

**City of Cottonwood Shores**

**ORDINANCE 1127**

**AN ORDINANCE OF THE CITY OF COTTONWOOD SHORES, TEXAS; PROVIDING FOR A GENERAL ELECTION TO BE HELD ON MAY 7, 2016, FOR THE PURPOSE OF ELECTING THREE (3) COUNCIL MEMBERS AND PROVIDING DETAILS RELATING TO THE HOLDING OF SUCH ELECTION.**

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COTTONWOOD SHORES, TEXAS:**

Section 1. In accordance with the general laws and the Constitution of the State of Texas, a General Municipal Election is hereby called and ordered for the first (1st) Saturday in May 2016, the same being the 7th day of said month, at which election all qualified voters of the City of Cottonwood Shores, Texas (the "City") may vote for the purpose of electing the following officials of the City:

- Council Place One
- Council Place Three
- Council Place Five

Section 2. No person's name shall be placed upon the official ballot as a candidate for any of the above-mentioned positions unless such person has filed his or her sworn application, as provided by Section 141.031, Texas Election Code, with the City Secretary of the City at City Hall, located at 3808 Cottonwood Drive, Cottonwood Shores, Texas 78657, not later than 5:00 p.m. on the 78th day before the date of such election (February 19, 2016). The City Secretary shall note on the face of each such application the date and time of its filing. Such application shall include the office the candidate is seeking and, if applicable, the position number of such position.

Section 3. The City is contracting with Burnet County for election services, administration and equipment pursuant to Section 31.092(a), Texas Election Code, as amended.

Section 4. The present boundaries of the City constitute one (1) election precinct (within Burnet County Precinct No. 19). The polls shall be open for voting from 7:00 a.m. until 7:00 p.m. at the following polling place:

**ELECTION DAY POLLING PLACE**

County Courthouse South Annex, 810 Steve Hawkins Pkwy., Marble Falls, TX 78654.

Section 5. The following are hereby appointed election officers to conduct said election at the above-referenced polling place:

**ELECTION OFFICERS**

Melodee Slade  
Peggy Davis

Presiding Judge  
Alternate Presiding Judge

The City Secretary is hereby authorized and directed to provide a copy of this Ordinance to each judge as written notice of the appointment as required by Section 32.009, Texas Election Code.

The Presiding Judge shall have the authority to appoint no more than six (6) clerks to assist in the holding of said election, but in no event shall the Presiding Judge appoint less than three (3) clerks.

Section 6. Doug Ferguson, Burnet County Elections Administrator, is hereby appointed clerk for early voting; the appointment of a deputy clerk or clerks for early voting by the Burnet County Elections Administrator shall be in accordance with Section 83.031 et. seq., Texas Election Code, at said polling place:

**EARLY VOTING POLLING PLACE**

Early voting by personal appearance shall be conducted at the following places and hours of operation are as follows:

Early Voting Polling Place Name	Early Voting Polling Place Address	Hours for April 25 – April 27	Hours for April 28	Hours for April 29	Hours for May 2	Hours for May 3
Burnet County Courthouse	220 S. Pierce Burnet, TX 78611	8:00 a.m. -- 5:00 p.m.	7:00 a.m. – 7:00 p.m.	8:00 a.m. – 5:00 p.m.	7:00 a.m. – 7:00 p.m.	8:00 a.m. – 5:00 p.m.
Marble Falls County Courthouse Annex	810 Steve Hawkins Pkwy. Marble Falls, TX 78654	8:00 a.m. – 5:00 p.m.	7:00 a.m. – 7:00 p.m.	8:00 a.m. – 5:00 p.m.	7:00 a.m. – 7:00 p.m.	8:00 a.m. – 5:00 p.m.

Said clerks for early voting shall keep said office open on each day for early voting which is not a Saturday, a Sunday, or an official State or federal holiday. Said clerks shall not permit anyone to vote early by personal appearance on any day which is not a regular working day for the clerk's office, and under no circumstances shall they permit anyone to vote early by personal appearance at any time when such office is not open to the public. The above-described Burnet County Courthouse is also the clerk's mailing address to which ballot applications and ballots voted by mail may be sent. The early voting clerk, in accordance with the provisions of the Texas Election Code, shall maintain a roster listing each person who votes early by personal appearance and each person to whom a ballot to be voted by mail is sent. The roster shall be maintained in a form approved by the Secretary of State.

Section 7. Sandra Howe is hereby appointed as Presiding Judge of the Early Voting Ballot Board. In accordance with Section 87.001, et. seq., Texas Election Code, said Presiding Judge shall appoint at least three (3) and no more than six (6) other members to said Board, and shall process early voting results in accordance with said Texas Election Code.

Section 8. All ballots shall be prepared in accordance with the Texas Election Code. Direct recording electronic voting machines ("eSlate") and paper ballots shall be used for early voting by personal appearance and for voting on Election Day. Early voting by a method other than by personal appearance shall be by paper ballot. All expenditures necessary for the conduct of the election and the purchase of materials therefore is hereby authorized.

Section 9. The office of the Texas Secretary of State has certified that the eSlate to be provided by Burnet County is an accessible voting system that may legally be used in Texas elections. Sections 123.032 and 123.035, Texas Election Code, authorize the acquisition of voting systems by

local political subdivisions and further mandate certain minimum requirements for contracts relating to the acquisition of such voting systems. The City shall provide at least one (1) eSlate in each polling place in every polling location used to conduct an election. The eSlate may be acquired by any legal means available to the City, but not limited to lease or rental from Burnet County or from another legal source, as authorized or required by Sections 123.032 and 123.035, Texas Election Code.

Section 10. Compensation for all election officials is hereby established in amounts permitted under Section 32.091, Texas Election Code. Compensation for the Election Judge shall be \$9.00 per hour. Election Clerks shall be paid \$8.00 per hour. Early voting deputies shall be paid \$8.00 per hour.

Section 11. The Burnet County Elections Administrator is hereby authorized and directed to furnish all necessary election supplies to conduct such election.

Section 12. The candidate receiving the highest number of votes in each of the positions to be filled at such election shall be declared elected to such positions.

Section 13. The order in which the names of the candidates are to be placed on the ballot shall be determined by a drawing by the City Secretary, as provided by Section 52.094, Texas Election Code. The City Secretary shall post a notice in her office of the date, hour and place of drawing. Such notice shall remain posted continuously for 72 hours immediately preceding the scheduled drawing and personal notice shall also be given to any candidate who makes a written request for such notice and furnishes to the City Secretary a self-addressed, stamped envelope. Each candidate involved in the drawing, or a representative designated by him, shall have a right to be present and observe the drawing.

Section 14. Notice of this election shall be given in accordance with the provisions of the Texas Election Code and returns of such notice shall be made as provided for in said Code. The Mayor shall issue all necessary orders and writs for such election, and returns of such election shall be made to the City Secretary immediately after closing of the polls.

Section 15. Said election shall be held in accordance with the Texas Election Code and the Voting Rights Act of 1965, as amended.

**PASSED, APPROVED and ADOPTED THIS, THE 4TH DAY OF FEBRUARY, 2016, AT A MEETING OF THE CITY COUNCIL OF THE CITY OF COTTONWOOD SHORES, TEXAS, THERE BEING A QUORUM PRESENT, BY 5 YEAS, 0 NAYS AND 0 ABSTENTATIONS.**

  
Donald Orr, Mayor



  
Sheila Moore

City Administrator/City Secretary