

RESOLUTION NO. 2022-13

A RESOLUTION OF THE CITY OF MANOR, TEXAS, ORDERING A GENERAL ELECTION TO BE HELD ON NOVEMBER 8, 2022, FOR THE PURPOSE OF ELECTING THREE (3) COUNCIL MEMBERS OF THE CITY COUNCIL (PLACE NOS. 2, 4, AND 6) FOR A FOUR-YEAR TERM; MAKING PROVISIONS FOR THE CONDUCT OF THE ELECTION; PROVIDING FOR OTHER MATTERS RELATING TO THE ELECTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Manor wishes to order a general election for the purpose of electing three (3) Council Members by the qualified voters of the City of Manor; and

WHEREAS, the City Council wishes to proceed with the ordering of an election to be held on November 8, 2022; and

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

WHEREAS, the City Council wishes to designate certain officials to conduct various aspects of election services for the city.

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

Section 1. General Election. A general election is hereby ordered to be held on November 8, 2022, between the hours of 7:00 am to 7:00 pm for the purpose of electing three (3) Council Members: Council Member Place 2; Council Member Place 4; and Council Member Place 6; of the City of Manor, Texas. A candidate to fill Place 2, 4, and 6 will be elected for a four-year term.

Section 2. Candidate Filing Period and Drawing. In accordance with Section 143.007 of the Texas Election Code (“Code”), the filing period for an application for a place on the ballot, for this election, is declared to begin at 8:00 a.m. on Saturday, July 23, 2022, and will conclude at 5:00 p.m. on Monday, August 22, 2022. All candidates for the offices to be filled, in the election, to be held on November 8, 2022, shall file their application to become candidates with the City Secretary at City Hall, 105 E. Eggleston Street, Manor, Texas, on any weekday that is not a City holiday between 8:00 a.m. and 5:00 p.m., and all of said applications shall be on a form as prescribed by the Election Code of the State of Texas. 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 drawing will be held at 9:00 a.m. on Tuesday, August 30, 2022, at City Hall in the Council Chamber.

Section 3. Printed Materials. 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 4. Notice of Election. This Resolution shall serve as the Order of Election (as required by Section 3.001 of the Code) for the General Election. A copy of the Resolution shall be posted on the bulletin board used for posting notices of the meetings of the City Council at least twenty-one (21) days before the election. Notice of General Election (as required by Section 4.001 of the Code) shall be published in the newspaper in accordance with state law. A copy of the Notice of General Election shall be posted on the bulletin board used for posting notices of the meetings of the City Council at least twenty-one (21) days before the election.

Section 5. Conduct of Election. The Travis 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 Contract for Election Services, the City Charter, and the law governing the holding of special elections; and the official ballots, together with such other election materials as are required by the Tex. Elec. Code, shall be prepared in both the English and Spanish languages and shall contain such provisions, markings and language as is required by law.

Section 6. Joint Election. The City agrees to conduct a joint election with other political subdivisions within Travis County, provided that such political subdivisions hold an election on August 8, 2022, in all or part of the same territory as the City (the "Political Subdivisions"). The joint election for Political Subdivisions will be conducted in accordance with state law, this ordinance, and the respective Election Services Contracts.

Section 7. Election Precincts and Election Day Polling Places. The election precincts for the election shall be the election precincts established by the Travis County Election Officer in accordance with applicable law and the City Charter. The polling places for Election Day shall be at such locations designated by the Travis County Election Officer and authorized by state law. The polls shall remain open on the day of the election from 7:00 a.m. to 7:00 p.m. The returns will be provided by precinct and the Travis County Election Officer shall tabulate and provide the election returns for the election.

Section 8. Early Voting.

- (a) Early voting shall commence on Monday, October 24, 2022, and continue through Friday, November 4, 2022 and early voting polls shall remain open for the time specified by the *Texas Election Code*.
- (b) The period to apply for a ballot by mail is January 1, 2022 through October 28, 2022. An application for ballot by mail (ABBM) must be received by the Early Voting Clerk no later than the close of business on October 28, 2022 (mere postmarking by the deadline is insufficient).

