



ORDINANCE 2016-03

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OVILLA, TEXAS, AUTHORIZING A GENERAL ELECTION TO BE HELD ON MAY 07, 2016 FOR THE PURPOSE OF ELECTING THREE COUNCIL MEMBERS, (PLACES 1, 3, AND 5) FOR EXPIRED TERMS BY THE QUALIFIED VOTERS OF OVILLA; PROVIDING FOR THE METHOD OF VOTING; PROVIDING FOR THE APPOINTMENT OF THE EARLY VOTING CLERK, PRESIDING ELECTION JUDGE, EARLY VOTING BALLOT BOARD; PROVIDING FOR THE LEASE OF ELECTION EQUIPMENT AND PROVIDING FOR PUBLICATION, IN ACCORDANCE WITH THE TEXAS ELECTION CODE {EC §3.004, §3.006, §4.001-008, §85.004, §85.007} AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, by this Ordinance, it is the intention of the City Council of Ovilla to call the General Election in accordance with state law, to declare the Texas Election Code is applicable to said election, and this Ordinance establishes procedures consistent with the Code, and designates the Election Day and main early voting polling place for the General Election; and

WHEREAS, May 07, 2016 is a uniform election date; and

WHEREAS, the City Council calls to Order the General Election of May 07, 2016 to elect Place One, Place Three and Place Five of the City Council as required by the Texas Election Code:

WHEREAS, the Order of Election must be written in English and Spanish as required by the Texas Election Code:

WHEREAS, the City intends to enter into a contract with Ellis County to lease voting equipment.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OVILLA, TEXAS;

Section One

General Election Called. That a General Election is hereby called by the City Council to elect City Council Places 1, 3 and 5, to serve until May 2018 or until their successors are duly elected and qualified. Such election shall take place on the 7th day of May 2016, between the hours of 7:00 a.m. and 7:00 p.m.



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Section Two

Candidates for General Election. Qualified persons may file as candidates for the General Election by filing an application with the City Secretary at City Hall, 105 S. Cockrell Hill Road, Ovilla, TX 75154, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, beginning January 20, 2016 through February 19, 2016. The City Secretary's office will remain open on February 19, 2016 until 5:00 p.m. as required by the TX Election Code. All applications for candidacy shall be on a form as prescribed by the Texas Election Code.

Section Three

Method of Voting. The City Secretary is hereby authorized and instructed to provide and furnish all necessary election supplies to conduct the General Election in accordance with this ordinance. Voting at the General Election shall be by paper ballot. The official ballot for the General Election shall be prepared in accordance with the Texas Election Code and the ballots shall include such provisions, markings and language as required by law.

Section Four

Election Day Polling Place. The Election Day polling place for the General Election is designated pursuant to Section 271.002 of the Texas Election Code, and the Council finds that the following location can most adequately and conveniently serve the voters in this election, and that this location will facilitate the orderly conduct of the election:

Ovilla City Hall
105 S. Cockrell Hill Road, Ovilla, Texas 75154
between the hours of 7:00 a.m. and 7:00 p.m.

Section Five

Early Voting. The City Secretary, City of Ovilla, 105 S. Cockrell Hill Road, Ovilla, Texas 75154, is hereby appointed as Early Voting Clerk and she may appoint the necessary deputy clerks as required for early voting. Early voting by personal appearance will be conducted each weekday, which is not a Saturday or Sunday or an official State Holiday, at City Hall, 105 S. Cockrell Hill Road, Texas, to be held between the hours of 8:00 a.m. and 4:30 p.m., beginning on Monday, April 25, 2016 and ending on Tuesday, May 3, 2016.

Extended hours for early voting by personal appearance will be conducted at City Hall at the same location, on Monday, May 2, 2016 and Tuesday, May 3, 2016, between the hours of 7:00 a.m. and 7:00 p.m. as required in the Texas Election Code. Last day to receive applications by mail for a ballot to be voted by mail, including an FPCA, delivered to the Early Voting Clerk at 105 S. Cockrell Hill Road, Ovilla, Texas 75154, is April 26, 2016 at the close of the business day. Early voting, both



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by personal appearance and by mail, shall be by the paper ballot method and shall be canvassed by the Early Voting Ballot Board, which is hereby created.

Section Six

Appointment of Presiding Election Judge and Alternate Election Judge and Early Voting Ballot Board. The following named individuals are hereby appointed to serve as Presiding Election Judge and Alternate Presiding Judge, respectively, at the election.

