

## ORDINANCE NO. 2019-07

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HUNTSVILLE, TEXAS, ORDERING A MUNICIPAL RUNOFF ELECTION TO BE HELD ON THE 15<sup>TH</sup> DAY OF DECEMBER 2018, FOR THE PURPOSE OF ELECTING A COUNCILMEMBER AT-LARGE POSITION TWO; DESIGNATING THE PLACES AND MANNER OF HOLDING THE ELECTION; AND PROVIDING FOR THE POSTING AND PUBLICATION OF NOTICE.**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HUNTSVILLE, TEXAS, that:

**SECTION 1.** The municipal runoff election of the City of Huntsville, prescribed by Article VI of the City Charter, shall be held between the hours of seven (7:00) o'clock a.m. and seven (7:00) o'clock p.m. on the 15<sup>th</sup> day of December 2018, in the City, for the purpose of electing a Councilmember At-Large Position Two.

**SECTION 2.** The City is hereby divided into seven (7) election precincts. The polling places for all election precincts shall be the Walker County Annex, 1301 Sam Houston Avenue, Room 101, Huntsville, Texas, 77340.

**SECTION 3.** This election shall be held in accordance with, and shall be governed by, the election laws of the State of Texas. In all City elections, the Mayor, City Secretary, or City Council shall do and perform each act as in other elections required to be done and performed, respectively, by the County Judge, the County Clerk, or the Commissioners' Court. The City Council has determined, pursuant to Chapter 31 of the Texas Election Code, that the City is authorized to enter into an Election Services Agreement with Walker County, Texas, for this election. The City Secretary and Mayor are hereby authorized to perform all duties and take all actions as required by any election agreement(s) and/or the contract(s) for election services that may be authorized by City Council.

**SECTION 4.** A Councilmember At-Large Position Two shall be selected to hold office for a period of two (2) years as a representative of all four Huntsville wards.

**SECTION 5.** The Councilmember At-Large Position Two shall be a citizen of the United States and a qualified and registered voter of the State of Texas; a resident within the present corporate limits of Huntsville for at least twelve months immediately preceding the November 6, 2018, election and continues to be so; current in payment of taxes and assessments due to the City; and not be less than 21 years old at time of taking office.

**SECTION 6.** The order in which the names of the candidates are to be printed on the ballot shall be determined by a drawing of the City Secretary as provided by Section 52.094 of the Texas Election Code.

The form of the ballot for the election shall be as follows:

OFFICIAL BALLOT  
Runoff Election  
City of Huntsville, Texas  
December 15, 2018

INSTRUCTION NOTE: Vote for the candidate of your choice in each race by placing an "X" in the square beside the candidate's name.

**Councilmember, At-Large Position Two (Vote for one)**

- (candidate's name)
- (candidate's name)

**SECTION 7.** Diana L. McRae, the Walker County Election Officer/Tax Assessor-Collector, is the Early Voting Clerk (EVC), and Julie Cooper, Walker County Elections Manager, is appointed Deputy Early Voting Clerk (DEVK) for the joint early voting approved by Commissioners' Court, as with respect to early voting in person and voting by mail, and the Walker County Annex, 1301 Sam Houston Avenue, Suite 101, is hereby designated as the Main Early Voting Site for early voting for the election.

Applications for ballot by mail shall be mailed, faxed, or emailed to:

Diana McRae, Walker County Tax Assessor-Collector

1301 Sam Houston Avenue, Suite 114, Huntsville, Texas 77340

Phone: (936) 436-4959 Fax Number: (936) 436-4961 Email: walkervr@co.walker.tx.us

Early Voting in the election by personal appearance shall be conducted at the times, dates and polling places as provided for in the Walker County Election Services Contract between the City of Huntsville, Texas, and Walker County, Texas, and further adopts any additions or amendments to such concerning early voting times, dates, and polling location as approved by the Walker County Election Officer. During the lawful early voting period, such clerk shall keep such place for early voting open for early voting from 8:00 a.m. - 5:00 p.m., Monday through Friday, November 28-December 11, 2018; from 7:00 a.m. - 7:00 p.m. on Tuesday, December 4, 2018 and Tuesday, December 11, 2018; except official state holidays.

**SECTION 8.** The Mayor and City Secretary are hereby directed to give notice of the runoff election, per EC 2.026, by:

- a) causing said notice of such election to be published at least fifteen (15) days prior to the date of such election in the newspaper;
- b) by filing with the City Secretary, for posting on the City Hall bulletin board, a copy of said notice at least fifteen (15) days before the election.

The Mayor and City Secretary shall file with the City Secretary a copy of the notice as published, together with the name of the newspaper and the dates of publication.

**SECTION 9.** It is further found and determined that in accordance with the order of this governing body the City Secretary posted written notice of the date, place and subject of this meeting on the bulletin board located in the City Hall, a place convenient and readily accessible to the general public, and such notice having been so posted and remaining posted continuously for at least seventy-two (72) hours preceding the scheduled time of such meeting.

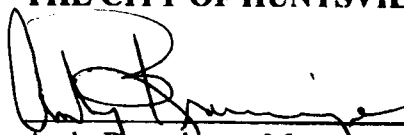
**SECTION 10.** That the Mayor and/or the City Secretary of the City of Huntsville are hereby authorized to execute and/or issue, for and on behalf of the City, such orders, documents and forms as may, from time to time, be promulgated by the Secretary of State of the State of Texas in conjunction with the election herein ordained.

**SECTION 11.** The Mayor and/or the City Secretary and the attorney for the City are hereby authorized and directed to make any filings required by the Federal Voting Rights Act. The Mayor and/or the City Secretary and the attorney for the City are further authorized and directed to take any action necessary to comply with the provisions of the Texas Elections Code, the Federal Voting Rights Act, and the terms and provisions of any Election Services Contract(s) in carrying out the provisions of this Ordinance, whether or not expressly authorized herein.

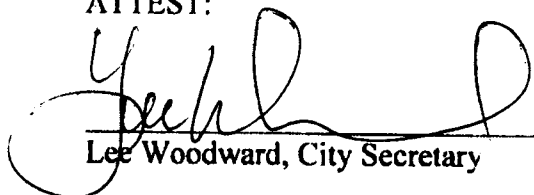
**SECTION 12.** This ordinance shall take effect from and after its passage.

**PASSED AND APPROVED this 15<sup>th</sup> day of November 2018.**

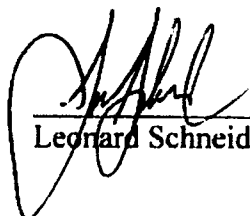
**THE CITY OF HUNTSVILLE**

  
\_\_\_\_\_  
Andy Brauning, Mayor

ATTEST:

  
\_\_\_\_\_  
Lee Woodward, City Secretary

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Leonard Schneider, City Attorney