

ORDINANCE NO. 2023.06.15A

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OVERTON, TEXAS, ORDERING A GENERAL AND SPECIAL ELECTION FOR THE ELECTION OF CITY COUNCIL OFFICES FOR MAYOR, PLACE TWO (2), PLACE FOUR (4), AND PLACE THREE (3) FOR SPECIAL ELECTION; 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 7, 2023; 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 and special 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 and Special Election are hereby called and ordered to be held on Tuesday, November 2, 2021, 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 and a Special Election for the purpose of electing the office of Place Three (3) for a 1-year term. 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 to 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 to 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 Monday, October 23, 2023 and continue through Friday, November 3, 2023 with at least two of those days the polls shall be open 7:00 am through 7:00 pm.

SECTION 5. ELECTION SUPPLIES.

Pursuant to 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 of 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 JUNE, 2023 BY THE FOLLOWING VOTE OF:

5 YES 0 NAYS _____ ABSTENSIONS _____ ABSENCES.

PRESENT AND NOT VOTING: Mayor Curtis Gilbert

ABSENT: _____

CITY OF OVERTON, TEXAS



Curtis Gilbert, MAYOR

ATTEST:



Lisa Hemus, INTERIM CITY SECRETARY