

ORDINANCE NO. 2018-23

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS, ORDERING A GENERAL AND SPECIAL ELECTION TO BE HELD ON NOVEMBER 6, 2018 FOR THE PURPOSE OF ELECTING A MAYOR, CITY COUNCIL MEMBER, PLACE FIVE, CITY COUNCIL MEMBER, PLACE SIX, AND ORDERING A SPECIAL ELECTION TO FILL A VACANCY FOR THE TWO YEAR REMAINDER OF THE UNEXPIRED TERM OF OFFICE OF CITY COUNCIL MEMBER, PLACE FOUR TO BE CONDUCTED CONCURRENTLY WITH THE GENERAL ELECTION; 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 general and 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 November 6, 2018 from the hours of 7:00 a.m. to 7:00 p.m. This general and 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 general election the qualified voters of the City will elect a Mayor for a term of two years and City Council Member for Place 5 and a City Council Member for Place 6 with each Council Member position having a term of three years. 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 4 for the two year remainder of the unexpired term of that office. The official canvass of the election shall be held November 14, 2018, following Election Day. In the event it becomes necessary to conduct a runoff election it will be necessary to call the runoff election on the same day the final canvass of the main election is completed, November 14, 2018. The runoff election shall be held not earlier than the 20<sup>th</sup> nor later than the 45<sup>th</sup> day after the date the final canvass of the regular and 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 polling places for each precinct for this election shall be as follows:

| PCT.    | POLLING PLACE                         | ADDRESS            | CITY       |
|---------|---------------------------------------|--------------------|------------|
| 110     | New Life Christian Center             | 4000 Hwy 123       | San Marcos |
| 111/112 | Dunbar Center                         | 801 MLK Dr.        | San Marcos |
| 113     | Hays County Health Dept.              | 401 A Broadway St. | San Marcos |
| 120     | San Marcos Housing,<br>CM Allen Homes | 820 Sturgeon St.   | San Marcos |

|             |                                       |                        |            |
|-------------|---------------------------------------|------------------------|------------|
| 301/315     | First Baptist Church – San Marcos     | 325 W McCarty Lane     | San Marcos |
| 316/317     | Stone Brook Seniors Community         | 300 Stagecoach Trail   | San Marcos |
| 318/330/334 | Crockett Elementary School            | 1300 Girard St         | San Marcos |
| 332         | Travis Elementary School              | 1437 Post Rd           | San Marcos |
| 336         | Brookdale - Horizon Bay at San Marcos | 1720 Old Ranch Rd 12   | San Marcos |
| 413/414     | Allenwood Homes                       | 1201 Thorpe Ln.        | San Marcos |
| 415         | Fire Station #5                       | 100 Carlson Circle     | San Marcos |
| 416/417/418 | Blanco Vista School                   | 2951 Blanco Vista Blvd | San Marcos |
| 447         | Promiseland Church                    | 1650 Lime Kiln Rd.     | San Marcos |

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. The precincts numbered 110, 111, 112, 113, 120, 315, 316, 317, 318, 330, 332, 334, 336, 413, 414, 415, 416, 417, and 447 shall be polling places for the election.

SECTION 6. Jennifer Anderson is appointed Early Voting Clerk for the City.

SECTION 7. The main early polling place for early voting by personal appearance for the election is the Government Center Conference Room, 712 S. Stagecoach Trail, San Marcos, TX 78666. Early voting by personal appearance shall be conducted during the following stated dates and times (excluding holidays) in the Government Center Conference Room: Monday, October 22, 2018 through Friday, October 26, 2018 from 8:00 a.m. to 5:00 p.m.; Saturday, October 27, 2018 from 8:00 a.m. to 5:00 p.m.; Sunday, October 28, 2016 from 1:00 p.m. to 6:00 p.m. Monday, October 29, 2018 through Friday, November 2, 2018 from 7:00 a.m. to 7:00 p.m. In addition, temporary branch and mobile early polling places for early voting by personal appearance for the City election are established at the following locations, with voting to be conducted at the dates and times indicated:

| <u>Location</u>   | <u>Date</u>  | <u>Time</u>                                    |
|---|--|--|
| Hays County Precinct 2 Office<br>5458 FM 2770<br>@ Crystal Meadow Dr.<br>Kyle, TX | October 22 – 27, 2018<br>October 29 – November 2, 2018 | 8:00 a.m. – 5:00 p.m.<br>7:00 a.m. – 7:00 p.m. |
| Wimberley Community Center<br>14068 Ranch Rd. 12<br>Wimberley, TX                 | October 22 – 27, 2018<br>October 29 – November 2, 2018 | 8:00 a.m. – 5:00 p.m.<br>7:00 a.m. – 7:00 p.m. |

|  |  |  |
|--|--|--|
| Hays County Precinct 4 Office<br>195 Roger Hanks Pkwy<br>Dripping Springs, TX            | October 22 – 27, 2018<br>October 29 – November 2, 2018 | 8:00 a.m. – 5:00 p.m.<br>7:00 a.m. – 7:00 p.m. |
| Buda City Hall<br>121 N Main St.<br>Buda, TX   | October 22 – 27, 2018<br>October 29 – November 2, 2018 | 8:00 a.m. – 5:00 p.m.<br>7:00 a.m. – 7:00 p.m. |
| Texas State University<br>LBJ Student Center<br>700 Student Center Dr.<br>San Marcos, TX | October 22 – 24, 2018                                  | 11:00a.m. – 7:00 p.m.                          |
| Live Oak/Health Department<br>401 Broadway St<br>San Marcos, TX                          | October 22 – 24, 2018                                  | 11:00a.m. – 7:00 p.m.                          |

SECTION 8. 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 9. 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 10. A Direct Record Electronic ("DRE") System, as the term is defined in the Texas Election Code, shall be utilized in connection with the election. This system shall be utilized for all early voting as well as for all precinct voting conducted on Election Day. The Hays County Election Administrator will appoint a programmer, who shall prepare a program for the automatic tabulating equipment. Ample voting equipment shall be provided for early voting and in each of the various precincts 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 11. 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 12. 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 position of Mayor, Council Member, Place 5, Council Member, Place 6 and the vacancy in the two year unexpired term of Council Member, Place 4 is 5:00 p.m. on August 20, 2018.

SECTION 13. An executed copy of this Ordinance will serve as proper notice of the election.

SECTION 14. 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 October 7, 2018 and on or before October 27, 2018, and will be posted on the bulletin board at City Hall on or before October 9, 2018.

SECTION 15. A writ of election as required by the Texas Election Code will be delivered on or before October 22, 2018 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 16. 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 17. 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 18. The additional compensation to be paid judges who deliver returns of the election is established at \$35.00.

SECTION 19. 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 20. 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 August 7, 2018

John Thomaides  
Mayor

Attest:

Approved:

Jamie Lee Case  
City Clerk

Michael J. Cosentino  
City Attorney