

TOWN OF ADDISON, TEXAS

RESOLUTION NO. R09-004

A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS ORDERING AND CALLING A SPECIAL ELECTION TO BE HELD ON MAY 9, 2009, FOR THE PURPOSE OF ELECTING ONE (1) COUNCIL MEMBER TO SERVE AN UNEXPIRED ONE (1) YEAR TERM OF OFFICE; DESIGNATING POLLING PLACES WITHIN THE TOWN; ESTABLISHING OTHER PROCEDURES FOR THE CONDUCT OF THE ELECTION, INCLUDING PROVIDING THAT THE ELECTION IS TO BE HELD AS A JOINT ELECTION IN CONJUNCTION WITH DALLAS COUNTY; ESTABLISHING A DATE FOR CANVASSING RETURNS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, a single vacancy in the office of Council Member of the City Council of the Town of Addison, Texas (the "City") occurred on November 26, 2008 with the death of Council Member Dennis Kraft; and

WHEREAS, the term of the said office of Council Member will not expire until the general election for the election of members of the City Council to be held in May, 2010; and

WHEREAS, in accordance with Section 2.05 of the City Charter, the City Council filled the vacancy in the said office by a vote of the remaining members of the Council; and

WHEREAS, Section 2.05 of the Charter further provides that the person selected to fill the vacancy serves until the next general City election shall be held to fill the unexpired term or regular term, as the case may be; and

WHEREAS, the next general City election is to be held on May 9, 2009; and

WHEREAS, Section 8.01 of the City Charter provides in part that the City Council may, by Resolution, order a special election, fix the time and place for holding the election, and provide all means for holding the special election; and

WHEREAS, the City Council has determined that the City shall conduct its general municipal election to be held on the second Saturday in May, 2009 in conjunction with Dallas County, and the Council desires to conduct the special election ordered herein in the same manner; and

WHEREAS, in accordance with law, the City Council desires to order and call an election to be held in conjunction with the general election of officers for the City on May 9, 2009, for the purpose of electing one (1) Council Member to serve the said unexpired term of office.

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

Section 1. Incorporation of Premises. The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

Section 2. Election Date; Purpose of Election; Officer and Term of Office. A special election shall be held in and throughout the City on Saturday, May 9, 2009, for the purpose of electing the following officer:

One (1) Council Member for a one (1) year unexpired term, to expire in May, 2010.

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 or any offense involving moral turpitude.

Section 4. Application for a Place on the Ballot. In accordance with Section 143.007 of the Code, any eligible and qualified person may have that person's name printed upon the official ballot as a candidate for the office hereinbefore set forth by filing the person's sworn application with the City Secretary not earlier than February 9, 2009 and not later than 5:00 p.m. on March 9, 2009. 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 the said office tie for the number of votes required to be elected, there shall be a runoff election held in accordance with law.

Section 6. Election Precinct; Polling Place; Election Hours. The presently existing boundaries and territory of the Dallas County election precincts that are wholly or partly within the corporate limits of the City (there being four (4) such election precincts) shall constitute the election precincts for the election. The precinct numbers for the same shall be the corresponding Dallas County precinct numbers. The polling places for the general election shall be the Country Place Elementary School (2115 Raintree, Carrollton, Texas 75006) (for Precinct 1406), Addison Fire Department building (4798 Airport Parkway, Addison, Texas 75001) (for Precinct 1602), and Addison Fire Station II (3950 Beltway Drive, Addison, Texas 75001) (for Precinct 1600 and 1601) 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 other municipalities and school districts pursuant to that Joint Election Agreement for the conduct of a joint election to be held on May 9, 2009 (the "Joint Election Agreement", a copy of which is on

file in the Office of the City Secretary), 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. Pursuant to the Joint Election Agreement, 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 one (1) Council Member for a one (1) year unexpired term. No voter shall vote for more than one (1) Council Member for a one (1) year unexpired term.

Section 9. Governing Law; Qualified Voters. The election shall be held in accordance with the Constitution of the State of Texas, the Code, and all resident, qualified voters 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 as required by law, including 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, Dallas, Texas 75254 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 11. 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 Monday, April 27, 2009, and continue through Tuesday, May 5, 2009. Any qualified voter for the Joint Election may also vote early by personal appearance at the main early voting location:

DALLAS COUNTY RECORDS BUILDING
509 Main Street
Dallas, TX 75202

Or at any of the branch locations set forth in the Joint Election Agreement

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 12. 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 13. Canvassing of Returns. In accordance with the Code, the City Council of the City shall convene on May 18, 2009, at 7:30 o'clock p.m. to canvass the returns of the election.

Section 14. 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 15. Effective Date. This Resolution 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, 2009.



Mayor Joe Chow

ATTEST:

By: 

Lea Dunn, City Secretary