

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURLESON, TEXAS, ORDERING A GENERAL ELECTION TO BE HELD ON MAY 6, 2023 FOR MAYOR, COUNCIL PLACE 2, COUNCIL PLACE 4, AND COUNCIL PLACE 6 FOR FULL TERMS; APPOINTING EARLY VOTING CLERK AND DESIGNATING MAIN EARLY VOTING POLLING PLACE; STATING ANY WEEKEND HOURS OF VOTING; ESTABLISHING THE TIME, MANNER, AND PROCEDURES FOR THAT ELECTION; AND PROVIDING: AN OPEN MEETINGS CLAUSE; A SEVERABILITY CLAUSE; FOR THE INCORPORATION OF THE RECITALS; AND AN EFFECTIVE DATE.

WHEREAS, the City of Burleson is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the City of Burleson City Charter Article II establishes the terms of the city council and Article IX sets forth the dates of municipal elections;

WHEREAS, the City Charter states the city will hold elections on uniform election dates set by state law; and

WHEREAS, state law has established the 1st Saturday in May as the date for general municipal elections; and

WHEREAS, by this resolution, it is the intention of the City Council to call the 2023 general election, appointing early voting clerk, designating main early voting polling locations, stating any weekend hours; and establish and set forth procedures for conducting the election.

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

Section 1. Election Order for General Election.

A general election shall be held in the City of Burleson, Texas, on Saturday, May 6, 2023, at which the following officials will be elected for full 3 year terms:

Mayor
Councilmember Place 2
Councilmember Place 4
Councilmember Place 6

Section 2.
Early Voting and Ballots by Mail.

A. Early Voting Clerk – Johnson County. The Election Administrator, Patty Bourgeois is hereby designated as the Early Voting Clerk for the Johnson County portion of the City of Burleson and may appoint the necessary deputy clerks as required for early voting.

B. Early Voting by Personal Appearance – Johnson County. Early voting by personal appearance shall be conducted at the location listed in Exhibit A. All eligible Johnson County City of Burleson voters may vote early at the Burleson Sub-Courthouse; 247 Elk Dr., Burleson, Texas 76028 and Johnson County Elections, 103 S. Walnut St., Cleburne, Texas 76033. Johnson County Elections, 103 S Walnut St., Cleburne, Texas, 76033 is here by designated as the Main Early Voting location. Early voting by personal appearance will begin on April 24, 2023, and will end on May 2, 2023. There will be voting on Saturdays, Sundays, or legal holidays.

C. Voting by Mail – Johnson County. All voted ballots by mail that are returned on or before Election Day shall be counted. Voted ballots received on the next business day after Election Day will also be counted if they have been postmarked by Election Day. Voted ballots mailed from U.S. citizens residing outside the United States may be counted if clearly postmarked on or before Election Day and received not later than the fifth day after Election Day.

Applications for Ballot by Mail. Applications for a ballot by mail may be submitted beginning January 1, 2023. The physical and mailing address of the Early Voting Clerk – Johnson County is 103 S Walnut St., Cleburne, Texas 76033. Early Voting clerk phone number 817-556-6197.

D. Early Voting Clerk – Tarrant County. The Election Administrator, Heider Garcia is hereby designated as the Early Voting Clerk for the Tarrant County portion of the City of Burleson and may appoint the necessary deputy clerks as required for early voting.

E. Early Voting by Personal Appearance – Tarrant County. Early voting by personal appearance shall be conducted at the locations listed in Exhibit B. All eligible Tarrant County City of Burleson voters may vote early at the Tarrant County Election Center, 2700 Premier St., Fort Worth, Texas 76111 and Crouch Event Center in Bicentennial Park, 900 E. Glendale St., Crowley, Texas, 76036. Tarrant County Elections Center, 2700 Premier St., Fort Worth, Texas, 76033 is here by designated as the Main Early Voting location. Early voting by personal appearance will begin on April 24, 2023, and will end on May 2, 2023. There will be voting on Saturdays, Sundays, or legal holidays.

F. Voting by Mail – Tarrant County. All voted ballots by mail that are returned on or before Election Day shall be counted. Voted ballots received on the next business day after Election Day will also be counted if they have been postmarked by Election Day. Voted ballots mailed from U.S. citizens residing outside the United States may be counted if clearly postmarked on or before Election Day and received not later than the fifth day after Election Day.

