



Notice of City Council Special Meeting

November 18, 2024 at 5:00 PM

NOTICE IS HEREBY GIVEN that a Meeting of the Montgomery City Council will be held on **Monday, November 18, 2024, at 5:00 PM** at the City of Montgomery City Hall, 101 Old Plantersville Road, Montgomery, Texas.

THIS MEETING WAS POSTED PURSUANT TO THE TEXAS OPEN MEETING ACT
V.T.C.A. GOVERNMENT CODE CHAPTER 551.

Members of the public may view the meeting live on the City's website under Agenda/Minutes and then select **Live Stream Page (located at the top of the page)**. The meeting will be recorded and uploaded to the City's website.

CALL TO ORDER

INVOCATION

PLEDGES OF ALLEGIANCE

PUBLIC FORUM

The City Council will receive comments from the public on any matters within the jurisdiction of the City of Montgomery, Texas. Speakers will be limited to three (3) minutes each. Persons wishing to participate (speak) during the Public Forum portion of the meeting must sign-in to participate prior to the meeting being called to order. Please note that the City Council's discussion, if any, or subjects for which public notice has not been given, are limited to statements of specific factual responses and recitation of existing policy.

SPECIAL AGENDA

All items on the Regular Agenda are for discussion and/or action. The City Council for the City of Montgomery reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed below, as authorized by the Texas Government Code Sections 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberation Regarding Prospective Gifts), 551.074 (Personnel Matters), 551.076 (Deliberations regarding Security Devices), and 551.087 (Deliberation regarding Economic Development Negotiations).

- 1.** Consideration and possible action on the employment contract between the city administrator and the City of Montgomery.
- 2.** Consideration and possible action of terminating the current assistant city administrator/director of planning and development
- 3.** Consideration and possible action on appointing an interim city administrator
- 4.** Consideration and possible action on AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS, CANVASSING THE RETURNS AND DECLARING THE RESULTS OF THE CITY OF MONTGOMERY, TEXAS, SPECIAL ELECTION HELD ON THE 5TH DAY OF NOVEMBER, 2024, 1) FOR THE CREATION OF THE MONTGOMERY CRIME CONTROL AND PREVENTION DISTRICT; AND 2) EXTENDING THE TERM OF OFFICE FOR MAYOR AND COUNCIL FROM TWO YEARS TO FOUR YEARS.

COUNCIL INQUIRY

Pursuant to Texas Government Code Sect. 551.042, the Mayor and Council Members may inquire about a subject not specifically listed on this Agenda. Responses are limited to the recitation of existing policy or a statement of specific factual information given in response to the inquiry. Any deliberation or decision shall be limited to a proposal to place on the agenda of a future meeting.

ADJOURNMENT

I, Gary Palmer, City Administrator, the Undersigned Authority, do hereby certify that this notice of meeting was posted on the website and bulletin board at City Hall of the City of Montgomery, Texas, a place convenient and readily accessible to the general public at all times. This notice was posted at said locations on the following date and time: **November 15, 2024 at 11:00 a.m.** and remained so posted continuously for at least 72 hours preceding the scheduled time of said meeting.

/s/ Gary Palmer

City Administrator

This facility is wheelchair accessible and accessible parking spaces are available. Please contact the City Secretary's office at 936-597-6434 for further information or for special accommodation.

Montgomery City Council
AGENDA REPORT

| | |
|--|-------------------------------|
| Meeting Date: November 18, 2024 | Fiscal Impact: None |
| Department: Administration | Prepared By: G. Palmer |

Subject

Consideration and possible action on the employment contract between the city administrator (me) and the City of Montgomery.

Recommendation

Take no action thereby allowing the formal action taken at your November 12, 2024 Regular meeting, not to renew the employment agreement, stand.

Discussion

I will read my personal statement at the meeting.

Approved By

| | | |
|--------------------|-------------|-------------------------|
| | | |
| City Administrator | Gary Palmer | Date: November 15, 2024 |

**EMPLOYMENT CONTRACT FOR
CITY ADMINISTRATOR FOR
CITY OF MONTGOMERY, TEXAS**

THIS AGREEMENT, is made and entered into this 13 day of December, 2022, by and between the **CITY OF MONTGOMERY**, State of Texas, (hereinafter called the "City") and **GARY PALMER**, (hereinafter called the "City Administrator"),

WITNESSETH:

WHEREAS, the City desires to employ Gary Palmer as its chief administrative and executive officer, with the title of "City Administrator;" and

WHEREAS, Gary Palmer desires to accept such employment; and

WHEREAS, the parties have agreed to the terms and conditions of such employment and desire to reduce their agreement to writing.

NOW THEREFORE, in consideration of the promises, covenants and agreements herein set forth, and for other good and valuable consideration, receipt of which is hereby acknowledged, the parties hereto covenant and agree as follows:

**1.
TERMS OF EMPLOYMENT**

The City shall employ the City Administrator for a initial term of two (2) years from January 6, 2023 until January 6, 2025 ("Initial Term"), subject to renewal or termination as hereinafter provided. At the conclusion of the Initial Term, this Agreement shall automatically renew for successive two (2) year terms ("Renewal Term") unless either party gives the other party written notice of non-renewal at least thirty (30) days prior to the end of the Initial Term or Renewal Term.

