



Legislation Text

File #: AI 13-2966, Version: 1

Consider recommendation from EAA staff to: (1) accept the Certification of Candidates' Unopposed Status issued by Board Secretary Benjamin F. Youngblood, III; (2) adopt Resolution and Order No. 09-22-038 of the Edwards Aquifer Authority Board of Directors declaring the unopposed candidates elected to office from single-member districts 1, 3, 5, 7, 9, 10, 11, 13, and 15 within the boundaries of the EAA and cancelling those elections; and (3) direct the General Manager and General Counsel to take all appropriate actions in furtherance thereof as may be required by law.

STAFF RECOMMENDED MOTION:

Move the board: (1) accept the Certification of Candidates' Unopposed Status issued by Board Secretary; (2) adopt Resolution and Order No. 09-22-038 of the Edwards Aquifer Authority Board of Directors declaring the unopposed candidates elected to office from single-member districts 1, 3, 5, 7, 9, 10, 11, 13, and 15 within the boundaries of the EAA and cancelling those elections; and (3) direct the General Manager and General Counsel to take all appropriate actions in furtherance thereof as may be required by law.

SUMMARY:

The purpose of this item is to receive and accept the certification by the Secretary of the Board of Directors ("board") of the Edwards Aquifer Authority ("EAA") of those candidates who are unopposed for the EAA's November 8, 2022 general directors' election and by board order, to declare the unopposed candidates to be elected to their respective positions as a director of the board of the EAA and cancel each respective election.

On July 12, 2022, the board passed Resolution and Order No. 07-22-030 calling for the election of nine voting members to the board from single-member districts 1, 3, 5, 7, 9, 10, 11, 13 and 15 within the boundaries of the EAA. The election was to be held on Tuesday, November 8, 2022.

Subchapter C of Chapter 2 of the Texas Election Code provides for the election of unopposed candidates. Under Section 2.051(a), Subchapter C applies only to an election for officers of a political subdivision other than a county (such as the EAA) in which write-in votes may be counted only for names appearing on a list of write-in candidates and in which each candidate for an office that is to appear on the ballot is unopposed. Additionally, for elections in which any member of a political subdivision's governing body are elected from territorial units such as single-member districts (such as the EAA), Subchapter C applies to the election in a particular territorial unit only if each candidate for an office that is to appear on the ballot in that territorial unit is unopposed *and* no at-large proposition or opposed at-large race is to appear on the ballot. The EAA's November 2022 general directors' election does not involve an at-large proposition or an opposed at-large race appearing on the ballot.

Under Section 2.052(a), the Secretary of the board of the EAA shall certify in writing that a candidate for an EAA director position is unopposed for election to the office if, were the election held, only the votes cast for that candidate in the election for that office may be counted. The Secretary's certification must be delivered to the board of the EAA as soon as possible after the filing deadlines for placement on the ballot and list of write-in candidates. The filing deadline to make a declaration of write-in candidacy was Friday, August 26, 2022, and for an application for a place on the EAA's general election ballot was Monday, August 22, 2022. All nine districts have unopposed candidates. The Secretary's certification was delivered to Chairman Buckner on September 8, 2022.

Under Section 2.053(a), upon receipt of the Secretary's certification, the board of the EAA by order may declare each unopposed candidate elected to the office. Under Section 2.053(b), if the board makes this declaration, the election for the director position is not held. A copy of the board's order must be posted on election day at each polling place used or that would have been used in the EAA's general directors' election.

Section 2.053(e) provides that certificates of election are to be issued to each unopposed candidate in the same manner and at the same time as provided for a candidate elected at the election. Certificates of election for EAA directors are issued after the canvassing of the election results at the November 2022 board meeting. Moreover, the unopposed candidates are to be qualified for the office in the same manner as provided for a candidate elected at the election. EAA directors will be qualified for office at the December 2022 board meeting.

Attached to this summary is Resolution and Order No. 09-22-038 and the Secretary's certification for the board's reference.

M/WBE PARTICIPATION:

This agenda item does not involve the procurement of goods or services by the EAA and, therefore, this section is not applicable.

STRATEGIC PLAN REFERENCE:

This agenda item does not relate to a specific goal within the Strategic Plan, but supports the general EAA mission.

FISCAL IMPACT:

None.