

RESOLUTION NO. R-2023-26

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, CALLING FOR AND ESTABLISHING THE PROCEDURES FOR A MAY 6, 2023, SPECIAL ELECTION TO FILL VACANCY IN OFFICE FOR BASTROP TEXAS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the laws of the State of Texas and the City of Bastrop, provide that on **May 6, 2023**, there shall be elected the following official for the City at a Special Election to fill vacancy in office:

Place 2 – Council Member at Large, for an unexpired Term of 1 year; and

WHEREAS, the laws of the State of Texas further provide that the Election Code of the State of Texas is applicable to the elections, and in order to comply with said Code, a resolution shall be passed establishing the procedures to be followed in the elections, and designating the voting places for the elections.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS:

Section 1. That all candidates, for the Special Election to be held on **May 6, 2023**, for the above mentioned City office, shall file their application to become a candidate with the City Secretary of the City of Bastrop, at City Hall, 1311 Chestnut Street, Bastrop, Texas 78602 or by email at afranklin@cityofbastrop.org on or before **5:00 p.m. on March 6, 2023**, the sixty-second (62nd) day before the election, and that all of the applications shall be on a form as prescribed by Section 141.031 of the Election Code of the State of Texas. For purposes of providing election information, the City's website is <https://www.cityofbastrop.org/>.

Section 2. The order in which the names of the candidates are to be printed on the ballot for the Special Election shall be determined by a drawing by the Bastrop City Secretary as provided by Section 52.094 of the Election Code.

Section 3. This City has eight (8) election precincts and the election shall be held at the following location:

For Election Precincts 1001, 1003, 1004, 1005, 1007, 2010, 2011, and 3017 (including all of the area within the boundaries of the Bastrop City limits) the election polling place shall be the election polling places shall be as follows:

| | | |
|--------------------------------------|--------------------------|-------------|
| Wyldwood Baptist Church | 398 Union Chapel Road | Cedar Creek |
| River Valley Christian Fellowship | 1224 W. State Highway 71 | Bastrop |
| Ascension Catholic Church | 804 Pine Street | Bastrop |
| Paige Community Center | 107 S. Main Street | Paige |
| Calvary Baptist Church | 3001 Loop 150 East | Bastrop |
| Smithville Recreation Center | 106 Royston Street | Smithville |
| Rosanky Community Center | 135 Main Street | Rosanky |
| Bastrop County Cedar Creek Annex | 5785 FM 535 | Cedar Creek |
| The Gathering | 287 FM 20 | Bastrop |
| Red Rock Community Center | 114 Red Rock Road | Red Rock |
| Elgin Recreation Center | 361 N. Highway 95 | Elgin |
| Faith Lutheran Church | 230 Waco Street | McDade |
| Family Worship Center | 2425 FM 1704 | Elgin |
| Bastrop Co. ESD No. 2 Fire Station 4 | 1432 N. State Highway 95 | Bastrop |

Section 4. The County Elections Administrator is hereby authorized and instructed to provide and furnish all necessary election supplies to conduct the elections. Voting at such elections shall be prepared in conformity to the Texas Election Code.

Section 5. Section 61.012 of the Texas Election Code requires that the Bastrop City Council must provide at least one accessible voting system in each polling place used in a Texas election on or after January 1, 2006. This system must comply with state and federal laws setting the requirements for voting systems that permit voters with physical disabilities to cast a secret ballot.

Section 6. The Office of the Texas Secretary of State has certified that the Election Systems & Software's (ES&S) EVS 6110 which includes the Express Vote ballot marking device, the DS850 central scanner, and the DS200 precinct scanner is an accessible voting system that may legally be used in Texas elections.

Section 7. Sections 123.032 and 123.035 of the Texas Election Code authorize the acquisition of voting systems by local political subdivisions and further mandate certain minimum requirements for contracts relating to the acquisition of voting of such voting systems.

Section 8. As chief elections officer as appointed by the Bastrop City Council, **the Elections Administrator** must, according to Section 61.012 of the Texas Election Code provide at least one accessible voting system in each polling place used in a Texas election on or after January 1, 2006. This system must comply with state and federal laws setting the requirements for voting systems that permit voters with physical disabilities to cast a secret ballot.

Section 9. For Election precincts 1001, 1003, 1004, 1005, 1007, 2010, 2011, and 3017 the Presiding Judge will be determined at a later date by Bastrop County Elections Administrator. The Presiding Judge at such election shall appoint no less than two (2), no more than five (5) clerks on Election Day.