**2.
DUTIES**

The City Administrator shall oversee the day to day operations of the City and fulfill the duties of the position as defined in the job description attached hereto as Exhibit A. It is recognized that City Administrator must devote a great deal of time outside the normal office hours on business for City, and to that end City Administrator shall be allowed to establish and unilaterally manage an appropriate full-time work schedule. City Administrator agrees to keep City Staff informed of his schedule when not in the office.

**3.
COMPENSATION**

The City shall pay the City Administrator a salary of \$185,000.00 per annum, or such other increase in salary as may, in the City Council's sole discretion, be justified, and payable in equal sums at such intervals as the City has established for its payroll procedure. The City Administrator shall be eligible for an annual salary increase in connection with the annual performance evaluation, with such increase at the City Council's sole discretion. In addition, City Council may authorize a general cost of living adjustment to offset the effects of inflation on the City Administrator's salary.

**4.
ADDITIONAL ENTITLEMENTS**

In addition to the annual salary, above provided, the City Administrator shall receive, and the City will provide the following:

a. Hospital/Medical/Surgical Insurance

The City Administrator shall be provided the benefits of the City's insurance plan as provided for all employees of the City.

b. Worker's Compensation Insurance

The City will provide Worker's Compensation Insurance for payment of compensation as provided by the laws of the State of Texas if the City Administrator suffers an injury or incurs an occupational disease arising out of and in the course of his employment. Compensability under such law is prescribed by state statute, and not by the City or by this Contract.

c. Retirement Fund

The City shall include the City Administrator and provide funding of a retirement and pension fund as set forth in the City's Personnel Policy.

d. Vacation

The City Administrator will be entitled to forty (40) hours of vacation with pay initially, and then the City Administrator will adhere to the City's Personnel Policy related to vacation accrual.

e. Sick Leave

The City Administrator will be entitled to sick leave as set forth under the provisions of the City's Personnel Policy.

f. Vehicle

The City will pay the City Administrator \$500.00 per month for his use of his personal vehicle within Montgomery County. Reimbursement for mileage for trips on City business outside of Montgomery County will be paid in accordance with the City's Personnel Policy.

g. Cell Phone

The City shall pay the City Administrator \$100.00 per month for his use of his mobile telephone for City use.

h. Moving and Relocation Expenses

City Administrator agrees to establish residence in reasonable proximity to the City, within three (3) months of employment, in order to respond to emergencies. City shall pay directly for the expenses, not to exceed \$8,000.00, of moving City Administrator and his/her family and personal property to the City. The City Administrator shall provide evidence of actual moving expenses by securing quotations from (3) companies. The City Administrator shall submit these quotes to the City who, in consultation with the City Administrator, shall select the moving company.

i. Indemnification

To the extent permitted by Federal, State or Local Law, Employer shall defend, save harmless and indemnify City Administrator against any obligation to pay money or perform or not perform action, including without limitation, any and all losses, damages, judgments, interests, settlements, penalties, fines, court costs and other reasonable costs and expenses of legal proceedings including attorney's fees, and any other liabilities arising from, related to, or connected with any tort, professional liability claim or demand or any other threatened, pending or completed action, suit or proceeding, whether civil, criminal, administrative, arbitative or investigation, whether groundless or otherwise, arising out of an alleged act or omission occurring in the performance of City Administrator's duties or resulting from the exercise of judgment or discretion in connection with the performance of program duties or responsibilities, unless the act or omission involved willful or wanton conduct. City Administrator may request and City shall not unreasonably refuse to provide independent legal representation at City's expense. Legal representation, provided by City for City Administrator, shall extend until a final determination of the legal action including any appeals brought by either party. City shall indemnify City Administrator against any and all losses, damages, judgments, interest, settlements, penalties,

finances, court costs and other reasonable costs and expenses of legal proceedings including attorney's fees, and any other liabilities incurred by, imposed upon, or suffered by City Administrator in connection with or resulting from any claim, action, suit, or proceeding, actual or threatened, arising out of or in connection with the performance of his duties.

City Administrator recognizes that City shall have the right to compromise unless said compromise or settlement is of a personal nature to City Administrator. Further, City agrees to pay all reasonable litigation expenses of City Administrator throughout the pendency of any litigation to which the City Administrator is a party, witness or advisor to City unless such action is brought against City by City Administrator. Such expense payments shall continue beyond City Administrator's service to City as long as litigation is pending. Further, City agrees to pay City Administrator reasonable travel expenses when City Administrator serves as a witness, advisor or consultant to City regarding pending litigation.

j. Bonding

City shall bear the full cost of any bonds that City Administrator is required to obtain by law or ordinance.

k. Professional Dues and Subscriptions

The City agrees to budget for and to pay for professional dues and subscriptions of the City Administrator necessary for continuation and full participation in national, state, regional, and local associations and organizations as necessary and/or desirable for the good of the City through the City Administrator's continued professional participation, growth and advancement.

l. Certification Maintenance, Professional Development Travel and Training

City agrees to budget and to pay for the professional dues and all training associated with maintaining the ICMA-CM and AICP certifications; including but not limited to the International City/County Management Association, American Institute of Certified Planners, American Planning Association, and subscriptions of City Administrator necessary for continuation and full participation in national, regional, state, and local associations, and organizations necessary and desirable for City Administrator's continued professional participation, growth, and advancement, and for the good of the City.

