

ORDINANCE NO. 2016-08-18B

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OVERTON, TEXAS ORDERING A REGULAR CITY GENERAL ELECTION FOR THE ELECTION OF CITY COUNCILMAN PLACE #1, CITY COUNCILMAN PLACE #3 AND CITY COUNCILMAN PLACE #5 AS REQUIRED BY SECTION 22.003 OF THE TEXAS LOCAL GOVERNMENT CODE AND CHAPTER 41 OF THE TEXAS ELECTION CODE AT THE NEXT UNIFORM ELECTION TO BE HELD ON NOVEMBER 8, 2016; AUTHORIZING THE MAYOR TO SIGN THE ELECTION ORDER ON BEHALF OF THE GOVERNING BODY, ESTABLISHING THE ELECTION PROCEDURES; DESIGNATING THE EARLY VOTING POLLING PLACES AND PROVIDING FOR RELATED MATTERS.

WHEREAS, the Senate Bill 733 was passed in the 84th Texas Legislature which concluded June 1, 2015 and signed by the Governor of Texas on June 19, 2015; and

WHEREAS, Senate Bill 733 allows Municipalities that currently hold May elections to take action to move their elections to the November uniform election date so long as the action to do so is completed by December 31, 2016; and

WHEREAS, the City Council of the City of Overton passed Resolution No. 2015-07-16B on July 16, 2015 moving the City of Overton's Regular General Election each year from May to November; and

WHEREAS, on November 8, 2016 a General Election shall be held for the purpose of electing three (3) City Council Members for the City of Overton (the "City"); and

WHEREAS, the *Texas Election Code* is applicable to said election and this ordinance shall establish procedures consistent with the Code and shall designate the Early Vote locations for said election; and

WHEREAS, the City of Overton, Texas (hereinafter the "City") has made provisions to contract with Rusk County and Smith County to conduct the City's General Election, pursuant to Chapter 31, *Texas Election Code*, and Chapter 791, *Texas Government Code* (the "Election Agreement" or "contract"); and

WHEREAS, the contract(s) (hereinafter referred to as the "Election Agreement") shall be in reference to **Resolution No. 2016-08-18A** for the Election Agreement between the City of Overton and Rusk County, and shall be in reference to **Resolution No. 2016-08-18B** for the Election Agreement between the City of Overton and Smith County.

NOW THEREFORE, BE IT ORDAINED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF OVERTON, TEXAS

SECTION 1. The General Election of the City shall be held on Tuesday, November 8, 2016 to elect three City Council Members; Place 1, Place 3 and Place 5, to serve a term of two (2) years

each. Candidates at the election for the above offices shall file their application to become candidates with the City Secretary of the City at City Hall, 1200 S. Commerce Street; Overton, Texas 75684 between 8:00 a.m. on Monday, July 25, 2016 and 5:00 p.m. on Monday, August 22, 2016 all applications for candidacy shall be on a form as prescribed by the *Texas Election Code*. The order in which the names of the candidates for each office are to be printed on the ballot shall be determined by a drawing conducted by the City Secretary.

SECTION 2. Notice of the elections shall be given and the elections shall be held in compliance with the provisions of the Texas Elections Code in all respects. The ballots for the elections shall comply with the *Texas Election Code* and be in the form provided by the City to Rusk County and Smith County Elections Administrator for use on the voting machines and ballots used by Rusk and Smith Counties.

SECTION 3. The Rusk County and Smith County Elections Administrators and his/her employees and appointees, and the election judges, alternate judges and clerks properly appointed for the election shall hold and conduct the election in the manner provided by contract with the City and the law governing the holding of general elections by general law cities of the State of Texas ; and the official ballots, together with such other election materials as are required by the *Texas Election Code*, shall be prepared both in English and Spanish languages and shall contain such provisions, markings and language as is required by law.

SECTION 4. Early voting, both by personal appearance and by mail will be conducted by the Rusk and Smith Counties Elections Administrators who is hereby designated and appointed as the Early Voting Clerk for each County, in accordance with the *Texas Election Code*. Early voting by personal appearance shall be conducted at the times, places and locations authorized by state law and the Rusk and Smith Counties Elections Administrators. Early voting shall commence on Monday, October 24, 2016, and continue through Friday, November 4, 2016. Early voting extended hours shall be held as established by the Rusk and Smith Counties Elections Administrators.

SECTION 5. As per Section 43.007(k) (2) to the *Texas Election Code*, both Rusk and Smith Counties have opted to utilize the countywide election precincts (hereinafter referred to as vote centers) allowing citizens to vote at any polling place within the county of residence for the voter. The polls shall remain open on the day of the election from 7:00 a.m. to 7:00 p.m. The returns for all precincts in Rusk and Smith Counties will be provided by vote center to the Rusk and Smith County Elections Administrators who shall tabulate and provide the election returns for the General Election.

