

**ORDINANCE NO. 004-009**

AN ORDINANCE OF THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS CALLING A GENERAL ELECTION TO BE HELD ON MAY 15, 2004, FOR THE PURPOSE OF ELECTING THREE (3) COUNCIL MEMBERS FOR TWO (2) YEAR TERMS EACH; DESIGNATING TWO POLLING PLACES WITHIN THE CITY; 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 third 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, in conjunction with Dallas County, on the third Saturday in May, 2004 and

WHEREAS, Section 8.04 of the City Charter provides that in each even numbered year 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 three (3) persons to the office of Council member for two (2) year terms each.

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 15, 2004, for the purpose of electing the following officers:

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

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 prior to the election, 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 14, 2004 and not later than 5:00 p.m. on March 15, 2004. 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 19, 2004. 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 three (3) election precincts for the election. The polling places for the general election shall be the Addison Fire Department building, 4798 Airport Parkway, Addison, Texas, and the Addison Fire Station II, 3950 Beltway Drive, Addison, Texas. In accordance with and pursuant to the requirements of the Code, said polling places 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 election shall be held as a joint election with Dallas County, and the County shall be responsible for appointing all election judges and clerks, and shall be responsible for their compensation.

Section 10. Method of Voting. The City Secretary is hereby authorized to contract with Dallas County for the conduct of the joint election, and Dallas County shall be responsible for an optical scanning voting system. Dallas County shall be responsible for the preparation of the official ballots for the election, and they shall conform to the requirements of the Code, and in so doing shall permit the voter to vote for three (3) Council members for two (2) year terms each. No elector shall vote for more than three (3) candidates for terms of two (2) years each.

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 in accordance with Section 271.006 of the Texas Election Code. Bruce R. Sherbet, Dallas County Elections Administrator, is hereby appointed the Deputy Early Voting Clerk. Early voting by personal appearance will be conducted beginning Wednesday, April 28, 2004, and continue through Tuesday, May 11, 2004. Any qualified voter for the Joint Election may also vote early by personal appearance at the main early voting location:

DALLAS COUNTY RECORDS BUILDING  
Office of the Elections Department, Eighth Floor  
2377 N. Stemmons Freeway, Dallas, TX 75207

Or at any of the following branch locations:

