

ORDINANCE NO. 020824-02

AN ORDINANCE CALLING FOR A SPECIAL MUNICIPAL ELECTION ON SATURDAY, MAY 4, 2024 FOR THE CITY OF LA VERNIA, WILSON COUNTY, TEXAS; ESTABLISHING THE PROCEDURE FOR THE GENERAL MUNICIPAL ELECTION FOR THE PURPOSE OF ELECTING ONE (1) ALDERMAN FOR AN UNEXPIRED ONE (1) YEAR TERM; DESIGNATING THE LOCATION OF POLLING PLACE; PROVIDING FOR DESIGNATION OF OFFICERS FOR SUCH ELECTION; SETTING THE RATE OF PAY FOR THE ELECTION CLERKS; PROVIDING FOR THE MAXIMUM NUMBER OF ELECTION CLERKS; AND DESIGNATION OF THE EARLY VOTING BALLOT BOARD.

WHEREAS, the laws of the State of Texas provide that on May 4, 2024, there shall be a general election for one (1) Alderman for an unexpired one (1) year term; and

WHEREAS, the Texas Election code is applicable to said election, and in order to comply with said Code, an ordinance should be passed calling the election and establishing the procedures to be followed in the said election, and designating the voting place for said election; and

WHEREAS, the City of La Vernia (the "City") lies within the boundaries of Wilson County; and

WHEREAS, the City Council must call for an election to elect its city officials.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LA VERNIA, TEXAS:

SECTION 1. General Election Ordered. A general election shall be held on Saturday, May 4, 2023, to elect the following city officers: for one (1) Alderman for an unexpired one (1) year term; of the City Council of the City of La Vernia, Texas.

SECTION 2. Filing Period. Candidates for the above officers may file their application beginning directly after the date this ordinance is passed, at 8:00 a.m. February 9th, 2024, and shall file their applications by no later than 5:00 p.m. March 3, 2024. All candidates for the office to be filled in the election to be held on May 4, 2024, shall file their application to become candidates, with the City Secretary of the City at City Hall, 102 E. Chihuahua Street, La Vernia, Texas, on any weekday that is not a City holiday, between 8:00 a.m. and 5:00 p.m., and all of the said applications shall be on a form as prescribed by Section 141.031 of the Election Code of the State of Texas.

SECTION 3. Write-in Candidates. A write-in vote may not be counted unless the name written in appears on the list of write-in candidates. To be entitled to a place on the list of write-in candidates, a candidate must make a declaration of write-in candidacy. A

declaration of write-in candidacy must be filed with the City Secretary no later than 5:00 p.m. on Tuesday, February 20, 2024.

SECTION 4. Drawing. The order in which the names of the candidates are to be printed on the ballot shall be determined by a drawing conducted by the City Secretary as provided by the Election Code. Such a drawing will be held at 11 a.m. on Friday, February 23, 2024, in the City Secretary's Office of La Vernia City Hall.

SECTION 5. Ballots and Printed Materials. The ballots used for the election shall comply with the Chapter 52 Texas Election Code and be in the form provided by the City for use on the voting devices or on paper ballots. The official ballots, together with such other election materials as are required by the Texas Election Code, as amended, shall be printed in both the English and Spanish languages and shall contain such provisions, markings and language as required by law.

SECTION 6. Conduct of Election. The election judge, alternate judge, and clerks properly appointed for the election, shall hold and conduct the election in the manner provided by the law governing the holding of general elections by general law cities of the State of Texas.

SECTION 7. Polling Place. The polling place for the joint election shall be held at the following place:

The City of La Vernia City Hall, Council Chambers 102 E. Chihuahua Street La Vernia, Texas 78121.

SECTION 8. Election Officer. The Election Officer is appointed to serve as the City's Election Officer, Joint Early Voting Clerk, and Custodian of Records for the City of La Vernia and to conduct the City's election on May 4, 2024. As the City's Election Officer and Early Voting Clerk, the Election Officer shall coordinate, supervise, and conduct all aspects of administering voting in the City's election in compliance with state law.

SECTION 9. Election Judges and Clerks. The presiding judge, alternate presiding judge, and clerks for the election shall be selected and appointed by the City of La Vernia, Texas, and its appointees in compliance with the requirements of state law, and such judges and clerks so selected are hereby designated and appointed by the city council as the election officers, judge, and clerks, respectively, for the holding of said general election. The presiding judge, alternate presiding judge, and clerks shall perform the functions and duties of their respective positions that are provided by state law.

