

RESOLUTION NO. _____

**AN RESOLUTION CALLING A SPECIAL ELECTION IN MISSION,
TEXAS, TO FILL THE VACANCY OF COUNCILMEMBER FOR PLACE
THREE; PROVIDING FOR POLLING PLACES AND OTHER MATTERS
RELATING TO SAID ELECTION.**

WHEREAS, effective October 19, 2023, a vacancy occurred in the City Council for Place Three following Councilman Abiel Flores' automatic resignation from office upon announcing his candidacy for Hidalgo County District Court Judge; and

WHEREAS, Article 11, Section 11 of the Texas Constitution provides that a special election shall be held to fill the vacancy within one hundred and twenty (120) days after such vacancy occurs; and

WHEREAS, Texas Election Code Section 201.052, provides that a special election to fill a vacancy shall be held on the first election date occurring on or after the 46th day after the election is ordered; and

WHEREAS, December 9, 2023, is the election date that occurs on or after the 46th day after the date of this order and falls within the 120-day constitutional mandate; and

WHEREAS, pursuant to Chapter 271 of the Texas Election Code, the City of Mission will contract with the Hidalgo County Elections Administrator to conduct the City of Mission Special Election for Place Three.

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

SECTION 1: In accordance with the general laws and Constitution of the State of Texas, a Special Election is hereby called and ordered for the second Saturday in December, 2023, the same being the 9th day of said month, at which a special election of all qualified voters of the City may vote for the purpose of electing the following official of the City of Mission:

Councilman, Place 3
(for unexpired term ending May, 2026)

SECTION 2: Said election shall be conducted and held in accordance with the Charter of the City of Mission and the laws of the State of Texas.

SECTION 3: Any eligible and qualified person may have his name printed on the official ballot as an independent candidate for the office to be selected by filing his sworn application for such particular office with the City Secretary during the period of October 24, 2023 and before 5:00 p.m. central standard time on October 30, 2023 at City Hall, 1201 E. 8th St., Mission, Texas.

The application shall state the particular office being sought by the applicant and that the applicant is eligible and qualified under the Charter of the City of Mission and the laws of the State of Texas to become a candidate for and hold office sought, if elected.

SECTION 4: The City Official to be elected during this Special Election shall be for Councilmember for Place Three.

SECTION 5: Any person eligible for the office for which he has filed his sworn application in accordance with the provisions of this ordinance shall have his name printed on the official ballot without party designation. Any such person may cause his name to be withdrawn at any time before November 3, 2023 by filing in writing with the City Secretary a request to that effect over his own signature, duly sworn and attested before a notary public. No name so withdrawn shall be printed on the ballots. At least twenty days prior to the election, the City shall have the ballots printed.

SECTION 6: Every qualified voter who desires to cast an early vote and expects to be absent on the day of said election, or is otherwise entitled to vote early under the provisions of the applicable statutes of the State of Texas, shall upon proper application be entitled to an official ballot and the right to cast such ballot in accordance with the early voting laws of the State of Texas, particularly Title 7, Texas Election Code.

Early voting by personal appearance will be conducted by the County of Hidalgo Elections Administrator.

Early Voting will be held at the following locations and times:

- Mission Parks & Recreation Conference Room, 721 N. Bryan Road
- Mission Boys & Girls Club Gym at Bannworth Park, 1822 N. Shary Road

Wednesday, November 22, 2023 – 8 a.m. – 6 p.m.

Thursday, November 23, 2023 – CLOSED Thanksgiving Holiday

Friday, November 24, 2023 – CLOSED Thanksgiving Holiday

Monday, November 27, 2023 – 8 a.m. – 6 p.m.

Tuesday, November 28, 2023 – 8 a.m. – 6 p.m.

Wednesday, November 29, 2023 – 8 a.m. – 6 p.m.

Thursday, November 30, 2023 – 8 a.m. – 6 p.m.

Friday, December 1, 2023 – 8 a.m. – 6 p.m.

Saturday, December 2, 2023 – 8 a.m. – 6 p.m.

Monday, December 4, 2023 – 7 a.m. – 7 p.m.

Tuesday, December 5, 2023 – 7 a.m. – 7 p.m.

Applications for early ballots to be voted by mail shall be made to Early Voting Clerk, Hilda Salinas Elections Administrator, P.O. Box 659, 213 S. Closner, Edinburg, TX 78540-0659 or her designated assistant who shall conduct the early voting in said election in the manner prescribed by the applicable statutes of the State of Texas. The period for accepting applications for early ballots to be voted by mail for the General Election is hereby scheduled through November 28, 2023.

SECTION 7: The polls will be open Election Day from 7:00 a.m. – 7:00 p.m. on Saturday, December 9, 2023 at the following locations:

- Mission Parks & Recreation Conference Room, 721 N. Bryan Road
- Mission Boys & Girls Club Gym at Bannworth Park, 1822 N. Shary Road

SECTION 8: The City Secretary is hereby directed to give notice of said election by posting said notice at the City Hall and to give notice by publication and otherwise as required by law.

READ, CONSIDERED AND APPROVED by the City Council at a regular council meeting on the 23rd day of October, 2023.

Norie Gonzalez Garza, Mayor

ATTEST:

Anna Carrillo, City Secretary

APPROVED AS TO FORM:

Victor A. Flores, City Attorney