

**ORDINANCE NO. #009-07**

**AN ORDINANCE OF THE CITY OF DE LEON, TEXAS, PROVIDING FOR A SPECIAL ELECTION TO BE HELD ON THE 6<sup>th</sup> OF NOVEMBER 2007, FOR THE PURPOSE OF FILLING THE VACANCY OF AN AT-LARGE COUNCIL MEMBER FOR PLACE 3; 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 special municipal election is hereby called and ordered for the 6<sup>th</sup> day of November, 2007, at which election all qualified voters residing within the corporate limits of the City may vote for the purpose of electing an at-large council member to Place 3 to fill a vacancy in that office for the remainder of the term. The remainder of the term will expire on the May 2009 election date.

**Section 2.** That for the special election called and ordered for the purpose of electing an at-large council member for Place 3, the City of De Leon Election Administrator, Karen Wilkerson-City Secretary, shall act as Contracting Officer. The election shall be held as a joint election with Comanche County, Texas. The Elections Administrator shall have authority to direct the County Clerk, Ruby Lesley, to nominate the election officials. The Election Administrator is hereby authorized and instructed to provide and furnish all necessary election supplies for the City of De Leon. The official mailing address of the Election Administrator, Karen Wilkerson-City Secretary, is **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 De Leon  
P O Box 318  
De Leon, Texas 76444**

**Section 4.** That the Comanche County Clerk shall be responsible for appointment of election officials to conduct this special election. The Early Voting Ballot Board shall be comprised of the election officials set forth by the Comanche County Clerk.

The judge and clerks shall be compensated at a rate set by the Comanche County Clerk, and the City will be responsible for one-quarter of such cost for workers and the cost of supplies used for the City special election.

All unused ballots and ballot boxes will be returned to the Election Administrator, Karen Wilkerson, City Secretary.

**Section 5.** That the City of De Leon will enter into a contract with the Comanche County Clerk, to lease electronic voting machines for the November 6, 2007 election, which is mandatory under HAVA. The County Clerk will be responsible for loading the election ballot into the system and tabulating the Early Election and Election Day Votes. The County Clerk will also be responsible for the electronic filing of the election results with the Texas Secretary of State.

**Section 6.** That the City of De Leon will enter into a joint election with the County of Comanche to conduct this special election to fill the Place 3 council member position for the City of De Leon.

**Section 7.** That the election polls at the polling place on Election Day shall be open from 7:00 a.m. to 7:00 p.m.

**Section 8.** 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**

**Section 9.** That 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 22<sup>ND</sup> day of October, 2007 and continuing through 2<sup>nd</sup> day of November, 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**

<b><u>DAY</u></b>	<b><u>DATE</u></b>	<b><u>HOURS</u></b>
Mon - Friday	Oct. 22-26, 2007	8am to 5pm
Monday	Oct. 29, 2007	**8am to 8 pm
Tues. - Thurs.	Oct. 28-Nov.1, 07	8am to 5pm
Friday(last day)	Nov. 2, 2007	**8am to 8pm

The City Secretary shall receive applications to vote a ballot by mail starting **September 7, 2007** until the close of business on **October 30, 2007**. Requests for an 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 personal appearance shall be by DRE machine and paper ballots. Vote by mail shall be by paper ballots. All ballots shall be canvassed by an Early Voting Ballot Board and the Comanche County Clerk's 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.

**PASSED AND APPROVED** by the City Council on this the 26<sup>th</sup> day of July, 2007.

**PASSED, APPROVED AND ADOPTED** on final reading by the City Council on this the 30th day of July, 2007.

**CITY OF DE LEON**

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DANNY OWEN, Mayor

**ATTEST:**

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Karen Wilkerson, City Secretary