

ORDINANCE NO. #003-07

AN ORDINANCE OF THE CITY OF DE LEON, TEXAS, PROVIDING FOR A GENERAL ELECTION, TO BE HELD ON THE 12TH OF MAY 2007, 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. AND CONTRACT WITH THE COMANCHE COUNTY FOR ELECTION SERVICES INCLUDING ELECTRONIC VOTING, SPECIAL TAX ELECTION TO REAUTHORIZE SALES AND USE TAX FOR ROADWAY MAINTENANCE; 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 12th day of May, 2007, 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 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 special election in conjunction with the general 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 2007 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 2007 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 have Proposition 1 on the ballot for May 12, 2007; in regards to reauthorizing sales and use tax for roadway maintenance. The City of De Leon currently has a ¼ percent sales tax for roadway maintenance and so chooses to reauthorize that ¼ percent tax.

Section 8. The election polls at the polling place on Election Day shall be open from 7:00 am to 7:00 pm.

Section 9. 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 **30th day of May, 2007** and continuing through **8th day of May, 2007** (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:

Location- De Leon City Hall, 125 S Texas, De Leon, Texas 76444

| <u>Day</u> | <u>Date</u> | <u>Hours</u> |
|---------------------------|-----------------------------|---------------------------|
| Monday-Thursday | April 30-May 3, 2007 | 8:00 am to 5:00 pm |
| Friday | May 4, 2007 | 8:00 am to 8:00 pm |
| Monday | May 7, 2007 | 8:00 am to 5:00 pm |
| Tuesday (Last Day) | May 8, 2007 | 8:00 am to 8:00 pm |

The City Secretary shall receive applications for a ballot to vote by mail until the close of business on Tuesday, **March 13, 2007**. Request for application should be mailed to: **Karen Wilkerson, City Secretary, City of De Leon, 125 S Texas, De Leon, Texas 76444**; or requested by phone at **254-893-2065**.

Section 10. Early voting by both personal appearance shall be by DRE machine and vote by mail shall be by paper ballots and shall be canvassed by an Early Voting Ballot Board and County Clerks Office.

Section 11. 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 12. 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 13. 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 25th day of January, 2007.

PASSED, APPROVED AND ADOPTED on this **8th** day of **February**, **2007**.

Danny Owen, Mayor

ATTEST:

Karen Wilkerson, City Secretary