

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF JOHNSON CITY, TEXAS DECLARING UNOPPOSED CANDIDATES IN THE SATURDAY, MAY 7, 2022 GENERAL ELECTION FOR THE OFFICE OF THREE (3) COUNCIL MEMBERS AS ELECTED; DECLARING THAT THE GENERAL ELECTION IS CANCELLED; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City Council adopted Resolution No. R22-080 on February 17, 2022, and, pursuant to Section 22.003 of the Texas Local Government Code, called a General Election that was to be held on Saturday, May 7, 2022 for the purpose of electing three (3) Council Members; and

**WHEREAS**, in accordance with Texas Election Code Sections 143.007 and 146.054, the deadline for filing applications for a place on the ballot and for declaration of a write-in candidacy for the City's municipal general election has expired; and

**WHEREAS**, in accordance with Texas Election Code Section 2.052, the City Secretary has delivered to Council the Certification of Unopposed Candidates (Exhibit A), certifying in writing that Patricia Dildine, Gayla Guthrie, and Teresa Babb are unopposed for election; and

**WHEREAS**, in accordance with Texas Election Code Section 2.053(c), if the entity is conducting a separate election at the same time as the cancelled election, the declared elected candidates shall be listed separately on the ballot under the heading "Unopposed Candidates Declared Elected" and no votes are cast in connection with the candidates.

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

**SECTION 1. UNOPPOSED CANDIDATES DECLARED ELECTED.** In accordance with Texas Election Code Section 2.053(a), the following unopposed candidates are hereby declared duly elected to the respective offices with each to serve a term of two years, terminating in May 2024, or when their successors are duly elected and qualified, and shall be issued a certificate of election following the date on which the municipal general election would have been canvassed.

- Council Member - Patricia Dildine
- Council Member - Gayla Guthrie
- Council Member - Teresa Babb

**SECTION 2. ELECTION CANCELLED.** The General Election ordered by the City Council of the City of Johnson City in Resolution No. R22-080 to be held on Saturday, May 7, 2022 is hereby canceled in accordance with Texas Election Code Section 2.053(a).

**SECTION 3. AUTHORIZATION.** The Mayor is authorized to sign the Order of Cancellation for the General Election (Exhibit B). A copy of the Order must be posted by the City Secretary on Election Day at each polling place that would have been used in such election in accordance with Texas Election Code Section 2.053(a).

**SECTION 4. SEVERABILITY.** Should any part, section, subsection, paragraph, sentence, clause, or phrase contained in this Ordinance be held to be unconstitutional or of no force and effect, such holding shall not affect the validity of the remaining portion of this resolution, but in all respects said remaining portion shall be and remain in full force and effect.

**SECTION 5. EFFECTIVE DATE.** That this Ordinance shall be effective immediately upon adoption.

**PASSED AND APPROVED this 1<sup>st</sup> day of March 2022.**

\_\_\_\_\_  
Rhonda Stell, Mayor

**ATTEST:**

\_\_\_\_\_  
Whitney Walston, City Secretary

**CERTIFICATION OF UNOPPOSED CANDIDATES FOR  
OTHER POLITICAL SUBDIVISIONS (NOT COUNTY)  
CERTIFICACIÓN DE CANDIDATOS ÚNICOS  
PARA OTRAS SUBDIVISIONES POLITICAS (NO EL CONDADO)**

**To: Presiding Officer of Governing Body**  
*Al: Presidente de la entidad gobernante*

As the authority responsible for having the official ballot prepared, I hereby certify that the following candidates are unopposed for election to office for the election scheduled to be held on May 7, 2022

*Como autoridad a cargo de la preparación de la boleta de votación oficial, por la presente certifico que los siguientes candidatos son candidatos únicos para elección para un cargo en la elección que se llevará a cabo el May 7, 2022*

**List offices and names of candidates:**  
*Lista de cargos y nombres de los candidatos:*

**Office(s) Cargo(s)**

Councilmember  
Councilmember  
Councilmember

**Candidate(s) Candidato(s)**

Patricia Dildine  
Gayla Guthrie  
Teresa Babb

  
\_\_\_\_\_  
**Signature (Firma)**

S. Whitney Walston  
\_\_\_\_\_  
**Printed name (Nombre en letra de molde)**

City Secretary  
\_\_\_\_\_  
**Title (Puesto)**

2/24/2022  
\_\_\_\_\_  
**Date of signing (Fecha de firma)**



(Seal) (sello)

See reverse side for instructions  
*(Instrucciones en el reverso)*

**SAMPLE ORDER OF CANCELLATION**  
**EJEMPLO DE ORDEN DE CANCELACIÓN**

The \_\_\_\_\_ hereby cancels the election scheduled to be held on  
(official name of governing body)  
\_\_\_\_\_ in accordance with Section 2.053(a) of the Texas  
(date on which election was scheduled to be held)  
Election Code. The following candidates have been certified as unopposed and are hereby  
elected as follows:

*El \_\_\_\_\_ por la presente cancela la elección que, de lo contrario,*  
*(nombre oficial de la entidad gobernante)*  
*se hubiera celebrado el \_\_\_\_\_ de conformidad, con*  
*(fecha en que se hubiera celebrado la elección)*  
*la Sección 2.053(a) del Código de Elecciones de Texas. Los siguientes candidatos han sido*  
*certificados como candidatos únicos y por la presente quedan elegidos como se haya indicado*  
*a continuación:*

Candidate (*Candidato*)                      Office Sought (*Cargo al que presenta candidatura*)

A copy of this order will be posted on Election Day at each polling place that would have been used in the election.

