

ORDINANCE NO. 2019.08.15A

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OVERTON, TEXAS, ORDERING A GENERAL ELECTION FOR THE ELECTION OF CITY COUNCIL OFFICES FOR MAYOR, PLACE TWO (2) AND PLACE FOUR (4), AS REQUIRED BY SECTION 22.003 AND SECTION 22.010 OF THE TEXAS LOCAL GOVERNMENT CODE AND CHAPTER 41 OF THE TEXAS ELECTION CODE, AT THE NEXT UNIFORM ELECTION TO BE HELD ON TUESDAY, NOVEMBER 5, 2019; AUTHORIZING THE MAYOR TO SIGN THE ELECTION ORDER AND ANY OTHER DOCUMENTS RELATED THERETO ON BEHALF OF THE GOVERNING BODY, PROVIDING FOR THE CONDUCT OF THE ELECTION; PROVIDING FOR EARLY VOTING; PROVIDING FOR POLLING PLACES; PROVIDING FOR ELECTION JUDGES; PROVIDING FOR NOTICE OF ELECTIONS; PROVIDING FOR THE METHOD OF VOTING; PROVIDING AN EFFECTIVE DATE; PROVIDING SEVERABILITY AND OPEN MEETINGS CLAUSES; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, pursuant to Texas Local Government Code 22.003, an election shall be held annually in each ward of the municipality on an authorized uniform election date as set out in Chapter 41 of the Texas; it is provided that there shall be held in each municipality in the State of Texas, a general election for the purpose of electing officials of said municipality; and

WHEREAS, the Overton City Council has determined that a contract with both Rusk and Smith County Elections Administration offices for election services, equipment and to conduct election day voting is in the best interest of the City of Overton.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OVERTON, TEXAS:

Section 1. Conduct of Election; Date; and Hours. In accordance with laws of the State of Texas and Constitution of the State of Texas, a General Election is hereby called and ordered to be held on Tuesday, November 5, 2019, which is eighty-two (82) days from the date of the adoption of this Ordinance (the "Ordinance") within the entire territory of the City of Overton for the purpose of electing the offices of the Mayor, Place Two (2) and Place Four (4) for two (2) year terms. The City Council hereby finds that holding the Election on such date, which is a uniform

election date, is in the public interest (See Election Order – Attachment A). The hours during which the polling places are to be open on Election day shall be from 7 a.m. to 7 p.m.

Section 2. Voting Precincts. The election precinct and polling place for the Election shall be the election precincts as designated by Rusk County and Smith County Elections Offices respectively.

Section 3. Appointment of Election Officials. Pursuant the election services contracts with Rusk County and Smith County Elections Offices, the Elections Administrator shall be responsible for the appointment of the election judges, alternate judges and elections clerks for the election, shall hold and conduct the election in the manner provided by applicable state law governing the holding of general elections by cities of the State of Texas; and the official ballots, together with such other election materials as are required by the Texas Election Code, shall be prepared in both English and Spanish languages and shall contain such provisions, markings and language as is required by law.

Section 4. Early Voting. Pursuant the election services contract with Rusk County and Smith County Elections Offices, the Elections Administrator shall be responsible for who is designated and appointed as the Early Voting Clerk, in accordance with the Texas Election Code. Early voting by personal appearance shall be conducted at place and locations authorized by state law and the Elections Administrator for both Rusk and Smith County. Early voting shall commence on October 21, 2019 and continue through November 1, 2019 with two of those days the polls shall be open 7:00 am through 7:00 pm. Early voting shall also be held at any time and location authorized by the City and the Counties listed above per House Bill 1048 and will be open for a minimum of eight (8) hours per day.

Section 5. Election Supplies. Pursuant the election services contract with Rusk County and Smith County Elections Offices, the Elections Administrator or designee, shall be responsible for acquiring and furnishing all election supplies and materials necessary to conduct the Election as provided by applicable state law.

Section 6. Conduct of Election. The Election shall be conducted by election officers, in accordance with the Texas Election Code and the Constitution and laws of the State of Texas and the United States of America. The voting at such election shall be by DRE-Hybrid electronic voting device or paper ballot. Early voting at such election shall also be by DRE-Hybrid electronic voting device or paper ballot. Early Voting by Mail will be conducted by paper ballots.

Section 7. Ballots. The ballots for the election shall comply with the Texas Election Code and be in the form provided by the County for use on the electronic voting devices and / or by paper ballots if applicable, provided that the votes shall be upon official ballots prepared in such a manner as will permit the voters to vote “For” or “Against” the candidates listed on the ballot.

Section 8. Canvassing of Returns: Declaring Results. The Election Officer shall make a written return of the Election results to the City Council in accordance with the Election Code. The City Council shall canvass the returns and declare the results of the Election.

Section 9. Notice of Election. The City Secretary is authorized to give or cause to be given 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. The City Secretary shall give the notices required by the Texas Election Code for the Election. Notice of the election shall be given by posting a notice the Election Order and the Election Notice on the bulletin board used for posting notice of meetings of the governing body at the City Hall and at the aforesaid election day polling places not later than the twenty-first (21st) day before the election, and by publishing said Notice of Election at least one time, not earlier than thirty (30) days or later than ten (10) days prior to said election, in a newspaper of general circulation in the City and will be written in both English and Spanish.

