

RESOLUTION NO. 2017-R-15

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUDA, TEXAS ORDERING A SPECIAL ELECTION TO BE HELD IN THE CITY OF BUDA, TEXAS, ON TUESDAY, NOVEMBER 7, 2017 FOR THE PURPOSES OF ELECTING ONE COUNCILMEMBER FOR AN UNEXPIRED TERM, ESTABLISHING AN EARLY VOTING LOCATION AND POLLING PLACE FOR THIS ELECTION; MAKING PROVISIONS FOR THE CONDUCT OF THE ELECTION; AND PROVIDING FOR A RUNOFF ELECTION IN THE CITY OF BUDA

WHEREAS, the City of Buda (“hereinafter “City”), has found a necessity under the Charter of the City of Buda, Texas and the laws of the State of Texas to hold a special election to fill the unexpired term position of Councilmember, Place 4; and

WHEREAS, the Texas Election Code places a legal duty upon the City to call the election by order; and

WHEREAS, the City’s Charter requires a special election to be called and the City has chosen to call the special election by resolution; and

WHEREAS, the City Council of the City finds that approving a special election in this instance is in the best interest of the public and the City and hereby authorizes the execution, delivery, approval or acceptance, as applicable, of the documents referenced herein; and

WHEREAS, the City will hold a special election on November 7, 2017 to fill the unexpired term position of Councilmember, Place 4, for a term ending November 2018, to be elected by a majority of those votes cast;

WHEREAS, should any candidate for an office in the special municipal election fail to receive a majority of all the votes cast for such office, then in that event it shall be the duty of the City Council to order a runoff election for each position to which no one was elected as required by Section 4.05 of the City Charter; and

WHEREAS, the election will be held as a joint election pursuant to Chapter 271 of the Texas Election Code and a joint election agreement to be entered into with the City and the other participating entities located in Hays County, which are holding an election on November 7, 2017; and

WHEREAS, the meetings at which this Resolution is considered are open to the public as required by law, and public notice of the time, place, and purpose of said meetings was given as required by Title 5, Chapter 551, Texas Government Code.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BUDA, TEXAS THAT:

Section 1. RECITALS.

The recitals set forth in the preamble hereof is incorporated herein and shall have the same force and effect as if set forth in this Section. Capitalized terms used herein shall have the meaning assigned in the preamble hereof, unless otherwise defined.

Section 2. CALLING OF A SPECIAL MUNICIPAL ELECTION.

A special election will be held on November 7, 2017, in the City of Buda, Texas, for the purpose of electing a regular City officer for the unexpired term position of City Councilmember for Place 4 by a majority of those votes cast.

Section 3. CALLING OF A RUNOFF ELECTION.

In the event that in the general election or special election herein ordered for any office, no candidate receives a majority of all the votes cast for such office, and the City Council calls for a run-off election for each such position, there shall be held a run-off election pursuant to Section 4.05 of the City of Buda City Charter, to be held on Tuesday, December 12, 2017, between the hours of 7:00 A.M. and 7:00 P.M., which shall not be earlier than twenty (20) days before, or forty-five (45) days after, the date of completion of the final canvass of the main election. (EC 2.025)

Section 4. JOINT ELECTION, ELECTION DATE, POLLING PLACES, AND ELECTION JUDGES.

Joint Election. The City is located in Hays County and therefore the Hays County Elections Administrator is conducting the election pursuant to an election agreement (the "Election Agreement") between the City and Hays County as authorized under Section 31.092 of the Texas Election Code. The election shall be held as a joint election pursuant to Chapter 271 of the Texas Election Code and a joint election agreement to be entered into between the City and the other participating entities located in Hays County, which are holding an election on November 7, 2017.

Election Date. An election shall be held in the City as prescribed by applicable law between the hours of 7:00 A.M. and 7:00 P.M. on November 7, 2017.

Precincts and Polling Places. The City election precincts and polling places within the City designated for holding the election shall be determined by Hays County and conducted at the polling places used for the Hays County General Election, which will be attached hereto as Exhibit "A" to this Ordinance, and such exhibit is incorporated herein by reference for all purposes. Exhibit "A" may be revised as necessary to conform to the final polling locations as instructed by Hays County. Hays County's election equipment shall be used to conduct the election.

Election Judges. The election judges shall be appointed in accordance with the Election Agreement and the Texas Election Code, as amended.

The Hays County Elections Administrator is conducting such election for the City pursuant to the terms of the Election Agreement. The City Council hereby appoints, for the term of such election, the presiding election judge(s) and alternate election judge(s) as being those designated by the Hays County Elections Administrator.

