
Secretary of State

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