City agrees to budget and pay for travel and subsistence expenses of City Administrator for professional and official travel, meetings, and occasions to adequately continue the professional development of City Administrator and to pursue necessary official functions for City, including but not limited to the ICMA Annual Conference, the national and/or state league of municipalities, and such other national, regional, state, and local governmental groups and committees in which City Administrator serves as a member. City also agrees to budget and pay for travel and subsistence expenses of City Administrator for short courses, institutes, and seminars that are necessary for City Administrator's professional development and/or certifications and for the good of City. City recognizes that certain expenses of a non-personal but job-related nature are incurred by City Administrator, and agrees to reimburse or to pay said general expenses. Such expenses may include meals where City business is being discussed or conducted and participation in social events of various organizations when representing City. Such expenditures are subject to annual budget constraints as well as state and City ethics and purchasing policies.

m. Other Employee Privileges Not Enumerated Herein

Such other privileges and benefits accorded the City employees, not enumerated herein, will likewise be accorded to the City Administrator.

5.
PERFORMANCE EVALUATION

a. Evaluation Process

The Council shall review the City Administrator's job performance annually. The annual performance reviews and evaluations shall be in writing and in accordance with criteria and format developed jointly by the Council and the City Administrator. The Council shall provide the City Administrator a reasonable and adequate opportunity to discuss with the Council and/or respond to the City Administrator's evaluation.

b. Confidentiality

Unless the City Administrator expressly requests otherwise in writing, except to the extent prohibited by and in material conflict with Applicable Laws and Authorities, the evaluation of the City Administrator shall at all times be conducted in closed session of the Council and shall be considered confidential to the maximum and full extent permitted by law. Nothing herein shall prohibit the Council or the City Administrator from sharing the content of the City Administrator's evaluation with their respective legal counsel.

c. Modification of Evaluation Process

In the event of the Council determines that the evaluation instrument, format and/or procedure are to be modified by the Council, and such modifications would require new or different performance expectations, then the City Administrator shall be provided a reasonable period of time to demonstrate such expected performance before being evaluated.

6.
TERMINATION

a. The City Administrator or the City may terminate this Contract for any reason upon giving thirty (30) days written notice to the other party. If the City Administrator terminates this

Contract for any reason,, he shall not be entitled to any further salary or benefits after the date he terminates his position with the City. Further, if the City Administrator is terminated for cause, he shall not be entitled to any further salary or benefits from the City. **If the City terminates this Contract and such termination is not for cause, or the City chooses to not renew the Contract, the City shall be liable to the City Administrator for a severance package to be calculated at thirty-six (36) weeks' pay to include his monthly salary (lump sum payment), monthly automobile allowances, accrued vacation and health care coverage in accordance with the City Personnel Policy. City Administrator shall also be compensated for all accrued but unused Paid Time Off (PTO).** If the City reduces the base salary, compensation or any other financial benefit of City Administrator, such action shall constitute a breach of this agreement and will be regarded as a termination without cause. If the City, citizens or legislature acts to amend any provisions of the Charter, enabling legislation pertaining to the role, powers, duties, authority, responsibilities of City Administrator's position that substantially changes the form of government, City Administrator shall have the right to declare that such amendments constitute termination without cause. **If City Administrator resigns due to an offer to accept resignation by City as representative of the majority of the governing body that City Administrator resign, then City Administrator may declare a termination without cause as of the date of the suggestion.** For this agreement, a "termination for cause" shall be limited to 1. Willful misconduct in connection with the performance of any of City Administrator's duties such as misappropriation of funds of the City, securing or attempting to secure personally any profit in connection with any transaction entered into on behalf of the City; 2. Willful misrepresentation to the City; 3. Conviction of a crime by a Court of the United States that rises to the level of a major misdemeanor or felony; 4. Material breach of the terms of this agreement.

7.
MISCELLANEOUS PROVISIONS

a. The parties hereto agree to be bound by the applicable policies of the City's Personnel Policy which are subject to revision by the City Council. If there is a conflict between the Personnel Policy and the terms of this contract, this contract shall prevail.

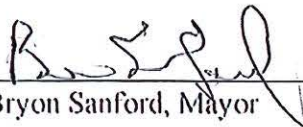
b. The parties understand and acknowledge that this Contract contains all the understandings of the parties and constitutes the full agreement of the parties.

c. This Contract may be executed in two or more counterparts, each of which shall be deemed an original but all of which together shall constitute one and the same instrument.

d. It is understood by the City and City Administrator that this Contract shall be construed in accordance with and governed by the laws of the State of Texas, and shall be performable in Montgomery County, Texas, unless otherwise provided by law.

APPROVED by the City Council on the 13 day of December, 2022.