Section 5. ELECTION CLERK.

Unless otherwise directed by the County, the Presiding Judge shall appoint not less than two nor more than five resident qualified electors of the City to act as clerks to properly conduct the election. However, if the Presiding Judge appointed actually serves, the Alternate Presiding Judge shall serve as one of the clerks. The appointment of such clerks must include

a person fluent in the Spanish language to serve as a clerk to render oral aid in the Spanish language to any voter desiring such aid at the polls on election day. In the absence of the Presiding Judge, the Alternate Presiding Judge shall perform the duties of the Presiding Judge.

Section 6. DATES, TIMES, AND PLACES FOR EARLY VOTING.

Early voting in the election by personal appearance shall be conducted at the dates, times, and polling places as provided for in the Hays County General Election, which will be attached hereto as Exhibit "B" to this Ordinance, and such exhibit is incorporated herein by reference for all purposes. Exhibit "B" may be revised as necessary to conform to the final early voting polling locations as instructed by Hays County.

Early Voting Clerk. The City Council hereby appoints the Hays County Elections Administrator as the City of Buda Election Officer and Early Voting Clerk. The Early Voting Clerk's mailing address to which applications for ballots by mail may be sent is as follows:

Jennifer Anderson
Hays County Elections Administrator
712 South Stagecoach Trail, Suite 1045
San Marcos, Texas 78666

Applications for ballots by mail for must be received by 5:00 p.m. on October 27, 2017 in accordance with law. [EC 16.51(d)]

Section 7. CONDUCT AND CANVASS OF ELECTION.

Said elections shall be conducted and the results canvassed and announced as prescribed by the General Election and Special Election Laws of the State of Texas, as amended, and only duly qualified electors shall be qualified to vote.

Section 8. EARLY VOTING BALLOT BOARDS.

The early voting ballot board is hereby created to process early voting results, and the Presiding Judge of the board will be appointed by the Hays County Elections Administrator. The Presiding Judge shall appoint not less than two nor more than eighteen resident qualified electors to serve as members of the Early Voting Ballot Board.

Section 9. VOTERS.

All resident, qualified electors of the City of Buda, Texas, shall be entitled to vote at the election.

Section 10. CUSTODIAN OF ELECTION RECORDS.

The Hays County Elections Administrator shall serve as the custodian of voted ballots, and the City Secretary of Buda, Texas, shall be appointed as custodian of all other election records.

Section 11. NOTICE.

Posting. A copy of this Ordinance, with such omissions authorized by law, shall serve as a

proper notice of the election. Such notice, including a Spanish translation thereof, shall be posted on the bulletin board used by the City to post notices of meetings and at City Hall not less than twenty-one (21) days prior to the date the election is to be held, and shall remain posted through election day. In addition to the forgoing, this Ordinance, including a Spanish translation thereof, shall be (i) posted on election day and during early voting by personal appearance in a prominent location at each polling place; (ii) posted in three (3) public places in the boundaries of the City no later than twenty-one (21) days before the election; and (iii) posted on the City's Internet website during the twenty-one (21) days before the election if the City maintains an Internet website. [EC 4.003(b)]

Publication. A copy of this Ordinance, with such omissions allowed by law, shall serve as a proper notice of the election. Such notice, including a Spanish translation thereof, shall be published in The Hays Free Press, a newspaper of general circulation in the City, occurring not earlier than the thirtieth (30th) day or later than the tenth (10th) day prior to the day of the election. [EC §4.003(a)(1)]

Authorization to City Secretary. The City Secretary is hereby authorized and directed to publish and post the required notices in the manner and for the time periods required by law.

Section 12. VOTING DEVICES.

Electronic optical scan voting devices may be used in conducting the election. The Hays County Elections Administrator may also utilize a central counting station as provided by Section 127.000 et seq., as amended, Texas Election Code. Any central counting station presiding judge and the alternate presiding judge shall be appointed in accordance with the Election Agreement and the Texas Election Code. The Hays County Elections Administrator is currently using election systems and software certified by the Texas Secretary of State.

The City Council of the City of Buda, Texas, finds as follows:

Section 61.012, Texas Election Code, requires that at least one accessible voting station must be provided in each polling place used in a Texas election. Such system must comply with state and federal laws setting the requirements for voting systems that (i) fully comply with applicable laws relating to accessible voting systems which make voting accessible for disabled voters; and (ii) provide a practical and effective means for voters with physical disabilities to cast a secret ballot. The Office of the Texas Secretary of State has certified that the DRE - Election Systems and Software iVotronic is an accessible voting system that may legally be used in Texas elections.