*El Día de las Elecciones se exhibirá una copia de esta orden en todas las mesas electorales que se hubieran utilizado en la elección.*

\_\_\_\_\_  
President (*Presidente*)

\_\_\_\_\_  
Secretary (*Secretario*)

(seal) (*sello*)

\_\_\_\_\_  
Date of adoption (*Fecha de adopción*)

See reverse side for instructions  
*Instrucciones en el reverso*

### Instructions for sample order of cancellation:

To cancel an election, the governing body must first receive and accept the Certification of Unopposed Candidates form (or the authority may create its own form) from the authority responsible for preparing the ballot. The cancellation order/ordinance must be adopted in an open meeting. The candidates are not required to be present. Certificates of election should be prepared for each unopposed candidate; however, the certificates of election should not be issued until after Election Day, as follows. Section 2.053 provides that the certificate of election shall be issued "in the same manner and at the same time" as for a candidate elected at an election. Therefore, the candidates, who have been declared "elected" at the meeting ordering the cancellation, must wait until after the official election day (even though no election is held) and no earlier than the prescribed canvassing period (even though no canvass is held) to be sworn in and assume their duties. Candidates may complete the Statement of Elected Officer prior to Election Day. The Statement should be kept locally; it does not need to be sent to the Secretary of State's Office. Copies of this order/ordinance must be posted on Election Day at each polling place that would have been used had the election not been cancelled.

---

#### An election\* may be cancelled if:

- 1) The election is one in which a declaration of write-in candidacy is required; and
- 2) No opposed at-large race is on the ballot\* within that election;\*and
- 3) Each candidate whose name is to appear on the ballot\* is unopposed, with some exceptions;  
This means:
  - In an all at-large election\* (with no single-member districts), if there is one or more opposed at-large races, then all the races go on the ballot within that election.\*
  - In an election\* in which any members of the governing body are elected from single-member districts, an election in a particular district may be cancelled if the candidate is unopposed and the election otherwise meets the above requirements (i.e., there is no at-large opposed race on the ballot).

**Note:** A general election (for full terms) or a special election (to fill a vacancy in an unexpired term) is considered a *separate election* with a *separate ballot* for purposes of these tests, even if held on the same election date. See our online Cancellation guide for details.

#### Instrucciones para el ejemplo de orden de cancelación:

*Para cancelar una elección, la entidad gobernante primero debe recibir y aceptar, de la autoridad responsable para preparar la boleta, el formulario de Certificación para Candidatos Sin Oposición (o la autoridad puede crear su propio formulario) de la autoridad responsable para preparar la boleta. La orden/ordenanza de cancelación debe ser adoptada en una reunión abierta. No se requiere que los candidatos estén presentes. Se debe preparar un certificado de elección para cada candidato sin oposición; sin embargo, los certificados de elección no se deben emitir hasta el Día de las Elecciones, así como se detalla a continuación. La sección 2.053 indica que el certificado de elección será publicado "en la misma manera y al mismo tiempo" para un candidato elegido en una elección. Por lo tanto, los candidatos que hayan sido declarados "elegido" en la reunión de la cancelación, deben esperar hasta después del día oficial de elecciones (aunque no se hayan llevado una elección) y no antes del período prescrito de la campaña política (aunque no se lleve a cabo la campaña política) a ser jurados y asumir sus deberes. Los candidatos pueden llenar la Declaración de Funcionario Elegido antes del Día de las Elecciones. Este documento se debe mantener en los archivos locales. No es necesario enviarlo a la Oficina del Secretario de Estado. El Día de las Elecciones se debe exhibir una copia de esta orden/ordenanza en todos los sitios de votación que se hubieran utilizado en la elección si no hubiera sido cancelada.*

---

#### Una elección\* puede ser cancelada si:

- 1) la elección es una en la que se requiere una declaración de candidatos por escrito en la boleta de votación; y,
- 2) no hay oposición para la carrera por acumulación en la boleta\* de votación dentro de esa elección\* y
- 3) Todos los candidatos cuyos nombres deben aparecer en la boleta\* de votación no tienen oposición, con unas excepciones;  
Esto significa:
  - En una elección\* por acumulación (sin ningún distrito con miembro único), si se encuentra una o más de una carrera por acumulación con oposición, entonces todas las carreras estarán en la boleta dentro de esa elección\*.
  - En una elección\* en la que cualquiera de los miembros de la entidad gobernante se eligen de distritos con un solo miembro, se puede cancelar una elección en un distrito específico si hay oposición para el candidato y la elección cumple con los requisitos que anteceden (ej. no hay oposición para la carrera por acumulación en la boleta).

**Nota:** Una elección general (con términos completos) o una elección especial (para llenar una vacante de un término no vencido) es considerada como una elección distinta con una boleta distinta con los propósitos de estas pruebas, aunque se lleven a cabo en la misma fecha electoral. Vea nuestra guía de cancelación en línea para más detalles.