

City of Whitney

Ordering A General Election

ORDINANCE NO. 2023-02-01

AN ORDINANCE OF THE CITY OF WHITNEY, TEXAS, ORDERING A GENERAL ELECTION TO BE HELD IN THE CITY OF WHITNEY ON MAY 6, 2023 FOR THE PURPOSE OF ELECTING A MAYOR AND TWO ALDERMEN (CITY COUNCIL MEMBERS); MAKING PROVISIONS FOR THE CONDUCT OF THE ELECTION AND RESOLVING OTHER MATTERS INCIDENT AND RELATED TO SUCH ELECTION AND PROVIDING FOR PREAMBLE INCORPORATION; CONFLICTING PROVISIONS; GOVERNING LAW; SEVERABILITY; PROPER NOTICE; OPEN MEETING AND EFFECTIVE DATE

WHEREAS the City finds it necessary and is authorized by state statute to hold a general municipal election on the next uniform election date, to wit, May 6, 2023 for the purpose of electing a mayor and two aldermen; and

WHEREAS, the City Council seeks to proceed with the ordering of a general municipal election on Saturday, May 6, 2023, the next uniform election date, and appointing certain election officers required for the conduct of the election, and has deemed it advisable to call the election hereinafter ordered; and

WHEREAS, the City Council has authority pursuant to Chapter 31, Texas Election Code, to enter into an election services contract with the Hill County Election Officer to furnish certain election services; and

WHEREAS, the City Council has authority pursuant to Chapter 271, Texas Election Code, to enter into joint election agreements with political subdivisions holding elections on the same day in all or part of the same territory; and

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

I. Call of Election; Date; Eligible Electors

A general municipal election shall be held on Saturday, May 6, 2023, (the "Election") which is seventy-one (71) or more days from the date of the adoption of this Ordinance, within and throughout the territory of the City of Whitney, Texas to fill a Mayor and two (2) aldermen positions on the City Council, at which all resident, qualified electors of the City shall be entitled to vote.

II. Voting Precincts; Polling Place; Hours

Those portions of Hill County Election Precincts within the territory of the City are hereby designated as the voting precincts of the City in compliance with Texas Election Code section 42.0621. The precinct numbers for the City's election precincts shall be the corresponding number for the Hill County Election Precincts located within the territorial boundaries of the City. The Polling Places of the City for the Election shall be the regular county polling places in the county election precincts that contain territory from the City, as required by Texas Election Code section 43.004. The poll at the designated polling place on Election Day shall be open from 7:00 a.m. until 7:00 p.m.

The voting precincts and polling places of the City for the Election are:

Polling Location	Address	City/State/Zip
Whitney I.S.D. Administration Building	305 South San Jacinto	Whitney, Texas 76692

III. Contract for Election Services; Joint Election Agreement

(a) Chapter 31 of the Texas Election Code authorizes county election officers to contract with the governing body of a political subdivision situated wholly or partly in the county served by the officer to perform certain election services. Pursuant to Chapter 31 of the Texas Election Code, the Election shall be conducted in accordance with the terms and conditions of the Contract for Election Services between the County Clerk of Hill County and the City of Whitney ("Hill County Election Services Contract"), which shall be approved by separate action of the City Council.

(b) Chapter 271 of the Texas Election Code provides that the authorities of two or more political subdivisions that have ordered elections for the same day in all or part of the same territory, may enter into an agreement to hold the elections jointly in election precincts that can be served by common polling places, and the City Council is expressly authorizing this action. Pursuant to Chapter 271 of the Texas Election Code, the Election may be conducted jointly between the City and the Whitney Independent School District and/or Hill County. Such joint election agreements shall be approved by separate action of the City Council.

IV. Conduct of Election; Ballots; Appointment of Election Officers.

(a) Hart Verity Version 2.4 and the components of the equipment shall be the voting system utilized for the Election. The ballots shall be suitable for use with the Hart Verity voting system and shall otherwise conform to the requirements of the Election Code.

(b) 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 United States of America. The City Council shall appoint the persons to serve as the Presiding Election Judge and Alternate Presiding Election Judge for each voting precinct for the Election by separate action of the City Council. The Presiding Election Judge and the Alternate Presiding Election Judge for the voting precinct shall be qualified voters of such precinct or otherwise eligible to serve pursuant to Election Code, Chapter 271. The Presiding Election Judge may appoint the number of election clerks to assist the Judge in the conduct of the Election at the polling place. The Alternate Presiding Judge may be appointed as a clerk. The Alternate Presiding Election Judge may serve as the Presiding Election Judge for the precinct in the absence of the Presiding Election Judge. The Presiding and Alternate Election Judge and election clerks shall be compensated at an agreed hourly rate. Compensable hours shall be determined in accordance with the provisions of the Texas Election Code and other applicable laws.