Addison Fire Station  
4798 Airport Parkway  
Addison, TX 75001

Balch Springs City Hall  
3117 Hickory Tree Road  
Balch Springs, TX 75180

Barbara Bush Middle School  
515 Cowboys Parkway  
Irving, TX 75063

Brookhaven College  
3939 Valley View  
Farmers Branch, TX 75244

Carrollton Farmers Branch IS  
1445 N. Perry  
Carrollton, TX 75011

Cedar Valley College  
3030 N. Dallas Avenue  
Lancaster, TX 75134

Cedar Hill ISD  
Administration Building  
270 S. Hwy. 67  
Cedar Hill, TX 75104

Cockrell Hill City Hall  
4125 Clarendon Drive  
Dallas, TX 75211

Coppell ISD  
200 S. Denton Tap  
Coppell, TX 75019

Dallas First Assembly of God  
10000 E. Northwest Hwy.  
Dallas, TX 75238

Dallas ISD  
Administration Building  
3700 Ross Avenue  
Dallas, TX 75202

DeSoto Town Center Library  
211 E. Pleasant Run Road  
DeSoto, TX 75115

Duncanville Fire Station  
1500 S. Main  
Duncanville, TX 75116

Eastfield College  
3737 Motley  
Mesquite, TX 75150

El Centro College  
Main at Lamar  
Dallas, TX 75202

Dunford Recreation Center  
1015 Green Canyon  
Mesquite, TX 75150

Farmers Branch City Hall  
13000 William Dodson Pkwy.  
Farmers Branch, TX 75234

Garner Elementary  
145 Polo Road  
Grand Prairie, TX 75052

Garland ISD  
Student Service Center  
720 Stadium Drive  
Garland, TX 75040

Garland City Hall  
200 N. Fifth  
Garland, TX 75040

Harry Stone Recreation Center  
2403 Milmar Drive  
Dallas, TX 75228

Hutchins City Hall  
321 N. Main Street  
Hutchins, TX 75141

Irving City Hall  
825 W. Irving Blvd.  
Irving, TX 75060

Josey Ranch Library  
1700 Kelley Springs  
Carrollton, TX 75006

Martin Luther King Core Bldg.  
2922 MLK Blvd.  
Dallas, TX 75215

Mountain View College  
4849 Illinois Avenue  
Dallas, TX 75211

North Dallas Government Center  
10056 Marsh Lane  
Dallas, TX 75229

Pleasant Oak Rec. Center  
8701 Greenmound  
Dallas, TX 75227

Richardson Civic Center  
400 W. Arapaho  
Richardson, TX 75080

Fretz Park Recreation Center  
6950 Belt Line Road  
Dallas, TX 75240

Grand Prairie Development  
206 W. Church  
Grand Prairie, TX 75050

Grauwlyer Park Recreation Center  
7780 Harry Hines  
Dallas, TX 75235

Highland Baptist Church  
8202 Boedeker  
Dallas, TX 75225

Irving Arts Center  
3333 N. MacArthur Blvd.  
Irving, TX 75061

Lancaster Rec. Center  
1700 Veterans Memorial Pkwy  
Lancaster, TX 75134

Martin Weiss Rec. Center  
1111 Martindell  
Dallas, TX 75211

North Lake College  
5001 N. MacArthur  
Irving, TX 75038

Oak Cliff Sub-Courthouse  
410 S. Beckley  
Dallas, TX 75249

Richland College  
12800 Abrams Road  
Dallas, TX 75243

Richardson ISD  
Administration Building  
4000 S. Greenville Avenue  
Richardson, TX 75081

Rowlett City Hall Annex  
4004 Main Street  
Rowlett, TX 75088

Sachse City Hall  
5560 Hwy. 78  
Sachse, TX 75048

Samuel-Grand Recreation Center  
6200 East Grand Avenue  
Dallas, TX 75223

Sandy Jacobs Government Center  
1029 W. Rosemeade  
Carrollton, TX 75007

Seagoville City Hall  
702 N. Hwy 175  
Seagoville, TX 75159

Sunnyvale Fire Station #2  
402 Tower Place  
Sunnyvale, TX 75182

Veterans Adm. Med. Center  
4500 S. Lancaster  
Dallas, TX 75216

West Dallas Multipurpose Center  
2828 Fishtrap  
Dallas, TX 75212

Wilmer Community Center  
101 Davidson Plaza  
Wilmer, TX 75172

Wilmer-Hutchins ISD  
Administration Building  
3820 E. Illinois Avenue  
Dallas, TX 75216

All requests for early voting ballots by mail that are received by participating authorities will be transported by runner on the day of receipt to the Dallas County Elections Department, 8<sup>th</sup> Floor, Health and Human Service Building, 2377 N. Stemmons Frwy, Dallas, Texas 75207 for processing. Persons voting by mail will send their voted ballots to the Dallas County Elections Department.

All early voting ballots will be prepared for counting by an Early Voting Ballot Board appointed in accordance with Section 87.001 of the Texas Election Code. Addison hereby waives its right to appoint a member to the Board, and will have Dallas County appoint a member for the Town. The participating authorities agree to appoint other deputy early voting judges/clerks.

A signature verification committee will be appointed in accordance with Section 87.027 of the Texas Election Code. A list of the members of the signature verification committee will be furnished to each participating authority.

Section 14. Delivery of Returns; Preservation of Election Records. A general custodian of the voted ballots and all records of the joint Election as authorized by Section 271.010 of the Texas Election Code shall be appointed.

Access to the election records will be available to each participating authority as well as to the public in accordance with the Texas Public Information Act, Chapter 552, Government Code, at the Elections Department, 2377 N. Stemmons Freeway, Dallas, Texas, at any time during normal business hours. The Election Administrator shall ensure

that the records are maintained in an orderly manner, so that records are clearly identifiable and retrievable per records storage container.

Records of the election will be retained and disposed of in accordance with Addison's records retention schedules, and in accordance with the provisions of Title 6, Subtitle C, Chapters 201 through 205 Texas Local Government Code, including the minimum retention requirements established by the Texas State Library and Archives Commission. If records of the election are involved in any pending election contest, investigation, litigation, or Texas Public Information Act, the Election Administrator shall maintain the records until final resolution or until final judgement, whichever is applicable. It is the responsibility of any participating authority to bring to the attention of the Elections Administrator any notice of any pending election contest, investigation, litigation, or Texas Public Information Act request, which may be filed with a participating authority. Upon request to maintain records beyond eligibility for preservation according with Section 66.058 of the Texas Election Code, the Elections Administrator shall supply a written cost estimate for storage to requesting participant.

On the first business day that follows the date that the records of the election are eligible for destruction, the Election Administrator will notify in writing each participating authority of the planned destruction of any records of the election. Within fifteen days of receipt of the Election Administrator's notice of intent to destroy the records, each participating authority will provide the Election Administrator with written authorization to proceed with destruction or written instructions to withhold destruction.

Section 15. Canvassing of Returns. In accordance with the Code, the City Council of the City shall convene on May 18, 2004, 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.

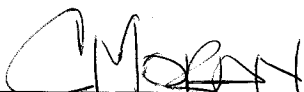
Section 17. Effective Date. This Ordinance shall be in full force and effect from and after its passage.

DULY PASSED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS,  
this the 10th day of February, 2004.



MAYOR

ATTEST:



CITY SECRETARY

OFFICE OF THE CITY SECRETARY

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