

RESOLUTION NO. 23-002

**A RESOLUTION ORDERING AN ELECTION BE HELD AND ESTABLISHING PROCEDURES FOR THE MAY 6, 2023 GENERAL ELECTION IN THE CITY OF MARLIN, TEXAS TO ELECT CITY COUNCIL MEMBERS FOR THE OFFICE OF MAYOR AND ELECT COUNCIL MEMBERS FOR THE OFFICES HELD BY PLACE 1, PLACE 3, AND PLACE 5; PROVIDING FOR NOTICE OF THE ELECTION; PROVIDING ELECTION PRECINCT AND POLLING PLACES; PROVIDING FOR EARLY VOTING; PROVIDING EFFECTIVE DATE AND OPEN MEETINGS CLAUSES; PROVIDING FOR THE AUTHORITY TO EXECUTE ANY AND ALL NECESSARY DOCUMENTS; AND PROVIDING FOR RELATED MATTERS.**

**WHEREAS**, on May 6, 2023, there shall be elected the following officials for this City: Mayor, Council member Place 1, for Precinct 1; Council member Place 3, for Precinct 3; and Council member Place 5, for Precinct 5; and

**WHEREAS**, the Texas Election Code is applicable to said election and this resolution establishes procedures consistent with the Code for the conduct of the election, and designates the voting place for the election; and

**WHEREAS**, the City Council of the City of Marlin intends, and by adoption of this Resolution, orders an election be conducted on the Uniform Election Date of May 6, 2023, for the election of the following officials for the City of Marlin: Mayor, Councilmember Place 1 for Precinct 1; Councilmember Place 3, for Precinct 3; and Councilmember Place 5, for Precinct 5,

**NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF MARLIN, TEXAS:**

**Section 1. General Election.** The General Election of the City shall be held on Saturday, May 6, 2023, to elect members of the City Council for the offices of Mayor, Councilmember Place 1, for Precinct No. 1; for Councilmember Place 3, for Precinct No. 3; and Councilmember Place 5, for Precinct No. 5, all to serve a term of two (2) years each. Candidates for the above offices shall file their application with the City Secretary of the City, at City Hall, 101 Fortune Street, Marlin, Texas 76661, between 8:00 a.m. on January 18, 2023, and 5:00 p.m. on February 17, 2023, excluding weekends and holidays. All applications for candidacy shall be on a form as prescribed by the Texas Election Code. The order in which the names of the candidates for each office are to be printed on the ballot shall be determined by a drawing conducted by the City Secretary. The drawing will be held at \_\_\_\_\_ a.m./ 2 p.m., on February 17, 2023, at the City Council Chambers, 101 Fortune Street, Marlin, Texas 76661.

**Section 2. Ballots.** The ballots used for the general election shall comply with the Texas Election Code and be in the form provided by the City for use on the respective voting devices used the City.

**Section 3. Printed Materials.** The official ballots, together with such other election materials as are required by the Texas Election Code, as amended, shall be printed in both the English

and Spanish languages and shall contain such provisions, markings and language as required by law.

**Section 4. Notice of Election.** Notice of the election shall be given in the manner as provided in the Texas Election Code and the City Charter. The notice of election shall be posted on the bulletin board used for posting notice of meetings of the governing body at City Hall and at other locations required by state law not later than the twenty-first (21st) day before the election, and by publishing said notice of election in a newspaper of general circulation, not earlier than thirty (30) days nor later than ten (10) days prior to said election. The City Secretary is authorized and shall give all notices required for the election.

**Section 5. Conduct of Election.** The City Secretary and the City Secretary's designees and appointees, and the election judges, alternate judges and clerks properly appointed for the election, shall hold and conduct the election for the City. The election shall be held and conducted in compliance with the City Charter and state law.

**Section 6. Joint Election.** The City may agree to conduct a joint election with other political subdivisions within Falls County, provided that such political subdivisions hold an election on May 6, 2023, in all or part of the same territory as the City (the "Political Subdivisions"). The joint election will be conducted in accordance with state law, this resolution, and any respective election services contracts.

**Section 7. Election Precincts and Election Day Polling Places.** The City has one (1) election precinct and said election shall be at the following place in said City:

Election Precinct No. 1, Marlin City Hall  
101 Fortune Street, Marlin, Texas 76661

**Section 8. Designation of Polling Place(s).** The polls at the designated polling place(s) shall on said Election Day to be opened from 7:00 A.M. to 7:00 P.M. in the Council Chamber of the Marlin City Hall located at 101 Fortune Street, Marlin, Texas 76661. The City Secretary shall tabulate and provide the election returns for votes cast for the following officials for the City: Mayor, Councilmember Place 1 for Precinct Number 1; Councilmember Place 3, for Precinct Number 3; and Councilmember Place 5, for Precinct Number 5.

**Section 9. Early Voting.** (a) Early voting by personal appearance shall commence on Monday, April 24, 2023, and continue through Tuesday, May 2, 2023, and early voting polls shall remain open for the time specified by the Texas Election Code and the City Secretary.

