

RESOLUTION NO. 22-081

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSON CITY, TEXAS CALLING FOR A SPECIAL ELECTION TO BE HELD ON SATURDAY, MAY 7, 2022 FOR THE PURPOSE OF ELECTING ONE (1) COUNCIL MEMBER FOR A ONE-YEAR TERM; PROVIDING FOR EARLY VOTING AND FOR NOTICE OF THE ELECTION; MAKING PROVISIONS FOR THE CONDUCT OF THE ELECTION; AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT FOR ELECTION SERVICES WITH BLANCO COUNTY, TEXAS; AND RESOLVING OTHER MATTERS RELATED TO SUCH ELECTION.

WHEREAS, Section 22.003 of the Texas Local Government Code and State Law provide that a General Election shall be held annually for the election of City Officers; and

WHEREAS, Councilmember Clayton Young submitted a letter of resignation effective October 5, 2021 from the City of Johnson City City Council due to his relocation from the corporate City limits to unincorporated portions of Blanco County for the purposes of constructing a home; and

WHEREAS, Texas Constitution Article XVI, Sec. 17 *Service of Public Officer Pending Qualification of Successor* (the “holdover provision”) authorizes all officers within the State of Texas to continue to perform the duties of their offices until their successors shall be duly qualified; and

WHEREAS, State Law provides that Section 3.001 of the Election Code of the State of Texas is applicable to said election, and, in order to comply with said Code, an order should be passed ordering said election, establishing the procedure to be followed in said election, and designating the voting place for said election; and

WHEREAS, the City desires to conduct joint special election with Blanco County, Texas, as provided for by Texas Election Code Ann. Section 271.002; and

WHEREAS, the City finds and declares that joint special election promotes an important public purpose by providing for an efficient, effective, and convenient means of voting for its citizens.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF JOHNSON CITY, TEXAS THAT:

SECTION ONE. ORDER OF ELECTIONS. Joint special election with Blanco County, Texas is hereby ordered to be held on Saturday, May 7, 2022 from 7:00 a.m. to 7:00 p.m. in the City of Johnson City, Texas for the purpose of electing one (1) Council Member, to serve a term of one (1) year terminating in May 2023, or when their successors are duly elected and qualified. Order of Election for Municipalities is attached hereto as Exhibit “A.”

SECTION TWO. ELECTION FINAL. At said election, each of the aforementioned officers shall be voted upon separately and the persons receiving the highest number of votes for each said office shall be elected to such office.

SECTION THREE. FILING. Qualified persons desiring to be candidates for the aforesaid offices shall file for election as such candidates with the City Secretary beginning on January 19, 2022 and must file no later than 5:00 p.m. on February 18, 2022.

SECTION FOUR. ADMINISTRATION OF ELECTION. The Elections Officer of Blanco County, Texas shall act as the Contracting Officer and shall appoint election judges, alternate judges, and clerks, as described in the Contract for Election Services, attached hereto as Exhibit "C", and incorporated herein by reference as if fully copied and set forth at length, said Contract between the City of Johnson City and Blanco County, Texas having been specifically authorized by Tex. Elec. Code Ann. Sec. 31.092.

SECTION FIVE. APPLICATIONS FOR BALLOT. The Contracting Officer shall receive applications for a ballot to be voted by mail until the close of business on **April 26, 2022** (received, not postmarked). Requests for applications should be mailed to:

Kristen Spies
Elections Officer
P.O. Box 13
Johnson City, Texas 78636

SECTION SIX. EARLY VOTING. The main early voting location shall be the **Blanco County Annex, Hoppe Room, located at 101 East Cypress Street, Johnson City, Texas 78636**. The main early voting location and other early voting locations, if applicable, for the joint special election have been established by the Blanco County Elections Officer and described in the Contract for Election Services (Exhibit C).

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

Monday, April 25 thru Friday, April 29, 2022	8:00 a.m. to 5:00 p.m.
Monday, May 2 thru Tuesday, May 3, 2022	8:00 a.m. to 5:00 p.m.
(Subject to change)	

SECTION SEVEN. POLLING PLACE. The polling place for the voting precinct in the City of Johnson City for Election Day on Saturday, May 7, 2022 shall be the **Blanco County Annex, Hoppe Room, located at 101 East Cypress Street, Johnson City, Texas, 78636**.

SECTION EIGHT. VOTING SYSTEM. Voting at the election, including early voting, shall be by **ballots** at the foregoing election polling places and for counting the ballots at said election. The voting system is provided, as set forth in the Contract for Election Services, with Elections Officer Kristen Spies and having been duly approved by the State of Texas Secretary of State.