Sections 123.032 and 123.035, Texas Election Code, authorize the acquisition of voting systems by local political subdivisions and further mandate certain minimum requirements for contracts relating to the acquisition of such voting systems. As chief elections officer for the City of Buda, the Hays County Elections Administrator shall provide at least one DRE - Election Systems and Software iVotronic in each polling place at every polling location used to conduct any election. The DRE - Election Systems and Software iVotronic may be acquired by any legal means available to the City of Buda, including but not limited to lease or rental from Hays County or from any other legal source.

Section 13. PROVIDING FOR REPEAL.

Any and all other ordinances in conflict herewith are hereby repealed.

Section 14. SEVERABILITY.

The terms and provisions of this Resolution shall be deemed to be severable in that if any portion of this Resolution shall be declared to be invalid, the same shall not affect the validity of the other provisions of this Resolution.

Section 15. This Resolution shall be effective from and after the date of adoption.

PASSED AND APPROVED THIS 15th DAY OF AUGUST, 2017.

CITY OF BUDA, TEXAS

/s/ _____
Todd Ruge, Mayor

ATTEST:

/s/ _____
Alicia Ramirez, City Secretary



Exhibit "A"
Precincts and Polling Places

DATE AND TIME: **Tuesday, November 7, 2017** **7:00 AM – 7:00 PM**

PRECINCT LOCATION **224**

 Buda City Hall – Council Chambers

 121 S. Main Street

 Buda TX 78610

PRECINCT LOCATION **228**

 McCormick Middle School

 5700 Dacy Ln

 Buda, TX 78610

Approved 8/8/17



HAYS COUNTY EARLY VOTING
(Votación Adelantada del Condado de Hays)

November 7, 2017
(7 de Noviembre de 2017)

Location, Dates, & Hours of Main Early Voting Polling Location
(Lugar, Fechas y Horas de los Centros Principales de Votación para la Votación Anticipada)

**GOVERNMENT CENTER
 CONFERENCE ROOM
 712 S. Stagecoach Trail
 San Marcos, TX 78666**

Monday, October 23rd through Friday, October 27, 2017
(Lunes, 23de Octubre hasta el Viernes, 27 de Octubre de 2017)
8:00 a.m. to 5:00 p.m. (8:00 am este las 5:00 pm)
Saturday, October 28th, 2017
(Sábado, 28 de Octubre de 2017)
10:00 a.m. to 2:00 p.m. (10:00 am este las 2:00 pm)
Sunday, October 29th, 2017
(Domingo, 29 de Octubre de 2017)
1:00 p.m. to 6:00 p.m. (1:00 pm este las 6:00 pm)
Monday, October 30th through Friday, November 3, 2017
(Lunes, 30 de Octubre hasta el Viernes, 3 de Noviembre de 2017)
7:00 a.m. to 7:00 p.m. (7:00 am este las 7:00 pm)

Location, Dates, & Hours of Temporary Branch Early Voting Polling Locations
(Lugar, Fechas y Horas de las Sucursales de los Centros Temporal de Votación para la Votación Anticipada)

October 2017
Octubre 2017

Monday – 23rd	Tuesday – 24 th	Wednesday – 25th
Government Center Conference Room 712 S. Stagecoach Trail San Marcos, TX (8 am – 5 pm)	Government Center Conference Room 712 S. Stagecoach Trail San Marcos, TX (8 am – 5 pm)	Government Center Conference Room 712 S. Stagecoach Trail San Marcos, TX (8 am – 5 pm)
Hays County Health Dept 401 A Broadway St San Marcos, TX (8 am – 5 pm)	Hays County Health Dept 401 A Broadway St San Marcos, TX (8 am – 5 pm)	Hays County Health Dept 401 A Broadway St San Marcos, TX (8 am – 5 pm)
Hays County Precinct 4 Office 195 Roger Hanks Pkwy Dripping Springs, TX (8 am – 5 pm)	Hays County Precinct 4 Office 195 Roger Hanks Pkwy Dripping Springs, TX (8 am – 5 pm)	Hays County Precinct 4 Office 195 Roger Hanks Pkwy Dripping Springs, TX (8 am – 5 pm)
Hays County Precinct 2 Office 5458 FM 2770 @ Crystal Meadow Dr. Kyle, TX (8 am – 5 pm)	Hays County Precinct 2 Office 5458 FM 2770 @ Crystal Meadow Dr. Kyle, TX (8 am – 5 pm)	Hays County Precinct 2 Office 5458 FM 2770 @ Crystal Meadow Dr. Kyle, TX (8 am – 5 pm)
Wimberley Community Center 14068 Ranch Rd. 12 Wimberley, TX (8 am – 5 pm)	Wimberley Community Center 14068 Ranch Rd. 12 Wimberley, TX (8 am – 5 pm)	Wimberley Community Center 14068 Ranch Rd. 12 Wimberley, TX (8 am – 5 pm)
Buda City Hall 121 N Main St. Buda, TX (8 am – 5 pm)	Buda City Hall 121 N Main St. Buda, TX (8 am – 5 pm)	Buda City Hall 121 N Main St. Buda, TX (8 am – 5 pm)
	Kyle City Hall 100 W. Center Street Kyle, TX (8 am – 5 pm)	Kyle City Hall 100 W. Center Street Kyle, TX (8 am – 5 pm)

