

**ORDINANCE NO. 23-707-15**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BROOKSHIRE, TEXAS, ORDERING A JOINT GENERAL MUNICIPAL ELECTION TO BE HELD ON SATURDAY, MAY 6, 2023 FOR THE MAYOR AND ALDERMAN POSITIONS 1 AND 2; AUTHORIZING THE MAYOR, OR DESIGNEE, TO ENTER INTO A JOINT ELECTION AGREEMENT WITH WALLER COUNTY TO CONDUCT THE GENERAL ELCTION ON BEHALF OF THE CITY OF BROOKSHIRE; DESIGNATING THE PLACES AND MANNER OF HOLDING THE ELECTION; PROVIDING FOR THE POSTING AND PUBLICATION OF NOTICE; PROVIDING FOR A RUNOFF ELECTION IF REQUIRED; PROVIDING A SAVINGS CLAUSE; PROVIDING AN OPEN MEETINGS CLAUSE; AND, PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Brookshire (the “City”) desires to hold a General Municipal Election for the election of the Mayor and City Council positions designated as Alderman Place 1 and Alderman Place 2, on Saturday, May 6, 2023 (the “General Election”); and

**WHEREAS**, the City Council of the City (the “Council”) finds that it is in the public interest that the City enter into a joint election agreement and election services contract with Waller County in order to provide the most efficient and convenient voting opportunities for both the General Election, with voting available at polling locations and the potential for extended hours for early voting identified herein; **NOW THEREFORE**,

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BROOKSHIRE:**

**SECTION 1. THAT** the recitals to this Ordinance are true and correct and are hereby incorporated into this Ordinance for all intents and purposes.

**SECTION 2. THAT** the general municipal election (the “General Election”) of the City of Brookshire, Texas (the “City”) shall be held between seven o’clock (7:00) a.m. and seven o’clock (7:00) p.m. on the 6<sup>th</sup> day of May 2023, in the corporate limits of the City, for the purpose of electing the Mayor and members to the City Council of the City (the “Council”) for Alderman Place 1 and Alderman Place 2 in accordance with the election laws of the State of Texas, and as authorized by the adoption of this Ordinance and the executed joint election agreement and election services contract with Waller County.

**SECTION 3. THAT** the present boundaries of the City constitute one (1) election precinct. The polling places for this election precinct shall be as designated by Waller County.

**SECTION 4. THAT** the General Election shall be held in accordance with, and shall be governed by, the election laws of the State of Texas. The Council, pursuant to Chapter 271 of the Texas Election Code, authorizes the Mayor, or his designee, to enter into a joint election agreement with Waller County and other participating political subdivisions for the General Election. The City Secretary, the Mayor, and the Mayor’s designee are hereby authorized to perform all duties and take all actions as required by any election services contracts or joint election agreements related to the General Election.

**SECTION 5. THAT** any eligible and qualified person may have his or her name placed upon the official ballot of the General Election as a candidate by submitting an application in accordance with Section 141.031 of the Texas Election Code (the “Application”). The Application must be in writing, signed, and sworn to by the candidate and it must indicate that the candidate swears to the Application. The Application may be filed with the City Secretary beginning on January 18, 2023, but not later than 5:00 p.m. on February 18, 2022. Candidate filings will be accepted in person from 8 a.m. to 5 p.m. Monday through Friday at the Office of the City Secretary, 4029 5<sup>th</sup> Street, Brookshire, Texas 77423; by mail at the Office of the City Secretary, 4029 5<sup>th</sup> Street, Brookshire, Texas 77423; by fax at 281-375-5045; or, by email at [rgorins@brookshirecity.org](mailto:rgorins@brookshirecity.org).

**SECTION 6. THAT** Waller County shall designate the Main Early Voting Location for early voting for the General Election and shall appoint the Early Voting Clerk and Deputy Early Voting Clerk for early voting in person and voting by mail, who shall, upon approval of an application for ballot by mail related to the General Election, provide balloting materials to the voter in accordance with the election laws of the State of Texas. Applications for ballot by mail (the “ABBM”) shall be mailed, faxed, emailed, or delivered by common or contract carrier to the addresses or numbers identified in the joint election documentation attached to this Ordinance as “Exhibit A”.