- (c) The period to apply for a federal postcard application (FPCA) is January 1, 2022 through October 28, 2022. An FPCA must be received by the Early Voting Clerk no later than the close of business on October 28, 2022 (mere postmarking by the deadline is insufficient).
- (d) Early Voting Conducted by the Travis County Elections Administrator:
 - 1) Early voting, both by personal appearance and by mail will be conducted by the Travis County Elections Administrator in accordance with the *Texas Election Code*. Rebecca Guerrero, County Clerk, is hereby designated and appointed as an Early Voting Clerk for the special election.
 - 2) Applications for ballot by mail for qualified voters of the City shall be mailed to:
 - By mail:
 - Rebecca Guerrero, County Clerk
 - Travis County Early Voting Clerk
 - PO Box 149325
 - Austin, Texas 78714-9325
 - By Contract Carriers/ Fedex:
 - Elections Division
 - Travis County Clerk
 - 5501 Airport Blvd., Suite #100
 - Austin, Texas 78751
 - Telephone: (512) 238-VOTE
 - Email: elections@traviscountytexas.gov
 - Website: <https://countyclerk.traviscountytexas.gov/departments/elections/>
- 3) The main early voting location for the special election is:
 - City of Austin Permitting and Development Center
 - 6310 Wilhelmina Delco Drive
 - Austin, TX 78752
 - Polling place hours: Monday – Saturday, 7:00 am – 7:00 pm
 - Sunday, Noon – 6:00 pm
- 4) Early voting shall be held at the dates, times, and location authorized by the Travis County Elections Administrator. Any early voting polling place may be added or changed by the Administrator upon compliance with applicable law.

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

Section 10. City Secretary Assistance. The City Secretary is hereby authorized and instructed to aide the Travis County Elections Administrator in the acquisition and furnishing of all election supplies and materials necessary to conduct the election. The City Secretary is further authorized to assist with the giving of 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*; provided that, pursuant to the Election Services Contracts between the City and the Travis County Elections Administrators, the Travis County Elections Administrators 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 Services Contract.

Section 11. Necessary Actions. The Mayor and the City Secretary of the City, in consultation with the City's Attorney, are hereby authorized and directed to take any and all actions necessary to comply with the provisions of the Code and the Federal Voting Rights Act in carrying out and conducting the Election, whether or not expressly authorized herein, including but not limited to making changes or additions to polling places, ballot language, or procedures to the extent required or desirable or as may become necessary due to circumstances arising after the date of this Ordinance. The City Manager is further authorized to give notice of the election as provided in Section 451.607, Texas Election Code.

Section 12. General. The election shall be held and conducted by the Travis County Elections Administrators in compliance with the *Tex. Elec. Code* and, to the extent not inconsistent therewith, the *City Charter*, and only resident qualified voters of the City shall be eligible to vote at the election. The Election Officers are hereby authorized and instructed to provide and furnish all necessary election supplies to conduct said election. Returns of the 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 November 11, 2022 nor later than November 22, 2022.

Section 13. Authorization to Execute. The Mayor is authorized to execute and the City Secretary is authorized to attest this Resolution on behalf of the Council; and the Mayor is authorized to do all other things legal and necessary in connection with the holding and consummation of the election.

Section 14. Effective Date; Election Code. 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 Travis County Elections Administrator shall comply with the Texas Elections Code.

Section 15. Severability. If any provision, section of this ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

Section 16. Open Meetings. It is officially found and determined that the meeting at which this Resolution is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required *Chapt. 551, Tex. Gov't. Code*.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF
MANOR, TEXAS, ON THIS THE 17th DAY OF AUGUST 2022.**

CITY OF MANOR, TEXAS

Dr. Christopher Harvey
Mayor

ATTEST:

Lluvia T. Almaraz, TRMC
City Secretary