

CITY OF PAYNE SPRINGS

ORDINANCE NUMBER: 27

AN ORDINANCE CALLING AND ORDERING A SPECIAL ELECTION TO BE HELD ON NOVEMBER 8, 2005, FOR THE PURPOSE OF ELECTING A MAYOR AND CITY COUNCILMEMBER FOR THE CITY OF PAYNE SPRINGS, AND ESTABLISHING PROCEDURES FOR SUCH SPECIAL ELECTION.

WHEREAS, the governing body of the City of Payne Springs, a Type A General Law Municipality, consists of six members, one of whom is the Mayor, and five of whom are Council Members.

WHEREAS, James D. Meredith, Mayor, resigned on June 21, 2005 and

WHEREAS, Walter Hellebrand, Council Member, resigned on June 22, 2005: and

WHEREAS, pursuant to the Texas Local Government Code, the City Council is required to call a special election to fill these vacancies, said election shall be held on the first available election date specified in the Texas Election Code, which date is Tuesday, November 8, 2005.

WHEREAS, The Texas Election Code is applicable to said election, and in order to comply with said Code, an ordinance should be passed calling the election and establishing the procedures to be followed in said election, and designating the voting place for said election.

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

SECTION 1: SPECIAL ELECTION ORDERED

That in accordance with the Constitution and laws of the State of Texas, a special election is hereby called and ordered for Tuesday, November 8, 2005, as authorized by the Texas Election Code, at which election all qualified voters of the City of Payne Springs may vote for the purpose of electing a Mayor and one Council Member to serve for the remainder of the unexpired terms of Mayor and one Council Member. Said terms to expire in May 2006.

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SECTION 2: FILING PERIOD

That no person's name shall be placed on the official ballot as a candidate for Mayor or Council Member, unless such person has filed his or her sworn application on a form prescribed by the Election Code of the State of Texas with the City Secretary of the City of Payne Springs at City Hall, 9692 Highway 198 South, Payne Springs, Texas, on any weekday that is not a City holiday, between the hours of 10:00 am to 12:00 PM and 1:00 PM to 4:00 PM. In accordance with Chapter 201 of the Election Code, applications shall be accepted beginning at 10: am on Wednesday, August 17, 2005, and ending at 5:00 PM on Friday September 2, 2005 in accordance with Chapter 201 of the Texas Election Code. An application filed by mail shall be considered to be filed at the time of its receipt by the City Secretary in accordance with Chapter 201 of the Texas Elections Code.

SECTION 3: CANDIDATE QUALIFICATION

That no person's name shall be placed on the official ballot as a candidate for Mayor or Council Member, unless such person is a qualified voter of the City of Payne Springs. That it shall further appear to the said City Secretary, before said candidate's name is entered on said ballot that said candidate has met any and all requirements of the Texas Election Code. That no person's name shall be placed on the ballot for the office of Mayor unless such person has resided continuously within the City of Payne Springs for at least twelve (12) months immediately preceding the date of the election in accordance with Local Government Code Chapter 22. That no person's name shall be placed on the ballot for the office of Council Member unless such person resides within the City of Payne Springs on the date of the special election, in accordance with the Local Government Code.

SECTION 4: DRAWING FOR PLACE ON BALLOT

That, in the event that there are two or more candidates for election to either office, the order in which the names of such candidates are to be printed on the ballot shall be determined by a drawing to be conducted by the City Secretary. The City Secretary shall post in her office a notice of the date, hour and place of the drawing. The notice shall remain posted continuously for 72 hours immediately preceding the scheduled time of the drawing. Upon receipt of a candidate's written request, accompanied by a stamped, self-addressed

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envelope, the City Secretary shall mail written notice of the date, hour and place of the drawing to the candidate. Each candidate affected by the drawing is entitled to be present or to have a representative present at the drawing. Such drawing will be held at 10:00 am on Tuesday September 13, 2005 in the City of Payne Springs City Hall at 9692 Highway 198 South, Payne Springs, Texas 75156.

SECTION 5: ELECTION PRECINCT AND POLLING PLACE

The entire city shall be the election precinct for said election and the following location is hereby designated as the polling place for said election: City of Payne Springs City Hall, 9692 Highway 198 South, Payne Springs, Texas 75156.