SECTION 6. The City Secretary, or designee, is hereby instructed to aid the Rusk and Smith Counties Elections Administrators in the acquisition and furnishing of all elections supplies and materials necessary to conduct the election as provided per the Election Agreement(s). The City Secretary is further authorized to give or cause to be given notices required for the election, and to take such other and further action required to conduct the election in compliance with the *Texas Election Code*; provided that, pursuant to the Election Agreement between Rusk and Smith Counties and the City and the Rusk and Smith Counties Elections Administrators shall have the duty and be responsible for organizing and conducting the election in compliance with the *Texas Election Code*; and for providing all services specified to be provided in the Election Agreement. The Rusk and Smith Counties Elections Administrators shall give the notices required by the *Texas Election Code* to be given for the election not required to be given by the City under the Election Agreement.

SECTION 7. The presiding judges, alternate presiding judges and clerks for the election shall be selected and appointed by the Rusk and Smith County and its appointees in compliance with the requirements of state law, and such judges and clerks so selected by Rusk and Smith County and its appointees are hereby designated and appointed by the City Council of Overton as the election officers, judges and clerks, respectively, for the holding of said general election. The presiding judges, alternate presiding judges and clerks shall perform the functions and duties of their respective positions that are provided by state law. The City Council will further confirm the election judges and alternate election judges that are appointed by Rusk and Smith Counties for the election.

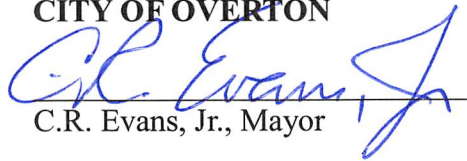
SECTION 8. Notice of the elections shall be given by posting a notice containing a substantial copy of this ordinance on the bulletin board used for posting notice of meetings of the governing body at the City Hall and at the aforesaid election day polling places not later than the twenty-first (21st) day before the election, and by publishing the Notice of Election twice, not earlier than thirty (30) days nor later than ten (10) days prior to said election, in the official newspaper of the City. The notice that is posted, and the notice that is published in the newspaper of general circulation within the city, will be written in English and Spanish.

SECTION 9. The election shall be held and conducted by the Rusk and Smith Counties Elections Administrators in compliance with state law and the Election Agreement(s). And, This Ordinance shall be in force and effect from and after its passage on the date shown below.

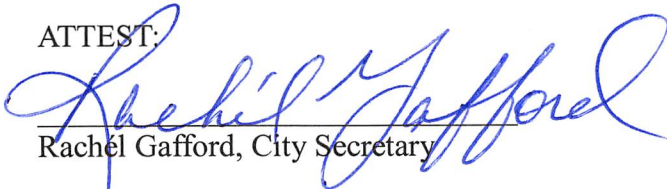
SECTION 10. It is hereby official found and determined that this meeting was open to the public, and public notice of the time, place and purpose of said meeting was given, all as required by the Open Meetings Act, Chapter 551, Texas Government Code.

PRESENTED AND APPROVED ON THIS 18th DAY OF AUGUST, 2016 BY A VOTE OF 4 AYES, 0 NAYS 0 ABSTENTIONS, AT A REGULAR CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF OVERTON, TEXAS.

CITY OF OVERTON


C.R. Evans, Jr., Mayor

ATTEST:


Rachel Gafford, City Secretary

APPROVED AS TO FORM AND LEGALITY:


Blake Thompson, City Attorney



EXHIBIT A

ORDER OF GENERAL ELECTION FOR THE CITY OF OVERTON, TEXAS

(ORDEN DE ELECCIÓN GENERAL PARA LA CIUDAD DE OVERTON, TEJAS)

An election is hereby ordered to be held on November 8, 2016 for the purpose of:

Electing a Councilman Place #1, Councilman Place #3 and Councilman Place #5

La elección general que se ordena aquí, se celebrará martes, el 8 de Noviembre 2016, para los fines siguientes:

La elección de un Concejal lugar #1, Concejal Lugar #3 y #5 Concejal Lugar

Early voting by personal appearance will be conducted each week day from October 24, through November 4, 2016 at: *(La votación anticipada por comparecencia personal estará conducida cada día laborable desde el 24 de de Octubre hasta el 4 de Noviembre 2016 :*

MAIN EARLY VOTING SITE (RUSK COUNTY):

Sitio principal de la votación anticipada (Condado de Rusk):

Location	Dates	Time
Rusk County Elections Office 204 N. Main St. Henderson, TX	October 24 - October 28, 2016	8 a.m. to 5 p.m.
	October 29, 2016	10 a.m. to 3 p.m.
	October 30, 2016	12 p.m. to 5 p.m.
	October 31 – November 4, 2016	8 a.m. to 5 p.m.

MAIN EARLY VOTING SITE (SMITH COUNTY):

Sitios principals de la votación anticipada (Condado de Smith):

Location	Dates	Time
The HUB Smith County Elections Office 304 E. Ferguson St Tyler, TX	October 24 - October 28, 2016	8 a.m. to 5 p.m.
	October 29, 2016	7 a.m. to 7 p.m.
	October 30, 2016	1 p.m. to 6 p.m.
	October 31 – November 4, 2016	7 a.m. to 7 p.m.