The following named persons are hereby appointed officers for said election:

ELECTION JUDGE:

Chrystal Coble

962 CR 352 La Vernia, TX 78121

ALTERNATE JUDGE:

Willie Jean Walpole

141 Woodcreek Dr. La Vernia, Tx 78121

In accordance with Section 32.091 of the Texas Election Code, the presiding judge shall be paid the rate of \$15.00 per hour, the alternate judge shall be paid the rate of \$12.50 per hour, and clerks shall be paid the rate of \$10.00 per hour.

There shall be a minimum of two (2) and a maximum of Four (4) clerks at the polling place. The poll at the above-designated polling place shall be open from 7:00 a.m. to 7:00 p.m. on said election day.

SECTION 10. City Secretary. The City Secretary, or designee, is instructed to acquire and furnish all election supplies and materials necessary to conduct the election. The City Secretary will serve as Election Officer and Regular Early Voting Clerk for the City to receive requests for applications for early voting ballots. The City Secretary is further authorized to give or cause to be given notices required for the election, and to take such other and further action as is required to conduct the election in compliance with the Texas Election Code.

SECTION 11. Early Voting. Early voting, both by personal appearance and by mail, will be conducted in accordance with the Texas Election Code. Early voting by personal appearance for the above-designated election shall be at La Vernia City Hall, 102 E. Chihuahua Street, P.O. Box 225, La Vernia, Texas 78121-0225. Early voting will commence on Monday, April 22, 2024, and continue through Tuesday, April 30, 2024.

During the early voting period, the early voting clerk shall keep continuously posted:

1. At the entrance to the room in which the early voting polling place is located, a sign on which is printed in large letters "Early Voting Polling Place"; and
2. In each corridor leading to the entrance to the room in which the early voting polling place is located, 100 feet from the entrance, a sign on which is printed in larger letters "Distance Marker – No electioneering between this point and the entrance to the early voting polling place."

The above-described place for early voting is also the early clerk's address to which ballot applications and ballots voted by mail may be sent. Early voting by mail shall be by paper ballots. An applicant for a ballot to be voted by personal appearance must make an application at the early voting polling place when the applicant desires to vote. Pursuant to Section 84.007 of the Election Code, an application for a ballot to be voted by mail must be requested from the early voting clerk by (1) mail; or (2) common or contract carrier. An application by mail must be requested on or after Monday, January 1, 2024 and submitted before the close of regular business in the early voting clerk's office or 12 noon, whichever is later, on Tuesday, April 23 2024. An application is considered to be submitted at the time of its receipt by the clerk. An applicant for a ballot to be voted by mail may also submit his application by delivering it in person to the early voting clerk. The early voting clerk shall mail without charge an appropriate official application form for an early voting ballot to each person requesting the clerk to send him an application form. The early voting clerk shall review each application for a ballot to be voted by mail. If the applicant is entitled to vote an early voting ballot by mail, the clerk shall provide and official ballot to the applicant as provided by Chapter 86 of the Election Code. If the applicant is not entitled to vote by mail, the clerk shall reject said application in accordance with Section 86.001 of the Texas Election Code. Balloting materials for voting by mail shall be mailed to voters as soon as practicable after the ballots become available but not earlier than Wednesday, March 20, 2024. A marked ballot voted by mail must arrive at the address on the official carrier envelope for early voting (the City Hall) before the time the polls are required to close on Election Day, May 4, 2024. Voting by mail shall be conducted in accordance with Chapter 86 of the Election Code.

SECTION 12. Notice of Election. Notice of the election shall be given by posting a notice containing a substantial copy of this ordinance on the bulletin board used for posting notice of meetings of the governing body at the City Hall and at the aforesaid election day polling places not later than the twenty-first (21st) day before the election, and by publishing said Notice of Election at least one time, not earlier than thirty (30) days nor later than ten (10) days prior to the said election, in a newspaper of general circulation in the City. The notice that is posted, and the notice that is published in a newspaper of general circulation within the city, will be written in both English and Spanish.

SECTION 13. General. The Election Officer shall hold said election in accordance with the Texas Election Code, and only resident qualified voters of said City shall be eligible to vote at said election. Returns of said election shall be made known as soon as possible after the closing of the polls; and the election returns shall be canvassed by the City Council not earlier than May 7, 2024, nor later than May 15, 2024.

SECTION 14. Open Meetings. It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public and that public

notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED AND APPROVED this 8th day of February 2024.

Martin Poore, Mayor

City of La Vernia

ATTEST:

Lindsey Wheeler, City Secretary

City of La Vernia

APPROVED AS TO FORM:

City Attorney's Office City of La Vernia