

## ORDINANCE

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BAY CITY, TEXAS, ORDERING A GENERAL MUNICIPAL ELECTION TO BE HELD ON MAY 6, 2023; AUTHORIZING THE MAYOR, OR DESIGNEE, TO ENTER INTO AN AGREEMENT WITH MATAGORDA COUNTY TO CONDUCT THE GENERAL MUNICIPAL ELECTION ON BEHALF OF THE CITY OF BAY CITY; DESIGNATING THE PLACES AND MANNER OF HOLDING THE ELECTION; PROVIDING FOR THE POSTING AND PUBLICATION OF NOTICE; PROVIDING A SAVINGS CLAUSE; PROVIDING AN OPEN MEETINGS CLAUSE; AND, PROVIDING AN EFFECTIVE DATE.**

**WHEREAS,** The City of Bay City (the “City”) will hold a General Municipal Election for the election of City Councilmember positions designated as Councilmember Position 1 and Councilmember Position 2, on May 6, 2023 (the “General Election”); and

**WHEREAS,** The City Council of the City (the “Council”) finds that it is in the public interest that the City enter into an election services contract with Matagorda County in order to provide the most efficient and convenient voting opportunities for the City’s General Election, with voting available in all Matagorda County polling locations and the potential for extended hours for early voting; **NOW THEREFORE,**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BAY CITY:**

**SECTION 1. THAT** the recitals to this Ordinance are true and correct and are hereby incorporated into this Ordinance for all intents and purposes.

**SECTION 2. THAT** the general municipal election (the “General Election”) of the City of Bay City, Texas (the “City”), for election of members of the City Council of the City (the “Council”) as prescribed by the City Charter, shall be held between seven o’clock (7:00) a.m. and seven o’clock (7:00) p.m. on the 6<sup>th</sup> day of May 2023, in the corporate limits of the City, for the purpose of electing Councilmember Position 1 and Councilmember Position 2 as established with Matagorda County and in accordance with the election laws of the State of Texas, all such arrangements for which are authorized by the adoption of this Ordinance and the election services contract with Matagorda County.

**SECTION 3. THAT** the present boundaries of the City constitute one (1) election precinct. The polling places for this election precinct shall be as designated by Matagorda County.

**SECTION 4. THAT** the General Election shall be held in accordance with, and shall be governed by, the election laws of the State of Texas. The Council, pursuant to Chapter 271 of the Texas Election Code, authorizes the City Manager to enter into an election agreement with Matagorda for this election. The City Secretary, the Mayor, and the City Manager are hereby authorized to perform all duties and take all actions as required by any election services contracts related to the General Election.

**SECTION 5. THAT** any eligible and qualified person may have his or her name placed upon the official ballot of the General Election as a candidate by submitting an application in accordance with

Section 141.031 of the Texas Election Code (the “Application”). The Application must be in writing, signed, and sworn to by the candidate and it must indicate that the candidate swears to the Application. The Application may be filed with the City Secretary beginning on January 18, 2023, but not later than 5:00 p.m. on February 17, 2023. Candidate filings will be accepted in person from 8 a.m. to 5 p.m. Monday through Friday at the Office of the City Secretary, 1901 5<sup>th</sup> Street, Bay City, Texas 77414; by mail at the Office of the City Secretary, 1901 5<sup>th</sup> Street, Bay City, Texas 77414; by fax at 979-323-1681; or, by email at [citysecretary@cityofbaycity.org](mailto:citysecretary@cityofbaycity.org)

**SECTION 6. THAT** Matagorda County shall designate the Main Early Voting Location for early voting for the General Election and shall appoint the Early Voting Clerk and Deputy Early Voting Clerk for early voting in person and voting by mail, who shall, upon approval of an application for ballot by mail related to the General Election, provide balloting materials to the voter in accordance with the election laws of the State of Texas. Applications for ballot by mail (the “ABBM”) shall be mailed, faxed, emailed, or delivered by common or contract carrier to:

