

ORDINANCE NO. 005-004

AN ORDINANCE OF THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS CALLING A GENERAL ELECTION TO BE HELD ON MAY 7, 2005, FOR THE PURPOSE OF ELECTING A MAYOR AND 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 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, in conjunction with Dallas County, on the first Saturday in May, 2005 and

WHEREAS, Section 8.04 of the City Charter provides that in each odd-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 a Mayor and 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 7, 2005, for the purpose of electing the following officers:

Mayor for two (2) year term
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 5, 2005 and not later than 5:00 p.m. on March 7, 2005. 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 18, 2005. 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 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 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 8. 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 Mayor and three (3) Council members for two (2) year terms each. No elector shall vote for more than four (4) candidates for terms of two (2) years each.

Section 9. 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 10. 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 20, 2005, and continue through Tuesday, May 3, 2005. 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

Barbara Bush Middle
515 Cowboys Parkway
Irving, TX 75063

Carrollton City hall
1945 Jackson Road
Carrollton, TX 75006

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

Coppell Town Center
255 Parkway Blvd.
Coppell, TX 75019

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

Dunford Recreation Center
1015 Green Canyon
Mesquite, TX 75150

Frankford Town Homes
18110 Marsh Lane
Dallas, TX 75287

Garland ISD
Harris Hill Administration Bldg.
720 Stadium Drive

Beckley-Saner Recreation Center
114 W. Hobson Avenue
Dallas, TX 75224

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

Cockrell Hill City Hall
4125 Clarendon Drive
Dallas, TX 75211

Dallas City Hall
1500 Marilla
Dallas, TX 75201

Duncanville Fire Station
1500 S. Main
Duncanville, TX 75116

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

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

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

Garland, TX 75040

Garner Elementary
145 Polo Road
Grand Prairie, TX 75052

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

Lake Highlands Jr. High
10301 Kingsley Road
Dallas, TX 75238

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

Mattie Nash-Myrtle Davis
Recreation Center and Park
3710 N. Hampton
Dallas, TX 75212

North Dallas Government Center
10056 Marsh Lane
Dallas, TX 75229

Pleasant Oak Rec. Center
8701 Greenmound
Dallas, TX 75227

Renner-Frankford Library
6400 Frankford
Dallas, TX 75252

Reverchon Recreation Center
3505 Maple Avenue
Dallas, TX 75219

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

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

Mt. Creek Library
6102 Mt. Creek Boulevard
Dallas, TX 75249

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

Records Building
509 Main Street
Dallas, TX 75202

Richardson Civic Center
411 W. Arapaho
Richardson, TX 75080

Rowlett City Hall Annex
4002 Main Street
Rowlett, TX 75088

Sachse City Hall
5560 Hwy. 78
Sachse, TX 75048

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

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

Unity Church of Dallas
6625 Forest Lane
Dallas, TX 75230

West Dallas Multipurpose
2828 Fishtrap
Dallas, TX 75212

Wilmer Community Center
101 Davidson Plaza
Wilmer, TX 75172

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

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

Tommie M. Allen Recreation Center
7071 Bonnie View
Dallas, TX 75241

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

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, 8th 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.

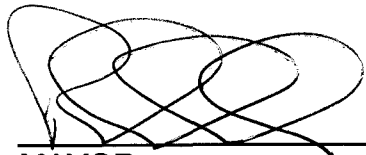
On the first business day that follows the date that the records of the election are eligible for destruction, the Election Administrator will notify in writing each participating authority of the planned destruction of any records of the election. Within fifteen days of receipt of the Election Administrator's 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 17, 2005, 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 25th day of January 2005.



MAYOR

ATTEST:



CITY SECRETARY

OFFICE OF THE CITY SECRETARY

ORDINANCE NO. 005-004

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