

ORDINANCE NO. 607

AN ORDINANCE OF THE CITY OF WALLER, TEXAS, PROVIDING FOR THE HOLDING OF A GENERAL ELECTION ON MAY 6, 2023, FOR THE PURPOSE OF ELECTING (3) AT LARGE COUNCIL MEMBERS; COUNCIL MEMBER FOR UNEXPIRED TERM; DESIGNATING THE ENTIRE CITY AS ONE ELECTION PRECINCT; AND APPROVING TO CONTRACT WITH WALLER COUNTY FOR A JOINT ELECTION RELATING TO THE MAY 6, 2023, ELECTION.

WHEREAS, Section 41.001 of the Texas Election Code, as amended (the “Code”) specifies that Saturday, May 6, 2023, shall be the general election date for the State of Texas and that a general election of a city may be held on such date; and

WHEREAS, the City Council of the City of Waller, Texas, (hereinafter referred to as the “City”) has determined that the City should conduct its general municipal election on Saturday, May 6, 2023, and that the following officials shall be elected for the City:

Councilmember, at large
Council Member, at large
Council Member, at large

WHEREAS, the election so ordered for the City of Waller is being ordered not later than 62 days before the election day pursuant to §3.005(a), Texas Election Code; and,

WHEREAS, the City Council finds that it should: (i) call for said general election to be held on said date for the purpose of electing the three (3) at large Council members; at large Council member for unexpired term (ii) designate the entire City as one election precinct; and (iii) establish and set forth procedures for conducting a joint election with Waller County and other entities; and

WHEREAS, the City has approved and agreed to conduct the City’s general election jointly with Waller County, in accordance with *Tex. Elec. Code, Chapter 271*.

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

Section 1. The facts and matters contained in the preamble are hereby found to be true and correct and are incorporated herein and made a part hereof for all purposes.

Section 2. **Calling of Election.** A general municipal election is hereby called and ordered for Saturday, May 6, 2023, at which election all qualified voters of the City may vote for the purpose of electing the following officials of the City to serve two-year terms or until their successors are duly elected and qualified in conformity with the valid provisions of the laws of the City of Waller and the laws of the State of Texas:

Council Member, at large
Council Member, at large
Council Member, at large

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 have filed his or her sworn application, as provided by Sections 141.031, 143.004 and 143.007 of the Texas Election Code with the City Secretary of the City at the City Offices, located at 1218 Farr St., Waller, Texas 77484, not later than 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. A declaration of write-in candidacy must be filed with the City Secretary, as provided by Section 146.054 of the Texas Election Code, not later than 5:00 p.m. on February 17, 2023, except as otherwise provided in the case of a deceased or ineligible candidate.

Section 3. **Designation of precinct and polling place.** The present boundaries of the City of Waller, Texas shall constitute one (1) precinct for the election.

Section 4. The election shall be held in accordance with the Constitution of the State of Texas and the Texas Election Code, and all the resident qualified electors of the City shall be eligible to vote at the election. In addition, the election materials enumerated in the Texas Election Code shall be printed in both English and Spanish for use at the polling place and for early voting for the election.

Section 5. **Early Voting.** Early voting by personal appearance shall be conducted by Christy Eason, Waller County Elections Administrator, Waller County Elections Department, who is hereby appointed Early Voting Clerk, and, in accordance with Sections 83.032 and 83.034 of the Texas Election Code, the Early Voting Clerk may appoint one or more deputy early voting clerks who shall serve under the contract with Waller County. Said clerks shall not permit anyone to vote early by personal appearance on any day that is not a regular working day for the Early Voting 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.

Early voting shall occur at the locations and dates as shown on the "Notice of Waller County Entity Elections:"

Applications for Ballot by mail should be mailed to the following address:

Christy Eason, Early Voting Clerk
Waller County Elections Office
836 Austin Street, Suite 103
Hempstead, TX 77445

Section 6. **Placement of Candidates on Ballot.** 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,

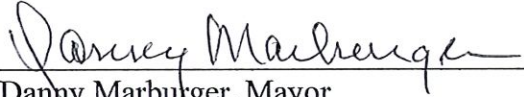
as provided by Section 52.094 of the Texas Election Code. The City Secretary shall post a notice in her office, at least 72 hours prior to the date on which the drawing is to be held, of the time and place of the drawing, and shall also give personal notice to any candidate who makes written request 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 him or her, shall have a right to be present and observe the drawing.

Section 7. **Notice of Election.** The City Secretary is hereby directed to provide notice of this election 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 the closing of the polls.

Section 8. **Joint Election Agreement.** The City and Waller County will enter into a joint election contract, which will allow Waller County to administer the City's election as well as use Waller County's voting system.

Section 9. This Ordinance shall be in full force and effect from and after its date of passage, in accordance with law.

PASSED, APPROVED, AND ADOPTED this 17th day of January 2023.



Danny Marburger, Mayor

ATTEST:



Cynthia Ward, City Secretary