

RESOLUTION #010-16

A RESOLUTION OF THE CITY OF DE LEON, TEXAS ORDERING A SPECIAL ELECTION, TO BE HELD THE 8TH OF NOVEMBER 2016, FOR THE PURPOSE OF ELECTING AN AT LARGE COUNCIL MEMBER FOR PLACE 5; PROVIDING FOR A JOINT ELECTION WITH COMANCHE COUNTY AND CONTRACTING WITH COMANCHE COUNTY FOR ELECTION SERVICES INCLUDING ELECTRONIC VOTING; DESIGNATING A POLLING PLACE AND CONTAINING OTHER PROVISIONS RELATING TO THE ELECTION.

WHEREAS, Place 5 Council member has recently passed away and, as a result, that office has become vacant;

WHEREAS, Article IV, Section 3 of the Charter of the City of De Leon, Texas states that the City Council shall call a special election to fill vacancies for which more than six (6) months remain in the unexpired term;

WHEREAS, the term of Place 5 Council Member ends in May of 2017, so there is more than six months remaining in the terms of this office; and

NOW, THEREFOR, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DE LEON, TEXAS:

Section 1. That a special municipal election is hereby called and ordered for the 8th day of **November, 2016**, at which election all qualified voters residing within the corporate limits of the City may vote for the purpose of electing an at large council member to Place 5 to serve the remaining term of that office until May of 2017. Said election shall be held in accordance with the Texas Election Code.

Section 2. That for the special election called and ordered for the purpose of electing an at large council member for Place 5, the City of De Leon Election Administrator shall act as Contracting Officer. The County Clerk shall nominate the election officials to be appointed by the County Clerk for Comanche County. **The Comanche County Clerk is Ruby Lesley at 101 West Central, Comanche, Texas, 76442.** Voting at such election shall be upon paper ballot and DRE (electronic voting system) prepared in conformity to the Texas Election Code.

Section 3. That the **filing period for application for a place on the ballot for this election shall be July 27, 2016 to August 25, 2016.** Any person wishing to file an application for a place on the ballot may do so beginning on July 27, 2016. The last day to file for a place on the ballot shall be August 25, 2016.

Section 4. That the City polling place will be located:

**City Hall Auditorium
City of De Leon
125 S. Texas Street
De Leon, Texas 76444**

Section 5. That the County Clerk will be in charge of appointing the Presiding Judge and Alternate Judge to conduct the Special Election for the City of De Leon.

The Presiding Judge shall appoint the clerks of the election in a number not to exceed five (5). The Alternate Judge shall serve as Presiding Judge for an election if the Presiding Judge cannot serve. In an election conducted by the Presiding Judge, the Alternate Judge serves as one of the clerks. The Early Voting Ballot Board shall be comprised of the Presiding Judge and the Alternate Judge. The judge and clerks shall be compensated at a rate of \$8.00 per hour. No judge or clerk shall be paid for more than two hours after the closing of the polls. The election official who delivers the returns of the election shall be paid an additional \$25.00 provided he/she also returns unused ballots, election supplies, and ballot boxes when he/she makes delivery of the returns of the elections.

Section 6. That the City of De Leon will enter into a contract with the Comanche County Clerk, to lease the electronic voting machines for the November 2016 election, which is mandatory through HAVA. The County Clerk will be in charge of loading the election ballot into the system and tabulating the Early Election and Election Day votes. The County Clerk will also be in charge of the electronic filing of the election results with the office of the Secretary of State.

Section 7. The election polls at the polling place on Election Day, November 8, 2016, shall be open from 7:00 a.m. to 7:00 p.m.

Section 8. That early voting by personal appearance shall be at the following location:

**City of De Leon City Hall
Council Chambers
125 S. Texas
De Leon, Texas 76444**

Said place of early voting shall be open on each day for early voting which is not a Saturday, a Sunday, or an official state or federal holiday beginning on the **24th day of October, 2016** and continuing through the **4th day of November, 2016** (preceding the date of said election); except there may be such early voting on a Saturday and Sunday, as may be ordered by the Early Voting Clerk as set forth herein.

The dates and times for early voting by personal appearance shall be as follows:

**De Leon City Hall-Council Chambers
125 S. Texas
De Leon, Texas 76444**

Dates and times:

| | | |
|------------------|-------------------------|------------------------------|
| Monday | October 24, 2016 | 8:00 a.m. – 5:00 p.m. |
| Tuesday | October 25, 2016 | 8:00 a.m. – 8:00 p.m. |
| Wednesday | October 26, 2016 | 8:00 a.m. – 5:00 p.m. |
| Thursday | October 27, 2016 | 8:00 a.m. – 5:00 p.m. |
| Friday | October 28, 2016 | 8:00 a.m. – 5:00 p.m. |
| Monday | October 31, 2016 | 8:00 a.m. – 5:00 p.m. |
| Tuesday | November 1, 2016 | 8:00 a.m. – 5:00 p.m. |
| Wednesday | November 2, 2016 | 8:00 a.m. – 8:00 p.m. |
| Thursday | November 3, 2016 | 8:00 a.m. – 5:00 p.m. |
| Friday | November 4, 2016 | 8:00 a.m. – 5:00 p.m. |

Tuesday, October 26, 2016, and Wednesday, November 2, 2016, will be the two (2) 12-hour days as required by Section 85.005(d) of the Election Code.

The County Clerk shall receive applications to Vote by Mail until October 28, 2016. Request for an application should be mailed to:

Ruby Lesley
Comanche County Clerk
101 W. Central
Comanche, Texas 76442

Or you may request by phone at: (325) 356-2655

Section 9. Early voting by personal appearance shall be by DRE machine and paper ballots. Early voting by mail shall be by paper ballots and shall be canvassed by an Early Voting Ballot Board and County Clerk's office.

Section 10. If any section, subsection, sentence, clause, or phrase of this Resolution, or the application of same to a particular set of persons or circumstances, should for any reason be held to be invalid or adjudged unconstitutional by a court of competent jurisdiction, such invalidity shall not affect the remaining portions of this Resolution, and to such end the various portions and provisions of this Resolution are declared to be severable; and the City Council of the City of De Leon, Texas, declares it would have passed each and every part of the same notwithstanding the omission of any such part, thus declared to be invalid or unconstitutional, or whether there be one or more parts.

Section 11. It is hereby officially found and determined that the meeting at which this Resolution is passed was open to the public as required and that public notice of the time, place,

and purpose of said meeting was given as required by the *Open Meetings Act, Chapter 551, Local Government Code.*

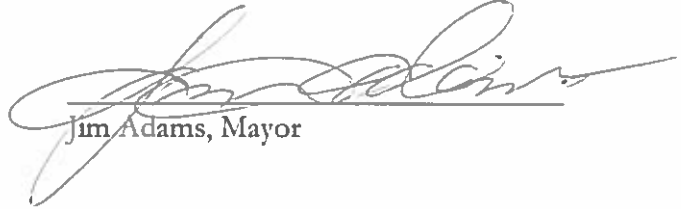
Section 12. This Resolution shall take effect immediately upon its adoption by the City Council and publication as required by the Local Government Code.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DE LEON, TEXAS, ON THIS THE 25TH DAY OF JULY, 2016.



ATTEST:


Melenda K. Harbour, Acting City Secretary


Jim Adams, Mayor