

NOTICE OF ELECTION

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

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

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TAKE NOTICE that an election will be held in the City of Schertz, Texas on December 14, 2024, in obedience to a Resolution duly entered by the City Council of the City of Schertz on September 24, 2024, which Resolution reads substantially as follows:

RESOLUTION NO. 24-R-129

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS, CALLING A SPECIAL ELECTION TO BE HELD ON DECEMBER 14, 2024, FOR THE PURPOSE OF ELECTING A COUNCILMEMBER FOR PLACE 4 WITH GUADALUPE COUNTY, BEXAR COUNTY, AND COMAL COUNTY AND APPROVING THE GUADALUPE COUNTY ELECTION CONTRACT STATING THAT GUADALUPE COUNTY WILL OVERSEE THE ENTIRE SPECIAL ELECTION AND OTHER MATTERS INCIDENT AND RELATED TO SUCH ELECTION

WHEREAS, Pursuant to The Texas Constitution Article 11. Municipal Corporations Sec.11 Term of Office Exceeding Two Years in Home Rule and General Law Cities; Vacancies. (c) Any vacancy or vacancies occurring on such governing body shall not be filled by appointment but must be filled by majority vote of the qualified voters at a special election called for such purpose within one hundred and twenty (120) days after such vacancy or vacancies occur except that the municipality may provide by charter or charter amendment the procedure for filling a vacancy occurring on its governing body for an unexpired term of 12 months or less; and

WHEREAS, the City has received a resignation from a councilmember, effective September 6, 2024, Election Code Sec. 201.023 provides that a vacancy occurs on the date the resignation is accepted by the appropriate authority or on the eighth day after the date of its receipt by the authority, whichever is earlier; and

WHEREAS, the City Council hereby finds and determines that holding a special election on December 14, 2024, with eligible political subdivisions in accordance with the provisions of Texas Election Code section 271.002 is in the best interest of the City; and

WHEREAS, the City Council finds and determines that contracting for election services with Guadalupe County Elections Administrator to oversee the entire election for Guadalupe, Comal and Bexar Counties; and

WHEREAS, the City Council finds and determines that holding such an election as provided for herein in is the best interest of the health, safety and welfare of the City.

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

Section 1. A special election shall be held on December 14, 2024, in and throughout the City, for the purpose of electing Councilmember for Place 4 to serve the remainder of the two-year term which will expire November 2026.

Section 2. The City will hold a Special Election with _____, and other political subdivisions, as provided pursuant to the provisions of the election agreement between Guadalupe County and the City of Schertz, adopted in accordance with the provisions of Section 271.002 of the Texas Election Code, as amended.

Section 3. At said Election, the candidate receiving at least fifty (50) percent plus one (1) of the votes for Councilmember Place 4 respectively, shall be declared elected for a term to expire in November 2026.

Section 4. Any candidate desiring to have his or her name on the Official Ballot for said Special Election shall, no sooner than Saturday, _____ 2024, and no later than Monday, _____ 2024 at 5:00 p.m., file with the City Secretary an application in writing and 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. 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 5. The election shall be held in accordance with, and shall be governed by, the election laws of the State of Texas, and conducted in accordance with the terms set forth in the Contract for Election Services, attached hereto as _____.

Section 6. The City Secretary is hereby designated as the election officer for the City and is hereby authorized to perform all duties and take all actions as required pursuant to the Election Services and is further authorized to take any additional actions required by state law.

Section 7. Election Code Sec. 4.004 (d) all precincts in the City of Schertz in Bexar, Comal and Guadalupe County have been consolidated. The Early Voting Location and Election Day Vote site established for this election are at Schertz Annex Building, 1101 Elbel Rd, Schertz, TX 78154 _____.

Section 8. Polling on election day shall be held at the Vote Center Location at Schertz Annex Building, 1101 Elbel Rd, Schertz, TX 78154, on Saturday, December 14, 2024, as prescribed by applicable law, and, the polls shall be open from 7:00 a.m. to 7:00 p.m.

Section 9. The Election Administrators are hereby designated as the Early Voting Clerks to conduct such early voting in the election in accordance with the provisions of the Texas Election Code. The main Early Voting places at which early voting shall be conducted for those living respectively are in Bexar, Comal, and Guadalupe Counties.

- Lisa Hayes, the Elections Administrator of Guadalupe County, mailing address is 215 S. Milam Street Seguin, Texas 78155 or PO Box 1346, Seguin Texas 78156-1346, (830-303-6363) and <https://www.co.guadalupe.tx.us/elections/>

Section 10. Early voting shall be conducted from Monday, _____ 2024, through _____, 2024, with some exceptions of certain Saturdays, Sundays, and official State holidays. The locations and hours for the early voting are attached to this Resolution as _____.

Section 11. The anticipated fiscal impact of conducting the election is currently estimated to be \$ _____.

Section 12. All resident qualified voters of the City shall be permitted to vote at the Early Voting location designated at Schertz Annex Building on 1101 Elbel Road, Schertz, TX 78154. On Election Day, such voters shall vote at Schertz Annex Building on 1101 Elbel Road, Schertz, TX 78154. 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 13. A substantial copy of this Resolution shall serve as proper notice of the Election. The City Secretary shall post and publish the election notice as required by the Texas Election Code.

Section 14. 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 15. The Council authorizes the City Manager, or his/her designee, to negotiate and enter into contracts with the County Clerk and 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 16. 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 17. 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 18. This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 19. 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 20. All exhibits provided for herein are incorporated by reference.

Section 21. 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 22. 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 ____ day of _____, 2024.

City of Schertz, Texas

Ralph Gutierrez, Mayor

ATEST:

Sheila Edmondson, TRMC
City Secretary