

AN ORDINANCE AMENDING SECTION 14 OF CHAPTER 1 OF THE CODE OF ORDINANCES OF THE CITY OF ANGUS, TEXAS PERTAINING TO MUNICIPAL ELECTIONS; PROVIDING FOR THE REPEAL OF ORDINANCES AND RESOLUTIONS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

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

ARTICLE I

That Section 14 of Chapter 1 of the Code of Ordinances of the City of Angus, Texas is hereby amended as follows:

**SECTION 14: ELECTIONS**

**C. ELECTION ORDER**

In all city elections, the mayor, or if he or she fails to do so, the city council shall order the election, give notice and appoint election officers to hold the election. The election order shall be issued at least forty-five (45) days prior to election, but preferably sixty (60) days.

**D. ELECTION OFFICERS**

... (5) Only a qualified voter and resident of the city may be appointed as an election officer; provided such person does not hold a public office or is running for public office, employed by an opposed candidate for city office, related to an opposed candidate for city office, or serves as a campaign treasurer of a candidate.

Cross reference—See absentee ballot board in subsection F(2) hereof.

**E. APPLICATION FOR PLACE ON BALLOT**

... (4) Any filed candidate for a city office may withdraw his or her candidacy by filing a written, acknowledged withdrawal request with the city secretary. Such request must be acknowledged before a notary public. A withdrawal request must be received by the city secretary not later than 5:00 p.m. of the 36th day before the election day. In a runoff election, the withdrawal deadline is 5:00 p.m. of the third day after the main election.

**F. ABSENTEE VOTING AND BALLOT BOARD**

(1) Any qualified voter is eligible to vote absentee by personal appearance. A person is entitled to vote absentee by mail if such person is:

(a) expected to be absent from the county on election day;

(b) sick or physically disabled which prevents him or her from appearing at the polling place on election day;

(c) sixty-five (65) years of age or older on election day;

(d) confined in jail; or

(e) prevented from attending the polling place because of religious beliefs.

(2) The presiding election judge, or alternate presiding judge if the person appointed presiding judge cannot serve, and two election clerks appointed for the general election shall also serve as the absentee ballot board for the counting of the absentee ballots. The alternate judge shall serve on the board when the regular presiding judge serves at the election. Absentee ballots shall be delivered to the board by the absentee voting clerk on or before election day. The absentee ballot board shall count the absentee ballots and process the results on election day. The ballots and results of such absentee voting shall be kept separate from those ballots cast on election day.

### **G. TIME AND PLACE OF VOTING**

All polling places shall open at 7:00 a.m. and shall close at 7:00 p.m. The election order shall contain the designated location of all polling places. During the absentee voting period, the city secretary shall provide for at least three (3) hours each weekday for absentee voting by personal appearance.

All polling places shall be located inside a public building if practicable; but if a suitable public building is unavailable, the polling place may be located in a private building. Each polling place shall be accessible to and usable by the elderly and physically handicapped. Such polling place or places must be designated before the election notice is issued.

### **H. ELECTION NOTICE TO BE POSTED AND PUBLISHED**

Notice of an election must be given by publication in a newspaper and by posting at one or more specified locations. The city secretary shall post properly executed copies of the election notice in three public places within the city. The last day for posting notice shall be the 21st day before the election. The period for publishing notice in the official newspaper is no earlier than the 30th day or later than the 10th day before the election day.

### **L. PRESERVATION OF ELECTION RECORDS**

All election records and returns shall be preserved for a period of sixty (60) days except for the following:

(1) application for a place on a ballot—two (2) years after date of election.

(2) appointment of campaign treasurer—two (2) years after the date the appointment is terminated.

(3) campaign and officeholder reports—two (2) years after the date of filing.

(4) order appointing election judges—the longer of: (a) the term for which the appointment is made or (b) the period for preserving precinct election records in the last election in which an appointee serves under the order.

However, in the event of an election contest or a criminal investigation or proceeding in connection with an election to which the records pertain is pending, in which case the

records shall be preserved until the contest, investigation, or proceeding is contemplated and the judgement, if any, becomes final.

**N. ELIGIBILITY REQUIREMENTS FOR CANDIDATE FOR MAYOR OR COUNCILMEMBER**

... (5) Have resided continuously in the state for twelve months and in the city for six months. Provided, however, that the mayor must have resided in the city for twelve months next preceding the election.

**P. RECOUNT OF BALLOTS**

A petition requesting a recount in any city election must be submitted to the mayor not later than 5:00 p.m. of the fifth day after the election day or 5:00 p.m. after the second day after the day of the original canvass, whichever is later. The recount shall be conducted under the supervision of the mayor and the recount returns shall be canvassed by the city council.

**Q. TAKING OFFICE**

Elected officers may enter upon their duties as soon as they take and subscribe to the official oath of office. An elected officer is entitled to take office immediately upon completion of the official canvass and issuance of a certificate of election to him or her. If a newly elected officer fails to qualify for office within thirty (30) days after the date of election, the office shall be considered vacant.

**ARTICLE II**

That is 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 judgement 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.

**ARTICLE III**

All ordinances or resolutions in conflict herewith are, to the extent of such conflict, hereby repealed. Wherever this ordinance conflicts with the state election laws, the state election laws shall supercede.

**ARTICLE IV**

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

PASSED AND APPROVED on this 19 day of April, 1988 by the City Council of the City of Angus, Texas.

ATTEST:

APPROVED:

Betty McCain  
City Secretary

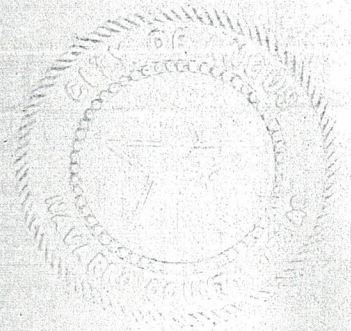
Tom Keating  
Mayor



STATE OF TEXAS  
COUNTY OF NAVARRO  
CITY OF ANGUS

I, Betty Mc.Cain, Secretary of the City Of Angus, Navarro County, Texas, hereby certify that the above and foregoing is a true and correct copy of Ordinance No. 58 passed and approved on the 19 day of April, 1988, at a Regular City Commission Meeting held on the 19 day of April, 1988.

WITNESS MY HAND AND SEAL OF SAID CITY, this the 19 day of April, 1988.



Betty McCain  
Betty Mc Cain, City Secretary  
City Of Angus