That the polling place shall be kept open from 7:00 AM until 7:00 PM on Tuesday, November 8, 2005, and that due return shall be made to the City Council showing the number of votes cast for each candidate for the offices of Mayor and City Council Member.

Returns of said election shall be made known as soon as possible after the closing of the polls.

SECTION 6: ELECTION JUDGE AND ALTERNATE

The following person, Florence Loren, has been appointed as the Election Judge for the Special Election to be held on November 8, 2005. The elections Judge will appoint an alternate Judge and election clerks according to the Texas Election Code.

SECTION 7: EARLY VOTING

That the City Secretary of the City of Payne Springs is hereby charged with the duty of conducting early voting in said election as required by the Texas Election Code. Linda Carr is hereby appointed Deputy Early Voting Clerk.

That the early voting in said election shall be conducted at the City of Payne Springs City Hall, 9692 Highway 198 South, Payne Springs Texas. Said place shall be open for Early Voting for at least five hours on each day of Early Voting that is not a Saturday, Sunday or official City Holiday.

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Early voting shall be conducted by two methods:

- A. Voting by mail; and**
- B. Voting by personal appearance.**

Applications for early voting ballots by mail must be mailed to the City Secretary at the City of Payne Springs City Hall. Said applications will be accepted beginning on October 24, 2005 and must be received at Payne Springs City Hall by 5:00 PM on Tuesday, November 1, 2005.

The City Secretary will mail early voting ballots no later than the seventh day after the ballots become available in accordance with the Texas Election Code. Early voting ballots must be returned by mail to the City Secretary, and received no later than the last mail delivery on the date of the Special Election, November 8, 2005. Early voting by personal appearance will be conducted at City Hall on the following dates and at the following time:

DATE	TIME
OCTOBER 24, 2005	10:00 AM TO 12:00 PM/1:00 PM TO 4:00 PM
OCTOBER 25, 2005	10:00 AM TO 12:00 PM/1:00 PM TO 4:00 PM
OCTOBER 26, 2005	10:00 AM TO 12:00 PM/1:00 PM TO 4:00 PM
OCTOBER 27, 2005	10:00 AM TO 12:00 PM/1:00 PM TO 4:00 PM
OCTOBER 28, 2005	10:00 AM TO 12:00 PM/1:00 PM TO 4:00 PM
OCTOBER 29, 2005	10:00 AM TO 12:00 PM/1:00 PM TO 4:00 PM
OCTOBER 31, 2005	10:00 AM TO 12:00 PM/1:00 PM TO 4:00 PM
NOVEMBER 1, 2005	10:00 AM TO 12:00 PM / 1:00 PM TO 4:00 PM
NOVEMBER 2, 2005	10:00 AM TO 12:00 PM /1:00 PM TO 4:00 PM
NOVEMBER 3, 2005	10:00 AM TO 12:00 PM /1:00 PM TO 4:00 PM
NOVEMBER 4, 2005	10:00 AM TO 12:00 PM / 1:00 PM TO 4:00 PM

Early voting, both by personal appearance and by mail shall be by paper ballots and shall be canvassed by an Early Ballot Board and it is hereby ordered that the Early Ballot Board shall consist of the Election Judge, Alternative Judge and Election Clerks.

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SECTION 8: NOTICES OF ELECTION

That notice of said election shall be published and posted in accordance with the Texas Election Code.

SECTION 9: GENERAL

That said election shall be held under the provisions of the Constitution and laws of the State of Texas, insofar as same may be applicable.

That in all respects, said election shall be conducted in accordance with the Texas Election Code.

This ordinance shall constitute the proclamation; call, notice and ordinance calling and ordering said election. That is hereby officially found and determined that the meeting at which this ordinance was adopted and said election was called was open to the public and public notice of the time, place and purpose of said meeting was given, all as required by Chapter 551 of the Texas Government Code.

That the City Secretary is hereby authorized and instructed to provide and furnish all necessary election supplies conduct said election.

SECTION 10: EFFECTIVE DATE OF ORDINACE

That this ordinance, election order, proclamation and notice shall take effect and be in full force and effect from and after the date of it's passage, and it is so ordained.

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PASSED AND APPROVED THIS 16TH. DAY OF AUGUST, 2005

APPROVED:

Vic Brazzell, Mayor Pro Tempore

Attest:

Linda Carr, City Secretary

SEAL