**SECTION 7. THAT** the last day for the early voting clerk to receive applications for a ballot to be voted by mail via mail (regardless of postmarked date), fax, common or contract carrier, or email, is Tuesday, April 25, 2023, in accordance with Section 84.007(c) of the Texas Election Code. If a voter submits an ABBM via fax or email, the Early Voting Clerk must receive an original or a copy with a wet signature via mail within four (4) business days of the submission of the fax or email, in accordance with Section 84.007(b-1) of the Texas Election Code.

**SECTION 8. THAT** the places at which Early Voting by personal appearance shall be conducted shall be designated by Waller County. During the lawful early voting period, the Early Voting Clerk shall keep such locations for early voting open for early voting as required by the Texas Election Code, at a minimum.

**SECTION 9. THAT** voting at the General Election, including early voting, shall be by the use of voting machines; and the ballots of the General Election shall conform to the election laws of the State of Texas, as amended. Waller County, via a joint election agreement or election services contract with the City shall obtain, or cause to be obtained, the necessary electronic tabulating equipment, to arrange for the testing thereof as provided by law and to employ a duly qualified manager and a duly qualified tabulation supervisor to perform the duties respectively imposed on them by law with respect to the processing and tabulation of ballots at the Central Counting Station.

**SECTION 10. THAT** the Waller Times, is hereby found and declared to be a newspaper of general circulation in the City (the “newspaper”); that the City Secretary shall issue notice of the General Election to be published one time in the newspaper not less than ten (10) days, but no more than thirty (30) days, prior to the date of the General Election; and, that in addition to posting in the newspaper, notice of the General Election shall be posted on the bulletin board at the City Hall of the City not later than the twenty-first (21<sup>st</sup>) day before the date of the General Election and remain continuously posted until the end of the day on the date of the General Election.

**SECTION 11. THAT** the Mayor and the City Secretary are hereby authorized to execute and issue, for and on behalf of the City, such orders, documents, and forms as may, from time to time, be promulgated by the Secretary of State of the State of Texas in conjunction with the General Election.

**SECTION 12. THAT** each and every provision, paragraph, sentence, and clause of this Ordinance has been separately considered and passed by the Council, and each provision would have been separately passed without any other provision; and, if any provision hereof shall be ineffective, invalid, or unconstitutional, for any cause, it shall not impair or affect the remaining portion, or any part thereof, but the valid portion shall be in force just as if it had been passed alone.

**SECTION 13. THAT** the Council officially finds, determines, recites, and declares that a sufficient written notice of the date, hour, place, and subject of the meeting of the Council during which it considered this Ordinance was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by Chapter 551 of the Texas Government Code; and, that said meeting was open to the public as required by law at all times during which this Ordinance and the subject matter thereof was discussed, considered, and formally acted upon. The Council further ratifies, approves, and confirms the contents and posting of such written notice.

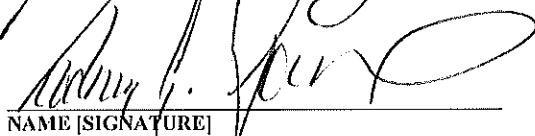
**SECTION 14. THAT** this Ordinance shall be in effect immediately upon its passage and approval.

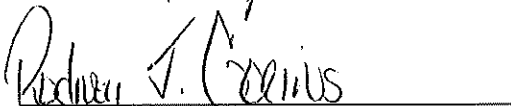
**PASSED, APPROVED, AND ADOPTED this 16 day of February 2023.**

**FOR THE CITY OF BROOKSHIRE:**

  
**DARRELL BRANCH, MAYOR**

**ATTEST:**

  
NAME [SIGNATURE]

  
NAME [PRINTED]

**EXHIBIT A – JOINT ELECTION DOCUMENTATION**