Approved 8/8/17

Thursday – 26th	Friday – 27th	Saturday – 28th
<p>Government Center Conference Room 712 S. Stagecoach Trail San Marcos, TX (8 am – 5 pm)</p> <p>Hays County Health Dept 401 A Broadway St San Marcos, TX (8 am – 5 pm)</p> <p>Hays County Precinct 2 Office 5458 FM 2770 @ Crystal Meadow Dr. Kyle, TX (8 am – 5 pm)</p> <p>Wimberley Community Center 14068 Ranch Rd. 12 Wimberley, TX (8 am – 5 pm)</p> <p>Buda City Hall 121 N Main St. Buda, TX (8 am – 5 pm)</p> <p>Kyle City Hall 100 W. Center Street Kyle, TX (8 am – 5 pm)</p> <p>McCormick Middle School 5700 Dacy Lane Buda, Texas 78610</p>	<p>Government Center Conference Room 712 S. Stagecoach Trail San Marcos, TX (8 am – 5 pm)</p> <p>Hays County Health Dept 401 A Broadway St San Marcos, TX (8 am – 5 pm)</p> <p>Hays County Precinct 2 Office 5458 FM 2770 @ Crystal Meadow Dr. Kyle, TX (8 am – 5 pm)</p> <p>Wimberley Community Center 14068 Ranch Rd. 12 Wimberley, TX (8 am – 5 pm)</p> <p>Buda City Hall 121 N Main St. Buda, TX (8 am – 5 pm)</p> <p>Kyle City Hall 100 W. Center Street Kyle, TX (8 am – 5 pm)</p> <p>McCormick Middle School 5700 Dacy Lane Buda, Texas 78610</p>	<p>Government Center Conference Room 712 S. Stagecoach Trail San Marcos, TX (10 am – 2pm)</p> <p>Hays County Health Dept 401 A Broadway St San Marcos, TX (10 am – 2 pm)</p> <p>Hays County Precinct 4 Office 195 Roger Hanks Pkwy Dripping Springs, TX (10 am – 2 pm)</p> <p>Hays County Precinct 2 Office 5458 FM 2770 @ Crystal Meadow Dr. Kyle, TX (10 am – 2 pm)</p> <p>Wimberley Community Center 14068 Ranch Rd. 12 Wimberley, TX (10 am – 2 pm)</p> <p>Buda City Hall 121 N Main St. Buda, TX (10 am – 2 pm)</p> <p>Kyle City Hall 100 W. Center Street Kyle, TX (10 am – 2 pm)</p> <p>McCormick Middle School 5700 Dacy Lane Buda, Texas 78610</p>

