

ORDINANCE #007-19

AN ORDINANCE OF THE CITY OF DE LEON, TEXAS ORDERING A SPECIAL ELECTION, TO BE HELD THE 4th OF MAY 2019, FOR THE PURPOSE OF FILLING VACANIES FOR THE OFFICE OF COUNCIL MEMBER FOR PLACE ONE; 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:

WHEREAS, Sarah Childers, the current Place One Council Member, submitted her resignation effective on February 9, 2019, leaving more than six (6) months in the unexpired term of the office of Place One Council Member; and

WHEREAS, due to the resignation of Sarah Childers, the City must call a special election to fill the vacancy in the office of Place One Council Member pursuant to the terms of Section 3, Article IV of the Charter of the City of De Leon, Texas;

Section 1. That a special municipal election is hereby called and ordered for the **4th day of May, 2019**, at which election all qualified voters residing within the corporate limits of the City may vote for the purpose of filling the vacancy in the office of Place One Council Member to serve the remaining term until May of 2020. 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 at large council member Place One, 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 16, 2019 to February 15, 2019.** Any person wishing to file an application for a place on the ballot may do so beginning on January 16, 2019. The last day to file for a place on the ballot shall be February 15, 2019.

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 2018 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 4, 2019, 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 **22nd day of April, 2019** and continuing through the **30th day of April, 2019** (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:

Monday	April 22, 2019	8:00 a.m. – 5:00 p.m.
Tuesday	April 25, 2019	8:00 a.m. – 5:00 p.m.
Wednesday	April 26, 2019	8:00 a.m. – 8:00 p.m.
Thursday	April 27, 2019	8:00 a.m. – 5:00 p.m.
Friday	April 28, 2019	8:00 a.m. – 5:00 p.m.
Monday	April 29, 2019	8:00 a.m. – 5:00 p.m.
Tuesday	April 30, 2019	8:00 a.m. – 8:00 p.m.

Wednesday, April 26, 2019 and Tuesday, April 30, 2019 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 23, 2019**. 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.

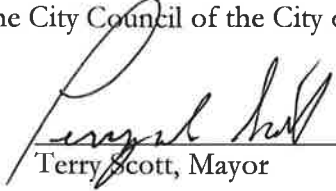
Section 10. If any section, subsection, sentence, clause, or phrase of this Ordinance, or the application of same to a particular set of persons or circumstances, should for any reason be held to be invalid or adjudged unconstitutional by a court of competent jurisdiction, such invalidity shall not affect 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 or the Election Code.

PASSED, APPROVED by the City Council of the City of De Leon, Texas, on the 11th day of February 2019

PASSED, APPROVED, AND ADOPTED by the City Council of the City of De Leon, Texas, on the 12th day of February 2019.



Terry Scott, Mayor

ATTEST:


Melenda K. Harbour, City Secretary