CITY OF MONTGOMERY, TEXAS



Bryon Sanford, Mayor

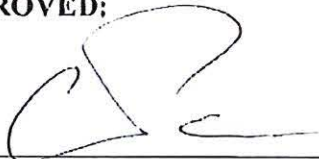
ATTEST:



Nicola Browe, City Secretary



APPROVED:



Gary Palmer

Exhibit A

DUTIES OF THE POSITION

1. Oversee day to day operations including, but not limited to, the supervision, coordination and direction of all departments of the City with authority to appoint discipline and remove department heads and other City employees with the exception of the Court Judge.
2. Supervises activities of departments performing functions such as collection and disbursement of taxes, law enforcement, maintenance of public health, construction of public works, and purchase of supplies and equipment.
3. Attends City Council meetings to provide Council with pertinent information in a courteous and professional manner. Advise and receive direction from the Council.
4. Attends other City and community meetings relevant to the development, health and welfare of the City and reflects positively for the City at any and all of these functions. Makes conscious effort to take part in all possible community events and organizations throughout the area that will benefit the City.
5. Coordinates and provide assistance to established City Boards, Commissions, and Committees.
6. Assists the Accountant in developing the annual budget. Assists in financial monitoring of revenues and expenses as necessary for the City to function within the parameters of the adopted City budget.
7. Administers all contracts with the City to ensure their faithful execution. Coordinates contracted services (legal/engineering) to maximize effectiveness and minimize expenses and ensures all projects are completed in a timely, efficient and professional manner.
8. Ensures efficient and economical purchasing of equipment, supplies and materials, property and facilities for the City.
9. Ensures compliance and enforcement of state, federal and local statutes as well as grant and contract provisions. Identify and aggressively pursue all appropriate grant opportunities.
10. Provides adequate and accurate Information to news media in a professional and courteous manner to both inform the community and promote the City.
11. Effectively communicate with the Mayor, Council, City Employees and the general public in a professional and courteous manner.

12. Plans for future development of urban and non-urban areas to provide for population growth and expansion of public services.
13. Manages all department heads who supervise all applicable employees within their Departments.
14. Directly supervises all other applicable City employees. Carries out supervisory responsibilities in accordance with the City's policies and procedure manual, and applicable laws. Other responsibilities include interviewing prospective job applicants, hiring, and training employees, planning, assigning, and managing oversight of City staff including appraising performance, rewarding and disciplining employees; addressing complaints and resolving problems
15. These duties are intended to describe the general nature and level of work being performed by the City Administrator. These duties are not intended to be construed as an exhaustive list of all responsibilities, duties, and/or skills required of the City Administrator

Montgomery City Council
AGENDA REPORT

| | |
|--|-------------------------------|
| Meeting Date: November 18, 2024 | Fiscal Impact: None |
| Department: Administration | Prepared By: G. Palmer |

Subject

Consideration and possible action on AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS, CANVASSING THE RETURNS AND DECLARING THE RESULTS OF THE CITY OF MONTGOMERY, TEXAS, SPECIAL ELECTION HELD ON THE 5TH DAY OF NOVEMBER, 2024, 1) FOR THE CREATION OF THE MONTGOMERY CRIME CONTROL AND PREVENTION DISTRICT; AND 2) EXTENDING THE TERM OF OFFICE FOR MAYOR AND COUNCIL FROM TWO YEARS TO FOUR YEARS.

Recommendation

Move to adopt the Ordinance as proposed

Discussion

In accordance with the State of Texas Election Code (SEE TEC 67.003, (2019)), the City must adopt an Ordinance calling for the canvassing of the election returns within a certain period of time.

SEE <https://www.sos.texas.gov/elections/forms/canvassing-and-post-election-requirements-presentation.pdf>

| | | |
|--------------------|-------------|-------------------------|
| Approved By | | |
| | | |
| City Administrator | Gary Palmer | Date: November 12, 2024 |

ORDINANCE NO. 24-_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS, CANVASSING THE RETURNS AND DECLARING THE RESULTS OF THE CITY OF MONTGOMERY, TEXAS, SPECIAL ELECTION HELD ON THE 5TH DAY OF NOVEMBER, 2024, 1) FOR THE CREATION OF THE MONTGOMERY CRIME CONTROL AND PREVENTION DISTRICT; AND 2) EXTENDING THE TERM OF OFFICE FOR MAYOR AND COUNCIL FROM TWO YEARS TO FOUR YEARS.

WHEREAS, on August 13, 2024, the City Council of the City of Montgomery, Texas, approved and adopted Ordinance No. 24-_____ ordering a Special Election for the Creation of the Montgomery Crime Control And Prevention District; and Ordinance No. 24-_____ ordering a Special Election for Extending The Term of Office for Mayor and Council from two years to four years; and

WHEREAS, it is hereby found and determined that the notice of the Election was duly given in the form, manner, and time required by law, and was in all respects legally held in accordance with applicable laws of the State of Texas and the proceedings calling and governing the holding of such Election; and

WHEREAS, the presiding judge and/or alternate judge have tallied the votes of the Election and have provided the results to the City Council of the City of Montgomery, Texas.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS:

Section 1. THAT the recitals contained herein are true and correct.

