

CITY OF ITALY

ORDINANCE NO. 2022-0221-01

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ITALY, TEXAS, PROVIDING FOR A SPECIAL ELECTION TO BE HELD ON MAY 7, 2022, FOR THE PURPOSE OF ELECTING ONE MEMBER OF THE ITALY CITY COUNCIL (AT LARGE) TO FILL THE VACANCY RESULTING FROM THE RESIGNATION OF COUNCILMEMBER ELMERINE BELL; PROVIDING FOR INCORPORATION OF RECITALS; ESTABLISHING PROCEDURES FOR THE CONDUCT OF SUCH ELECTION, INCLUDING PROVISION THAT THE ELLIS COUNTY ELECTIONS ADMINISTRATOR SHALL ADMINISTER THE ELECTION FOR THE CITY; PROVIDING OTHER DETAILS RELATING TO THE HOLDING OF SUCH ELECTION; PROVIDING SAVINGS/REPEALINGS AND SEVERABILITY CLAUSES; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, Section 41.001 of the Texas Election Code, as amended (hereinafter referred to as the “**Code**”) establishes the first Saturday in May as a “uniform election date” for the purpose of conducting general and special elections; and

WHEREAS, the City Council of the City of Italy, Texas (the “**City Council**”) may by ordinance order a general and special election pursuant to Chapter 41 of the Code, and Chapter 22 of the Texas Local Government Code; and

WHEREAS, the City Council has determined that the City of Italy (the “**City**”) shall conduct a special election to elect one (1) council member at large to fill the remaining term of the vacancy created by the resignation of Councilmember Elmerine Bell; and

WHEREAS, the City has made provision to contract with Ellis County (the “**County**”) to conduct the City’s election, pursuant to *Chapter 31, Tex. Elec. Code, and Chapter 791, Tex. Gov’t Code*.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ITALY, TEXAS, THAT;

Section 1. All of the above premises are found to be true and correct legislative determinations and are incorporated into the body of this Ordinance as if copied in their entirety.

Section 2. In accordance with the general laws and Constitution of the State of Texas, a special election is hereby called and ordered on Saturday, the 7th day of May 2022 (“**Election Day**”), to be held between the hours of seven o’clock a.m. (7:00 a.m.) and seven o’clock p.m. (7:00 p.m.) (the “**Special Election**” or “**Election**”).

Section 3. The purpose of the Special Election is so that all qualified voters residing within the corporate limits of the City may vote for the purpose of electing one (1) Council Member at large, for the purpose of filling the vacancy in the office of City Council and complete the remaining term of office, resulting from the resignation of Elmerine Bell, pursuant to Section 22.010(c) of the Texas Local Government Code.

Section 4. Candidates for the Election shall be residents of the City. In accordance with Section 143.007 of the Code, an eligible and qualified person may have his/her name printed upon the official ballot as a candidate by filing his/her sworn application with the City Secretary not earlier than 8:00 a.m. February 22nd, 2022, and not later than 5:00 p.m. March 7th, 2022. Each such application shall be on a form as prescribed by Section 141.031 of the Code. The order in which the names of the candidates are to be printed on the ballot shall be determined by a drawing by the City Secretary as provided by Section 52.094 of the Code. Notice of the time and place for such drawing shall be given in accordance with the Code. The order in which the names of the candidates are to be printed on the ballot shall be determined by a drawing by the City Administrator as provided by Section 52.094 of the Code.

Section 5. The Election shall be administered for the City by the Ellis County Elections Administrator (the "**Election Administrator**"). The City polling place shall be **Mt. Gilead Baptist Church, 106 Harris Street, Italy, Texas**. The polls shall be open on said Election Day from seven o'clock (7:00) a.m. to seven o'clock (7:00) p.m. Election voting locations may be added or removed as determined by the Election Administrator and shall be incorporated herein without further need to amend this Ordinance. All resident and qualified voters of the City shall be eligible to vote at the Election.