(b) The period to apply for a ballot by mail is January 1, 2023 through April 25, 2023. An application for ballot by mail (ABBM) must be received by the Early Voting Clerk no later than the close of business on April 25, 2023.

(c) The period to apply for a federal postcard application (FPCA) is January 1, 2023, through April 25, 2023. An FPCA must be received by the Early Voting Clerk no later than the close of business on April 25, 2023.

(d) Early Voting Conducted by the City:

1. Early voting, both by personal appearance and by mail will be conducted by the City Secretary in accordance with the Texas Election Code for the qualified voters of the City residing in the City. The City Secretary is hereby designated and appointed as an Early Voting Clerk for the general election for qualified voters of the City.
2. Applications for ballot by mail for qualified voters of the City residing in the City shall be mailed to:

Maryann Waddle  
City Secretary

Mailing and Physical Address:  
101 Fortune Street  
Marlin, Texas 76661  
Telephone Number: (254) 883-1450  
Email Address: citysecretary@marlintx.net  
Website: <https://marlintx.net/contact/>

3. The main early voting location for qualified voters of the City is: the City Council Chambers in the Marlin City Hall located at 101 Fortune Street, Marlin, Texas 76661.
4. Early voting for qualified voters of the City shall be held at the dates, times, and location authorized by the City Secretary. Any early voting polling place may be added or changed by the City Secretary upon compliance with applicable law. Early voting by personal appearance shall only be conducted on one or more Saturdays or Sundays during the early voting period upon receipt of a written request submitted by at least 15 registered voters of the territory covered by the election as required by state law.

**Section 10. Election Judges and Clerks.** The presiding judges, alternate presiding judges and clerks for the election shall be selected and appointed by the City Secretary, respectively, in compliance with the requirements of state law, and are hereby designated and appointed election officers for the holding of said election and such appointments are approved. The presiding judges, alternate presiding judges and clerks shall perform the functions and duties of their respective positions that are provided by state law.

**Section 11. City Secretary Assistance.** The City Secretary is hereby authorized and instructed to contract with Falls County in the acquisition and furnishing of all election supplies and materials necessary to conduct the election. The City Secretary is further authorized to assist with the giving of notices required for the election, and to take such other and further action as is required to conduct the election in compliance with the Texas Election Code; provided that, pursuant to the any applicable election services contracts shall have the duty and be responsible for organizing and conducting the election in compliance with the Texas Election Code; and for providing all services specified to be provided in any applicable election services contract.

**Section 12. Necessary Actions.** The Mayor and the City Secretary of the City, in



consultation with the City's Attorney, are hereby authorized and directed to take any and all actions necessary to comply with the provisions of the Code and the Federal Voting Rights Act in carrying out and conducting the Election, whether or not expressly authorized herein, including but not limited to making changes or additions to polling places, ballot language, or procedures to the extent required or desirable or as may become necessary due to circumstances arising after the date of this resolution. The City Manager or the City Secretary is further authorized to give notice of the election as provided, in the Texas Election Code.

**Section 13. General.** The general election shall be held and conducted by the City in compliance with the Texas Election Code and, to the extent not inconsistent therewith, the City Charter, and only resident qualified voters of the City shall be eligible to vote at the election. The Election Officers are hereby authorized and instructed to provide and furnish all necessary election supplies, materials, and equipment to conduct said election. Returns of the election shall be made known as soon as possible after the closing of the polls; and the election returns shall be canvassed by the City Council not earlier than May 9, 2023, nor later than May 17, 2023.

**Section 14. Authorization to Execute.** The Mayor is authorized to execute, and the City Secretary is authorized to attest this resolution on behalf of the City Council; and the Mayor and the City Manager is authorized to do all other things legal and necessary in connection with the holding and consummation of the Election.

**Section 15. Effective Date; Election Code; Preamble.** This resolution shall be in full force and effect from and after its passage on the date shown below; provided that if any term or provision of this resolution conflicts with, or is inconsistent with, the Texas Elections Code, the Texas Election Code shall govern and control and the City Secretary shall comply with the Texas Elections Code. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this resolution for all purposes as part of the findings of Council.

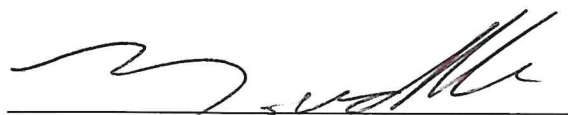
**Section 16. Severability.** If any provision, section of this resolution or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the resolution which can be given effect without the invalid provision or application, and to this end the provisions of this resolution are declared to be severable.

**Section 17. Open Meetings.** It is 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 *Chapt. 551, Tex. Gov't. Code*.

**PASSED, ADOPTED AND APPROVED** on this the 14th day of February, 2023.

**ATTEST:**

**CITY OF MARLIN, TEXAS**

  
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Maryann Waddle, City Secretary

  
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Carolyn Lofton, Mayor