Applications for Ballot by Mail. Applications for a ballot by mail may be submitted beginning January 1, 2023. The physical address of the Early Voting Clerk – Tarrant County is 2700 Premier St., Fort Worth, Texas, 76111. Early Voting clerk phone number 817-831-8683. The Mailing address: PO Box 961011, Fort Worth, TX 76161-0011

Section 3.
Filing Dates.

In accordance with the Code, eligible persons wishing to become candidates must file application with the City Secretary of the City of Burleson at 141 W. Renfro, Burleson, Texas 76028 beginning at 8:00 a.m., Wednesday, January 18, 2023, and continuing through Friday, February 17, 2023, until 5:00 p.m. Each application shall be on a form meeting the requirements of Section 141.031 of the Code, and the Charter of the City of Burleson.

Section 4.
Ballots.

The order in which the names of the candidates are to be printed on the ballot will be determined by a drawing by the City Secretary on a form prescribed by the Code.

Section 5.
Contract with Johnson County and Tarrant County.

The City of Burleson will enter into a joint contract for election services with both Johnson County and Tarrant County pursuant to Texas election code; Section 31.093.

Section 6.
Governing Law and Qualified Voters.

The election shall be held in accordance with the Constitution of the State of Texas and the Code, and all resident qualified voters of the City shall be eligible to vote at the election.

Section 7.
Publication and Posting of Notice of Election.

Notice of the election shall be given as required by Chapter 4 of the Code, and the Charter of the City of Burleson.

Section 8.
Submission to the United States Justice Department.

If needed, the City Secretary of the City of Burleson, Texas, or her designee, is authorized to make a submission to the United States Justice Department to seek pre-clearance as required by law.

Section 9.
Delivery of Returns.

In accordance with the Code, immediately after the closing of the polls, the election officers named in this resolution shall make and deliver the returns of the election as follows: one copy shall be retained by the Presiding Election Judge and one copy shall be delivered to the Mayor of the City; All election records and supplies shall be preserved by the county election administrators in accordance with the Code.

Section 10
Run-off

Any candidate receiving a majority of all the votes cast for the office for which he or she is a candidate shall be elected to such office. In the event no candidate receives a majority of all votes cast for the office sought, a run-off election shall be held on the 10th day of June, 2023 between the hours of 7:00 am to 7:00 pm. At such election, the names of the two candidates receiving the highest number of votes for such office or offices, as the case may be, in the first election at which no one was elected by majority vote, shall be printed on the run-off ballot. The order of names on the ballot shall be the same as the first election on May 6, 2023 in accordance with Texas Election Code. Johnson County Election and Tarrant County Election shall conduct the run-off election in accordance with the Texas Election Code and the contracts executed for election services.

Section 10.
Governing Law.

The election shall be held as set forth in the City Charter and the Code.

Section 11.
Open Meetings Clause.

It is hereby officially found and determined that the meeting at which this resolution is passed is open to the public and that public notice of the time, place, and purpose of said meeting was given as required by law.

Section 12.
Severability Clause.

If any section, subsection, sentence, phrase or word of this resolution be found to be illegal, invalid or unconstitutional, the adjudication shall not affect any other section, sentence, phrase, word, paragraph or provision of this resolution or the application of any other section, sentence, phrase, word, paragraph, or provision of any other resolution of the City. The City Council declares that it would have adopted the valid portion and applications of this resolution without the invalid part, and to this end the provisions of this resolution are declared to be severable.

Section 13.
Incorporation of Recitals.

The findings, determinations, and recitations set out in the preambles of this resolution are found to be true and correct and they are hereby adopted by the City Council and made a part hereof for all purposes.

Section 14.
Effective Date.

This resolution shall be effective upon its adoption.

DULY RESOLVED by the City Council of the City of Burleson, Texas, on the _____
day of _____, 2023.

(Seal)

Chris Fletcher, Mayor
City of Burleson, Texas

ATTEST:

APPROVED AS TO FORM & LEGALITY:

Amanda Campos, City Secretary

E. Allen Taylor, Jr., City Attorney