

CITY OF KEMP, TEXAS

ORDINANCE NO. 23-05

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KEMP, TEXAS, ORDERING A SPECIAL ELECTION TO BE HELD ON THE 7TH DAY OF NOVEMBER, 2023, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY OF KEMP, TEXAS, A LOCAL OPTION ELECTION PROPOSITION TO LEGALIZE THE SALE OF ALL ALCOHOLIC BEVERAGES INCLUDING MIXED BEVERAGES; PROVIDING FOR ELECTION OFFICERS; DESIGNATING THE PLACE AND MANNER OF HOLDING SAID ELECTION; DESIGNATING THE EARLY VOTING POLLING PLACE; DESIGNATING THE EARLY VOTING CLERK; PROVIDING FOR THE POSTING AND PUBLICATION OF NOTICE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.

WHEREAS, pursuant to and consistent with Chapter 501 of the Texas Election Code, the City of Kemp, Texas (“City”), received a petition requesting a local option election be held to consider the legal sale of all alcoholic beverages including mixed beverages; and

WHEREAS, pursuant to Sections 501.109 and 501.031 of the Texas Election Code, the City Secretary verified the petitions submitted to the City, and determined the petitions contained the requisite number of signatures of eligible voters of the City; and

WHEREAS, Section 41.001(a) of the Texas Election Code establishes November 7, 2023, as a uniform election date for the City; and

WHEREAS, Section 3.005(c) of the Texas Election Code requires the City to call the election at least seventy-eight (78) days before the uniform election date; and

WHEREAS, the meeting at which this Ordinance is considered is open to the public as required by law, is a regular meeting of the City Council, and public notice of the time, place and purpose of said meeting was given as required by Section 551.043 of the Texas Government Code.

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

SECTION 1

All of the above premises are hereby found to be true and correct factual and legislative determinations of the City of Kemp and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

SECTION 2

A special election of the City shall be held on Tuesday, November 7, 2023, between the

hours of 7:00 a.m. and 7:00 p.m., at those Election Day voting sites as determined by the Elections Administrator, for the purpose of considering a local option legalization ballot proposition authorized by Section 501.035 of the Texas Election Code:

CITY OF KEMP, TEXAS SPECIAL ELECTION

CITY OF KEMP, TEXAS PROPOSITION A

“The legal sale of all alcoholic beverages including mixed beverages.”

SECTION 3

Voting on the date of the election, and early voting therefor, shall be by the use of a lawfully approved voting system. The preparation of the voting equipment to be used in connection with such voting system and the official ballots for the election shall conform to the Texas Election Code, as amended, so as to permit the electors of the City of Kemp to vote on the local option ballot proposition. Said ballots shall have printed therein such provisions, markings, and language as may be required by law, and shall be set forth on said ballots in substantially the following form and language:

**SPECIAL ELECTION
City of Kemp, Texas
November 7, 2023**

OFFICIAL BALLOT

CITY OF KEMP, TEXAS, SPECIAL ELECTION

CITY OF KEMP, TEXAS, PROPOSITION A

**The legal sale of all alcoholic beverages including mixed beverage.
*La venta legal de todas bebidas alcohólicas incluyendo bebidas mixtas.***

_____ **For (A Favor)**
_____ **Against (En Contra)**

SECTION 4

All election precincts, early voting polling sites and Election Day polling sites shall be determined by the Elections Administrator pursuant to any applicable Election Services Agreement.

SECTION 5

All election officials, including the Early Voting Clerk, shall be the officials appointed to such positions by Kaufman County and to the extent required by law, are hereby so appointed.

SECTION 6

Early voting by personal appearance will be held jointly with other Kaufman County public entities at Kaufman County's respective main early voting site(s), beginning on such dates as authorized by the Texas Election Code and/or by order of the Governor.

SECTION 7

The Kaufman County Election Administrator is hereby appointed to serve as the Early Voting Clerk, and the Elections Administrator's permanent county employees are appointed as deputy early voting clerks. Applications for ballots by mail shall be mailed to said Election Administrator, in accordance with the Texas Election Code and/or by order of the Governor.

SECTION 8

The City Secretary is hereby authorized and directed to file, publish and/or post, in the time and manner prescribed by law, all notices required to be so filed, published and/or posted in connection with the conduct of this election.

SECTION 9

The election shall be conducted pursuant to the election laws of the State of Texas.

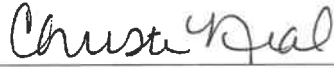
SECTION 10

If any word, section, article, phrase, paragraph, sentence, clause, or portion of this ordinance or application thereto to any person or circumstance is held to be invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portion of this ordinance; and the City Council hereby declares it would have passed such remaining portions of this ordinance despite such invalidity which remaining portions shall remain in full force and effect. Additionally, it is the intent of the City Council in adopting this Ordinance to fully comply with the terms of any Election Services Agreement. Should any conflict arise between any term of this Ordinance and the City's obligations under any Election Services Agreement, it is the express intent of the City Council that the terms of the Election Services Agreement should control and govern the administration of the special election addressed in this Ordinance.

SECTION 11

This Ordinance shall take effect from and after its passage.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF KEMP, TEXAS, ON THIS THE 11TH DAY OF JULY, 2023.



Christi Neal, Mayor

ATTEST:



Allene Gilmore, City Secretary