

NOTICE OF SPECIAL ELECTION

THE STATE OF TEXAS §
 §
COUNTIES OF GUADALUPE, COMAL §
AND BEXAR §
 §
CITY OF SCHERTZ

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TO THE RESIDENT, QUALIFIED VOTERS OF THE
CITY OF SCHERTZ, TEXAS

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TAKE NOTICE that a special election will be held in the City of Schertz, Texas on November 5, 2019, in obedience to a Resolution duly entered by the City Council of the City on September 3, 2019, which Resolution reads substantially as follows:

RESOLUTION NO. 19-R-116

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS, CALLING A SPECIAL ELECTION TO BE HELD ON NOVEMBER 5, 2019 FOR THE PURPOSE OF ELECTING A COUNCILMEMBER FOR PLACE 4 FOR THE REMAINING YEAR OF THE UNEXPIRED TERM AND MAKING PROVISION FOR THE CONDUCT OF THE ELECTION; AUTHORIZING CONTRACTS WITH THE ELECTIONS ADMINISTRATORS OF BEXAR AND GUADALUPE COUNTIES TO CONDUCT THIS ELECTION; AUTHORIZING THE ELECTION TO BE HELD AS A JOINT ELECTION; RESOLVING OTHER MATTERS INCIDENT AND RELATED TO SUCH ELECTION; AND DECLARING AN EFFECTIVE DATE

WHEREAS, pursuant to Section 9.01(a) of the Home Rule Charter (the "**Charter**") of the City of Schertz, Texas (the "**City**"), the regular City election shall be held annually on the uniform election date in November, or at such other times as may be authorized or specified by State Law, at which time officers will be elected to fill those offices which become vacant that year.; and

WHEREAS, the term of the office of Councilmember for Place 4 ends in November 2020; and,

WHEREAS, Councilmember Cedric Edwards is currently serving as Councilmember for Place 4 with his current term expiring in November of 2020, and Councilmember Edwards has filed an application for a place on the ballot for the Office of Mayor and publicly announced his intention to seek the Office of Mayor at the City Council meeting on August 27, 2019; and,

WHEREAS, the Constitution of the State of Texas provides that if a council member of a home rule municipality having terms longer than two years shall announce their candidacy, or shall in fact become a candidate, in any General, Special or Primary Election, for any office of profit or trust under the laws of this State or the United States other than the office then held, at any time when the unexpired term of the office then held shall exceed one year and 30 days, such announcement or such candidacy shall constitute an automatic resignation of the office then held, and the vacancy thereby created shall be filled pursuant to law in the same manner as other vacancies for such office are filled; and

WHEREAS, more than one year and thirty days remained on the unexpired term for Councilmember Edward's Place 4 seat at the time he declared his candidacy for the office of Mayor requiring the City to conduct a special election in November 2019 to fill the vacancy; and

WHEREAS, the City will hold its general and special election jointly in the counties of Bexar and Guadalupe with the Schertz-Cibolo-Universal City Independent School District (the "**District**"), the City of Cibolo, Cibolo Creek Municipal Authority and other entities pursuant to a joint election agreement between said entities as authorized by Section 271.002 of the Texas Election Code, as amended (the "**Code**"). WHEREAS, the City Council of the City (the "**Council**") hereby finds and determines that holding a Joint General Election on November 5, 2019, which is the uniform election date in November prescribed under the Texas Election Code, for the purpose of electing

Councilmembers for Place 1, Place 2 and the Mayor and for the unexpired term for Place 4 is in accordance with the provisions of the City's Charter and is in the best interest of the citizens of the City; and

WHEREAS, the Council hereby finds and determines that a Joint General and Special Election should be held in the City on November 5, 2019, for the purpose of electing the Councilmembers for Place 1, Place 2 and the Mayor for a three-year term and for the unexpired term for Councilmember Place 4; and

WHEREAS, the City will contract with the Bexar County Elections Administrator, and the Guadalupe County Elections Administrator (collectively, the "**Elections Administrators**") to conduct this special election; and

WHEREAS, the City Secretary shall publish, and post notice of this special election as required by applicable law.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS THAT:

Section 1. A special election shall be held in conjunction with the general election on November 5, 2019 in and throughout the City, for the purpose of electing a Councilmember for Place 4, which place was resigned by Councilmember Cedric Edwards, and is unexpired one-year term to expire November 2020.

