

CITY OF ANGUS, TEXAS

ORDINANCE NO. 48

AN ORDINANCE AMENDING CHAPTER 1, SECTION 14 OF THE CODE OF ORDINANCES OF THE CITY OF ANGUS, TEXAS, ENTITLED ELECTIONS, TO PROVIDE FOR REVISED ELECTION PROCEDURES TO CONFORM TO STATE LAW CHANGES; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ANGUS, TEXAS:

SECTION I

THAT CHAPTER 1, SECTION 14 OF THE ANGUS CODE OF ORDINANCES IS HEREBY AMENDED TO READ AS FOLLOWS:

SECTION 14: ELECTIONS

A. GOVERNED BY STATE AND FEDERAL LAW

All elections pertaining to municipal affairs shall be governed by the election laws of the state. Annual elections for city officials shall be held on the first Saturday of April each year. The election shall be held in accordance with the Texas Election Laws. The Federal Voting Rights Act is also applicable to any change affecting voting including change of polling place, annexation, and method of electing city councilmembers. Proposed changes affected by the Federal Voting Rights Act must be submitted to the U.S. Attorney General. Bilingual election materials shall be used if five per cent (5%) or more of the inhabitants are persons of Spanish origin according to the most recent federal decennial census.

B. ADOPTION OF VOTING SYSTEM

The voting system to be used in city elections shall be the paper ballot unless otherwise designated by the city council.

C. ELECTION ORDER

In all city elections, the mayor, or if he fails to do so, the city council, shall order the election, give notice, and appoint election officers to hold the election. The election order should be ordered not later than sixty (60) days before election day and must be ordered not later than the 45th day before election day.

D. ELECTION OFFICERS

- (1) The city secretary is the absentee voting clerk for all city elections. Deputy absentee voting clerks may be appointed to assist the absentee voting clerk and shall have the same authority as the absentee voting clerk in conducting absentee voting, subject to the absentee voting clerk's supervision.
- (2) A presiding election judge and an alternate presiding election judge shall be appointed for each election precinct in which an election is held. The appointment of election judges must be made in written order by the city council.
- (3) The presiding election judge shall appoint the election clerks to assist the election judge in the conduct of an election at the polling place served by the judge. The city council shall prescribe the maximum number of clerks that each presiding judge may appoint for each election.
- (4) An election judge or clerk is entitled to compensation for services rendered at a precinct polling place at an hourly rate not to exceed five dollars (\$5.00). The election judge or clerk who delivers the precinct election records, keys to the ballot boxes, or other election equipment and unused election supplies after an election, is entitled to compensation for that service in an amount not to exceed twenty-five dollars (\$25.00).
- (5) The presiding judge and at least two (2) other members shall serve as the absentee ballot board for the counting of the absentee ballots.

E. APPLICATION FOR PLACE ON BALLOT

- (1) Any eligible person may file an application to have his or her name printed on the official ballot as a candidate for the office of mayor or councilmember. Such application must be filed in the office of the city secretary no later than 5:00 p.m. of the 45th day before the election. Any application may not be filed earlier than the 30th day before the date of the filing deadline. The secretary of state is required to prescribe the design and content of the forms necessary for the administration of the election code including the application form.

- (2) The city secretary shall review each application to determine whether it complies with the requirements as to form, content and procedure it must satisfy for the candidate's name to be placed on the ballot. Such review shall be completed no later than the 5th day after the date the application is received. If an application does not comply, the city secretary shall reject the application and immediately deliver to the candidate written notice of the reason for the rejection.
- (3) The order in which the names of candidates are to be printed on the ballot shall be determined by a drawing to be conducted by the city secretary. Notice of the drawing must be posted continuously for at least seventy-two (72) hours before the time set for the drawing.
- (4) Any person may cause his or her name to be withdrawn by 5:00 p.m. on or before the 21st day before election day by filing in writing with the city secretary a request to that effect over his or her signature, duly attested to by a notary public. No name so withdrawn shall be printed on the ballots.

F. ABSENTEE VOTING

A qualified voter is eligible to vote absentee by mail or by personal appearance under the following conditions:

- (1) Expected absence from the county on election day or during the period for absentee voting by mail;
- (2) Sickness or physical condition that prevents the voter from appearing at the polling place on election day;
- (3) Sixty-five (65) years of age or older on election day;
- (4) Forbidden by religious conviction to vote on election day;
- (5) Confinement in jail while serving a misdemeanor or pending trial; or
- (6) Serving as an election official on election day.

