

TOWN OF LITTLE ELM, TEXAS

ORDINANCE NO. 1749

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LITTLE ELM, TEXAS, ORDERING A GENERAL ELECTION TO BE HELD ON SATURDAY, MAY 4, 2024, FOR THE FOLLOWING PURPOSES: ELECT MAYOR FOR A THREE (3) YEAR TERM; ELECT ONE (1) TOWN COUNCIL MEMBER FOR PLACE 3 FOR A THREE (3) YEAR TERM; PROVIDING FOR THE APPOINTMENT OF ELECTION OFFICERS; PROVIDING FOR THE DESIGNATION OF THE PLACES AND MANNER OF HOLDING SAID ELECTION; PROVIDING FOR THE DESIGNATION OF THE EARLY VOTING POLLING PLACES; PROVIDING FOR THE DESIGNATION OF THE EARLY VOTING CLERK; PROVIDING FOR THE POSTING AND PUBLICATION OF NOTICE; PROVIDING A SEVERABILITY AND CONFLICTS CLAUSE; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.

WHEREAS, Section 41.001 of the Texas Election Code, as amended, establishes Saturday, May 4, 2024, as a “uniform election date” for the purposes of conducting an election within the Town of Little Elm, Texas (**“Town”**); and

WHEREAS, the Town Council Member terms of office for Mayor and Place 3 will expire in May, 2024, and must be filled by general election; and

WHEREAS, the Town has entered into a Joint Election Agreement and Contract for Election Services (**“Election Services Agreement”**) with the Denton County Elections Administrator (**“Elections Administrator”**) for conducting the general election within the Town, which Election Services Agreement provides, among other things, that the Elections Administrator will conduct the general election for the Town; will appoint election judges, clerks, and other election personnel; will provide voting supplies and equipment; will conduct early voting; will count and provide election returns; and will designate early voting polling sites and Election Day voting sites for the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LITTLE ELM, TEXAS:

Section 1. Findings.

The facts and recitations contained in the preamble of this ordinance are hereby found and declared to be true and correct legislative findings and are adopted as part of this ordinance for all purposes.

Section 2. Election Order; Election Date; Purpose of Election.

A general election of the Town shall be held on May 4, 2024, between the hours of 7:00

a.m. and 7:00 p.m., at those Election Day voting sites as determined by the Elections Administrator, for the following purposes:

- (1) To elect a Mayor, for a three (3) year term;
- (2) To elect a Town Council Member for Place 3, for a three (3) year term;

Section 3. Candidate Filing Deadline.

Candidates for Mayor and Town Council Member for Place 3, may file with the Town Secretary of the Town of Little Elm, Texas ("**Town Secretary**"), for one of the two (2) places beginning on January 17, 2024, and until 5:00 p.m. on February 16, 2024. The last date and time for a write-in candidate shall be 5:00 p.m. on February 20, 2024.

Section 4. Voting System, Ballots.

Voting on the date of the election, and early voting therefore, shall be by the use of a lawfully approved voting system, as provided in the Election Services Agreement. 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 of the Town to vote for Mayor and Town Council Member for Place 3. Said ballots shall have printed therein such provisions, markings, and language as may be required by law and as set forth by the Elections Administrator pursuant to the provisions of the Elections Services Agreement, and in substantially the following form and language:

**GENERAL ELECTION
Town of Little Elm, Texas
May 4, 2024**

OFFICIAL BALLOT

Mayor

Council Member for Place 3

Section 5. Election Precincts; Polling Places.

All election precincts, early voting polling sites and Election Day polling sites shall be determined by the Elections Administrator pursuant to the Election Services Agreement.

Section 6. Appointment of a Presiding Election Judge, and Alternate Presiding Election Judge; Notice of Appointment.

A Presiding Judge and Alternate Presiding Judge for all designated polling places shall be appointed by the Elections Administrator, pursuant to provisions of the Election Services Agreement, and in accordance with Section 32.009 of the Texas Election Code.

Section 7. Early Voting; Early Voting Polling Place(s).