**By Regular Mail:**

**Stephanie Wurtz**

**1700 7<sup>th</sup> St., Room 202**

**Bay City, Texas 77414**

**Phone (979) 244-7680**

**Email: coclerk@co.matagorda.tx.ur**

**SECTION 7. THAT** the deadline to hand-deliver an ABBM is Tuesday, April 25, 2023. The last day for the early voting clerk to receive applications for a ballot to be voted by mail via mail (regardless of postmarked date), fax, common or contract carrier, or email, is Tuesday, April 25, 2023, in accordance with Section 84.007(c) of the Texas Election Code. If a voter submits an ABBM via fax or email, the Early Voting Clerk must receive an original or a copy with a wet signature via mail within four (4) business days of the submission of the fax or email, in accordance with Section 84.007(b-1) of the Texas Election Code.

**SECTION 8. THAT** the places at which Early Voting by personal appearance shall be conducted shall be designated by Matagorda County. During the lawful early voting period, the Early Voting Clerk shall keep such locations for early voting open for early voting as required by the Texas Election Code, at a minimum.

**SECTION 9. THAT** voting at the General Election, including early voting, shall be by the use of voting machines; and the ballots of the General Election shall conform to the election laws of the State of Texas, as amended. Matagorda County, via an election services contract with the City shall obtain, or cause to be obtained, the necessary electronic tabulating equipment, to arrange for the testing thereof as provided by law and to employ a duly qualified manager and a duly qualified tabulation supervisor to perform the duties respectively imposed on them by law with respect to the processing and tabulation of ballots at the Central Counting Station.

**SECTION 10. The** City Secretary shall issue notice of the General Election to be published in a newspaper of general circulation in the City of Bay City at least one (1) time, not more than thirty (30) days nor less than ten (10) days before the election, and that the said City Secretary is hereby directed to post or cause to be posted in a public place within the City of Bay City limits, said proclamation at least twenty-one (21) days before said election.

**SECTION 11. THAT** the City Secretary are hereby authorized to execute and issue, for and on behalf of the City, such orders, documents, and forms as may, from time to time, be promulgated by the Secretary of State of the State of Texas in conjunction with the General Election.

**SECTION 12. THAT** each and every provision, paragraph, sentence, and clause of this Ordinance has been separately considered and passed by the Council, and each provision would have been separately passed without any other provision; and, if any provision hereof shall be ineffective, invalid, or unconstitutional, for any cause, it shall not impair or affect the remaining portion, or any part thereof, but the valid portion shall be in force just as if it had been passed alone.

**SECTION 13. THAT** the Council officially finds, determines, recites, and declares that a sufficient written notice of the date, hour, place, and subject of the meeting of the Council during which it considered this Ordinance was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by Chapter 551 of the Texas Government Code; and, that said meeting was open to the public as required by law at all times during which this Ordinance and the subject matter thereof was discussed, considered, and formally acted upon. The Council further ratifies, approves, and confirms the contents and posting of such written notice.

**SECTION 14. THAT** this Ordinance shall be in effect immediately upon its passage and approval.

**PASSED, APPROVED, AND ADOPTED this 24th day of January 2023.**

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Robert K. Nelson, Mayor  
City of Bay City, Texas

ATTEST:

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Jeanna Thompson, City Secretary

APPROVED AS TO FORM:

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Anne Marie Odefey, City Attorney.

<b>COUNCIL MEMBER</b>	<b>VOTED AYE</b>	<b>VOTED NO</b>	<b>ABSENT</b>
James Folsie Mayor Pro Tem	_____	_____	_____
Floyce Brown	_____	_____	_____
Brad Westmoreland	_____	_____	_____
Becca Sitz	_____	_____	_____
Blayne Finlay	_____	_____	_____
Robert K. Nelson Mayor	_____	_____	_____

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Robert K. Nelson, Mayor  
City of Bay City, Texas