

ORDINANCE NO. 2020-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS, ORDERING A SPECIAL ELECTION TO BE HELD ON MAY 2, 2020 FOR THE PURPOSE OF FILLING A VACANCY FOR THE REMAINDER OF THE UNEXPIRED TERM OF OFFICE OF CITY COUNCIL MEMBER, PLACE FIVE; ESTABLISHING EARLY VOTING LOCATIONS AND POLLING PLACES FOR THIS ELECTION; MAKING PROVISIONS FOR CONDUCTING THE ELECTION; DECLARING AN EMERGENCY CREATING THE NEED TO ADOPT THIS ORDINANCE WITH ONLY ONE READING; AND PROVIDING AN EFFECTIVE DATE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS:

SECTION 1. A special election is ordered to be held by the City of San Marcos (the “City”) at the various polling places and election precincts within the corporate limits of the City, as hereinafter designated, on May 2, 2020 from the hours of 7:00 a.m. to 7:00 p.m. This special city election will be conducted jointly with Hays County and will be administered for the City by the Hays County Elections Administrator. At the special election, the qualified voters of the City will elect a candidate to fill a vacancy in the office of Council Member Place 5 for the remainder of the unexpired term of that office. The official canvass of the election shall be held May 11, 2020, following Election Day. In the event it becomes necessary, a runoff election will be called by ordinance to be adopted on May 11, 2020 or within five days thereafter. The runoff election shall be held not earlier than the 20<sup>th</sup> day nor later than the 45<sup>th</sup> day after the date the final canvass of the special election is completed. Canvass of the returns of the runoff election, if necessary, shall be held no earlier than the 8<sup>th</sup> day nor later than the 11<sup>th</sup> day following the date of the Runoff Election.

SECTION 2. The vote center locations for Early Voting and Election Day for this election shall be as follows:

**Early Voting: April 20, 2020 – April 28, 2020**

Monday, 4/20/20	7 AM – 7 PM
Tuesday 4/21/20 – Friday, 4/24/20:	8 AM – 5 PM
Saturday, 4/25/20:	10 AM – 2 PM
Monday, 4/27/20	7 AM – 7 PM
Tuesday 4/28/20	8 AM – 5 PM

**Election Day: May 2, 2020**

Saturday, May 2, 2020:	7 AM – 7 PM
------------------------	-------------

Early Voting	Election Day	<b>San Marcos CISD &amp; City of San Marcos</b>	
	✓	<b>Dunbar Center</b>	<b>801 Martin Luther King Drive, San Marcos</b>
✓	✓	<b>Live Okay Health (formerly Hays County Health Department)</b>	<b>401 Broadway Street #A, San Marcos</b>
✓	✓	<b>Hays County Government Center</b>	<b>712 S. Stagecoach Trail, # 1012, San Marcos</b>
	✓	<b>San Marcos Housing Authority/CM Allen Homes</b>	<b>820 Sturgeon Drive, San Marcos</b>

**Hays CISD**

✓	✓	<b>Hays CISD Administration @ Old Transportation Bldg.</b>	<b>21003 Interstate 35, Kyle</b>
	✓	<b>Wallace Middle School</b>	<b>1500 West Center Street, Kyle</b>
✓		<b>Buda Elementary Upper Campus (Historic School Site – Kunkel Room)</b>	<b>300 San Marcos Street, Buda</b>
	✓	<b>Chapa Middle School</b>	<b>3311 Dacy Lane, Kyle</b>
	✓	<b>Tobias Elementary School</b>	<b>1005 FM 150, Kyle</b>
	✓	<b>Hays Hills Baptist Church</b>	<b>1401 FM 1626, Buda</b>

**City of Dripping Springs and DSISD**

✓	✓	<b>Dripping Springs City Hall</b>	<b>511 Mercer Street, Dripping Springs, TX</b>
	✓	<b>Hays Precinct 4 Office</b>	<b>195 Roger Hanks Parkway, Dripping Springs</b>
✓	✓	<b>Ledgestone Senior Living</b>	<b>13152 Four Star Boulevard, Austin</b>

SECTION 3. As per the contract, the Hays County Election Administrator shall appoint presiding judges and alternate judges to serve in this election, and it shall be each such judge's duty to hold the election in their respective precincts

SECTION 4. Each presiding judge may appoint up to four clerks, and with the permission of the Hays County Election Administrator, additional clerks, to serve for each precinct in this election.

SECTION 5. Jennifer Anderson is appointed Early Voting Clerk for the City.

SECTION 6. Early voting by mail ballot shall be conducted in accordance with applicable provisions of the Texas Election Code. The address of 712 S. Stagecoach Trail, San Marcos, Texas 78666, shall be the early voting clerk's mailing address to which ballot applications and ballots voted by mail may be sent for the City.

SECTION 7. All early votes and other votes to be processed in accordance with early voting procedures pursuant to the Texas Election Code shall be delivered to the Early Voting Ballot Board at the Hays County Election Administrator's office which is located in the City, in accordance with the Election Code. Early votes shall be counted at the central counting station. The Early Voting Ballot Board shall perform in accordance with applicable provisions of the Election Code.

SECTION 8. The Verity Duo Hybrid voting system, shall be utilized in connection with the election. This system shall be utilized for all early voting as well as for all voting conducted on Election Day. Ample voting equipment shall be provided for early voting and in each of the various vote centers on Election Day. The central counting station is established as the Hays County Elections Administrator's office, 712 S. Stagecoach Trail, San Marcos, Texas.

SECTION 9. The Hays County Elections Administrator will appoint the Early Voting Ballot Board, a Presiding Judge of the Central Counting Station, a Tabulation Supervisor of the Central Counting Station, and a Central Counting Station Manager.

SECTION 10. The election will be held in accordance with the provisions of the Charter and Ordinances of the City of San Marcos and the laws of the State of Texas. The deadline for filing by candidates for the vacancy in the unexpired term of Council Member, Place 5 is 5:00 p.m. on March 23, 2020.

SECTION 11. An executed copy of this Ordinance will serve as proper notice of the election.

SECTION 12. Notice of the election, including a Spanish translation thereof, will be published at least once in a newspaper published in San Marcos on or after April 2, 2020 and on or before April 22, 2020, and will be posted on the bulletin board at City Hall on or before April 6, 2020.

SECTION 13. A writ of election as required by the Texas Election Code will be delivered on or before April 17, 2020 by the Hays County Election Administrator to the presiding and alternate judges of each election precinct in which the election is ordered to be held.

SECTION 14. Testing of the automatic tabulating equipment will be performed and notice thereof will be given in accordance with Subchapter D of Chapter 127 of the Texas Election Code.

SECTION 15. The rate of compensation to be paid judges, clerks, and assistants to the Central Counting Station Presiding Judge and Tabulation Supervisor for services rendered during the election will be compensated at the rate of no more than \$12.00 per hour.

SECTION 16. The additional compensation to be paid judges who deliver returns of the election is established at \$35.00.

SECTION 17. If any portion of this Ordinance is held invalid by a court of competent jurisdiction, the remaining provisions of this Ordinance shall remain in full force and effect.

SECTION 18. The importance of this Ordinance creates an emergency and an imperative public necessity, and the provisions of the Charter requiring that ordinances be presented at two separate meetings be waived and, this Ordinance will take effect immediately upon adoption.

CONSIDERED, APPROVED, AND ADOPTED on March 17, 2020

Jane Hughson  
Mayor

Attest:

Approved:

Tammy K. Cook  
Interim City Clerk

Michael J. Cosentino  
City Attorney