

**TOWN OF ADDISON, TEXAS**

**ORDINANCE NO. 013-006**

**AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS ORDERING A GENERAL ELECTION TO BE HELD ON MAY 11, 2013, FOR THE PURPOSE OF ELECTING ONE (1) MAYOR FOR A TWO (2) YEAR TERM AND THREE (3) COUNCIL MEMBERS FOR TWO (2) YEAR TERMS EACH; 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; PROVIDING FOR CANVASSING RETURNS; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Section 41.001 of the Texas Election Code, as amended (the "Code"), specifies that the second Saturday in May shall be a uniform election date and that a general election 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 second Saturday in May, 2013; and

**WHEREAS**, Section 8.04 of the City Charter provides that in each odd-numbered year three (3) council members and a mayor shall be elected; and

**WHEREAS**, the City Council desires to and hereby calls a general election for the purpose of electing one (1) Mayor for a two (2) year term and three (3) council members 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 their entirety.

Section 2. Election Date; Purpose of Election; Officers and Terms of Office. A general election shall be held in and throughout the City on Saturday, May 11, 2013 for the purpose of electing the following officers:

One (1) Mayor for a two (2) year term, and 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 Mayor or 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 from which the person has not been pardoned or otherwise released from the resulting disabilities.

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 offices hereinbefore set forth by filing the person's sworn application with the City Secretary not earlier than January 30, 2013 and not later than 5:00 p.m. on March 1, 2013. 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, the tie shall be broken in accordance with the Code, including Section 2.002 thereof.

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 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 as set forth in the Joint Election Agreement (as defined in Section 7, below). 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. Joint Election; 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 a Joint Election Agreement for the conduct of a joint election to be held on May 11, 2013 (the "Joint Election Agreement", a copy of which is or will be placed 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. Election judges and clerks shall have the qualifications required by law, and notice of appointment shall be given to such judges and clerks by the Administrator (as defined in Section 11) in accordance with law.

Section 8. Method of Voting. Pursuant to a Joint Election Agreement, Dallas County shall be responsible for a voting system that complies with law. 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) Mayor for a two (2) year term and for three (3) Council Members for two (2) year terms each. No voter shall vote for more than one (1) Mayor for a two (2) year term or for more than three (3) Council Members for two (2) years terms each.

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. Antoinette "Toni" Pippins-Poole, Dallas County Elections Administrator ("Administrator"), is hereby appointed as the Early Voting Clerk. Early voting by personal appearance will be conducted beginning Monday, April 29, 2013 and continue through Tuesday, May 7, 2013, in accordance with the Joint Election Agreement and law. 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

and at Addison Fire Station No. 1, 4798 Airport Parkway, Addison, Texas 75001; and at any of the branch locations set forth in the Joint Election Agreement (such locations being subject to change in accordance with law).

Dates and times of early voting by personal appearance are as follows (subject to change by the Administrator in accordance with law):

Monday, April 29, 2013 through Friday, May 3, 2013	8:00 a.m. to 5:00 p.m.
Saturday, May 4, 2013	8:00 a.m. to 5:00 p.m.
Sunday, May 5, 2013	1:00 p.m. to 6:00 p.m.
Monday, May 6, 2013 through Tuesday, May 7, 2013	7:00 a.m. to 7:00 p.m.

Applications for ballot for early voting by mail shall be requested from and mailed to the Dallas County Elections Department, 2377 N. Stemmons Fwy., Suite 820, Dallas, Texas 75207, and such applications must be received by a date and time in accordance with the Code. All

requests for early voting ballots by mail that are received by authorities participating in the Joint Election Agreement (“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 Code. Addison hereby waives its right under the Joint Election Agreement to appoint a member to the Board, and will have Dallas County appoint a member for the City. 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 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 Administrator shall ensure that the records are maintained in an orderly manner, so that records are clearly identifiable and retrievable per records storage container.

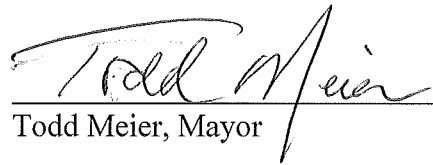
Records of the election will be retained and disposed of in accordance with the City’s records retention schedules, and in accordance with the provisions of Title 6, Subtitle C, Chapters 201 through 205 Texas Local Government Code, including the minimum retention requirements established by the Texas State Library and Archives Commission.

Section 13. Canvassing of Returns. In accordance with the Code, the City Council of the City shall convene in accordance with the Code to canvass the returns of the election.

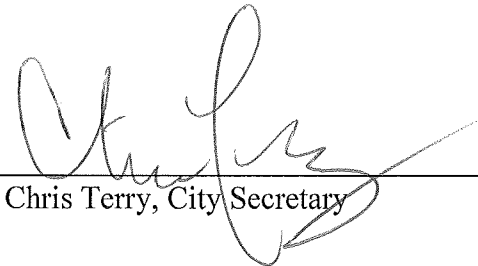
Section 14. Necessary Actions. The Mayor, City Manager and the City Secretary of the City, in consultation with the City Attorney, are hereby authorized and directed to take any and all actions necessary to comply with the provisions of the Code in carrying out and conducting the election, whether or not expressly authorized herein.

Section 15. Effective Date. This 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, the 12th day of February, 2013

  
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Todd Meier, Mayor

ATTEST:

By:   
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Chris Terry, City Secretary