Sunday – 29th	Monday – 30th	Tuesday – 31st
<p>Government Center Conference Room 712 S. Stagecoach Trail San Marcos, TX (1 pm – 6 pm)</p> <p>Hays County Health Dept 401 A Broadway St San Marcos, TX (1 pm – 6 pm)</p> <p>Hays County Precinct 4 Office 195 Roger Hanks Pkwy Dripping Springs, TX (1 pm – 6 pm)</p> <p>Hays County Precinct 2 Office 5458 FM 2770 @ Crystal Meadow Dr. Kyle, TX (1 pm – 6 pm)</p> <p>Wimberley Community Center 14068 Ranch Rd. 12 Wimberley, TX (1 pm – 6 pm)</p>	<p>Government Center Conference Room 712 S. Stagecoach Trail San Marcos, TX (7 am – 7 pm)</p> <p>Hays County Precinct 4 Office 195 Roger Hanks Pkwy Dripping Springs, TX (7 am – 7 pm)</p> <p>Hays County Precinct 2 Office 5458 FM 2770 @ Crystal Meadow Dr. Kyle, TX (7 am – 7 pm)</p> <p>Wimberley Community Center 14068 Ranch Rd. 12 Wimberley, TX (7 am – 7 pm)</p> <p>Kyle City Hall 100 W. Center Street Kyle, TX (7 am – 7 pm)</p>	<p>Government Center Conference Room 712 S. Stagecoach Trail San Marcos, TX (7 am – 7 pm)</p> <p>Hays County Health Dept 401 A Broadway St San Marcos, TX (7 am – 7 pm)</p> <p>Hays County Precinct 4 Office 195 Roger Hanks Pkwy Dripping Springs, TX (7 am – 7 pm)</p> <p>Hays County Precinct 2 Office 5458 FM 2770 @ Crystal Meadow Dr. Kyle, TX (7 am – 7 pm)</p> <p>Wimberley Community Center 14068 Ranch Rd. 12 Wimberley, TX (7 am – 7 pm)</p> <p>Texas State University LBJ Student Center 700 Student Center Dr. San Marcos, TX (11am – 7pm)</p>

Approved 8/8/17

Wednesday – 1st	Thursday – 2nd	Friday – 3rd
Government Center Conference Room 712 S. Stagecoach Trail San Marcos, TX (7 am – 7 pm)	Government Center Conference Room 712 S. Stagecoach Trail San Marcos, TX (7 am – 7 pm)	Government Center Conference Room 712 S. Stagecoach Trail San Marcos, TX (7 am – 7 pm)
Hays County Health Dept 401 A Broadway St San Marcos, TX (7 am – 7 pm)	Hays County Health Dept 401 A Broadway St San Marcos, TX (7 am – 7 pm)	Hays County Health Dept 401 A Broadway St San Marcos, TX (7 am – 7 pm)
Hays County Precinct 4 Office 195 Roger Hanks Pkwy Dripping Springs, TX (7 am – 7 pm)	Hays County Precinct 4 Office 195 Roger Hanks Pkwy Dripping Springs, TX (7 am – 7 pm)	Hays County Precinct 4 Office 195 Roger Hanks Pkwy Dripping Springs, TX (7 am – 7 pm)
Hays County Precinct 2 Office 5458 FM 2770 @ Crystal Meadow Dr. Kyle, TX (7 am – 7 pm)	Hays County Precinct 2 Office 5458 FM 2770 @ Crystal Meadow Dr. Kyle, TX (7 am – 7 pm)	Hays County Precinct 2 Office 5458 FM 2770 @ Crystal Meadow Dr. Kyle, TX (7 am – 7 pm)
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Texas State University LBJ Student Center 700 Student Center Dr. San Marcos, TX (11am – 7pm)	Texas State University LBJ Student Center 700 Student Center Dr. San Marcos, TX (11am – 7pm)	Buda City Hall 121 N Main St. Buda, TX (7 am – 7 pm)
	Buda City Hall 121 N Main St. Buda, TX (7 am – 7 pm)	McCormick Middle School 5700 Dacy Lane Buda, Texas 78610 (7 am – 7 pm)
	McCormick Middle School 5700 Dacy Lane Buda, Texas 78610 (7 am – 7 pm)	

Applications for Ballot by Mail shall be mailed to : *(Las solicitudes para boletas que se votaran adelantada por correo deberan enviarse a:)*

Jennifer Anderson, Early Voting Clerk
(Secretario De Votación Adelantada, Jennifer Anderson)
712 S. Stagecoach Trail, Suite 1045
San Marcos, TX 78666

Applications for Ballots by Mail must be received no later than the close of business on October 27, 2017. *(Las solicitudes para boletas que se votaran adelantada por correo deberan recibirse para el fin de las horas de negocio el 27 de Octubre, 2017.)*

Any voter who is entitled to vote an early ballot by personal appearance may do so at the Main Early Voting Site or any Temporary Branch site. *(Todo votante habilitado para votar por anticipado en persona puedo hacerlo en el Lugar principal de Votación Anticipada o en cualquiera de las Sucursales temporales.)*

Emergency and Limited ballots available at the Election Office, 712 S. Stagecoach Trail, Suite 1045, San Marcos, TX. *(Boletas limitadas y de emergencia solamente están disponibles en la oficina de elección, 712 S. Stagecoach Trail, Suite 1045, San Marcos, TX.)*