Section 10. Training of Election Officials. Pursuant to the Texas Election Code, a public school of instruction for all election officers shall be held as arranged or contracted by the Rusk County and Smith County Elections Offices.

Section 11. Inconsistent Provisions. All ordinances, orders and resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters ordered herein.

Section 12. Governing Law. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 13. Severability. If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this Ordinance would have been enacted without such invalid provision.

Section 14. Notice of Meeting. The City Council officially finds, determines, recites and declares that written notice of the date, hour, place and subject of the meeting at which this Ordinance is adopted was posted for at least seventy two (72) hours preceding the scheduled time of the meeting and at the location required by the Open Meetings Law, Chapter 551, Texas Government Code, as amended; and that such meeting was open to the public as required by law at all times during which this Ordinance and the subject matter thereof was discussed, considered, and formally acted upon.

Section 15. Authorization to Execute. The Mayor of the City Council is authorized to execute and the City Secretary is authorized to attest this Ordinance on behalf of the City Council; and the Mayor is authorized to do all other things legal and necessary in connection with the holding and consummation of the General Election.

Section 16. Effective Date. This Ordinance is effective immediately upon its passage and approval.

**DULY PASSED AND APPROVED FOR ADOPTION AT A REGULAR MEETING
OF THE CITY COUNCIL OF THE CITY OF OVERTON, TEXAS ON THIS THE 15th
DAY OF AUGUST, 2019 BY A VOTE OF:**


AYES 4 NAYS 0 ABSTENSIONS 0 ABSENCES 1.

PRESENT AND NOT VOTING: Mayor C.R. Evans, Jr.

ABSENT: Councilman Trampas Freeman

CITY OF OVERTON, TEXAS




C. R. Evans, Jr., MAYOR

ATTEST:


Rachel Gafford, TRMC, CITY SECRETARY

APPROVED AS TO FORM:


Blake Thompson, CITY ATTORNEY

ATTACHMENT A

**ORDER OF GENERAL ELECTION FOR THE
CITY OF OVERTON, TEXAS
(ORDEN DE ELECCIÓN GENERAL PARA EL CIUDAD DE OVERTON, TEXAS)**

An election is hereby ordered to be held on **November 5, 2019** for the purpose of:

The election of City Council Offices for

Mayor, Place Two (2) and Place Four (4) for two (2) year terms

Se ordena que una elección se celebre el 5 de noviembre de 2019 con el propósito de:

Alcalde, coloque dos (2) y coloque cuatro (4) por periodos de dos (2) años

Early voting by personal appearance will be conducted each weekday from October 21 through November 1, 2019 at:

La votación avanzado y en persona estará conducida cada día laborable desde el 21 de Octubre hasta el 1 de Noviembre 2019:

MAIN EARLY VOTING SITE (RUSK COUNTY):

Sitio principal de la votación anticipada (Condado de Rusk):

Location
Rusk County Elections Office 204 N. Main St. Henderson, TX

MAIN EARLY VOTING SITE (SMITH COUNTY):

Sitios principals de la votación anticipada (Condado de Smith):

Location
The HUB Smith County Elections Office 304 E. Ferguson St Tyler, TX

Applications for ballot by mail for Rusk County Voters should be mailed to:

Las solicitudes para boletas que se votarán en ausencia por correo deberán enviarse a:

Kaitlin Smith, Election Administrator
Early Voting Clerk Secretaria de la Votación Adelantada
P.O. Box 668 (204 N. Main St)
(Address) (Dirección)
Henderson, Texas 75653
(City) (Zip Code) (Ciudad)(Zona Postal)

Applications for ballot by mail for Smith County Voters should be mailed to:

Las solicitudes para boletas que se votarán en ausencia por correo deberán enviarse a:

Karen Nelson, Election Administrator
Early Voting Clerk *Secretaria de la Votación Adelantada*

302 E. Ferguson St
(Address) (*Dirección*)

Tyler, Texas 75702
(City) (Zip Code) (*Ciudad*)(*Zona Postal*)

Applications for ballots by mail must be received no later than Friday, October 25, 2019 close of business.


Las aplicaciones para votaciones por el correo no deben ser recibidas más tarde que el final de, Cerrado viernes, 25 de de Octubre de 2019.

Issued this the 15th day of August, 2019. (*Emitida este día 15th de Agosto, 2019*)




C. R. Evans, Jr., Mayor (*Firma del Alcalde*)

Attested by:


Rachel Gafford, TRMC, City Secretary (*Secretario de la Ciudad*)

Instruction Note: A copy of this election order must be delivered to the County Clerk / Elections Administrators and Voter Registrars immediately after ordering the election.

Nota de instrucción: Se deberá entregar una copia de esta orden de elección a la Secretaria del Condado/Administrador(a) de Elecciones y el/la Registrador(a) de Votantes inmediatamente después de ordenar la elección.