

RESOLUTION NO. 1330

A RESOLUTION OF THE CITY OF KYLE, TEXAS, CALLING A RUNOFF ELECTION ON TUESDAY, DECEMBER 13, 2022, FOR THE PURPOSE OF ELECTING A COUNCIL MEMBER DISTRICT 1; PROVIDING FOR EARLY VOTING AND FOR NOTICE OF THE ELECTION; AND PROVIDING FOR OTHER MATTERS RELATING TO THE ELECTION AND SETTING AN EFFECTIVE DATE.

WHEREAS, under State law, if a candidate does not receive enough votes to be elected in an election requiring a majority vote, a runoff election is required for the candidates who receive the highest and second highest number of votes in the main election (Texas Election Code §§2.021, 2.023); and,

WHEREAS, under Section 5.02 of the Kyle City Charter, the mayor and council members shall be elected by majority vote; and

WHEREAS, not later than the fifth day after the date the final canvass of the main election is completed, the City Council must order the runoff election (Texas Election Code §2.024); and,

WHEREAS, the runoff election must be held not earlier than the 20th or later than the 45th day after the date the final canvass of the main election is completed (Texas Election Code §2.025); and,

WHEREAS, the Mayor has certified to the City Secretary that the candidates for District 1, Amanda Stark and Bear Heiser be placed on the ballot for the runoff election (Texas Election Code §2.027); and

WHEREAS, the City has contracted with the Hays County Elections Administrator to conduct the City's runoff election, pursuant to *Chapter 31, Tex. Elec. Code* (the "Election Services Agreement).

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

Section 1. In accordance with the Constitution and general laws of the State of Texas, a Municipal Runoff Election is hereby called and ordered for Tuesday, December 13, 2022, at which election all qualified voters of the City may vote for the purpose of electing the following official of the City: Council Member District 1.

Section 2. The candidates for such runoff election shall be Amanda Stark and Bear Heiser, the candidates in the general election receiving highest and second highest number of votes for Council Member District 1.

Section 3. The polling places for the voting location in the City of Kyle for the Election Day voting shall be Kyle City Hall located at 100 W. Center Street Kyle, Texas 78640 and Hays County Precinct 2 located at 5458 FM 2770, Kyle, TX 78640.

Section 4. The Elections Administrator of Hays County, Texas, shall act as Contracting Officer (the "Contracting Officer") and shall appoint election judges, alternate judges, and clerks as described in the Election Services Agreement between Hays County and the City of Kyle, Texas.

Section 5. The Elections Administrator of Hays County, Texas, shall receive applications by mail for a ballot to be voted by mail, until the close of business on Friday, December 2, 2022 at 5:00 p.m. (received in office, not post marked). Requests for applications should be mailed to Jennifer Doinoff, Hays County Elections Administrator, Hays County Elections Division, 712 South Stagecoach Trail #1012, San Marcos, TX 78666.

Section 6. The dates and times for early voting by personal appearance shall be as follows at the locations below:

Kyle City Hall
100 W. Center Street, Kyle, TX 78640

Monday, Nov. 28 - Thursday, Dec. 1, 2022	8:00 a.m. - 5:00 p.m.
Friday, Dec. 2, 2022	7:00 a.m. - 7:00 p.m.
Saturday, Dec. 3, 2022	12:00 p.m. - 4:00 p.m.
Monday, Dec. 5 - Thursday, Dec. 8, 2022	8:00 a.m. - 5:00 p.m.
Friday, Dec. 9, 2022	7:00 a.m. - 7:00 p.m.

Section 7. Such election is authorized to be held as a joint election in accordance with Chapter 271, Texas Election Code, this Resolution, and the Election Services Agreement with other political subdivisions holding an election on the same day in all or part of Hays County.

Section 8. Such election shall be held in accordance with the Texas Election Code and only resident qualified voters of the City shall be eligible to vote.

Section 9. Notice of the election shall be given as provided by law.

Section 10. Voting at the election, including early voting, shall be by use of the County electronic voting system that has been duly approved by the Secretary of State.

Section 11. The Hays County Elections Administrator 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 for the City pursuant to the Election Services Agreement. The runoff election shall be held and conducted by the Hays County Elections Administrators in compliance with the *Tex. Elec. Code* and, to the extent not inconsistent therewith, the *City Charter*. The Elections Administrator is hereby authorized and instructed to provide and furnish all necessary election supplies to conduct said election.

Section 12. The City Secretary is hereby authorized and instructed to aid the Hays County Elections Administrator in the acquisition and furnishing of all election supplies and materials necessary to

conduct the runoff election. The City Secretary is further authorized to assist with the giving of notices required for the election, and to take such other and further action as is required to conduct the election in compliance with the *Texas Election Code*; provided that, pursuant to the Election Services Agreement, the Hays County Elections Administrator 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 Services Agreement.

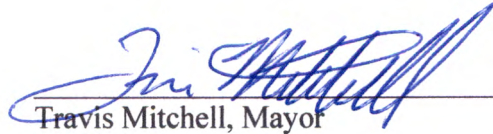
Section 13. The returns of said election shall be made in accordance with the State Election Code and shall be canvassed by the City Council at a City Council Meeting.

Section 14. The mayor is authorized to sign an Order of Election and a Notice of Runoff Municipal Election prescribed by the State of Texas on behalf of the City Council. The Notice of Runoff Municipal Election shall be published in accordance with the provisions of the Texas Election Code.

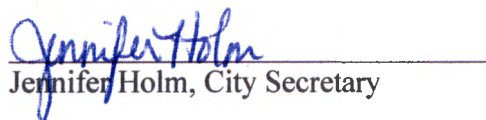
Section 15. Should any part, section, subsection, paragraph, sentence, clause or phrase contained in this resolution be held to be unconstitutional or of no force and effect, such holding shall not affect the validity of the remaining portion of this resolution, but in all respects said remaining portion shall be and remain in full force and effect.

Section 16. That this resolution shall be effective immediately upon adoption.

PASSED AND APPROVED this 15th day of November 2022.


Travis Mitchell, Mayor

ATTEST:


Jennifer Holm, City Secretary