Section 2. The City will hold a Joint General and Special election with the Schertz-Cibolo-Universal City Independent School District (the "District"), the City of Cibolo, and other entities, as provided pursuant to the provisions of a joint election agreement between Bexar County and Guadalupe County and the City of Schertz, adopted in accordance with the provisions of Section 271.002 of the Texas Election Code, as amended (the "Code").

Section 3. At said special election, the candidate receiving the most votes for Councilmember for Place 4, shall be declared elected for a term to expire in November 2020. Any candidate desiring to have his or her name on the Official Ballot for said General election shall, no sooner than September 4, 2019, and no later than September 26, 2019, by 5:00 p.m., file with the City Secretary an application in writing in the form prescribed by the Texas Election Code requesting that his or her name be placed on the Official Ballot and declaring as a candidate for Councilmember for Place 4.

Any person failing to file said written application for candidacy by the time aforesaid shall not be entitled to have his or her name printed on the Official Ballot. The name of all eligible candidates whose applications have been duly and timely filed shall be placed on the ballot pursuant to a drawing as provided by law.

Section 4. Pursuant to Section 61.012, Texas Election Code, as amended, the City shall provide at least one accessible voting system in each polling place used in the election. Such voting system shall comply with Texas and federal laws establishing the requirement for voting systems that permit voters with physical disabilities to cast a secret ballot. Touch screen machines may be used for early voting and Election Day voting by personal appearance. Certain early voting may be conducted by mail. The Elections Administrators shall also utilize a Central Counting Station (the "**Station**") as provided by Section 127.001, et seq., Texas Election Code, as amended. Bexar County

Election Administrator Jacque Callanen, and Guadalupe County Election Administrator Lisa Hayes will serve as the Managers and Presiding Judges of the Stations, will appoint the Election Judges and Station Clerks for each Station location and will establish a written plan for the orderly operation of the Station locations in accordance with the provisions of the Texas Election Code. The Elections Administrators will appoint the Tabulation Supervisors which will also serve as the Programmers for the Stations. Lastly, the Elections Administrators will publish notice and conduct testing on the automatic tabulation equipment relating to the Stations and conduct instruction for the officials and clerks for the Stations in accordance with the provisions of the Texas Election Code.

Section 5. The City election precincts and vote center locations established for this election shall be the precincts named on **Exhibit A** attached hereto. A list of the City election precincts/vote centers and the polling places designated for each such election precinct are identified on **Exhibit A** to this Resolution, and this exhibit is incorporated by reference for all purposes. The City election Early voting locations established for this election shall be named on **Exhibit B** attached hereto. At least 63 days prior to the scheduled election date, the Council, in coordination with the Elections Administrators, will identify and formally approve the appointment of the Presiding Judges, Alternate Presiding Judges, Election Clerks, and all other election officials for this election.

Each Presiding Judge shall appoint not less than two (2) resident qualified voters of the County to act as clerks to properly conduct the election. However, if the Presiding Judge appointed actually serves, the Alternate Presiding Judge shall serve as one of the clerks. The appointment of such clerks may include a person fluent in the Spanish language to serve as a clerk to render oral aid in the Spanish language to any voter desiring such aid at the polls on the day of the election. In the absence of the Presiding Judge named above, the Alternate Presiding Judge shall perform the duties of the Presiding Judge.

The election shall be held at the precincts and vote center locations listed on **Exhibit A** on Tuesday, November 5, 2019, as prescribed by applicable law, and, on the day of the election, the polls shall be open from 7:00 a.m. to 7:00 p.m.

