

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF GEORGETOWN, TEXAS, ORDERING A SPECIAL ELECTION TO FILL A VACANCY FOR THE ELECTION OF DISTRICT 1 TO BE HELD ON NOVEMBER 5, 2019, ORDERING A RUN-OFF ELECTION, IF NECESSARY, AND ESTABLISHING PROCEDURES FOR SAID ELECTIONS.**

**WHEREAS**, the City Council is composed of a Mayor and seven Council Members per Article II of the City Charter; and

**WHEREAS**, the Mayor is elected at large and the Council members are elected from single-member districts; and

**WHEREAS**, the Mayor and Council members serve three year terms; and

**WHEREAS**, the Mayor and Council members are composed of the following individuals with terms as delineated as follows:

<u>OFFICE</u>	<u>DATE THAT TERM EXPIRES</u>
MAYOR DALE ROSS	MAY 2020
DISTRICT 1 COUNCIL MEMBER - VACANT	MAY 2021
DISTRICT 2 COUNCIL MEMBER NICHOLSON	MAY 2020
DISTRICT 3 COUNCIL MEMBER TRIGGS	MAY 2022
DISTRICT 4 COUNCIL MEMBER FOUGHT	MAY 2022
DISTRICT 5 COUNCIL MEMBER PITTS	MAY 2021
DISTRICT 6 COUNCIL MEMBER JONROWE	MAY 2020
DISTRICT 7 COUNCIL MEMBER GONZALEZ	MAY 2022

**WHEREAS**, the laws of the State of Texas and the Charter of the City of Georgetown, Texas provide that on Tuesday, November 5, 2019, there shall be a Special Election to fill a Vacancy at which shall be elected the following officials for this City:

One (1) Member of the Georgetown City Council: Councilmember from District 1

**WHEREAS**, the laws of the State of Texas and the Charter of the City of Georgetown, Texas further provide that the Election Code of the State of Texas is applicable to said election, and in order to comply with said Code, a Resolution should be passed establishing the procedure to be followed in said election and designating the voting places for said election.

**NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF GEORGETOWN, TEXAS THAT:**

**SECTION 1. VERIFICATION OF FACTS**

The facts and recitations contained in the preamble of this resolution are hereby found and declared to be true and correct, and are incorporated by reference herein and expressly made a part hereof, as if copied verbatim.

**SECTION 2. CANDIDATES**

This special election shall be held to elect the Council Member for City of Georgetown Single-Member District 1. The boundaries for Single-Member District 1 have been updated to include newly annexed lands. Maps showing the updated boundaries are attached hereto as Exhibit "A". An updated map of the entire area within the city limits (showing the boundaries of all of the council districts) is attached hereto as Exhibit "B". These maps are hereby adopted as the Official Council District Maps and shall determine the qualification of the candidates to serve and shall govern the qualification of the voters to vote in said election.

**SECTION 3. CANDIDATE APPLICATION DEADLINE AND ORDER OF NAMES ON BALLOT**

All candidates for the election to be held on the first Tuesday in November, 2019, for the Council Members for District 1 shall file their applications with the City Secretary at the City Hall on or before 5:00 p.m. on Wednesday, September 4, 2019.

The order in which the names of the candidates are to be printed on the ballot shall be determined by a drawing held by the City Secretary on Friday, September 6, 2019, at 4:00 p.m. in the Main Floor Foyer at City Hall, 808 Martin Luther King Jr. Street, Georgetown, Texas.

#### **SECTION 4. POSSIBLE RUN-OFF ELECTION**

As provided in the City Charter, in the event that no candidate can be declared the winner in any or all of the individual races to be conducted in the Special Election to Fill a Vacancy, a runoff election shall be held not earlier than 20 days nor later than 45 days after the date of the Final Canvass of the November 5, 2019 Election. If necessary, the period for the Run-Off Election would be scheduled between November 8, 2019 and November 25, 2019.

In such a Runoff Election, the candidates who received, in the preceding election, the highest number of votes for each office to which no one was elected, shall be voted on again, and the candidate who receives the majority of the votes cast for each such office in the Runoff Election shall be elected to such office.

#### **SECTION 5. OPTICAL SCAN BALLOTS**

Voting shall be conducted with optical scan ballots prepared in conformity with the Texas Election Code, and there shall be at least one disabled-access voting device, such as a Direct Recording Electronic (DRE) machine at each polling place.

#### **SECTION 6. CONDUCT OF ELECTION**

Pursuant to Subchapter D of Chapter 31 of the Texas Election Code, the City Council is further ordering that this Special Election to Fill a Vacancy and possible Runoff Election be conducted under the terms and conditions of a Joint Election Agreement and Contract for Election Services ("Joint Election Agreement") between the City of Georgetown and Williamson County. Chapter 31, Subchapter D of the Texas Election Code provides that a city may contract with the County Elections Officer for election services if the city is located in whole or in part in the county. In addition, this will be a joint election conducted with other entities that will also hold an election on November 5, 2019 pursuant to the Joint Election Agreement.

As authorized by Chapter 31, Subchapter D of the Texas Election Code, the Georgetown City Council hereby appoints the Williamson County Elections Administrator, Christopher J. Davis, 301 Inner Loop, Suite 104, Georgetown, Texas 78626, as the election officer for the purpose of conducting the November 5, 2019 Special Election to Fill a Vacancy. This appointment includes services as Early Voting Clerk for the Election, Counting Station Manager, Presiding Judge of the Central Counting Station, Alternate Judge and Tabulation Supervisor.

