

AN ORDINANCE OF THE CITY OF BAYOU VISTA, ORDERING A GENERAL ELECTION TO BE HELD ON MAY 6, 2023, FOR THE PURPOSE OF ELECTING THREE (3) ALDERMEN, DESIGNATING THE TIME AND PLACE OF HOLDING SUCH ELECTION; PROVIDING APPOINTMENT OF ELECTION OFFICIALS AND THEIR COMPENSATION; PROVIDING FOR NOTICES; PROVIDING FOR PUBLICATION; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BAYOU VISTA, TEXAS:

SECTION 1: In accordance with the Constitution and general laws of the State of Texas, a General Municipal Election is hereby called and ordered for the first Saturday in May 2023, the same being the 6th day of said month, at which election all qualified voters of the City may vote for the purpose of electing the following officials of the City:

Alderman, Position 2
Alderman, Position 3
Alderman, Position 4

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 shall file his or her sworn application, as provided by Section 141.031 of the Texas Election Code, with the City Secretary of the City at the City Office, located at 2929 Highway 6, Bayou Vista, Texas, 77563, **beginning on January 18, 2023 and not later than five o'clock (5:00) p.m. on February 17, 2023.** The City Secretary shall note on the face of each such application the date and time of its filing. Such application shall include the position the candidate is seeking.

SECTION 3: The present boundaries of the City constituting one (1) election precinct, the polls shall be open voting from seven o'clock (7:00) a.m., until seven o'clock (7:00) p.m., at the following polling place and the following are hereby appointed officers to conduct the election at said polling place:

POLLING PLACE

City of Bayou Vista, Texas
Galveston County Municipal Utility District No. 12 – Reception Hall
2929 Highway 6
Bayou Vista, Texas 77563

The City of Bayou Vista, the Contracting Authority, contracted for Election Services with the Honorable Dwight D. Sullivan, County Clerk and County Election Officer for Galveston County, (Contracting Officer), to participate in a Local Entity County-wide Vote Center Election with the duties and services to be provided by the "Contracting Officer" as specified in the Election Services contracted approved by the City Council, Regular Meeting of January 31, 2023.

SECTION 4: Early voting by personal appearance shall begin on **April 24, 2023**, the twelfth (12th) day preceding the date of the election and continuing through the **May 2, 2023**, the fourth (4th) day preceding the date of said election between the hours of **8:00 a.m. and 5:00 p.m. on April 24 – 28, 2023.**

Furthermore, there shall be two (2) weekdays when polls are open for twelve (12) hours during the period of early voting by personal appearance. The days are as follows:

Monday, May 1, 2023 – 7:00 A.M. – 7:00 P.M.

Tuesday, May 2, 2023 – 7:00 A.M. – 7:00 P.M.

The early voting mailing address to which ballot applications and ballots voted by mail shall be sent is:

Dwight Sullivan County Clerk and County Election Officer
P.O. Box 17253
Galveston, Texas 77552-7253
409-770-5108

SECTION 5: As per the Contract for Election Services between the Galveston Election Division, as the Contracting Officer, and the City of Bayou Vista, passed and approved by the City Council of Bayou Vista, January 31, 2023, pursuant to Texas Election Code, Chapter 31, Subchapter D., (1) Galveston County Election Division will program or arrange to have programmed the electronic ballot. (2) Arrange to have published the legal notices of the first test of the electronic tabulating equipment as provided in Texas Election Code §127.096 and conduct all required tests of the electronic tabulating equipment under Texas Election Code §§127.096-127.098 and §§129.021-129.023. The first test shall be conducted at least five days prior to the election. In addition, it will be performed during normal business hours and be open to the public. (3) Provide technical and equipment support for the electronic poll books, voting machines and equipment being provided by the County Election Officer.

(4) On behalf of the City of Bayou Vista, obtain voter registration lists/polling books from the Voter Registrar to be used during Early Voting and on Election Day. (5) Provide Ballot by Mail services for the City of Bayou Vista. (6) Hire Judges, Alternate Judges, and clerks to serve as election workers at the polling location. (7) Determine on the days and hours when early voting and election day will be conducted to ensure uniform hours are established for all the county wide vote centers. (8) Provide the City with a sample ballot to proof and approve and provide corrections.