Early voting shall commence in the at the Little Elm Town Hall in the Council Conference Room (next to Council Chambers) located at 100 W. Eldorado Pkwy, Little Elm, TX 75068 on April 22, 2024 (as well as at any other polling site(s) determined by the Elections Administrator pursuant to the Election Services Agreement), and shall close on April 30, 2024. During the lawful early voting by personal appearance period (April 22, 2024, through April 30, 2024), the Town Secretary (or designated personnel of the Elections Administrator) shall keep such place(s) for early voting open for early voting by personal appearance schedule as follows:

April 22 – April 27	8:00 a.m. to 5:00 p.m.
April 28	11:00 a.m. to 5:00 p.m.
April 29 – 30	7:00 a.m. to 7:00 p.m.

The main early voting location is at the Denton County Elections Administration, 701 Kimberly Dr., Ste. A111, Denton, TX 76208.

Section 8. Applications for Ballot by Mail and Federal Post Card Applications.

Applications for a Ballot by Mail and Federal Post Card Applications must be submitted between January 1, 2024 and April 23, 2024 by mail, fax or email to:

Frank Phillips
Early Voting Clerk
PO Box 1720
Denton, TX 76202
Fax: 940-349-3201
Email: elections@dentoncounty.com
Website: <https://www.votedenton.gov/>

Section 9. 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 Town elections, the Mayor, Town Secretary, or Town 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 and all Town obligations as set forth in the Election Services Agreement.

Section 10. Voting Qualification; Voting Materials.

All registered, qualified voters of the Town 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. Compensation for Services.

The Presiding Election Judge, Alternate Presiding Judge, and each Election Clerk shall be compensated at the rate determined by the Elections Administrator, pursuant to the provisions of the Election Services Agreement.

Section 12. Notices.

The Town Secretary is hereby ordered and directed to give notice of the general election by:

- (a) Publishing the notice of the election at least once, not more than thirty (30) days nor less than ten (10) days before the election in the official newspaper of the Town, or between April 4, 2024 and April 24, 2024;
- (b) Filing with the Town Secretary a copy of the notice of the election;
- (c) Posting a copy of the notice on the bulletin board used for posting notices of the meetings of the Town Council and on the Town's website (www.littleelm.org) at least twenty-one (21) days before the election, by April 13, 2024; and
- (d) Delivering notice of the election to the Denton County clerk not later than the 60th day before Election Day, or March 5, 2024.

The Town Secretary shall file with the Town Secretary a copy of the Publisher's Affidavit, which complies with the Texas Election Code, as amended, that the notice was published, with the name of the newspaper and the dates of publication.

Section 13. Run-Off Election.

In accordance with the State Constitution, the Texas Election Code, and the Charter, in the event that no candidate receives a majority of the votes for an office, there shall be a runoff election held on a date authorized by the Texas Election Code. If a run-off election becomes necessary it shall be ordered by the Mayor or Mayor Pro-tem not later than five

(5) days after the canvassing of the returns of the general election, or as otherwise authorized by the Texas Election Code. The Town may, at its option, choose to conduct any runoff election in conjunction with the Denton County Elections administrator through the provisions of the Election Services Agreement.

Section 14. Severability Clause; Conflicts with Election Services Agreement.

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 Town 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. Additionally, it is the intent of the Town Council in adopting this ordinance to fully comply with the terms of the Election Services Agreement. Should any conflict arise between any term of this ordinance and the Town's obligations under the Election Services Agreement, it is the express intent of the Town Council that the terms of the Election Services Agreement should control and govern the administration of the general election addressed in this ordinance.

Section 15. Effective Date.

This ordinance shall take effect immediately upon its adoption and publication in accordance with and as provided by law and the Town Charter.

PASSED AND APPROVED by the Town Council of the Town of Little Elm, Texas
this 6th day of February 2024.

Curtis J. Cornelious, Mayor

ATTEST:

Caitlan Biggs, Town Secretary

APPROVED AS TO FORM:

Robert F. Brown, Town Attorney