

ORDINANCE #01-17

AN ORDINANCE OF THE CITY OF DE LEON, TEXAS ORDERING A GENERAL ELECTION, TO BE HELD THE 6<sup>TH</sup> OF MAY 2017, FOR THE PURPOSE OF ELECTING AT LARGE COUNCIL MEMBERS FOR PLACE THREE, PLACE FOUR, AND PLACE FIVE; 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.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DE LEON, TEXAS:

**Section 1.** That a general municipal election is hereby called and ordered for the 6<sup>th</sup> day of May, 2017, at which election all qualified voters residing within the corporate limits of the City may vote for the purpose of electing at large council members to Place Three, Place Four, and Place Five. Said election shall be held in accordance with the Texas Election Code.

**Section 2.** That for the general election called and ordered for the purpose of electing at large council members for Place Three, Place Four, and Place Five, 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 January 18, 2017 to February 17, 2017.** Any person wishing to file an application for a place on the ballot may do so beginning on January 18, 2017. The last day to file for a place on the ballot shall be February 17, 2017.

**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 May 2017 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 Voting 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, May 6, 2017, 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 24<sup>th</sup> day of April, 2017 and continuing through the 2<sup>nd</sup> day of May, 2017 (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:

**Dates and times:**

<b>Monday</b>	<b>April 24, 2017</b>	<b>8:00 a.m. – 5:00 p.m.</b>
<b>Tuesday</b>	<b>April 25, 2017</b>	<b>8:00 a.m. – 5:00 p.m.</b>
<b>Wednesday</b>	<b>April 26, 2017</b>	<b>8:00 a.m. – 5:00 p.m.</b>
<b>Thursday</b>	<b>April 27, 2017</b>	<b>8:00 a.m. – 8:00 p.m.</b>
<b>Friday</b>	<b>April 28, 2017</b>	<b>8:00 a.m. – 5:00 p.m.</b>
<b>Monday</b>	<b>May 1, 2017</b>	<b>8:00 a.m. – 5:00 p.m.</b>
<b>Tuesday</b>	<b>May 2, 2017</b>	<b>8:00 a.m. – 8:00 p.m.</b>

**Thursday, April 27, 2017 and Tuesday, May 2, 2017 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 April 25, 2017**. 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 Ordinance, 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 Ordinance, and to such end the various portions and provisions of this Ordinance 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 meetings at which this Ordinance was passed were open to the public as required and that public notice of the time, place, and purpose of said meetings was given as required by the *Open Meetings Act, Chapter 551, Local Government Code*.

**Section 12.** This Ordinance 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 first reading on the 1<sup>st</sup> day of February, 2017.

**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of De Leon, Texas, on second reading on the 3<sup>rd</sup> day of February, 2017.

  
Michael Reyna, Mayor

**ATTEST:**  
  
  
Melinda K. Harbour, City Secretary