

ORDINANCE 18-01

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COMMERCE, TEXAS, ORDERING A GENERAL ELECTION TO BE HELD ON THE FIFTH OF MAY, 2018 FOR THE PURPOSE OF ELECTING COUNCIL MEMBER PLACE 2, AND COUNCIL MEMBER PLACE 4, TO A THREE (3) YEAR TERM OF OFFICE AND ELECTING A MAYOR TO A ONE (1) YEAR TERM OF OFFICE; PROVIDING FOR ELECTION OFFICERS; DESIGNATING THE PLACE AND MANNER OF HOLDING SAID ELECTION; DESIGNATING THE EARLY VOTING POLLING PLACE; DESIGNATING THE EARLY VOTING CLERK; PROVIDING FOR THE POSTING AND PUBLICATION OF NOTICE; CALLING A RUN-OFF ELECTION, IF NEEDED; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.

WHEREAS, the Texas Election Code establishes May 5, 2018, as the uniform election date for the City of Commerce general election; and

WHEREAS, Chapter 34-2 of the City of Commerce Code of Ordinances provides that a general municipal election be held on the first Saturday in May and Section 18 of the Charter provides that except for the mayor, Council Members be elected by place number; and serve for three-year terms.

WHEREAS, the meeting at which this Ordinance is considered is open to the public as required by law, and public notice of the time, place and purpose of said meeting was given as required by Section 551.043 of the Texas Government Code.

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

Section 1. Election Order; Election Date. That a General Election of the City of Commerce, prescribed by Texas Election Code shall be held between the hours of seven o'clock a.m. (7:00 a.m.) and seven o'clock p.m. (7:00 p.m.) on the 5th day of May, 2018.

Section 2. Purpose of Election. For the purpose of a General Election for Council Member Places 2 and 4 with the elected Council Members serving a three (3) year term of office and a General Election for Mayor, with the elected Mayor serving a one (1) year term of office. The candidate for each such office receiving a majority of all votes cast for the office shall be elected to serve such term.

Section 3. Candidate Filing Deadline. That candidates for City Council may file for one of the three (3) places beginning on January 17, 2018 through February 16, 2018 between

the hours of 8 a.m. to 5 p.m., Monday through Friday. The deadline for a write-in candidate shall be 5:00 p.m. on February 20, 2018.

Section 4. Voting System. That voting on the date of the Election, and early voting therefore, shall be by the use of a lawfully approved voting system. The preparation of the voting equipment to be used in connection with such voting system and the official ballots for the Election shall conform to the Texas Election Code, as amended, so as to permit the electors to vote for two (2) City Council Members and Mayor. Said ballots shall have printed therein such provisions, markings, and language as may be required by law and the Candidates shall be set forth on said ballots in substantially the following form and language:

GENERAL ELECTION
City of Commerce, Texas
May 5, 2018

OFFICIAL BALLOT

Mayor

Council Member, Place 2

Council Member, Place 4

Section 5. Election Precincts; Polling Places. That the City shall constitute one election precinct for this election and the polling place shall be the Commerce City Hall, 1119 Alamo, Commerce, Texas 75428. Judges, Alternate Judges and Clerks will be determined and appointed in accordance with the provisions of a Joint Election Contract (“Joint Election Contract”) by and between City of Commerce and Hunt County Elections Officer.

On Election Day, the polls shall be open from 7:00 A.M. to 7:00 P.M.

Section 6. Early Voting; Early Voting Polling Place.

City Secretary Molly Jacobsen, 1119 Alamo, Commerce, Texas 75428, is hereby appointed as the Early Voting Clerk. Other deputy early voting clerks will be appointed as needed to conduct early voting by personal appearance.

Early voting shall take place during the following dates and times:

April 23 – May 1	8:15 a.m. – 4:45 p.m.;
April 24	8:00 a.m. – 7:00 p.m.;
7 April 26	8:00 a.m. – 7:00 p.m.

Early Voting Ballot Board. That an Early Voting Ballot Board shall be created to process early voting results in accordance with Section 87.007 of the Texas Election Code. The Early Voting Ballot Board shall be made up of members appointed in the manner stated in the Joint Election Contract.

Section 8. Election Compliance. This election shall be held in accordance with, and shall be governed by, the election laws of the State of Texas. In all City elections, the Mayor, City Secretary or City Council shall perform each act as is required to be performed, in connection with the holding and consummation of such election, and to give effect to the intent of this Ordinance.

Section 9. Voting Qualification; Voting Materials. All registered, qualified voters of the City shall be permitted to vote at the election. In addition, the election materials enumerated in the Texas Election Code, as amended, shall be printed in English and Spanish for use at the polling places and for early voting for the Election.

Section 11. Election Returns. The Hunt County Election Administrator shall deliver election returns to the City Secretary. The ballot boxes will be retained by the Hunt County Election Administrator and will be available for inspection by the City Council in compliance with the applicable laws of the State of Texas; and the ballots that are properly marked in conformance with the provisions of the Texas Election Code, as amended, for votes cast both during the period of early voting and on the day of the Election shall be counted in the manner required by law.

Section 13. Run-Off Election. If a run-off election becomes necessary, the Hunt County Election Administrator's office will conduct the run-off election. In the event any candidate for any one of said offices fails to receive a majority of all votes cast for such office, a run-off election is hereby ordered to be held on May 22, 2018, as provided for by the Texas Election Code.

Section 14. Severability Clause. If any word, section, article, phrase, paragraph, sentence, clause, or portion of this ordinance or application thereto to any person or circumstance is held to be invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portion of this ordinance; and the City Council hereby declares it would have passed such remaining portions of this ordinance despite such invalidity which remaining portions shall remain in full force and effect.

Section 15. Effective Date. This Ordinance shall take effect from and after its passage.

DULY PASSED AND APPROVED by the City Council of the City of Commerce, Texas on this the 16th day of January, 2018.

Wyman Williams, Mayor
City of Commerce

ATTEST:

Molly Jacobsen, City Secretary
City of Commerce