

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MONTGOMERY, TEXAS, PROVIDING FOR THE HOLDING OF A GENERAL ELECTION TO BE HELD ON MAY 6, 2023, FOR THE PURPOSE OF ELECTING THREE (3) CITY COUNCIL MEMBERS, PLACES 1, 3 AND 5; APPROVING ELECTION SERVICE AGREEMENTS WITH MONTGOMERY COUNTY, TEXAS; AND PROVIDING DETAILS RELATING TO THE HOLDING OF SUCH ELECTION.

WHEREAS, the City Council for the City of Montgomery desires to call an election for May 6, 2023 in accordance with the election laws of the State of Texas; and

WHEREAS, the City Council desires to engage the services of the County Election Officer of Montgomery County to conduct the election pursuant to a *Joint Elections Agreement* and an *Election Services Agreement* with Montgomery County, Texas;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF MONTGOMERY, TEXAS THAT:

Section 1. In accordance with the Texas Constitution and general laws of the State of Texas, a General City Election is hereby called and ordered for the first Saturday in May, 2023, that being May 6, 2023, at which Election all qualified voters of the City may vote for the purpose of electing three (3) City Council Members, Places 1, 3 and 5, for full terms.

Section 2. The City Council hereby approves the *Joint Elections Agreement* and *Election Services Agreement* with Montgomery County, Texas, which authorizes the County Election Officer to conduct the General City Election on May 6, 2023 and early voting.

Section 3. No person's name shall be placed upon the official ballot as a candidate for any of the above mentioned positions unless such person has filed his or her sworn application, as provided by Section 141.031, Section 143.004, and Section 143.007 of the Texas Election Code, with the City Secretary at the City Hall, located at 101 Old Plantersville Road, Montgomery, Texas, 77316, adjusted for weekends and holidays no earlier than January 18, 2023 or later than five o'clock (5:00) p.m. on February 17, 2023. The City Secretary shall note on the face of each such application, the date and time of its filing. A declaration of write-in candidacy must be filed with the City Secretary, as provided by Section 146.054 of the Texas Election Code. The last day for a write-in candidate to declare candidacy with the City Secretary is Tuesday, February 21, 2023 by five o'clock (5:00) p.m. In addition, the last day for a candidate to withdraw must be received by the City Secretary by February 24, 2023 by five o'clock (5:00) p.m., unless the candidate

submits the withdrawal before the ballots are prepared and if the public notice of the logic and accuracy test has not been published.

Section 4. The polls shall be open for voting from seven o'clock (7:00) a.m. until seven o'clock (7:00) p.m. at the following polling places, to be conducted by the officers appointed by the Contracting Officer as provided in the *Election Services Agreement* between the City of Montgomery, Texas and the County Election Officer of Montgomery, Texas, as follows:

For persons located in Voting Precinct 9:

Polling Place: Dobbin-Dacus Community Center

Address: 695 South FM 1486, Montgomery, TX 77316

For persons located in Voting Precinct 19:

Polling Place: Montgomery City Hall

Address: 101 Old Plantersville Road, Montgomery, TX 77316

For persons located in Voting Precinct 38:

Polling Place: Montgomery County West Annex

Address: 19380 Highway 105 W., Suite 507, Montgomery, TX 77356

For persons located in Voting Precinct 39:

Polling Place: Lake Creek High School

Address: 20639 FM 2854, Montgomery, TX 77316

Said election officers shall also serve as the early voting ballot board for such election; the Presiding Judge of such election shall also serve as the presiding officer of the early voting ballot board.

The County Election Officer for Montgomery County is authorized to change the above polling locations should there be a need to consolidate them for both early voting and for Election Day.

Section 5. In accordance with the Texas Election Code and the *Election Services Agreement*, the Contracting Officer shall serve as the regular early voting clerk to receive ballot

applications by mail. All ballots by mail applications received by the City Secretary must be hand delivered or faxed to the Contracting Officer as provided in the *Election Services Agreement* on the day of receipt and the original application mailed or delivered to the Contracting Officer. Further those persons voting early can vote in any of the designated early voting locations and at the times set out in Exhibit “A” as made a part hereof for all purposes. The early voting locations will be open from Monday, April 24, 2023 through Saturday, April 29, 2022, 8:00 a.m. to 5:00 p.m., and Monday, May 1, 2022 and Tuesday, May 2, 2022, 7:00 a.m. to 7:00 p.m. Ballots voted by mail shall be sent to:

Suzie Harvey
Elections Administrator
P.O. Box 2646
Conroe, Texas 77305-2646

***Email: election.ballot@mctx.org**

***Fax: (936) 788-8340**

***If an application for Ballot By Mail is submitted by email or fax or if a Federal Post Card Application is submitted by fax, to be effective, the application must also be submitted by mail and received not later than the fourth business day after it is received by email or fax.**

Section 6. Voting shall be conducted by the Contracting Officer utilizing the voting machines and equipment supplied by the Contracting Officer. All expenditures necessary for conducting the election, the purchase of materials, and the employment of all election officials is hereby authorized in accordance with the Texas Election Code and in accordance with the provisions of the *Election Services Agreement* and the *Joint Services Agreement*.

Section 7. The City Secretary is hereby authorized and directed (i) to furnish all necessary election supplies to conduct such election, (ii) to post notice of the election, and (iii) to publish notice of the election, as provided by Chapter 4 and Chapter 51 of the Texas Election Code except as may be provided in the *Election Services Agreement* referred to above.

Section 8: The order in which the names of the candidates are to be printed on the ballot shall be determined by a drawing by the City Secretary, as provided by Section 52.094 of the Texas

Election Code. The City Secretary shall post a notice at City Hall at least seventy-two (72) hours prior to the date on which the drawing is to be held with the time and place of the drawing, and shall also give personal notice to any candidate who makes written request for such notice and furnishes the City Secretary a self-addressed, stamped envelope. Each candidate involved in the drawing or representative designated by him/her, shall have a right to be present and observe the drawing.

Section 9. The candidates for three (3) City Council Members, Places 1, 3 and 5, receiving the highest number of votes in each of the positions to be filled shall be declared elected to such positions.

Section 10. Notice of this election shall be given in accordance with the provisions of the Texas Election Code and returns of such notice shall be made as provided for in said Code. The Mayor shall issue all necessary orders and writs for such election, and returns of such election shall be made to the City Secretary immediately after the closing of the polls.

Section 11. Said election shall be held in accordance with the Texas Election Code, as amended, except as modified by the Federal Voting Rights Act of 1965, as amended.

Section 12. The Council finds that notice of the date, place, and subject of this meeting was posted in accordance with the terms and provisions of the Texas Open Meetings Act at least 72 hours proceeding the scheduled time of this meeting.

Section 13. This Ordinance is effective immediately upon its passage.

PASSED AND APPROVED THIS ____ DAY OF JANUARY, 2023.

Mayor Byron Sanford

ATTEST:

Nici Browe, City Secretary

APPROVED AS TO FORM:

/s/Alan P. Petrov, City Attorney