

CITY OF PAYNE SPRINGS TEXAS

ORDINANCE 2006-6

AN ORDINANCE CALLING AND ORDERING A SPECIAL ELECTION TO BE HELD MAY 13, 2006, FOR THE PURPOSE OF ELECTING A COUNCILMAN AT LARGE FOR THE UNEXPIRED TERM OF ONE YEAR BEGINNING MAY 2006 UNTIL MAY 2007.

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

WHEREAS, one council seat at large has been vacated by Councilman Fred Carr because of health reason.

WHEREAS, pursuant to the Texas Local Government Code, the City Council is required to call an Order for a Special Election, and in order to comply with said Code, an ordinance should be passed calling the Special Election and establishing the procedures to be followed in said Special 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 Saturday May 13, 2006, 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 Council Member at Large, to serve for a term of one year to fill the unexpired term until May 2007.

SECTION 2: FILING PERIOD

That no person's name shall be placed on the official ballot as a candidate for 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 State Highway 198 South, Payne Springs, Texas on any weekday that is not a City holiday, between the hours of 10:00 a.m. to 4:00 p.m. In accordance with Chapter 201 of the Election Code, applications shall be accepted beginning at 10:00 a.m. on Wednesday March 29, 2006 and ending at 5:00 p.m. on April 12, 2006. 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.

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SECTION 3: CANDIDATE QUALIFICATION

That no person's name shall be placed on the official ballot as a candidate for 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 Councilmember unless such person has resided continuously with the City of Payne Springs for a least twelve (12) months immediately preceding the date of the election in accordance with Local Government Code Chapter 22.

SECTION 4: DRAWING FOR PLACE ON BALLOT

That in the event that there are two or more candidates for election to the office that is vacant, 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 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 Thursday, April 13, 2006 at 11:00 am 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 STATE HIGHWAY 198 SOUTH, PAYNE SPRINGS, TEXAS 75156.**

That the polling place shall be kept open from 7:00 am until 7:00 pm on Saturday, May 13, 2006, and that due return shall be made to the City Council showing the number of votes cast for each candidate for the office of Councilman At Large.

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 persons have been appointed by the City of Payne Springs for the position of Election Judge, Alternate Judge, and Election Clerk. It is hereby ordered that Florence Loren is charged with the duty of Election Judge, Alternate Election Judge is Virginia Hellebrand, and Election Clerk is B.J. Alexander.

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 Special 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 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 for request of a mail in ballot beginning on March 14, 2006. All requests for a mail in ballot must be received at Payne Springs City Hall by 5:00 pm on May 5, 2006 for the combined May 13, 2006 General Election and Special Election. All mail in ballots must be received no later than 5:00 pm on Saturday May 13, 2006.

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. Early voting by personal appearance will be conducted at City Hall on the following dates and at the following times:

DATE	TIME
May 1, 2006	7:00 am – 7 pm
May 2, 2006	7:00 am – 7 pm
May 3, 2006	10:00 am – 12 pm / 1:00 pm – 4 pm
May 4, 2006	10:00 am – 12 pm / 1:00 pm – 4 pm
May 5, 2006	10:00 am – 12 pm / 1:00 pm – 4 pm
May 8, 2006	10:00 am – 12 pm / 1:00 pm – 4 pm
May 9, 2006	10:00 am – 12 pm / 1:00 pm – 4 pm
May 13, 2006	7:00 am – 7:00 pm

Early voting, by personal appearance shall be done by electronic voting and or paper ballots. Mail in ballots shall be done by a paper ballot. Voting shall be canvassed by an Early Ballot Board and it is hereby ordered that the Early Ballot Board shall consist of the Election Judge, Alternate Judge and Election Clerk.

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 Special Election. That is hereby officially found and determined that the meeting at which this ordinance was adopted and said Special 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.

The City Secretary is hereby authorized and instructed to provide and furnish all necessary election supplies and to conduct said Special Election.

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SECTION 10: EFFECTIVE DATE OF ORDINANCE

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

PASSED AND APPROVED THIS 28TH DAY OF MARCH, 2006.

APPROVED:

SEAL

Mayor Ethel Hagin

ATTEST:

Linda Carr, City Secretary