

ORDINANCE #001-09

AN ORDINANCE OF THE CITY OF DE LEON, TEXAS, PROVIDING FOR A GENERAL ELECTION, TO BE HELD ON THE 9TH OF MAY 2009, FOR THE PURPOSE OF ELECTING AT LARGE COUNCIL MEMBERS FOR PLACE 3, PLACE 4, AND PLACE 5; APPROVING JOINT ELECTION WITH DE LEON I.S.D., APPROVING JOINT ELECTION WITH COMANCHE COUNTY MEDICAL CENTER (HOSPITAL); JOINT ELECTION WITH THE COUNTY AND CONTRACT WITH THE COMANCHE COUNTY FOR ELECTION SERVICES INCLUDING ELECTRONIC VOTING, DESIGNATING POLLING PLACE AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DE LEON, TEXAS:

Section 1. That a general municipal election is hereby called and ordered for the **9th day of May, 2009**, at which election all qualified voters residing within the corporate limits of the City may vote for the purpose of electing their respective at large council members to Place 3, Place 4 and Place 5 for the term of two years. Said election shall be held in accordance with the Texas Election Code.

Section 2. That for the general election called and ordered for the purpose of electing at large council members for Place 3, Place 4 and Place 5; the City of De Leon Election Administrator shall act as Contracting Officer. The Elections Administrator shall nominate the election officials to be appointed by the City Council for the City of De Leon. **The Election Administrator KAREN WILKERSON-CITY ADMINISTRATOR/CITY SECRETARY at 125 S TEXAS, P O BOX 318, DE LEON, TEXAS 76444.** Voting at such election shall be upon paper ballot and DRE (electronic voting system) prepared in conformity to the Texas Election Code.

Section 3. That the City polling place will be located:

**CITY HALL AUDITORIUM
CITY OF DELEON
P O BOX 318
125 S TEXAS STREET
DE LEON, TEXAS 76444**

Section 4. That the following officials are appointed by the City Council to conduct this general election in conjunction with the De Leon I.S.D and C.C.M.C. election.

Presiding Judge- Shirley Wilkerson

Alternate Judge- Marie Nabors

The Presiding Judge shall appoint the clerks of the election in a number not to exceed five (5). The Alternate Judge shall serve as Presiding Judge for an election if the Presiding Judge cannot serve. In an election conducted by the Presiding Judge, the Alternate Judge serves as one of the clerks. The Early Voting Ballot Board shall be comprised of the Presiding Judge and the Alternate Judge. The judge and clerks shall be compensated at a rate of \$8.00 per hour. No judge or clerk shall be paid for more than one hour after the closing of the polls. The election official who delivers the returns of the election shall be paid an additional \$25.00 provided he/she also returns unused ballots, election supplies, and ballots boxes when he/she makes delivery of the returns of the elections.

Section 5. That the City of De Leon will enter into a contract with the Comanche County Clerk, to lease the electronic voting machines for the May 2009 elections, which is mandatory thru HAVA. The County Clerk will be in charge, of loading the election ballot into the system and tabulating the Early Election and Election Day Votes. The County Clerk will also be in charge of the electronic filing of the election results with the Secretary of State office.

Section 6. That the City of De Leon will enter into a joint election with the De Leon I.S.D. pursuant to House Bill 1 which requires a joint polling place on election day with a city; effective for the May 2009 election. The School trustee will provide the City with the school board ballots, supplies for the Early Voting and Election Day, school ballot boxes and must file all appropriate papers in regards to the school election.

Section 7. That the City of De Leon will enter into a joint election with the Comanche County Medical Center upon the request of CCMC effective for the May 2009 election. The Comanche County Medical Center will provide the City with the Hospital ballots, supplies for the Early Voting and Election Day, hospital ballot boxes and must file all appropriate papers in regards to the hospital election.

Section 8. That the City of De Leon will enter into a joint election with the County of Comanche to hold a local option election if such election is ordered. The County of Comanche will provide the City with County ballots, supplies for Early and Election Day, County ballot boxes and must file all appropriate papers in regards to the County election.

Section 9. The election polls at the polling place on Election Day, May 9, 2009, shall be open from 7:00 am to 7:00 pm.

Section 10. That early voting by personal appearance shall be at the following locations:

**CITY OF DE LEON- (CITY HALL)
COUNCIL CHAMBERS
125 S TEXAS
P O BOX 318
DE LEON, TEXAS 76444**

Said places of early voting, shall be open on each day for early voting which is not a Saturday, a Sunday, or an official state or federal holiday beginning on the **27th day of April, 2009** and continuing through **5th day of May, 2009** (preceding the date of said election); except there may be such early voting on a Saturday and Sunday, as may be ordered by the early voting clerk as set forth herein. That the dates and times for early voting by personal appearance shall be as follows:

**De Leon City Hall-Council Chambers
125 S. Texas
De Leon, Texas 76444**

Date and times:

Monday-	April 27, 2009, 8:00 am to 8:00 pm
Tuesday-	April 28, 2009, 8:00 am to 5:00 pm
Wednesday-	April 29, 2009, 8:00 am to 5:00 pm
Thursday-	April 30, 2009, 8:00 am to 5:00 pm
Friday-	May 1, 2009, 8:00 am to 5:00 pm
Monday-	May 4, 2009, 8:00 am to 8:00 pm
Tuesday-	May 5, 2009, 8:00 am to 5:00 pm

Monday, April 27, 2009, and Tuesday, May 4, 2009, will be the Cities two 12 hour days as per election law section §85.005(d).

The City Secretary shall receive applications to **Vote by Mail** starting **March 10, 2009 until May 1, 2009**. Request for application should be mailed to:

**Karen Wilkerson,
City Administrator/Secretary
125 S. Texas
P.O. Box 318
De Leon, Texas 76444**

Or you may request by phone at: **254-893-2065**

Section 11. Early voting by personal appearance shall be by DRE machine and paper ballots. Early voting by mail shall be by paper ballots and shall be canvassed by an Early Voting Ballot Board and County Clerks Office.

Section 12. That if any section, subsection, sentence, clause, or phrase of this ordinance, or the application of same to a particular set of persons or circumstances, should for any reason be held to be invalid or adjudged unconstitutional by a court of competent jurisdiction, such invalidity shall not affect the remaining portions of this ordinance, and to such end the various portions and provisions of this ordinance are declared to be severable; and the City Council of the City of De Leon, Texas, declares it would have passed each and every part of the same notwithstanding the omission of any such part, thus declared to be invalid or unconstitutional, or whether there be one or more parts.

Section 13. That it is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the *Open Meetings Act, Chapter 551, Loc. Gov. Code.*

Section 14. This Ordinance shall take effect immediately upon its adoption by the City Council and publication as required by the Local Government Code.

PASSED AND APPROVED on the first reading this the **22nd** day of **January**, **2009**.

PASSED, APPROVED AND ADOPTED on this **12TH** day of **February** , **2009**.

Danny Owen, Mayor

ATTEST:

Karen Wilkerson,
City Administrator/Secretary