V. Early Voting by Mail

The City Council hereby appoints Kristi Woellert Regular Early Voting by Mail Clerk. Ballot applications and ballots voted by mail shall be addressed to the Regular Early Voting Clerk at the address indicated immediately below:

Kristi Woellert

Early Voting by Mail Clerk

P.O. Box 2050

115 W. Jefferson

Whitney, Texas 76692

Applications for ballot by mail must be received no later than 5:00 p.m. on April 25, 2023.

VI. Early Voting by Personal Appearance; Early Voting Ballot Board.

(a) Early voting by personal appearance shall be conducted at the following hours and locations **April 24, 2023 thru May 2, 2023.**

MAIN EARLY VOTING LOCATION	
Whitney I.S.D. Administration Building 305 South San Jacinto Whitney, Texas 76692	Monday, April 24 thru Friday, April 28 8:00 am – 4:00 pm Monday, May 1 thru Tuesday, May 2 8:00 am –8:00 pm

(b) The City Council shall appoint the presiding judge(s) of the early voting ballot board(s) to count and return early voting ballots by separate action of the City Council. The presiding judge shall appoint two or more election clerks, and such judge and clerks shall constitute the early voting ballot board and shall perform the duties set forth for such board in the Election Code.

VII. Election Information to be Provided in the Spanish Language

To the extent required by law, all notices, ballots and other written materials pertaining to the Election shall be translated into and furnished to voters in both the English language and the Spanish language in order to aid and assist voters speaking Spanish as a primary or an alternative language to properly participate in the election process. The City shall make available to voters having the need of an individual capable of acting as a translator and speaking both English and Spanish languages, who will assist Spanish speaking voters in understanding and participating in the election process. Any person requiring such assistance should contact the presiding judge for the election precinct or the early voting clerk.

VIII. City Secretary

Kristi Woellert, City Secretary, shall maintain an office open for election duties for at least three hours each day, during regular office hours, on regular business days beginning not later than the 50th day before the date of the Election and ending not earlier than the 40th day after the date of the Election. The City Secretary shall receive application of candidates for a place on the ballot,

determine the order in which names will appear on the ballot, accept and maintain documents filed under Title 15 of the Election Code, and maintain and receive any other documents as may be required by the Election Code. The City Secretary shall post notice of the location and hours of her office as required by the Election Code.

IX. Notice of Election

Notice of Election shall be published one time in the English and Spanish languages, if required, in a newspaper published in the territory that is covered by the Election and is in the jurisdiction of the City. The notice shall be published not earlier than the 30th day or later than the 10th day before the Election, as required by section 4.003 of the Election Code. Notice of the Election shall also be posted on the bulletin board on which the City Council posts notices of its meetings not later than the 21st day before the Election. The contents of the Notice of Election shall comply with the requirements of the Election Code. The Notice of Election shall be delivered to the Hill County Clerk, not later than the 60th day before the Election.

X. Authority of Mayor

(a) The Mayor shall have the authority to take, or cause to be taken, all actions reasonable and necessary to ensure the Election is fairly held and returns counted and tabulated for canvass by the City Council, which actions are hereby ratified and confirmed.

(b) In the event that the Mayor shall determine from time to time that (1) the polling places established herein are unavailable or unsuitable for such use, or it would be in the City's best interest to relocate a polling place, or (2) that a Presiding or Alternate Presiding Judge hereafter appointed is unable or unqualified to serve in such position, the Mayor is hereby authorized to designate and appoint in writing a substitute polling place or judge giving such notice as is required by the Election Code and as deemed sufficient.

XI. Preamble Incorporation

The recitals contained in the preamble hereof are hereby found to be true and correct, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the City Council.

XII. Inconsistent Provisions

All ordinances or parts of ordinances in force when the provisions of this Ordinance becomes effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed only to the extent of such conflict.

XIII. 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.

XIV. Severability

Should any part, sentence or phrase of this Ordinance be determined to be unlawful, void or unenforceable, the validity of the remaining portions of this Ordinance shall not be adversely affected. No portion of this Ordinance shall fail or become inoperative by reason of the invalidity of any other part. All provisions of this Ordinance are declared to be severable.

XV. Proper Notice and Meeting

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

XVI. Effective Date

This Ordinance is effective immediately upon its passage and approval.

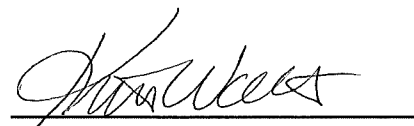
PASSED AND APPROVED on this 16th day of February, 2023 by a vote of the City Council of the City of Whitney, Texas.

City of Whitney, Texas



Jerry Barker, Mayor

ATTEST:



Kristi Woellert, City Secretary