In addition and in accordance with Chapter 66 and Chapter 31 of the Texas Election Code, the City Council hereby appoints Williamson County Elections Administrator, Christopher J. Davis, as agent for the Custodian of Records (“Agent”) for the November 5, 2019 General Election for the purpose of preserving voted ballots and other election records as required by the Texas Election Code.

### **SECTION 7. EARLY VOTING**

Early Voting by Personal Appearance shall take place at the locations and times delineated by the Williamson County Election Administrator per the Joint Election Agreement beginning on the 12th day preceding the date of the election, which is Monday, October 21, 2019, and ending on the fourth day before Election Day, which is Friday, November 1, 2019.

In the event of a Runoff Election, Early Voting by Personal Appearance shall take place at the locations and times delineated by the Williamson County Elections Administrator per the Joint Election Agreement.

If the Elections Administrator plans to change any of the polling locations or the dates and times, he shall timely notify the City of Georgetown so that the appropriate Justice Department Submission can be made by the City Attorney and the City Council can be made aware thereof and be given the opportunity to comment thereon.

### **SECTION 8. ELECTION DAY VOTING**

Election Day Voting shall take place from 7:00 a.m. to 7:00 p.m. at the locations delineated by the Williamson County Election Administrator per the Joint Election Agreement. If the Elections Administrator plans to change any of the polling locations or the times, he/she shall timely notify the City of Georgetown so that the appropriate Justice Department Submission can be made by the City Attorney and the City Council can be made aware thereof and be given the opportunity to comment thereon.

In the event of a Runoff Election, the Georgetown Election Day voting locations will be as delineated by the Williamson County Elections Administrator per the Joint Election Agreement. If the Elections Administrator plans to change any of the polling locations or times, he/she shall timely notify the City of Georgetown so that the appropriate Justice Department Submission can be made by the City Attorney and the City Council can be made aware thereof and be given the opportunity to comment thereon.

**SECTION 9. ELECTION INFORMATION  
TO BE PROVIDED IN SPANISH**

The Mayor and all other election officers appointed by the City Council as being responsible for the preparation of notices, instructions, orders, ballots, and other written material pertaining to the Special Election to Fill a Vacancy shall cause each such document to be translated into and furnished to voters in both the English language and the Spanish language in order to aid and assist voters speaking Spanish as a primary or an alternative language to properly participate in the election process. In addition, the Mayor and other responsible election officers are hereby authorized and directed to make available to the voters having the need of an individual capable of acting as a translator and speaking both English and Spanish languages who will assist Spanish speaking voters in understanding and participating in the election process.

**SECTION 10. CANVASSING OF RETURNS; DECLARING RESULTS**

The Williamson County Elections Administrator, as Georgetown's designated election officer, shall provide the written return of the Election results to the City of Georgetown in accordance with the Texas Election Code. The City Council shall canvass the returns on a date and time set by the Mayor between the dates of November 8, 2019 and November 18, 2019 and declare the results of the Special Election to Fill a Vacancy in accordance with the Texas Election Code Section 67.003(b), which provides that for elections held on the uniform election date in May, the following provisions apply:

For an election held on the uniform election date in November, the local canvass must occur not later than the 11th day after Election Day and not earlier than:

- (1) the third day after election day;
- (2) the date on which the early voting ballot board has verified and counted all provisional ballots, if a provisional ballot has been cast in the election; or

(3) the date on which all timely received ballots cast from addresses outside of the United States are counted, if a ballot to be voted by mail in the election was provided to a person outside of the United States.

**SECTION 11. NOTICE OF ELECTION**

Notice of the Special Election to Fill a Vacancy shall be published at least one time in the English and Spanish languages, in a newspaper published within Georgetown's territory at least 10 days and no more than 30 days before the Special Election to Fill a Vacancy and as otherwise may be required by the Texas Election Code. Notice of the Special Election to Fill a Vacancy shall also be posted on the bulletin board used by the City Council to post notices of its City Council meetings no later than the 21<sup>st</sup> day before the Special Election to Fill a Vacancy.

**SECTION 12. AUTHORIZATION TO EXECUTE**

The Mayor of the City of Georgetown is authorized to execute and the City Secretary is authorized to attest to the Order on behalf of the City Council; and the Mayor is further authorized to do all other things legal and necessary in connection with the holding and consummation of the General Election which includes the giving of and the publication of the Notice of Election to be in a form as to be approved by the City Attorney.

**SECTION 13. PREAMBLE TRUE AND CORRECT**

The facts and recitations contained in the preamble of this resolution are hereby found to be true and correct, and are incorporated by reference herein and made a part hereof, as if copied verbatim.

**SECTION 14. EFFECTIVE DATE**

This Resolution shall be effective immediately upon its approval.

PASSED AND APPROVED this 13 day of August, 2019 by the City Council of the City of Georgetown.

ATTEST:

THE CITY OF GEORGETOWN:

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Robyn Densmore, City Secretary

By: Dale Ross, Mayor

APPROVED AS TO FORM:

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Charlie McNabb, City Attorney

Exhibit List:

- Exhibit A                      Boundaries of Council District 1
- Exhibit B                      Boundaries of all Council Districts