SECTION NINE. CUSTODIAN. The City Council appoints the City Secretary as the Custodian of Records (“Custodian”) and agent to the Council to perform the duties related to the conduct and maintenance of records of the Election, as required under the Texas Election Code, during the period ending not earlier than the sixtieth (60th) day after the Election.

SECTION TEN. NOTICE. Notice of the Election, attached hereto as Exhibit “B,” stating in substance the contents of this Order, shall be published one time in the English and Spanish languages, in a newspaper published within the City’s territory at least ten (10) days and no more than thirty (30) days before the Election and as otherwise may be required by the Texas Election Code. Notice of the Election shall also be posted on the bulletin board located at Johnson City City Hall and the City of Johnson City municipal internet site used by the City to post notices of the City’s meetings no later than the twenty-first (21st) day before the Election, or, if the twenty-first (21st) day before the Election falls on a weekend or holiday, on the first business day thereafter. The Mayor shall issue all necessary orders and writs for the elections.

SECTION ELEVEN. VOTERS. All resident, qualified voters of the City of Johnson City shall be permitted to vote for one (1) Council Member in said special election. In addition, the required election materials, as outlined in Section 272.005 of the Texas Election Code, shall be printed in both English and Spanish for use at the polling places and for early voting for said election.

SECTION TWELVE. CANVASS. The returns of said election shall be made in accordance with the State Election Code and shall be canvassed by the City Council at a regular or special City Council Meeting to be held between May 10 - 16, 2022.

SECTION THIRTEEN. AUTHORIZATION. The Mayor is authorized to sign the Order of Election (Exhibit “A”), the Notice of Election (Exhibit “B”), and the Contract for Election Services (Exhibit “C”) on behalf of the City Council. The Notice of Election shall be published in accordance with the provisions of the Texas Election Code.

SECTION FOURTEEN. SEVERABILITY. Should any part, section, subsection, paragraph, sentence, clause, or phrase contained in this Resolution 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 FIFTEEN. EFFECTIVE DATE. This Resolution shall be effective immediately upon adoption.

PASSED AND APPROVED this 17th day of February, 2022.

CITY OF JOHNSON CITY, TEXAS

Rhonda Stell, Mayor

ATTEST:

Whitney Walston, City Secretary

DRAFT

ORDER OF ELECTION FOR MUNICIPALITIES

Special election is hereby ordered to be held on May 7, 2022 for the purpose of electing one (1) Council Member, to serve a term of one (1) year terminating in May 2023, or when their successors are duly elected and qualified.

Early voting by personal appearance will be conducted at the Blanco County Annex, Hoppe Room, located at 101 East Cypress Street, Johnson City, Texas 78636. The dates and times for early voting by personal appearance shall be as follows:

Monday, April 25 thru Friday, April 29, 2022	8:00 a.m. to 5:00 p.m.
Monday, May 2 thru Tuesday, May 3, 2022	8:00 a.m. to 5:00 p.m.

(Subject to change)

Applications for ballot by mail shall be delivered:

By Mail or in Person:

By E-mail:

Kristen Spies
Blanco County
Elections Officer
P.O. Box 13 (Mailing)
101 E. Cypress Street (Physical)
Johnson City, Texas 78636

kspies@co.blanco.tx.us

Applications for ballot by mail must be received by close of business on April 26, 2022 (received, not postmarked). Federal Post Card Applications (FPCAs) must be received no later than the close of business on April 26, 2022.

Issued this the 17th day of February, 2022.

Rhonda Stell, Mayor

Instruction Note: A copy of this election order must be delivered to the County Clerk/Elections Administrator and Voter Registrar not later than 60 days before Election Day.

NOTICE OF SPECIAL ELECTION

To the registered voters of the City of Johnson City, Texas:

Notice is hereby given that polling places will be open from 7 a.m. to 7 p.m. on May 7, 2022 for voting in Special Election to elect one (1) Council Member, to serve a term of one (1) year terminating in May 2023, or when their successors are duly elected and qualified.

LOCATION OF POLLING PLACES

The polling place for the voting precinct in the City of Johnson City for Election Day on Saturday, May 7, 2022 shall be the Blanco County Annex, Hoppe Room, located at 101 East Cypress Street, Johnson City, Texas 78636.

EARLY VOTING

Early voting by personal appearance will be conducted at the Blanco County Annex, Hoppe Room, located at 101 East Cypress Street, Johnson City, Texas 78636. The dates and times for early voting by personal appearance shall be as follows:

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Rhonda Stell, Mayor

CONTRACT FOR ELECTION SERVICES

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