SECTION 6. (1) The City, as the Contracting Authority, will be responsible to prepare and submit any required submissions to the U.S. Department of Justice under the Federal Voting Rights Act of 1965. (2) Publish notices of the election in accordance with §4.003 (a) of the Texas Election Code. (3) Provide the Contracting Officer with the Contracting Authority's requirements for voter registration lists and poll books for Early Voting and Election Day. (4) In accordance with the Texas Election Code §4.008 as amended, deliver written notice of the election to the Contracting Officer. (5) Provide the Contracting Officer the language for any ballot propositions, the names of election contest, the names of candidates as they are to appear on the ballot, a copy of a sample ballot, ballot draw information and a completed "Requirements to Program the Ballots" form. These materials will be provided in an electronic form to the Contracting Officer. All language on the ballot must be provided in both English and Spanish.

(6) Return to the Contracting Officer, confirmation that the sample ballots the Contracting Officer has prepared and provided to the Contracting Authority are satisfactory or provide changes that need to be made. (7) As required by §67.017 (b) and the Secretary of State's Office, make an electronic precinct-by-precinct report to the Secretary of State's Office by no later than the 30th date after the Election day. (8) Supervise, with the assistance of the Contracting Officer, the overall conduct of its election in the Contracting Authorities jurisdiction including the supervision tabulation of results. (9) Appoint one member of the Signature Verification Committee/Early Voting Ballot Board, and a representative to work with the presiding judge of the Central Counting Station. The Contracting Authority shall provide the Contracting Officer with contact information for each of these individuals. (10) Pay a \$100 fee per Early Voting and Election Day polling location within its jurisdiction to cover a portion of the Contracting Officer's costs for hiring two election judges to provide the Contracting Authority and its Judges election support services throughout the term of this contract. In instances were a polling place is located

within the jurisdiction of more than one entity contracting for election services with the Contracting Officer, the \$100 fee per location will be shared between those jurisdictions.

SECTION 7: The candidate for each position receiving the highest number of all the votes cast shall be declared elected (plurality vote). In the event that two or more candidates for the same office tie for the number of votes, a second election to fill the office shall be held according to Texas Election Code.

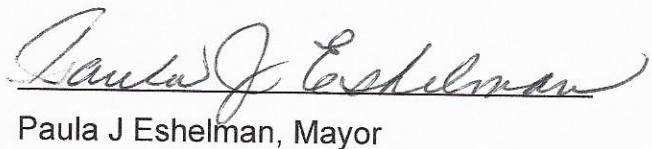
SECTION 8: Pursuant to Chapter 146 of the Texas Election Code, write-in votes cast in the election shall not be counted unless the name written in appears on the list of write-in candidates. To be entitled to a place on the list of write-in candidates, a candidate must make a declaration of write-in candidacy. Such declaration is to be filed with the City Secretary not later than 5 p.m. on February 21, 2023, and all said declarations shall be on a form prescribed by the Secretary of State.

SECTION 9: The order in which the names of the candidates are to be printed on the ballot shall be determined by a drawing by the City Secretary, as provided by Section 52.094 of the Texas Election Code. The City Secretary shall post a notice in her office, at least seventy-two hours prior to the date on which the drawing is to be held, of the time and place of the drawing, and shall also give personal notice to any candidate who makes 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 such candidate, shall have a right to be present and observe the drawing.

SECTION 10: Notice of this election shall be given in accordance with 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 the closing of the polls.

SECTION 11: In the event any clause, phrase, provision, sentence, or part of this Ordinance of the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Bayou Vista, Texas declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

PASSED, APPROVED, AND ADOPTED this the 31st of January 2023.



Paula J. Eshelman

Paula J Eshelman, Mayor

ATTEST:



Lillian Salinas

Lillian Salinas, City Administrator-Secretary