TEMPORARY BRANCH EARLY VOTING SITE(S) (RUSK COUNTY):

Sitios De votación Temporal en el Condado de Rusk:

Location	Dates	Time
County Barn Precinct #4 13612 FM 1798 W. Henderson, TX	October 24, 2016 & October 25, 2016	9 a.m. to 6 p.m.
Mt. Enterprise Community Center 300 W. 2 nd St. Mt. Enterprise, TX	October 27, 2016 & October 28, 2016	9 a.m. to 6 p.m.
Sherman R Smith Community Center 231 N. Hood St. Tatum, TX	October 31, 2016 & November 1, 2016	9 a.m. to 6 p.m.
Chandler Street Church of Christ 2700 Chandler St. Kilgore, TX	November 3, 2016 & November 4, 2016	9 a.m. to 6 p.m.

TEMPORARY BRANCH EARLY VOTING SITE(S) (SMITH COUNTY):

Sitios De votación Temporal (Condado de Smith):

Location	Dates	Time
Noonday Community Center 16662 CR 196 Noonday, TX	October 24 - October 28, 2016	8 a.m. to 5 p.m.
	October 29, 2016	7 a.m. to 7 p.m.
	October 30, 2016	1 p.m. to 6 p.m.
	October 31 – November 4, 2016	7 a.m. to 7 p.m.
Whitehouse Municipal Court 311 East Main St Whitehouse, TX	October 24 - October 28, 2016	8 a.m. to 5 p.m.
	October 29, 2016	7 a.m. to 7 p.m.
	October 30, 2016	1 p.m. to 6 p.m.
	October 31 – November 4, 2016	7 a.m. to 7 p.m.
Lindale Public Library (Lillie Russell Memorial) 200 E Hubbard Lindale, TX	October 24 - October 28, 2016	8 a.m. to 5 p.m.
	October 29, 2016	7 a.m. to 7 p.m.
	October 30, 2016	1 p.m. to 6 p.m.
	October 31 – November 4, 2016	7 a.m. to 7 p.m.
Heritage Building 1900 W Bellwood Rd Tyler, TX	October 24 - October 28, 2016	8 a.m. to 5 p.m.
	October 29, 2016	7 a.m. to 7 p.m.
	October 30, 2016	1 p.m. to 6 p.m.
	October 31 – November 4, 2016	7 a.m. to 7 p.m.

BRANCH EARLY VOTING SITE (RUSK & SMITH COUNTY):

Location	Dates	Time
City of Overton, City Hall City Council Chambers 1200 S. Commerce St. Overton, TX	October 24 - October 28, 2016	8 a.m. to 5 p.m.
	October 31 – November 4, 2016	7:30 a.m. to 5:30 p.m.

UBICACIÓN DE LOS SITIOS DE VOTACIÓN ANTICIPADAS (RUSK Y EL CONDADO DE SMITH):

Location	Dates	Time
La Ciudad de Overton Sala del Consejo 1200 S. Commerce St Overton, TX	El 24 de Octubre hasta el 28 de Octubre de 2016	de 8 a.m. to de 5 p.m.
	El 31 de Octubre hasta el 4 de Noviembre de 2016	de 7:30 a.m. to de 5:30 p.m.

Applications for ballot by mail for Rusk County Voters should be mailed to:

(Las solicitudes para boletas que se votarán en ausencia por correo deberán enviarse a:)

Kathie Wittner, Election Administrator
Early Voting Clerk *Secretaria de la Votación Adelantada*
P.O. Box 668 (204 N. Main St)
(Address) *(Dirección)*
Henderson, Texas 75653
(City) (Zip Code) *(Ciudad)(Zona Postal)*

Applications for ballot by mail for Smith County Voters should be mailed to:

(Las solicitudes para boletas que se votarán en ausencia por correo deberán enviarse a:)

Karen Nelson, Election Administrator
Early Voting Clerk *Secretaria de la Votación Adelantada*
302 E. Ferguson St
(Address) *(Dirección)*
Tyler, Texas 75702
(City) (Zip Code) *(Ciudad)(Zona Postal)*

Applications for ballots by mail must be received no later than Friday, October 28, 2016 close of business. *(Las aplicaciones para votaciones por el correo no deben ser recibidas más tarde que el final de, Cerrado viernes, 28 de de Octubre de 2016.)*

Issued this the 18th day of August, 2016. *(Emitida este día 18th de Agosto, 2016).*



Mayor *(Firma del Alcalde)*

Attested by:



Rachel Gafford, City Secretary



Instruction Note: A copy of this election order must be delivered to the county Clerk/elections Administrator and Voter Registrar immediately after ordering the election.

(Nota de instrucción: Se deberá entregar una copia de esta orden de elección a la Secretaria del Condado / Administrador(a) de Elecciones y el/la Registrador(a) de Votantes inmediatamente después de ordenar la elección.)