

ORDINANCE NO. 1062

AN ORDINANCE OF THE CITY OF KYLE, TEXAS, ORDERING A SPECIAL ELECTION TO BE HELD ON JANUARY 25, 2020 FOR THE ELECTION OF CITY COUNCIL DISTRICT SIX TO SERVE AN UNEXPIRED TERM ENDING NOVEMBER, 2021; DESIGNATING THE MAIN EARLY VOTING PLACE FOR SUCH SPECIAL ELECTION; PROVIDING FOR AN ORDER AND NOTICE OF SUCH SPECIAL ELECTION; PROVIDING FOR RELATED MATTERS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, a vacancy has occurred in City Council District Six, which is set to expire in November 2019; and

WHEREAS, the Texas Constitution, the *Texas Election Code* (the “Code”), and the City Charter are applicable to said Special Elections (hereinafter collectively referred to as the “election” or “elections”), and in order to comply with applicable laws, an ordinance is required to call the election and establish procedures consistent with the Constitution, the Code, and the Charter; and

WHEREAS, the Texas Constitution and the City Charter provides for special elections to be called to fill the vacancies to be held within 120 days of a vacancy;

WHEREAS, January 25, 2020, is within 120 days of the effective date of the vacancy and is the first authorized uniform election date occurring on or after the 46th day after the date the election is ordered;

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

SECTION 1. The Special Election of the City shall be held on January 25, 2020, to elect the Council Member for District 6 (which is elected from a single-member district) on the City Council of the City of Kyle to serve an unexpired term to end November 2021.

SECTION 2. Candidates for the election for the above office shall file their application to become candidates with the City Secretary of the City, at City Hall, 100 West Center Street, Kyle, Texas, between 8:00 a.m. on November 20, 2019 and 5:00 p.m. on December 16, 2019. All applications for candidacy shall be on a form as prescribed by the *Tex. Elec. 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 on December 16, 2019.

SECTION 3. Notice of the election shall be given and the election shall be held in compliance with the provisions of the *Tex. Elec. Code* in all respects. The ballots for the election shall comply with the *Tex. Elec. Code* and be in the form provided by the City to the Hays County Election Officer for use on the voting devices and ballots used by Hays County.

SECTION 4. The Hays County Election Officer 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 the Contract for Election Services, the City Charter, and the law governing the holding of special elections; and the official ballots, together with such other

election materials as are required by the *Tex. Elec. Code*, shall be prepared in both the English and Spanish languages and shall contain such provisions, markings and language as is required by law.

SECTION 5. Early voting, both by personal appearance and by mail, will be conducted by the Hays County Election Officer, who is designated and appointed as the Early Voting Clerk, in accordance with the *Tex. Elec. Code*. Early voting by personal appearance shall be conducted at Hays CISD Administration Office, 21003 IH 35 Frontage Road, Kyle, TX 78640 and such other locations authorized by state law and designated by the Hays County Election Officer. Early voting shall commence on January 8, 2020 and continue through January 21, 2020 (except Martin Luther King, Jr. Day, January 20, 2020), and early voting polls shall remain open for the time specified by the *Tex. Elec. Code*.

SECTION 6. The election precincts for the election shall be the election precincts established by the Hays County Election Officer in accordance with applicable law and the City Charter; provided that the precincts shall be established to allow only residents of District 6 to vote in the election. The polling places for Election Day shall be at such locations designated by the Hays County Election Officer and authorized by state law. Residents of the District 6 election precincts shall vote at the aforementioned polling places as assigned by the Hays County Election Officer in accordance with applicable law and the City Charter. The polls shall remain open on the day of the election from 7:00 a.m. to 7:00 p.m. The returns will be provided by precinct and the Hays County Election Officer shall tabulate and provide the election returns for the election. Ballots shall be prepared and the election shall be conducted to allow for District 6 to be elected from District 6.

SECTION 7. The City agrees that if able, it will conduct a joint election with other political subdivisions within Hays County, provided that such political subdivision holds an election on January 25, 2020 in all or part of the same territory as the City (the "Political Subdivisions"). Any joint election shall be conducted in accordance with state law, this Ordinance, the City Charter and the Contract for Election Services with Hays County.

SECTION 8. The City Secretary, or designee, is instructed to aid the Hays County Election Officer in the acquisition and furnishing of all election supplies and materials necessary to conduct the election as provided by the Contract for Election Services. The City Secretary is further authorized to give or cause to be given notice of the January 25, 2020 Special Election of the City of Kyle which shall be posted and published in accordance with the *Tex. Elec. Code*, not later than the twenty-first (21st) day before the election, and by publishing said Notice of Election at least one time, not earlier than thirty (30) days nor later than ten (10) days prior to said election, in a newspaper of general circulation in the City. The notice that is posted, and the notice that is published in a newspaper of general circulation within the city, will be written in both English and Spanish. The City Secretary is further authorized to take such other and further action as is required to conduct the election in compliance with the *Tex. Elec. Code*; provided that, pursuant to the Contract for Election Services between Hays County and the City, the Hays County Election Officer shall have the duty and be responsible for organizing and conducting the election in compliance with the *Tex. Elec. Code*; and for providing all services specified to be provided in the Contract for Election Services. The Hays County Election Officer shall give the notices required by the *Tex. Elec. Code* to be given for the election not required to be given by the City under the Contract for Election Services.

SECTION 9. The presiding judges, alternate presiding judges and clerks for the election shall be selected and appointed by Hays County and its appointees in compliance with the requirements of

state law, and such judges and clerks so selected by Hays County and its appointees are hereby designated and appointed by the city council as the election officers, judges and clerks, respectively, for the holding of said 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 confirms and appoints the election judges and alternate election judges that are appointed by Hays County for the election.

SECTION 10. It is hereby officially 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*.

SECTION 11. Severability. Should any part, section, subsection, paragraph, sentence, clause or phrase contained in this ordinance 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.

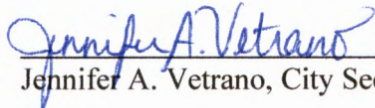
SECTION 12. Effective Date. This ordinance is effective immediately upon adoption in accordance with state law and the City Charter.

PASSED AND APPROVED on this the 18th day of November, 2019.

FINALLY PASSED AND APPROVED on this the 19th day of November, 2019.

ATTEST:

The City of Kyle, Texas



Jennifer A. Vetrano, City Secretary



Travis Mitchell, Mayor