Section 2. THAT _____ ballots were cast during early voting and on election day in the Election as follows:

| Election: Proposition A* | Precinct | Precinct | Precinct | Precinct | Precinct | Total |
|-------------------------------------|-----------------|-----------------|-----------------|-----------------|-----------------|--------------|
| For | | | | | | |
| Against | | | | | | |
| Under Votes: | | | | | | |
| Total Ballots Cast: | | | | | | |

***PROPOSITION A:**

THE CREATION OF THE MONTGOMERY CRIME CONTROL AND PREVENTION DISTRICT DEDICATED TO CRIME REDUCTION PROGRAMS, THE ADOPTION OF A PROPOSED SALES AND USE TAX AT A RATE OF 1/4 OF 1%, AND TO MAINTAIN THE SAME OVERALL SALES TAX RATE IN THE CITY, THE REDUCTION OF THE SALES AND USE TAX CURRENTLY LEVIED BY THE MONTGOMERY ECONOMIC DEVELOPMENT CORPORATION FROM A RATE OF 1/2 OF 1% TO 1/4 OF 1%.

| Election: Proposition B** | Precinct | Precinct | Precinct | Precinct | Precinct | Total |
|--------------------------------------|-----------------|-----------------|-----------------|-----------------|-----------------|--------------|
| For | | | | | | |
| Against | | | | | | |
| Under Votes: | | | | | | |
| Total Ballots Cast: | | | | | | |

****PROPOSITION B:**

SHOULD THE TERM OF OFFICE OF THE MAYOR AND CITY COUNCIL BE EXTENDED FROM TWO (2) YEARS TO FOUR (4) YEARS WITH A TRANSITION OF THREE (3) YEAR TERMS BEGINNING WITH THE MAY 2025 ELECTIONS AND FOUR (4) YEAR TERMS FOR EACH SUBSEQUENT ELECTION.

Section 3. THAT the City Council of the City of Montgomery, Texas, has examined the Official Canvass Report as certified by the presiding judge and/or alternate judge and finds no irregularities. A copy of the Official Canvass Report is attached hereto as Exhibit “A.”

Section 4. THAT the Election was held in conformity with the provisions of the *Texas Election Code*, and the results of the election as stated herein are approved and adopted.

Section 5. THAT this Ordinance shall be preserved in the permanent records of the City of Montgomery, Texas.

PASSED, APPROVED and ADOPTED this ____ day of November, 2024.

SIGNED:

Sara Countryman, Mayor

ATTEST:

Diana Titus, Assistant City Secretary

APPROVED AS TO FORM:

Alan P. Petrov
City Attorney

EXHIBIT A

Official Canvass Report

ELECTION CODE

TITLE 6. CONDUCT OF ELECTIONS

CHAPTER 67. CANVASSING ELECTIONS

Sec. 67.001. APPLICABILITY OF CHAPTER. This chapter applies to each general or special election conducted in this state.

Acts 1985, 69th Leg., ch. 211, Sec. 1, eff. Jan. 1, 1986.

Sec. 67.002. CANVASS OF PRECINCT RETURNS. (a) Except as otherwise provided by law, the precinct election returns for each election shall be canvassed by the following authority:

(1) for an election ordered by the governor or by a county authority, the commissioners court of each county in which the election is held; and

(2) for an election ordered by an authority of a political subdivision other than a county, the political subdivision's governing body.

(b) The canvass of precinct returns shall be conducted in accordance with this chapter except as otherwise provided by this code.

Acts 1985, 69th Leg., ch. 211, Sec. 1, eff. Jan. 1, 1986.

Sec. 67.003. TIME FOR LOCAL CANVASS. (a) Repealed by Acts 2017, 85th Leg., R.S., Ch. 992 (H.B. 929), Sec. 3, eff. September 1, 2017.

(b) Except as provided by Subsection (c), each local canvassing authority shall convene to conduct the local canvass at the time set by the canvassing authority's presiding officer not later than the 11th day after election day and not earlier than the later of:

(1) the third day after election day;

(2) the date on which the early voting ballot board has verified and counted all provisional ballots, if a provisional ballot has been cast in the election; or

(3) the date on which all timely received ballots cast from addresses outside of the United States are counted, if a ballot to be voted by mail in the election was provided to a person outside of the United States.

(c) In an election described by Section 65.051(a-1), the time for the local canvass may be set not later than the 14th day after election day.

Acts 1985, 69th Leg., ch. 211, Sec. 1, eff. Jan. 1, 1986. Amended by Acts 1993, 73rd Leg., ch. 728, Sec. 22, eff. Sept. 1, 1993; Acts 1997, 75th Leg., ch. 1349, Sec. 31, eff. Sept. 1, 1997; Acts 2003, 78th Leg., ch. 1315, Sec. 42, eff. Jan. 1, 2004; Acts 2003, 78th Leg., ch. 1316, Sec. 17, eff. Sept. 1, 2003; Acts 2003, 78th Leg., 3rd C.S., ch. 1, Sec. 3, eff. Jan. 11, 2004.

Amended by:

Acts 2005, 79th Leg., Ch. 471 (H.B. 57), Sec. 7, eff. October 1, 2005.

Acts 2013, 83rd Leg., R.S., Ch. 891 (H.B. 985), Sec. 3, eff. September 1, 2013.

Acts 2017, 85th Leg., R.S., Ch. 992 (H.B. 929), Sec. 1, eff. September 1, 2017.

