

ORDINANCE NO. 097-005

AN ORDINANCE OF THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS CALLING A GENERAL ELECTION TO BE HELD ON MAY 3, 1997, FOR THE PURPOSE OF ELECTING ONE (1) MAYOR FOR A TWO (2) YEAR TERM, THREE (3) COUNCIL MEMBERS FOR TWO (2) YEAR TERMS EACH AND ONE (1) COUNCIL MEMBER FOR A ONE (1) YEAR UNEXPIRED TERM; DESIGNATING A POLLING PLACE WITHIN THE CITY; APPOINTING A PRESIDING ELECTION JUDGE AND AN ALTERNATE PRESIDING ELECTION JUDGE; ESTABLISHING OTHER PROCEDURES FOR THE CONDUCT OF THE ELECTION; ESTABLISHING A DATE FOR CANVASSING RETURNS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 41.001 of the Texas Election Code, as amended (the "Code"), specifies that the first Saturday in May shall be a uniform election date and that a general election of a city may be held on such day; and

WHEREAS, the City Council of the Town of Addison, Texas (the "City") has determined that the City shall conduct its general municipal election on the first Saturday in May, 1997; and

WHEREAS, Section 8.04 of the City Charter provides that in each off-numbered year a Mayor and three (3) Council members shall be elected; and

WHEREAS, the City Council desires to and hereby calls a general election for the purpose of electing one (1) person to the office of Mayor for a two (2) year term, three (3) persons to the office of Council member for two (2) year terms each, and one (1) person to the office of Council member for a one (1) year unexpired term.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS:

Section 1. Incorporation of Preamble. All of the above premises are true and correct and are incorporated into the body of this Ordinance as if copied herein in its entirety.

Section 2. Election Date; Purpose of Election; Officers and Terms of Office. That a general election shall be held in and throughout the City on Saturday, May 3, 1997, for the purpose of electing the following officers:

One (1) Mayor for a two (2) year term.

Three (3) Council members for two (2) year terms each.

One (1) Council member for a one (1) year unexpired term.

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Section 3. Eligibility for Candidacy. In accordance with the City's Charter, no person shall be eligible for the office of Council member unless that person is a qualified voter of the City, shall have resided in the City for at least one year, and shall never have been convicted of a felony offense involving moral turpitude.

Section 4. Application for a Place on the Ballot. In accordance with Section 143.007 of the Texas Election Code (the "Code"), any eligible and qualified person may have that person's name printed upon the official ballot as a candidate for the offices hereinbefore set forth by filing the person's sworn application with the City Secretary not earlier than February 17, 1997 and not later than 5:00 p.m. on March 19, 1997. Each such application shall be on a form as prescribed by Section 141.031 of the Code. The order in which the names of the candidates are to be printed on the ballot shall be determined by a drawing of the City Secretary as provided by Section 52.094 of the Code. Notice of the time and place for such drawing shall be given in accordance with the Code.

Section 5. Runoff Election. If two or more candidates for a particular office tie for the number of votes required to be elected, there shall be a runoff election held on June 7, 1997. The runoff election shall be held in accordance with the Code.

Section 6. Election Precinct; Polling Place; Election Hours. The corporate limits of the City shall constitute one (1) election precinct for the election. The polling place for the general election shall be the Addison Fire Department building, 4798 Airport Parkway, Addison, Texas. In accordance with and pursuant to the requirements of the Code, said polling place shall be open from 7:00 a.m. to 7:00 p.m. on the date of the election.

Section 7. Appointment of a Presiding Election Judge and Alternate Presiding Election Judge; Qualifications to Serve as Election Judge; Confirmation of Appointments; Notice of Appointments. The following named individuals, residing at the respective addresses, are hereby appointed to serve as Presiding Election Judge and Alternate Presiding Election Judge, respectively at the election:

Presiding Election Judge:

Name: Gary Smith
Address: 3921 Winter Park
Addison, Texas 75244

Alternate Presiding Election Judge:

Name: Carol Gillespie
Address: 3921 Bobbin
Addison, Texas 75244

All election judges shall be qualified voters of the City. The City Secretary shall, in accordance with Section 32.009 of the Election Code, deliver to the Presiding Election Judge notice of his appointment not later than twenty (20) days from the effective date of this Ordinance.

Section 8. Appointment of Clerks. The presiding Election Judge herein appointed shall appoint not less than two (2) nor more than six (6) qualified election clerks to serve and assist in the conduct of the election, provided, however, that if the Presiding Election Judge named herein actually serves as expected, the Alternate Presiding Judge shall be one (1) of such clerks. All election clerks shall be qualified voters of the City.