G. TIME AND PLACE OF ELECTION

All polling places shall open at 7:00 a.m. and shall close at 7:00 p.m. The election order shall contain the locations of all polling places.

H. ELECTION NOTICE TO BE POSTED AND PUBLISHED

The city secretary shall post properly executed copies of the election notice. The last day before posting notice shall be the 21st day before the election. The period for publishing notice in the official newspaper is the 30th through the 10th day before the election.

I. ELECTION SUPPLIES

- (1) The city secretary shall procure the election supplies necessary to conduct an election and shall determine the quantity of the various types of supplies to be provided to each precinct polling place and absentee polling place.
- (2) The city secretary shall provide for each election precinct a number of ballots equal to at least the percentage of voters who voted in that precinct in the most recent corresponding election plus twenty-five percent (25%) of that number, except that the number of ballots provided may not exceed the total number of registered voters in the precinct.
- (3) If paper ballots are used, indelible marking instruments shall be provided for marking ballots.

J. VOTING BOOTHS AND BALLOT BOXES

Except as otherwise provided, the secretary of state must approve the composition of ballot boxes and voting booths before equipment may be used in elections. Voting booths must provide privacy for voters while marking their ballots at each polling place. Four (4) ballot boxes shall be used at each polling place in an election and shall be marked accordingly.

K. CANVASS OF ELECTION RETURNS

- (1) Except as otherwise provided by law, the precinct election returns shall be canvassed by the city council. The city council shall convene to conduct the local canvass not earlier than the 2nd day or later than the 6th day after election day at the time set by the mayor.
- (2) After the completion of a canvass, the mayor shall prepare a certificate of election for each candidate who is elected to an office for which the official result is determined by the canvass.

- (3) When the returns of such election are canvassed, the person receiving the highest number of votes for each elective office shall be declared to be elected. When two (2) candidates are to be elected for councilmember, the two (2) highest shall be elected. When three (3) candidates are to be elected for councilmember, the three (3) highest shall be elected.

L. PRESERVATION OF ELECTION RETURNS

Except as otherwise provided, the election returns shall be preserved by the city secretary for sixty (60) days after election day at which time they may be destroyed or otherwise disposed of unless the election is being contested. The chief of police shall retain custody of the keys during the preservation period.

M. POLITICAL CONTRIBUTIONS AND EXPENDITURES BY CANDIDATES AND OFFICE HOLDERS

All candidates and office holders shall file campaign expenditure statements and office holder statements of contributions and expenditures with the city secretary as required by the state election code.

N. ELIGIBILITY REQUIREMENTS FOR CANDIDATE FOR MAYOR OR COUNCILMEMBER

To be eligible to be a candidate for mayor or councilmember a person must:

- (1) Be a United States citizen;
- (2) Be 18 years of age or older on the first day of the term to be filled at the election or on the date of appointment, as applicable;
- (3) Have not been determined mentally incompetent by a final judgment of a court;
- (4) Have not been finally convicted of a felony from which the person has not been pardoned or otherwise released from the resulting disabilities;
- (5) Have resided continuously in the state for twelve (12) months and in the city for six (6) months.

0. ELIGIBILITY REQUIREMENTS FOR VOTER
IN CITY ELECTION

To be eligible to vote in a city election a person must:

- (1) Be 18 years of age or older;
- (2) Be a United States citizen;
- (3) Have not been determined mentally incompetent by a final judgment of a court;
- (4) Have not been finally convicted of a felony or, if so convicted has:
 - (a) received a certificate of discharge by the Board of Pardons and Paroles or completed a period of probation ordered by a court and at least two (2) calendar years have elapsed from the date of receipt or completion; or
 - (b) been pardoned or otherwise released from resulting disability to vote;
- (5) Be a resident of the city; and
- (6) Be registered as a voter in the city for at least twenty-nine (29) days on the day of election.

SECTION II

All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

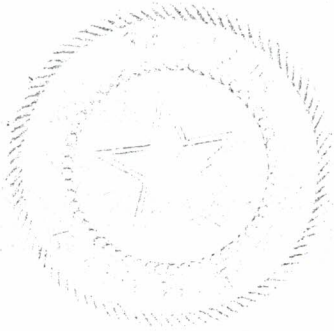
SECTION III

It is hereby declared to be the intention of the city council that the sections, paragraphs, sentences, clauses and phrases 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 IV

This ordinance shall take effect immediately from and after its passage, as the law in such cases provides.

PASSED AND APPROVED on this the 10 day of February, 1987,
by the City Council of the City of Angus, Texas.



APPROVED:

Tom Keating
Mayor

ATTEST:

Betty M. Cain
City Secretary