Acts 2017, 85th Leg., R.S., Ch. 992 (H.B. 929), Sec. 3, eff. September 1, 2017.

Sec. 67.004. PROCEDURE FOR LOCAL CANVASS. (a) At the time set for convening the canvassing authority for the local canvass, the presiding officer of the canvassing authority shall deliver the sealed precinct returns to the authority. The authority shall open the returns for each precinct and canvass them as provided by this section. Two members of the authority constitute a quorum for purposes of canvassing an election.

(b) The canvassing authority shall prepare a tabulation stating for each candidate and for and against each measure:

- (1) the total number of votes received in each precinct; and
- (2) the sum of the precinct totals tabulated under Subdivision

(1).

(b-1) The tabulation in Subsection (b) must also include for each precinct the total number of voters who cast a ballot for a candidate or for or against a measure in the election. The secretary of state shall prescribe any procedures necessary to implement this subsection.

(c) The canvassing authority may prepare the tabulation as a separate document or may enter the tabulation directly in the local election register maintained for the authority. The authority shall attach or include as part of the tabulation the report of early voting votes by precinct received under Section 87.1231.

(d) The canvassing authority may compare the precinct returns with the corresponding tally list. If a discrepancy is discovered between the vote totals shown on the returns and those shown on the tally list for a precinct, the presiding judge of the precinct shall examine the returns and tally list and make the necessary corrections on the returns.

(e) On completion of the canvass, the presiding officer of the canvassing authority shall deliver the tabulation to the custodian of the local election register unless it is entered directly in the election register. The custodian shall preserve the tabulation for the period for preserving the precinct election records.

(f) On completion of the canvass, the presiding officer of the canvassing authority shall deliver the precinct returns, tally lists, and early voting precinct report used in the canvass to the general custodian of election records. The custodian shall preserve them for the period for preserving the precinct election records.

(g) The presiding officer of the canvassing authority shall note the completion of the canvass in the minutes or in the recording required by Section [551.021](#), Government Code.

Acts 1985, 69th Leg., ch. 211, Sec. 1, eff. Jan. 1, 1986. Amended by Acts 1989, 71st Leg., ch. 114, Sec. 10, eff. Sept. 1, 1989; Acts 1991, 72nd Leg., ch. 203, Sec. 1.01, 2.51; Acts 1991, 72nd Leg., ch. 554, Sec. 22, eff. Sept. 1, 1991; Acts 1993, 73rd Leg., ch. 728, Sec. 23, eff. Sept. 1, 1993; Acts 1997, 75th Leg., ch. 1349, Sec. 32, eff. Sept. 1, 1997.

Amended by:

Acts 2005, 79th Leg., Ch. 1107 (H.B. [2309](#)), Sec. 1.14, eff. September 1, 2005.

Acts 2017, 85th Leg., R.S., Ch. 86 (H.B. [1001](#)), Sec. 1, eff. September 1, 2017.

Sec. 67.005. DETERMINING OFFICIAL RESULT OF ELECTION NOT CANVASSED AT STATE LEVEL. (a) Except as provided by Subsection (b), the official result of an election that is not canvassed at the state level is determined from the canvass of the precinct returns conducted by the local canvassing authority.

(b) In an election in which there is more than one local canvassing authority but no canvass at the state level, the official result is determined in the manner prescribed by the law providing for the election.

Acts 1985, 69th Leg., ch. 211, Sec. 1, eff. Jan. 1, 1986.

Sec. 67.006. LOCAL ELECTION REGISTER. (a) An election register shall be maintained for each local canvassing authority.

(b) For each election, the election register must contain in tabulated form the information required to appear in the tabulation of precinct results prepared by the local canvassing authority.

(c) The general custodian of election records for the elections canvassed by a local canvassing authority is the custodian of the authority's election register.

(d) On receipt of the local canvassing authority's tabulation of votes, the custodian shall make the appropriate entries in the election register.

(e) The election register shall be preserved as a permanent record.

Acts 1985, 69th Leg., ch. 211, Sec. 1, eff. Jan. 1, 1986.

Sec. 67.007. COUNTY ELECTION RETURNS. (a) For each election for a statewide, district, county, or precinct office, a statewide measure, or president and vice-president of the United States, the county clerk of each county in the territory covered by the election shall prepare county election returns.

(b) The county election returns shall state, for each candidate and for and against each measure, the total number of votes received in the county as stated by the local canvassing authority's tabulation of votes.

(c) The county clerk shall certify the county returns.

(d) Not later than 24 hours after completion of the local canvass, the county clerk shall deliver to the secretary of state, in the manner directed by the secretary, the county returns.

(e) The county clerk shall retain a copy of the county returns for the period for preserving the precinct election records.

Acts 1985, 69th Leg., ch. 211, Sec. 1, eff. Jan. 1, 1986.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 1130 (H.B. 2628), Sec. 1, eff. September 1, 2019.

Sec. 67.008. SEPARATE COUNTY RETURNS FOR GOVERNOR AND LIEUTENANT GOVERNOR. (a) In addition to the returns required by Section 67.007, each county clerk shall prepare separate county election returns of an election for the office of governor or lieutenant governor that contain the same information as the returns for those offices prepared under Section 67.007.