Presiding Election Judge: Charlie Morton
Alternate Presiding Judge: Helen Morton

The Presiding Election Judge and Alternate Presiding Judge shall be qualified voters of the City. The City Secretary shall, in accordance with Section 32.009 of the Texas Election Code, deliver to the Presiding Election Judge and the Alternate Presiding Judge notice of their appointments not later than twenty (20) days from the effective date of this Ordinance. The Presiding Election Judge and the Alternate Presiding Judge appointed herein shall serve as the presiding officer and the alternate presiding officer, respectively, of the Early Voting Ballot Board. The other election officers serving at the election shall serve as the other members of the Early Voting Ballot Board for the election.

Section Seven

Appointment of Clerks. The Presiding Election Judge for the polling place shall appoint Election Clerks and as many additional Clerks as are necessary for the proper conduct of the election. Provided, however, four (4) clerks shall be the maximum number of Clerks which may be appointed to serve at the polling place.

Section Eight

Governing Law and Qualified Voters. The General Election shall be held in accordance with the Constitution of the State of Texas and the Texas Election Code, and all resident qualified voters of the City shall be eligible to vote at the election.

Section Nine

Publication and Posting of Notice of Election. Notice of the election shall be given by posting a substantial copy of this Ordinance ordering an election in English and Spanish translations at City Hall on the official bulletin board used for posting notices of the meeting of the City Council. A copy of this Ordinance's caption shall also be published in English and in Spanish in the City's official newspaper of general circulation published in the City.



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Section Ten

Delivery of Returns. In accordance with the Code, immediately after the closing of the polls on the day of the election, the election officers named in this ordinance shall make and deliver the returns of the election in triplicate as follows: one copy shall be retained by the Presiding Election Judge; one copy shall be delivered to the Mayor of the City; and one copy of the returns, together with the ballot boxes and all election supplies, shall be delivered to the City Secretary. All election records and supplies shall be preserved by the City Secretary in accordance with the Code.

Section Eleven

Lease of Election Equipment Authorized. The City Secretary or his/her designee is hereby authorized and directed to enter into an election services agreement for said election with Ellis County, and to execute such agreement. The agreement will provide for the voting equipment to be used for the General Election during early voting and on Election Day, as well as the compensation for lease of the voting equipment.

Section Twelve

Severability Clause. It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if any phrase, clause, sentence paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

Section Thirteen

Effective Date. This ordinance shall be in full force and effect after its passage, and it is so ordained.

The ***Order of Election*** shall be posted to read as shown on Exhibit "A" attached:
(Headings only)

**ORDER OF ELECTION FOR THE CITY OF OVILLA
ORDEN DE ELECCION PARA OVILLA**

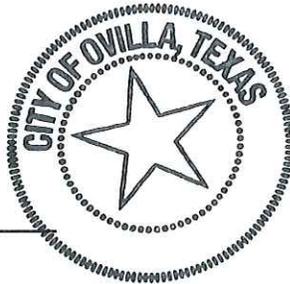


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PASSED, ADOPTED AND APPROVED on this the 08th day of February 2016.

Attest:


Pam Woodall, City Secretary




Richard Dormier, Mayor

APPROVED AS TO FORM:

Ron G. MacFarlane, Jr., City Attorney

Attachments Exhibit A: Order of Election / Orden De Eleccion



ORDER OF ELECTION FOR THE CITY OF OVILLA

An election is hereby ordered to be held on MAY 7, 2016 for the purpose of:

City Council, Place 1
City Council, Place 3
City Council, Place 5

Early voting by personal appearance will be conducted each weekday at

105 S. Cockrell Hill Road, Ovilla, TX 75154

Between the hours of 8:00 a.m. and 4:30 p.m. beginning on Monday, April 25, 2016

And ending on Tuesday, May 03, 2016.

Additional early voting hours will be held as follows:

**Monday, May 02, 2016 and Tuesday, May 03, 2016
7:00 AM until 7:00 PM at the same location.**

Applications for ballot by mail shall be mailed to:

**Pamela Woodall, City Secretary
105 South Cockrell Hill Road
Ovilla, Texas 75154**

Applications for ballots by mail must be received no later than the close of business on
Tuesday, April 26, 2016. (Received application by mail for a ballot)

Issued this the **08th** day of **February 2016.**

Signature of Mayor Dormier

Signature of Mayor Pro-Tem PL 4 Hunt

Signature of Councilperson PL 1 Huber

Signature of Councilperson PL 2 Stevenson

Signature of Councilperson PL 3 Griffin

Signature of Councilperson PL 5 Oberg

Instruction Note: A copy of this election order must be delivered to the County Clerk/Elections Administrator and Voter Registrar not later than 60 days before Election Day. AWI-2 --Prescribed by Secretary of State Sections 3.004, 3.006, 4.008, 85.004, 85.007 Texas Election Code