The Bexar County Elections Office, 1103 S. Frio, Suite 100 San Antonio, Texas 78207, and the Guadalupe County Elections Office, 1101 Elbel Road, Schertz, Texas 78154, are hereby designated as the main early voting places at which early voting shall be conducted for those living respectively in Bexar, Comal, and Guadalupe Counties. Jacquelyn Callanen, the Elections Administrator of Bexar County (whose mailing address is 1103 S. Frio, Suite 100 San Antonio, Texas 78207), and Lisa Hayes, the Elections Administrator of Guadalupe County (whose mailing address is 215 S. Milam Street Seguin, Texas 78155 or PO Box 1346, Seguin Texas 78156-1346) are hereby appointed as the Early Voting Clerks to conduct such early voting in the election in accordance with the provisions of the Texas Election Code. Each Early Voting Clerk shall appoint not less than two (2) Deputy Early Voting Clerks in accordance with the provisions of the Texas Election Code.

Early voting shall be conducted from Monday, October 21, 2019 through Friday, November 1, 2019, with the exception of certain Saturdays, Sundays, and official State holidays. The locations and hours for the early voting are attached to this Resolution on **Exhibit B**.

Applications for ballots by mail must be received by the Early Voting Clerks of

the appropriate Counties not later than the close of business on Friday, October 25, 2019.

An Early Voting Ballot Board for each County is hereby established for the purpose of processing early voting results. Jacquelyn Callanen, Elections Administrator of Bexar County, and Lisa Hayes, Elections Administrator of Guadalupe County will appoint the Presiding Judges of the applicable Early Voting Ballot Board. Each Presiding Judge shall appoint not less than two (2) nor more than ten (10) resident qualified voters of the applicable County to serve as members of the applicable Early Voting Ballot Board.

Section 6. The anticipated fiscal impact of conducting the special election is currently estimated to be \$31,350,50.

Section 7. All resident qualified voters of the City shall be permitted to vote at any of the early voting locations in Bexar or Guadalupe County regardless of their county of residence. On Election Day, such voters shall vote at any polling place located in their designated election precinct within Guadalupe, Bexar or Comal County. The election shall be held and conducted in accordance with the provisions of the Texas Election Code, as amended, and as may be required by any other law. All election materials and proceedings shall be printed in both English and Spanish.

Section 8. A substantial copy of this Resolution shall serve as a proper notice of the election. This notice, including a Spanish translation thereof, shall be posted at the City Hall not less than twenty-one (21) days prior to the date the election is to be held, and be published in a newspaper of general circulation in the City, (a) not more than thirty (30) days, and not less than ten (10) days prior to the day of the election.

Section 9. The Council authorizes the City Manager, or his/her designee, to negotiate and enter into one or more joint election agreements with other governmental organizations in accordance with the provisions of the Texas Election Code in such form as shall be approved by the City Manager, or his/her designee.

Section 10. The Council authorizes the City Manager, or his/her designee, to negotiate and enter into contracts with the Elections Administrators to conduct the election in accordance with the provisions of the Texas Election Code in such form as shall be approved by the City Manager, or his/her designee.

Section 11. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the Council.

Section 12. All ordinances and resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters ordered herein.

Section 13. This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 14. If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and this Council hereby declares that this Resolution would have been enacted without such invalid provision. The Council hereby authorizes the Mayor and the City Secretary of the City to make such technical modifications to this Resolution that are necessary for compliance with applicable Texas or federal law or to carry out the intent of this Council, as evidenced herein.

Section 15. It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Chapter 551, Texas Government Code, as amended.

Section 16. This Resolution shall be in force and effect from and after its final passage and any publication required by law.

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PASSED, APPROVED, AND ADOPTED on this 3rd day of September 2019.

Michael R. Carpenter Mayor

ATTEST:

Brenda Dennis TRMC, MMC, CPM, City Secretary

(SEAL OF CITY)