(b) The returns shall be delivered to the secretary of state as provided by Section 67.007.

(c) The secretary of state shall retain the returns until the first day of the next regular legislative session, when the secretary shall deliver the returns to the speaker of the house of representatives.

(d) The county clerk shall retain a copy of the county returns for the offices of governor and lieutenant governor for the period for preserving the precinct election records.

Acts 1985, 69th Leg., ch. 211, Sec. 1, eff. Jan. 1, 1986.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 1130 (H.B. 2628), Sec. 2, eff. September 1, 2019.

Sec. 67.009. FORMS AND INSTRUCTIONS FOR COUNTY RETURNS. (a) Before each election for which county election returns are required, the secretary of state shall deliver to each county clerk in the territory covered by the election two copies of the officially prescribed form for reporting county election returns. The secretary shall also deliver two copies of the official form for the separate returns for the offices of governor and lieutenant governor, if applicable.

(b) With the delivery of the official county returns forms, the secretary of state shall deliver written instructions on the preparation and delivery of the county election returns.

Acts 1985, 69th Leg., ch. 211, Sec. 1, eff. Jan. 1, 1986.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 1130 (H.B. 2628), Sec. 3, eff. September 1, 2019.

Sec. 67.010. COUNTY RETURNS CANVASSED BY GOVERNOR. (a) The county election returns for an election for a statewide office other than governor or lieutenant governor, a statewide measure, a district office, or president and vice-president of the United States shall be canvassed by the governor.

(b) When this code refers to the presiding officer of the final canvassing authority, the secretary of state is considered to be the presiding officer when the final canvassing authority is the governor.

(c) The canvass of county returns shall be conducted in accordance with this chapter except as otherwise provided by this code.

(d) The presiding officer may make a clerical correction to the officially canvassed returns based on any authorized amended county canvass filed with the presiding officer.

Acts 1985, 69th Leg., ch. 211, Sec. 1, eff. Jan. 1, 1986. Amended by Acts 1987, 70th Leg., ch. 54, Sec. 18(a), eff. Sept. 1, 1987; Acts 1989, 71st

Leg., ch. 163, Sec. 1, eff. Sept. 1, 1989.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1235 (S.B. 1970), Sec. 7, eff. September 1, 2009.

Sec. 67.011. COUNTY RETURNS CANVASSED BY LEGISLATURE. (a) The county election returns for an election for the office of governor or lieutenant governor shall be canvassed by the legislature and the official result declared by the speaker of the house of representatives in accordance with Article IV, Section 3, of the Texas Constitution.

(b) If a county's election returns are incomplete or missing, the legislature may substitute the secretary of state's tabulation for that county or may obtain the necessary information from the county. On request of the legislature, the secretary of state or the county shall promptly transmit the information to the legislature by the most expeditious means available.

(c) On completion of the canvass, the speaker of the house of representatives shall deliver the county returns to the secretary of state, who shall retain them for the period for preserving the precinct election records.

Acts 1985, 69th Leg., ch. 211, Sec. 1, eff. Jan. 1, 1986. Amended by Acts 1993, 73rd Leg., ch. 728, Sec. 24, eff. Sept. 1, 1993.

Sec. 67.012. TIME FOR CANVASS BY GOVERNOR. (a) The governor shall conduct the state canvass at the time set by the secretary of state:

(1) not earlier than the 15th or later than the 30th day after election day; or

(2) for an election described by Section 65.051(a-1), not earlier than the 18th or later than the 33rd day after election day.

(b) The secretary of state shall post, on the secretary of state's Internet website, a notice of the date, hour, and place of the canvass at least 72 hours before the canvass is conducted.

Acts 1985, 69th Leg., ch. 211, Sec. 1, eff. Jan. 1, 1986. Amended by Acts 1987, 70th Leg., ch. 54, Sec. 6(a), eff. Sept. 1, 1987; Acts 1989, 71st Leg., ch. 163, Sec. 1, eff. Sept. 1, 1989; Acts 1993, 73rd Leg., ch. 728, Sec. 25, eff. Sept. 1, 1993.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 891 (H.B. 985), Sec. 4, eff. September 1, 2013.

Acts 2019, 86th Leg., R.S., Ch. 1052 (H.B. 933), Sec. 8, eff. September 1, 2019.

Sec. 67.013. PROCEDURE FOR CANVASS BY GOVERNOR. (a) At the time set for the state canvass, the secretary of state shall deliver the county returns to the governor.

(b) The secretary of state shall prepare a tabulation stating for each candidate and for and against each measure required to be canvassed by the governor:

- (1) the total number of votes received in each county; and
- (2) the sum of the county totals tabulated under Subdivision (1).

(c) At the canvass of an election in which the office of governor or lieutenant governor is voted on, the secretary of state shall prepare a separate tabulation on the candidates for governor and lieutenant governor, indicating for each candidate the information required by Subsection (b).

(d) The governor shall certify the tabulations.

(e) The secretary of state shall retain the county election returns used in the canvass and the tabulations for the period for preserving the precinct election records.

Acts 1985, 69th Leg., ch. 211, Sec. 1, eff. Jan. 1, 1986. Amended by Acts 1989, 71st Leg., ch. 163, Sec. 1, eff. Sept. 1, 1989.