Section 10. The polls at the above designated polling place shall be open on the Election Day from 7:00 a.m. to 7:00 p.m.

Section 11. Kristin Miles is hereby appointed Clerk for Early Voting. Early voting begins on April 24, 2023, the twelfth (12th) day before the election and ends on May 2, 2023, the fourth (4th) day before the election.

EARLY VOTING DATES, TIMES, AND LOCATIONS
(voters are allowed to vote at any of the locations)

Main Location:

Bastrop County Courthouse Annex, Lower Level Conference Room, 804 Pecan St., Bastrop, Texas 78602.

| MONDAY | TUESDAY | WEDNESDAY | THURSDAY | FRIDAY |
|-----------------------------------|-----------------------------------|-----------------------------------|-----------------------------------|-----------------------------------|
| 24 8:00 am – 5:00 pm | 25 8:00 am – 5:00 pm | 26 8:00 am – 5:00 pm | 27 8:00 am – 5:00 pm | 28 8:00 am – 5:00 pm |
| 1 7:00 am – 7:00 pm | 2 7:00 am – 7:00 pm | | | |

Branch Locations:

Smithville Rec Center, 106 Royston St., Smithville
Cedar Creek Tax Office Annex, 5785 FM 535, Cedar Creek
Elgin Rec Center, 361 N. Hwy 95, Elgin

| MONDAY | TUESDAY | WEDNESDAY | THURSDAY | FRIDAY |
|-----------------------------------|-----------------------------------|-----------------------------------|-----------------------------------|-----------------------------------|
| 24 8:00 am – 5:00 pm | 25 8:00 am – 5:00 pm | 26 8:00 am – 5:00 pm | 27 8:00 am – 5:00 pm | 28 8:00 am – 5:00 pm |
| 1 7:00 am – 7:00 pm | 2 7:00 am – 7:00 pm | | | |

Section 12. Ballot applications and ballots voted by mail should be addressed to the Early Voting Clerk, Kristin Miles, Bastrop County Elections Administrator, 804 Pecan Street, Bastrop, Texas 78602. Applications for ballots by mail must be received no later than the close of business on April 25, 2023, the eleventh (11th) day before the election.

Section 13. For Election Precincts 1001, 1003, 1004, 1005, 1007, 2010, 2011, and 3017, Staci Calvert is hereby appointed as Presiding Judge of the Early Voting Ballot Board. In accordance with Section 87.002 of the Texas Election Code the Presiding Judge shall appoint at least two (2) other members to the Early Voting Ballot Board and shall process early voting results in accordance with the Texas Election Code.

Section 14. The Presiding Judge and Alternate Presiding Judge will receive compensation at the rate of \$12.00 per hour. The Clerks will receive compensation at the rate of \$10.00 per hour. The Presiding Judge or his/her designee will receive an additional \$25.00 for picking up the election supplies prior to Election Day and for returning the supplies after the polls close.

Section 15. The Special Election shall be held in accordance with the Election Code of this State and only resident qualified voters of the City shall be eligible to vote at the election.

Section 16. The Mayor shall give notice of this election in accordance with the terms and provisions of Sections 4.004, 83.010, 85.004 and 85.007 of the Election Code, Section 9.004 of the Local Government Code, and all necessary orders and writs for the election shall be issued by the proper authority. Returns of the election shall be made to the City Council immediately after the closing of the polls.

Section 17. It is further found and determined that in accordance with the order of this governing body, the City Secretary will post notice of the date to hold the drawing

for a place on the ballot on the bulletin board located in the City Hall, a place convenient and readily accessible to the general public, and the notice will be posted and remain posted continuously for at least seventy-two (72) hours preceding the scheduled time of the meeting. A copy of the return of the posting shall be attached to the minutes of this meeting and shall be made a part thereof for all intents and purposes.

Section 18. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby adopted and made a part of this resolution for all purposes.

Section 19. If any section, subsection, sentence, clause or phrase of this resolution is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this resolution.

Section 20. This resolution shall be in full force and effect from and after its passage on the date shown below; provided that if any term or provision of this resolution conflicts with, or is inconsistent with, the Texas Elections Code, the Texas Election Code shall govern and control and the Election Officer shall comply with the Texas Election Code.

DULY RESOLVED AND ADOPTED by the City Council of the City of Bastrop this 23rd day of February 2023.

APPROVED:

Connie B. Schroeder, Mayor

ATTEST:

Ann Franklin, City Secretary

APPROVED AS TO FORM:

Alan Bojorquez, City Attorney