

CITY OF BALCH SPRINGS, TEXAS

ORDINANCE NO. 3164-18

AN ORDINANCE ORDERING AND PROVIDING NOTICE OF A GENERAL ELECTION FOR THE CITY OF BALCH SPRINGS, TEXAS, TO BE HELD ON THE 5TH DAY OF MAY 2018, PROVIDING FOR THE ELECTION OF COUNCIL MEMBERS (ALDERMEN), PLACES 2, 4 AND 6; PROVIDING FOR EARLY VOTING BY PERSONAL APPEARANCE; PROVIDING FOR A CONTRACT FOR ELECTION SERVICES WITH DALLAS COUNTY; PROVIDING FOR CERTAIN JOINT ELECTION ARRANGEMENTS; AND RESOLVING OTHER MATTERS INCIDENT AND RELATED TO SUCH ELECTION; PROVIDING FOR PREAMBLE INCORPORATION; CONFLICTING PROVISIONS; SEVERABILITY; PROPER NOTICE AND MEETING; AND, AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Balch Springs (“City Council”) seeks to proceed with the ordering of an election for Saturday, May 5, 2018, the next uniform election date, and appointing election officials required for the conduct of the election, and has deemed it advisable to call the election hereinafter ordered; and

WHEREAS, the City of Balch Springs must order a General Election for the election of three (3) city council members; and

WHEREAS, the City Council has authority pursuant to Chapter 31, Texas Election Code, to enter into an election services contract with the Dallas County Election Officer to obtain certain election services; and

WHEREAS, the City Council has authority pursuant to Chapter 271, Texas Election Code, to enter into joint election agreements with other political subdivisions holding elections on the same day in all or part of the same territory;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BALCH SPRINGS, TEXAS that:

SECTION 1. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.

SECTION 2. There is hereby called a General Election to be held on the first Saturday in May, being the 5th day of May, 2018, between the hours of 7:00 am and 7:00 pm (the “Election”), for the purpose of electing three council members (aldermen) for Places 2, 4 and 6.

SECTION 3. In addition to other qualifications prescribed by law or by the Charter of Balch Springs, Texas, candidates for Places 2, 4 and 6 must reside in each respective place, or district, so numbered.

Candidates for City Council shall meet the qualifications as prescribed by law and by the Charter of the City of Balch Springs, Texas.

Every qualified voter within the City of Balch Springs may cast one vote for a candidate for Place 2.

Every qualified voter within Places 4 and 6 may cast one vote for a candidate for city council member for the respective place within which such voter resides.

SECTION 4. On Election Day, the polls shall be open from 7:00 AM to 7:00 PM. The polling places and voting precincts for the Election are to be determined.

SECTION 5. EARLY VOTING BY PERSONAL APPEARANCE will be conducted in accordance with state law.

The Early Voting Clerk shall keep the places for early voting open between the dates and hours of:

Monday, April 23, 2018; through Friday, April 27, 2018- 8:00 a.m. to 5:00 p.m.
Saturday, April 28, 2018 – 8:00 a.m. to 5:00 p.m.
Sunday, April 29, 2018, 1:00 p.m. to 6:00 p.m.
Monday, April 30, 2018 through Tuesday, May 1, 2018 – 7:00 a.m. to 7:00 p.m.

Civic Center shall be the main early voting location.

SECTION 6. APPLICATIONS FOR BALLOT BY MAIL shall be mailed to:

Toni Pippins-Pool, Early Voting Clerk
2377 N. Stemmons, Suite 820
Dallas, TX 75207

Applications for ballot by mail must be received no later than 5:00 PM on April 24, 2018.

SECTION 7. The City Council hereby appoints Cindy Gross as the Regular Early Voting Clerk and appoints Toni Pippins-Pool as the Joint Early Voting Clerk.

SECTION 8. Cindy Gross, City Secretary, shall maintain an office open for election duties for at least three hours each day, during regular office hours, on regular business days beginning not later than the 50th day before the date of the Election and ending not earlier than the 40th day after the date of the Election. The City Secretary shall accept and maintain documents filed under Title 15 of the Election Code and maintain and receive any other documents as may be required by the Election Code.

SECTION 9. Chapter 31 of the Texas Election Code authorizes county election officers to contract with the governing body of a political subdivision situated wholly or partly in the county served by the officer to perform certain election services. Pursuant to Chapter 31 of the Texas Election, the City Council is expressly providing the Election shall be conducted in accordance with the terms and conditions of the Joint Election Agreement and Election Service Contract. The City Council hereby empowers the City Manager with the authority to negotiate and execute such contracts.

Chapter 271 of the Texas Election Code provides that the authorities of two or more political subdivision that have ordered elections for the same day in all or part of the same territory, may enter into an agreement to hold the elections jointly in election precincts that can be served by common polling places, and the City Council is expressly authorizing this action, as set out and described in the Joint Election Agreement and Election Service Contract. The City Council hereby empowers the City Manager with the authority to negotiate and execute such contracts.

SECTION 10. Notice of the Election shall be published one time in the English and Spanish languages, in a newspaper published in the territory that is covered by the Election and is in the jurisdiction of the City. The notice shall be published not earlier than the 30th day or later than the 10th day before the Election, as required by section 4.003 of the Election Code. Notice of the Election shall also be posted on the bulletin board on which the City Council posts notices of its meetings not later than the 21st day before the Election. The contents of the Notice of Election shall comply with the requirements of the Election Code. The Notice of Election shall be delivered to the Dallas County Clerk not later than the 60th day before the Election.

SECTION 11. All ordinances or parts of ordinances in force when the provisions of this Ordinance becomes effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed only to the extent of such conflict.


SECTION 12. Should any part, sentence or phrase of this Ordinance be determined to be unlawful, void or unenforceable, the validity of the remaining portions of this Ordinance shall not be adversely affected. No portion of this Ordinance shall fail or become inoperative by reason of the invalidity of any other part. All provisions of this Ordinance are declared to be severable.

SECTION 13. It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

SECTION 14. This Ordinance is effective immediately upon its passage and approval.

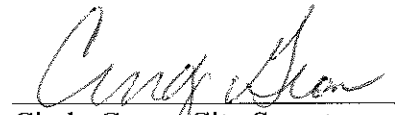
DULY PASSED by the City Council of the City of Balch Springs, Texas, on this the 12th day of February, 2018.

APPROVED:



Steven Gorwood, Mayor

ATTEST:



Cindy Gross, City Secretary