

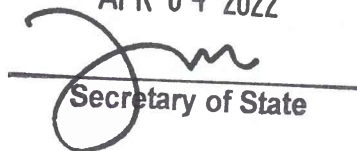


GOVERNOR GREG ABBOTT

April 4, 2022

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
4:45pm O'CLOCK

The Honorable John B. Scott
Secretary of State
State Capitol Room 1E.8
Austin, Texas 78701

APR 04 2022

Secretary of State

Dear Mr. Secretary:

Pursuant to his powers as Governor of the State of Texas, Greg Abbott has issued the following:

A proclamation ordering an emergency special election to be held in Congressional District 34 on Tuesday, June 14, 2022, for the purpose of electing a U.S. Representative for Congressional District 34 to serve out the unexpired term of the Honorable Filemon B. Vela.

The original proclamation is attached to this letter of transmittal.

Respectfully submitted,


Gregory S. Davidson
Executive Clerk to the Governor

GSD/gsd

Attachment

PROCLAMATION
BY THE
Governor of the State of Texas

TO ALL TO WHOM THESE PRESENTS SHALL COME:

WHEREAS, the resignation of the Honorable Filemon B. Vela, and its acceptance, has caused a vacancy in the U.S. House of Representatives for the 34th Congressional District of Texas, which consists of all or parts of Bee, Cameron, DeWitt, Goliad, Gonzales, Hidalgo, Jim Wells, Kenedy, Kleberg, San Patricio, and Willacy 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(a)(3) 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 2022 is November 8; and

WHEREAS, should a special election on November 8, 2022, result in a runoff, the earliest possible date for that runoff election would be in January 2023, by which point the new term for Congressional District 34 would have already begun; and

WHEREAS, the timeline established by the aforementioned laws would leave Congressional District 34 without representation in the U.S. House of Representatives for the remainder of 2022, or the bulk thereof; and

WHEREAS, all counties contained within this district remain under either the Governor's disaster declarations related to the novel coronavirus (COVID-19) or the surge of individuals unlawfully crossing the Texas-Mexico border, and it is imperative to fill this vacancy to ensure that Congressional District 34 is fully represented as soon as possible; and

WHEREAS, hurricane relief efforts depend heavily on action at the federal level, and as this year's hurricane season approaches, people residing in potential disaster zones need to have full and effective representation in Congress 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

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WHEREAS, the circumstances presented by COVID-19 and the border that justified declaring states of disaster also constitute an emergency within the meaning of Section 41.0011 of the Texas Election Code; 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 on or before the 64th day after the date 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 time period specified in Section 203.004(b); and

WHEREAS, the primary runoff election will be held on May 24, 2022, and Section 41.007(d) of the Texas Election Code provides that no other election may be held on the date of a primary election, thus preventing the Governor from calling a special election in this circumstance between 46 days and 64 days from the day the election is called; 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

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 34th Congressional District of Texas is a federal election; and

WHEREAS, it is impossible to hold a special election earlier than November 8, 2022 that complies with all applicable state and federal election laws; and

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

WHEREAS, unless suspended, the aforementioned state election laws will deny the residents of Congressional District 34 an effective voice in the U.S. House of Representatives until November 2022, at the earliest; and

WHEREAS, should the emergency special election result in a runoff, the runoff election would likely be held in August 2022; and

WHEREAS, a prolonged vacancy in Congressional District 34 will prevent, hinder, or delay necessary action in coping with issues that Congress continues to deliberate related to COVID-19;

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NOW, THEREFORE, I, GREG ABBOTT, Governor of Texas, under the authority vested in me by the Constitution and Statutes of the State of Texas, do hereby order an emergency special election to be held in Congressional District 34 on Tuesday, June 14, 2022, for the purpose of electing a U.S. Representative for Congressional District 34 to serve out the unexpired term of the Honorable Filemon B. Vela.

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 Wednesday, April 13, 2022, in accordance with Section 201.054(a)(1) of the Texas Election Code.

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 Saturday, April 30, 2022.

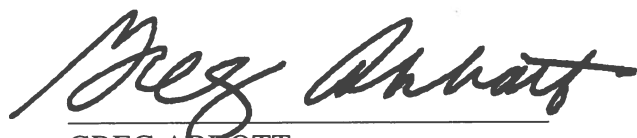
Ballots not subject to the federal Uniformed and Overseas Citizens Absentee Voting Act shall be mailed to voters entitled to vote by mail no later than 5:00 p.m. on Monday, May 16, 2022.

Early voting by personal appearance shall begin on Tuesday, May 31, 2022, in accordance with Sections 85.001(a) and (d) of the Texas Election Code.

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.

A copy of this order shall be mailed immediately to the County Judges of all counties contained within Congressional District 34, and all appropriate writs shall be issued and all proper proceedings shall be followed to the end that said election may be held to fill the vacancy in Congressional District 34 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
4th day of April, 2022.



GREG ABBOTT
Governor of Texas

ATTESTED BY:



JOHN B. SCOTT
Secretary of State

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