

TOWN OF PROSPER, TEXAS

ORDINANCE NO. 2023-XX

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, CANCELING THE GENERAL ELECTION SCHEDULED TO BE HELD ON THE MAY 6, 2023, FOR THE PURPOSE OF ELECTING COUNCILMEMBER PLACE 3 AND COUNCILMEMBER PLACE 5; DECLARING EACH UNOPPOSED CANDIDATE ELECTED TO OFFICE; ORDERING THE POSTING OF THIS ORDINANCE AT TOWN HALL ON ELECTION DAY; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Ordinance No. 2023-14, was adopted by the Town Council on February 14, 2023, for the purpose of electing Councilmember Place 3 and Councilmember Place 5 to the Prosper Town Council; and

WHEREAS, the election is for officers of the Town in which write-in votes may be counted only for names appearing on a list of write-in candidates and in which each candidate whose name is to appear on the ballot is unopposed; and

WHEREAS, the filing deadlines for name placement on the ballot and declaration of write-in candidacy have passed; and

WHEREAS, the Town Council has received the Town Secretary's certification that each candidate is unopposed for the election; and,

WHEREAS, Section 2.053(a) of the Texas Election Code authorizes the governing body to declare each unopposed candidate elected to office and to cancel the election.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, THAT:

SECTION 1.

The General Election for the purpose of electing Councilmember Place 3 and Council Place 5 previously called for May 6, 2023, is hereby canceled.

SECTION 2.

The following candidates, who are unopposed for the May 6, 2023, General Election, are hereby declared elected to office and shall be issued a certificate of election:

Councilmember Place 3	Amy Bartley
Councilmember Place 5	Jeff Hodges

SECTION 3.

Pursuant to Section 2.053 of the Texas Election Code, the Town Secretary shall post a copy of this ordinance on Election Day, at the polling place used or that would have been used in the election.

SECTION 4.

Should any word, sentence, paragraph, subdivision, clause, phrase or section of this ordinance or of the code of Ordinances, as amended hereby, be adjudged or held to be void or

unconstitutional, the same shall not affect the validity of the remaining portions of said ordinance or the Code of Ordinances, as amended hereby, which shall remain in full force and effect.

SECTION 5.

This ordinance shall take effect immediately in accordance with the provisions of the Charter of the Town of Prosper, and it is accordingly so ordained.

DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, COLLIN AND DENTON COUNTIES, TEXAS, ON THIS THE 28TH DAY OF FEBRUARY, 2023.

APPROVED:

David F. Bristol, Mayor

ATTEST:

Michelle Lewis Sirianni, Town Secretary

APPROVED AS TO FORM AND LEGALITY:

Terrence S. Welch, Town Attorney