Sec. 67.014. DETERMINING OFFICIAL RESULT OF ELECTION CANVASSED AT STATE LEVEL. The official result of an election canvassed by the governor or by the legislature is determined from the canvass of the county returns conducted by that authority.

Acts 1985, 69th Leg., ch. 211, Sec. 1, eff. Jan. 1, 1986. Amended by Acts 1989, 71st Leg., ch. 163, Sec. 1, eff. Sept. 1, 1989.

Sec. 67.015. STATE ELECTION REGISTER. (a) An election register shall be maintained for the governor.

(b) Except as provided by Subsection (e), for each election the election register shall contain in tabulated form the information required to appear in the tabulations of the county results prepared by the secretary of state.

(c) The secretary of state is the custodian of the election register for the governor.

(d) After each canvass conducted by the governor, the secretary of state shall make the appropriate entries in the election register.

(e) If a discrepancy exists between the legislature's canvass of the election for governor or lieutenant governor and the register entries pertaining to either of those offices that are made from the secretary of state's tabulation, the secretary shall make the entries in the register necessary to make it correspond to the legislature's canvass.

(f) The election register shall be preserved as a permanent record of the state.

Acts 1985, 69th Leg., ch. 211, Sec. 1, eff. Jan. 1, 1986. Amended by Acts 1989, 71st Leg., ch. 163, Sec. 1, eff. Sept. 1, 1989.

Sec. 67.016. CERTIFICATE OF ELECTION. (a) After the completion of a canvass, the presiding officer of the local canvassing authority shall prepare a certificate of election for each candidate who is elected to an office for which the official result is determined by that authority's canvass.

(b) The governor shall prepare a certificate of election for each candidate who is elected to an office for which the official result is determined by the canvass conducted by the governor.

(c) A certificate of election must contain:

- (1) the candidate's name;
- (2) the office to which the candidate is elected;
- (3) a statement of election to an unexpired term, if applicable;
- (4) the date of the election;
- (5) the signature of the officer preparing the certificate; and
- (6) any seal used by the officer preparing the certificate to authenticate documents that the officer executes or certifies.

(d) After the canvass of a presidential election, the secretary of state shall prepare a certificate of election for each presidential elector candidate who is elected.

(e) The authority preparing a certificate of election shall promptly deliver it to the person for whom it is prepared, subject to Section [212.0331](#).

(f) A certificate of election may not be issued to a person who has been declared ineligible to be elected to the office.

(g) This section does not apply to the offices of governor and lieutenant governor.

Acts 1985, 69th Leg., ch. 211, Sec. 1, eff. Jan. 1, 1986. Amended by Acts 1989, 71st Leg., ch. 163, Sec. 2, eff. Sept. 1, 1989; Acts 2001, 77th Leg., ch. 1144, Sec. 1, eff. Sept. 1, 2001.

Sec. 67.017. REPORTING PRECINCT RESULTS TO SECRETARY OF STATE. (a) After each election for a statewide office or the office of United States representative, state senator, or state representative, a district office, a county office, or a precinct office, the county clerk shall prepare a report of the number of votes, including early voting votes cast by mail and early voting votes cast by personal appearance, received in each county election precinct for each candidate for each of those offices. In a presidential election year, the report must include the number of votes received in each precinct for each set of candidates for president and vice-president of the United States.

(b) The county clerk shall deliver the report to the secretary of state not later than the 30th day after election day in an electronic format prescribed by the secretary of state.

(c) The report may be:

- (1) an electronic copy of the precinct returns;
- (2) an electronic copy of the tabulation prepared by the local canvassing authority; or
- (3) in any other electronic form approved by the secretary of state.

(d) The secretary of state shall preserve a report received under this section for 10 years unless the secretary prepares a written tabulation of the information contained in the report received. In that case, the secretary shall preserve the original report for two years and the tabulation for 10 years after receipt of the original report.

(e) After the applicable preservation period prescribed by Subsection (d) expires, the secretary of state shall transfer the report or tabulation to the state library.

Acts 1985, 69th Leg., ch. 211, Sec. 1, eff. Jan. 1, 1986. Amended by Acts 1987, 70th Leg., ch. 54, Sec. 2(c), eff. Sept. 1, 1987; Acts 1989, 71st Leg., ch. 114, Sec. 11, eff. Sept. 1, 1989; Acts 1991, 72nd Leg., ch. 203, Sec. 2.52; Acts 1991, 72nd Leg., ch. 554, Sec. 23, eff. Sept. 1, 1991. Amended by:

Acts 2005, 79th Leg., Ch. 1107 (H.B. 2309), Sec. 1.15(a), eff. September 1, 2005.

Acts 2019, 86th Leg., R.S., Ch. 1131 (H.B. 2640), Sec. 1, eff. September 1, 2019

Putting It All Together

For November 5, 2024 Election:

- **Monday, Friday, November 8, 2024:** First day to canvass (if no more ballots can be counted)
- **Tuesday, November 12, 2024:** Last day that certain ballots can arrive or be accepted and still be valid
- **Monday, November 18, 2024:** Deadline for EVBB to qualify and count all ballots
- **Tuesday, November 19, 2024:** Last day to canvass

