

## RESOLUTION NO. 20230124-004

### A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF ANGLETON, TEXAS, ESTABLISHING THE PROCEDURE FOR THE MAY 6, 2023, GENERAL ELECTION IN ANGLETON, TEXAS; AND PROVIDING FOR OTHER RELATED MATTERS RELATED THERETO.

**WHEREAS**, Section 41.001 of the Texas Election Code, as amended (hereinafter referred to as the “Code”) establishes May 6, 2023, as a “uniform election date” for the purposes of conducting an election; and

**WHEREAS**, the City of Angleton, Texas (hereinafter the “City”), wishes to order a general election for the purpose of electing a Mayor and two (2) Council Members by position, from the City at large, for Mayor, Council Member, Position two (2); and Council Member, Position four (4), for a term of two (2) years as set forth by the City Charter and the Code; and

**WHEREAS**, the *Code* is applicable to the election and this Resolution establishes procedures consistent with the Code, and designates the voting places and times for the election; and

**WHEREAS**, the City has made provision to contract with Brazoria County to conduct the City’s election, pursuant to *Chapter 31 of the Texas Election Code*, and *Chapter 791 of the Texas Government Code* (the Joint Election Agreement and Contract for Election Services, hereafter called the “Election Agreement”), and such Election Agreement provides for political subdivisions subject to the election agreement that hold elections on the same day in all or part of the same territory to hold a joint election as authorized in *Chapter 271 of the Texas Election Code*;

**NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF ANGLETON, TEXAS:**

**SECTION 1.** That the above findings are hereby found to be true and correct and are incorporated herein in their entirety.

**SECTION 2. General Election Ordered.** The General Election of the City shall be held on Saturday, May 6, 2022, to elect members to the position of Mayor, Council Member, Position two (2); and Council Member, Position four (4), for a term of two (2) years or until their successors are duly elected and qualified.

**SECTION 2. Filing Period.** Candidates at the election for the above offices shall file their application to become candidates with the City Secretary of the City at City Hall, 121 S. Velasco Street, Angleton, Texas 77515, beginning January 18, 2023, and continuing through February 17, 2023. Candidates shall file their applications with the City Secretary on any weekday that is not a City holiday, between 8:00 a.m. and 5:00 p.m., Monday through Friday. All applications for candidacy shall be on a form as prescribed by the *Texas Election Code*.

**SECTION 3. Drawing.** The order in which the names of the candidates for each office are to be printed on the ballot shall be determined by a drawing conducted by the City Secretary as provided by the *Texas Election Code*. Such drawing will be held in the Office of the City Secretary at City Hall on Thursday, February 23, 2023, at 10:00 a.m., for the general election.

**SECTION 4. Notice of Election.** Notice of the election shall be given and the election shall be held in compliance with the provisions of the *Texas Election Code*, the *Federal Voting Rights Act of 1965, as amended*, and the *City Charter* in all respects. Notice of the election shall be made by publishing the Notice of Election, by posting of the notice on the bulletin board used for posting notices of meetings of City Council at City Hall not later than the twenty-first (21<sup>st</sup>) day before the election, written in both English and Spanish. The notice shall also be posted on the City website.

**SECTION 5. Ballots.** The ballots for the election shall comply with the *Texas Election Code* and be in the form provided by the City to the Brazoria County Election Officer for use on the voting devices and ballots used by Brazoria County.

**SECTION 6. Election Procedures.** The Brazoria County Election Officer and his/her employees and appointees, and the election judges, alternate judges and clerks properly appointed for the election, shall hold and conduct the election in the manner provided by the Election Agreement and the law governing the holding of general elections by home rule cities of the State of Texas; and the official ballots, together with such other election materials as are required by the *Texas Election Code*, shall be prepared in both the English and Spanish languages and shall contain such provisions, markings and language as is required by law. The City of Angleton is hereby authorized to contract with Brazoria County for joint election services. In the event of a conflict between this Resolution and the Agreement, the Agreement shall control.

**SECTION 7. Early Voting.** Early voting, both by personal appearance and by mail, will be conducted by the Brazoria County Election Officer, who is designated and appointed as the Early Voting Clerk, in accordance with the *Texas Election Code*. Early voting by personal appearance shall be conducted at places and locations authorized by state law and the Brazoria County Election Officer as described in "Exhibit A." Early voting shall commence on Monday, April 24, 2023, and continue through Tuesday, May 2, 2023, and early voting polls shall remain open for the time specified by the *Texas Election Code*. Early voting shall also be held at any time and location authorized by the Brazoria County Election Officer. Early voting by City residents may be conducted at any Brazoria County early voting location and any location exclusively designated by the Brazoria County Election Officer.

**SECTION 8. Election Precincts and Polling Places.** The election precincts for the election shall be the election precincts established by Brazoria County, provided that each shall contain and include geographic area that is within the City. The polling place for each such election precinct shall be the polling place established by Brazoria County for such election precincts in Brazoria County and voting by residents of the City. Voting by City residents may be conducted at any Brazoria County voting location and any location exclusively designated by the Brazoria County Election Officer for City residents. The polls shall remain open on the day of the election from 7:00 a.m. to 7:00 p.m. The returns for precincts in Brazoria County will be provided by precinct and the Brazoria County Election Officer shall tabulate and provide the election returns for the election.

**SECTION 9. Joint Election.** The City agrees to conduct a joint election with other political subdivisions within Brazoria County, provided that such political subdivision holds an election on May 6, 2023, in all or part of the same territory as the City (the “Political Subdivisions”). The joint election shall be conducted in accordance with state law, this Resolution, and the 2023 Joint Election Agreement and Contract for Election Services with Brazoria County approved by the City Council.

**SECTION 10. Duties of City Secretary and Election Officer.** The City Secretary is authorized and directed to take all actions necessary to comply with the provisions of the Texas Election Code, the City Charter, and City Code of Ordinances in carrying out and conducting the election and run-off election if necessary, whether or not expressly authorized by this Order. Pursuant to the Election Agreement between Brazoria County and the City, the Brazoria County Election Officer shall have the duty and be responsible for organizing and conducting the election in compliance with the *Texas Election Code*; and for providing all services specified to be provided in the Election Agreement. The Brazoria County Election Officer shall give the notices required by the *Texas Election Code* to be given for the election not required to be given by the City under the Election Agreement.

**SECTION 11. General.** The election shall be held and conducted by the Brazoria County Election Officer in compliance with the *Texas Election Code* and the Election Agreement.

**SECTION 12. Effective Date.** This Resolution shall be effective immediately upon adoption.

**SECTION 13. Open Meetings Act.** It is hereby officially found and determined that this meeting was open to the public, and public notice of the time, place and purpose of said meeting was given, all as required by the Open Meetings Act, *Chapter 551 of the Texas Government Code*.

**PASSED AND APPROVED THIS THE 24TH DAY OF JANUARY 2023.**

CITY OF ANGLETON, TEXAS

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Jason Perez  
Mayor

ATTEST:

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Michelle Perez, TRMC  
City Secretary