

**CITY OF PAYNE SPRINGS TEXAS**

**ORDINANCE 2023-06**

**AN ORDINANCE CALLING AND ORDERING A GENERAL ELECTION TO BE HELD NOVEMBER 7, 2023, FOR THE PURPOSE OF ELECTING THREE (3) CITY COUNCIL MEMBERS FOR THE CITY OF PAYNE SPRINGS, AND ESTABLISHING PROCEDURES FOR SUCH GENERAL 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**, election will be held to fill three council seats at large, which consists of one council seat currently held by Cody Barnett, one council seat currently held by Leif Haag, and one council seat currently held by Christi Hanson.

**WHEREAS**, pursuant to the Texas Local Government Code, the City Council is required to call an Order For Election to fill expiring terms of office as so mentioned above, and shall be held according to the specified election date by the Texas Election Code, which is Tuesday, November 8, 2023,

**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: GENERAL ELECTION ORDERED**

That in accordance with the Constitution and laws of the State of Texas, a General Election is hereby called and ordered for Tuesday, November 7, 2023, 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 three Council Members At Large, to serve for a term of two years. Said term will expire November 2025.

**SECTION 2: FILING PERIOD**

That no person's name shall be placed on the official ballot as a candidate 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, 19601 C.R. 2529, Payne Springs, Texas, on weekdays Monday thru Friday, that is not a City holiday, between the hours of 8:00 a.m. and 4:00 pm. In accordance with Chapter 201 of the Election Code, applications shall be accepted beginning at 8:00 am on Saturday July 22, 2023 and ending at 6:00 pm on Monday August 21, 2023. 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 Council Member or Mayor, unless such person:

- a) is a qualified and registered voter of the City of Payne Springs at the time of filing,
- b) has resided continuously for at least twelve (12) months immediately preceding the date of filing,

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- c) is not related within the first, second or third degree to a seated Council Member or Mayor,
- d) permanent address is not the same as a seated Council Member or Mayor,
- e) in the case of multi candidates related within the first, second or third degree, only the first eligible application will be placed on the ballot,

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.

**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 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 3:45 pm on Friday, August 25, 2023 in the City of Payne Springs City Hall at 19601 C.R. 2529, 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: **TBA**

That the polling place shall be kept open from 7:00 am until 7:00 pm on Tuesday, November 7, 2023, 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 two Council Members.

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

**SECTION 6: METHOD OF VOTING**

That the method of voting to be used in the general election on Tuesday, November 7, 2023, be touch screen devices with Henderson County direct recording devices (DRE's) for early voting and Election Day, and optical-scan ballots with Henderson County ACCUVOTE OS for early voting by mail.

**SECTION 7: ELECTION JUDGE AND ALTERNATE**

The following person 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 Denise Hernandez is charged with the duty of Election Judge. An Election Clerk will be appointed prior to Election Day.

**SECTION 8: EARLY VOTING**

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Early voting by personal appearance will be conducted each WEEKDAY at:  
*(La votación adelantada en persona se llevará a cabo de lunes a viernes en:)*

**The Main Early Voting Location (*sitio principal de votación adelantada*)**

Henderson County Election Center      October 23, 2023 – October 27, 2023 8:00am – 5pm.  
201 East Larkin Street                      October 30, 2023 – November 3, 2023 7:00am – 7pm  
Athens, Texas 75751

**Branch Early Voting Locations (*sucursal sitios de votación adelantada*)**

Seven Points City Hall                      October 23, 2023 – October 27, 2023 8:00am – 5pm  
428 East Cedar Creek Parkway              October 30, 2023 – November 3, 2023 7:00am – 7pm  
Seven Points, Texas 75143

First Methodist Church Chandler ~        October 23, 2023 – October 27, 2023 8:00am – 5pm  
Heritage Hall                                      October 30, 2023 – November 3, 2023 7:00am – 7pm  
501 North Second Street  
Chandler, TX 75758

**Early voting by personal appearance will be conducted each WEEKEND at:**  
***(La votación adelantada en persona se llevará a cabo en el fin de semana en:)***  
**The Main Early Voting Location (*sitio principal de votación adelantada*) Location**  
**(sitio) Hours (horas)**

Henderson County Election Center      October 23, 2023 – October 27, 2023 8:00am – 5pm.  
201 East Larkin Street                      October 30, 2023 – November 3, 2023 7:00am – 7pm  
Athens, Texas 75751

Applications for ballot by mail shall be mailed to:  
*(Las solicitudes para boletas que se votarán en ausencia por correo deberán enviarse a:)*

Paula Ludtke

P. O. Box 2720

Athens, TX 75751

Phone: 903-675-6149

Email: [HCElections@henderson-county.com](mailto:HCElections@henderson-county.com)

Website: <https://www.henderson-county.com/departments/elections-voter-registration>

Applications for ballots by mail must be received no later than the close of business on  
*(Las solicitudes para boletas que se votarán en ausencia por correo deberán recibirse para el fin de las horas de negocio el)*

**October 27, 2023 .**

Federal Post Card Applications (FPCAs) must be received no later than the close of business on:  
*(La Tarjeta Federal Postal de Solicitud deberán recibirse no más tardar de las horas de negocio el:*

**October 27, 2023**

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**SECTION 9: NOTICES OF ELECTION**

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

**SECTION 10: 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.

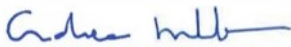
The City Secretary is hereby authorized and instructed to provide and furnish all necessary election supplies and to conduct said election.

**SECTION 11: 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 18th DAY OF July, 2023.**

**APPROVED:**



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**Andrea Miller- Mayor Pro-Tem**

**SEAL**

**ATTEST:**



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**Beth Billings, City Secretary**