Section 9. Compensation of Election Judges and Election Clerks. The presiding Election Judge, Alternate Presiding Election Judge and each Election Clerk shall be compensated at the rate of \$6.00 per hour in accordance with Section 32.091 of the Code. Such payments shall not exceed the maximum amounts set forth in Sections 32.091 and 32.092 of the Code.

Section 10. Method of Voting. The City Secretary is hereby authorized and instructed to provide and furnish all necessary election supplies to conduct the election. Voting at the election shall be by use of paper ballots. Preparation of the official ballots for the election shall conform to the requirements of the Code, and in so doing shall permit the voter to vote for one (1) Mayor for a two (2) year term, three (3) Council members for two (2) year terms each, and one (1) Council member for an unexpired term of one (1) year. No elector shall vote for more than one (1) candidate for Mayor, more than three (3) candidates for terms of two (2) years each, and more than one (1) candidate for an unexpired term of one (1) year.

Section 11. Governing Law: Qualified Voters. The election shall be held in accordance with the Constitution of the State of Texas and the Code, and all resident, qualified electors of the City shall be eligible to vote at the election. In addition, the election materials enumerated in the Code shall be printed in both English and Spanish for use at the polling place and for early voting for the election.

Section 12. Publication and Posting of Notice. Notice of the election shall be given by posting a notice of election in both English and Spanish at Town Hall, 5300 Belt Line Road, Addison, Texas on the bulletin board or other location used for posting notices of the meetings of the City Council not less than twenty-one (21) days prior to the date upon which the election is to be held, and by publication of said notice at least once in a newspaper published in the City or if none, then in a newspaper of general circulation within the City, the date of said publication to be not less than ten (10) days nor more than thirty (30) days prior to the date set for the election.

In addition thereto, a copy of the notice shall also be filed with the City Secretary at least twenty-one (21) days before the election. Upon publication of the election notice, the City Secretary shall secure a publisher's affidavit which complies with the requirements of the Election Code.

Section 13. Early Voting. Early voting by personal appearance shall be conducted by the City Secretary, who is hereby appointed the Early Voting Clerk, at Town Hall, 5300 Belt Line Road, Addison, Texas. For the period early voting for the election is permitted by law, the Early Voting Clerk shall keep said office open on each day except Saturday, Sunday, and official State and/or national holidays, which hours shall be from 8:00 a.m. to 5:00 p.m., commencing on Monday, April 14, 1997 and terminating on Tuesday, April 29, 1997. Early voting on a Saturday or Sunday, if any, shall be conducted in accordance with the requirements of the Code.

Application for early voting by mail shall be delivered to the Early Voting Clerk at the same address not earlier than March 4, 1997, and not later than the close of regular business in the Early Voting Clerk's office or 12 noon, whichever is later, on April 25, 1997.

Early voting, both by personal appearance and by mail, shall be by use of paper ballot system, which ballots shall conform to the requirements of the Code, and in so doing shall permit the voters to vote for one (1) candidate for Mayor for a two (2) year term, three (3) candidates for Council member for two (2) year terms each, and one candidate for Council member for a one (1) year unexpired term. The early ballots shall be canvassed by the Early Ballot Board, which is hereby created. The Presiding Election Judge and the Alternate Presiding Election Judge appointed herein shall serve as the presiding officer and the alternate presiding officer respectively, of the Early Ballot Board. The other election officers serving at the election shall serve as the other members of the Early Ballot Board for the election.

Section 14. Delivery of Returns; Preservation of Election Records. In accordance with Section 66.051 of the Code, immediately after the closing of the poll on the day of the election, the election officers named in this Ordinance shall make and deliver the returns of the election in quadruplicate as follows: one copy shall be retained by the Presiding Election Judge, one copy shall be delivered to the Mayor of the City, one copy shall be delivered to the voter registrar, and one copy of the returns, together with the ballot boxes and all election supplies, shall be delivered to the City Secretary.


All election records and supplies shall be preserved by the City Secretary in accordance with the Code.

Section 15. Canvassing of Returns. In accordance with the Code, the City Council of the City shall convene on May 6, 1997 at 7:30 o'clock p.m. to canvass the returns of the election.

Section 16. Necessary Actions. The Mayor, City Manager and the City Secretary of the City, in consultation with the City Attorney, are hereby authorized and directed to take any and all actions necessary to comply with the provisions of the Code in carrying out and conducting the election, whether or not expressly authorized herein.

Section 17. Effective Date. This Ordinance shall be in full force and effect from and after its passage.

DULY PASSED BY THE CITY COUNCIL OF THE TOWN OF ADDISON,
TEXAS, this the 11th day of February, 1997.



MAYOR

ATTEST:



CITY SECRETARY