

**CITY OF PAYNE SPRINGS TEXAS**

**ORDINANCE 2008-03-18-1**

**AN ORDINANCE CALLING AND ORDERING A GENERAL ELECTION TO BE HELD MAY 10, 2008, 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 two council seats at large, which consists of seats currently held by Tom Hinkle, and vacated seat of Ray Maples and expired term of Mayor Michael McDonald.

**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 Saturday, May 10, 2008,

**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 Saturday, May 10, 2008, 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 May 2010.

Furthermore, there will be 2 City Council approved Non-Binding Propositions on the Ballot. They are:

**Resolution No. 1** – The City of Payne Springs should dissolve and cease to operate as an incorporated municipality.

**Resolution No. 2** – The City of Payne Springs should dissolve its Police Department and cease to provide its citizens with police services.

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### **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 Highway 198 South, Payne Springs, Texas, on weekdays Monday thru Thursday, that is not a City holiday, between the hours of 8:00 a.m. and 4:30 pm. In accordance with Chapter 201 of the Election Code, applications shall be accepted beginning at 8:00 am on Monday February 11, 2008 and ending at 4:30 pm on March 10, 2008. 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, 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 City Council Member 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.

### **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 11:00 am on Tuesday, March 13, 2008 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 10, 2008, and that due return shall be made to the City Council showing the number of votes cast for each candidate for the offices of the three 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 Saturday, May 10, 2008, be touch screen devices with Diebold's direct recording devices (DRE's) for early voting and Election Day, and optical-scan ballots with Diebold's ACCUVOTE OS for early voting by mail.

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**SECTION 7: 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 Lou Reimers is charged with the duty of Election Judge, Alternate Election Judge/Election Clerk is Virginia Hellebrand. An additional Election Clerk will be appointed prior to Election Day.

**SECTION 8: 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. Shirley Leonard is hereby appointed Deputy Early Voting Clerk.

That the early voting in said elections shall be conducted at the City of Payne Springs City Hall, 9692 Highway 198 South, Payne Springs, Texas 75156. Said place shall be open for **Early Voting** that is not a Saturday, Sunday, or official City Holiday.

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 11, 2008. All requests for a mail in ballot must be received at Payne Springs City Hall by 5:00 pm on May 2, 2008 for the May 10, 2008 General Election. All mail in ballots must be received no later than 5:00 pm on Saturday May 10, 2008.

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 time:

<b>DATE</b>	<b>TIME</b>
April 28, 2008	7:00 am – 7:00 pm
April 29, 2008	7:00 am – 7:00 pm
April 30, 2008	8:00 am – 4:30 pm
May 1, 2008	8:00 am – 4:30 pm
May 10, 2008	7:00 am – 7:00 pm

Early voting, by personal appearance shall be done by electronic voting and 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 9: NOTICES OF ELECTION**

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

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**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 19<sup>TH</sup> DAY OF FEBRUARY 2008.**

**APPROVED:**

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**Michael McDonald, Mayor**

**SEAL**

**ATTEST:**

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**Shirley Leonard, City Secretary**