Section 6. Section 61.012 of the Code requires that the City must provide at least one accessible voting system in each polling place used in a Texas election on or after January 1, 2006. The City shall adopt, for the use in Early Voting and Election Day Voting, the DS200 Precinct Scanner/Tabulators voting system approved by the Secretary of State.

Section 7. The preparation of the voting equipment to be used in connection with the Election shall conform with the Code, as amended, so as to permit the electors to vote for one (1) Council Member at large. Said ballots shall have printed thereon such provisions, markings, and language as may be required by law.

Section 8. The Election shall be conducted in accordance with the Code and the Texas Constitution under the jurisdiction of the Election Administrator pursuant to an election services contract between the City and the County, and other participating entities, if any, as described therein (the "**Contract**"), a copy of which shall be incorporated herein upon its final approval and execution by the City. The Mayor and the City Administrator, or a designee, are authorized to amend or supplement any and all contracts for the administration of the Election, including the Contract, to the extent required for the Election to be conducted in an efficient and legal manner as determined by the Election Administrator and in accordance with the Code. In the event that no election is necessary, the City Secretary shall notify the County and shall present the City Council a resolution or ordinance cancelling the Election.

Section 9. The Election Administrator is hereby authorized and instructed to provide and furnish all necessary election supplies to conduct the Election as required by law.

Section 10. The Election Administrator is hereby appointed as the early voting clerk (the “**Early Voting Clerk**”). Early voting shall be conducted by the Election Administrator at the Mt. Gilead Baptist Church, 106 Harris Street, Italy, Texas. Early voting locations may be added or removed as determined by the Election Administrator and shall be incorporated herein without further need to amend this Ordinance.

Early voting shall take place on the dates and times as follows:

Monday, April 25, 2022 through Friday, April 29, 2022 8:00am-5:00pm
Saturday, April 30, 2022, 8:00am-4:00pm
Monday, May 2, 2022 and Tuesday, May 3, 2022 7:00am-7:00pm

Applications for ballot for early voting by mail shall be requested from and forwarded to the Ellis County Elections Department as follows:

Physical / Mailing Address: Jana Onyon, Early Voting Clerk
204 E Jefferson Street
Waxahachie, Texas 75165-3752

Fax: 972-923-5194

Email: elections@co.ellis.tx.us

Applications for ballot by mail must be received by the Early Voting Clerk not later than the close of business on April 26, 2022.

Section 11. The Election shall be held in accordance with the Code and the Mayor shall give notice of the Election in accordance with the provisions of the Code, and all necessary orders and writs for the Election shall be issued by the proper authority. The Mayor, or a designee, is hereby authorized to give notice of the Election by publication of said notice at least once in the official newspaper of the City, being a newspaper of general circulation within the City, the date of said publication to be not less than ten (10) days nor more than thirty (30) days prior to Election Day. Upon publication of the Election notice, the City Secretary shall secure a publisher’s affidavit.

Section 12. Pursuant to Section 67.003 of the Code, the City Council will canvass the election no later than May 18, 2022, but not earlier than the later of: (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. Notice of the time and place for canvass shall be posted on the official bulletin board of the City in the same manner

as required by the Open Meetings Act for City Council meetings in accordance with Chapter 551 of the Texas Local Government Code.

Section 13. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinance shall remain in full force and effect.

Section 14. Should any part, section, subsection, paragraph, sentence, clause or phrase contained in this Ordinance be held to be unconstitutional or of no force and effect, such holding shall not affect the validity of the remaining portions of this Ordinance, but in all respects said remaining portions shall be and remain in full force and effect.

Section 15. It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and public notice of the time, place, and purpose of said meeting was given, all as required by Article 551.041 of the Texas Government Code.

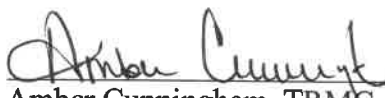
Section 16. This Ordinance shall become effective immediately upon adoption.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Italy, Texas this 21st day of February, 2022.

APPROVED:


Bryant Cockran
Mayor

ATTEST:


Amber Cunningham, TRMC
City Secretary