

ORDINANCE 2023-01-01

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COMMERCE, TEXAS, ORDERING A GENERAL ELECTION TO BE HELD ON THE SIXTH (6TH) OF MAY, 2023 FOR THE PURPOSE OF ELECTING ONE (1) CITY COUNCIL MEMBER TO PLACE ONE (1) AND ONE CITY COUNCIL MEMBER TO PLACE THREE (3), EACH COUNCIL MEMBER BEING ELECTED TO A THREE (3) YEAR TERM OF OFFICE; PROVIDING FOR ELECTION OFFICERS; DESIGNATING THE PLACE AND MANNER OF HOLDING SAID ELECTION; DESIGNATING THE EARLY VOTING POLLING PLACE; DESIGNATING THE EARLY VOTING CLERK; PROVIDING FOR THE POSTING AND PUBLICATION OF NOTICE; CALLING A RUN-OFF ELECTION, IF NEEDED; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.

WHEREAS, the Texas Election Code establishes May 6, 2023, as the uniform election date for the City of Commerce general election; and

WHEREAS, Chapter 34-2 of the City of Commerce Code of Ordinances provides that that City Council Member Place One (1) and City Council Member Place Three (3) both be elected by place and both serve for a three (3) year staggered term in accordance with Section 18 of the Charter; and

WHEREAS, in order to comply with the requirement of staggered terms as set forth in Section 18 of the Commerce City Charter, each Council Member, Place One (1) and Place Three (3) shall be elected for a single, three (3) year term; and

WHEREAS, the meeting at which this Ordinance is considered is open to the public as required by law, and public notice of the time, place and purpose of said meeting was given as required by Section 551.043 of the Texas Government Code.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COMMERCE, TEXAS:

Section 1. Election Order; Election Date. That a General Election of the City of Commerce, prescribed by Texas Election Code shall 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.) on the 6th day of May 2023.

Section 2. Purpose of Election. For the purpose of a General Election for electing City Council Member Place One (1) and City Council Member Place Three (3), with the elected council members each serving one, (3) three-year term of office. The candidate for such office receiving a majority of all votes cast for the office shall be elected to serve such term.

Section 3. Candidate Filing Deadline. That candidates for City Council may file for City Council Mayor beginning on January 18, 2023 through February 17, 2023 between the hours of 8 a.m. to 5 p.m., Monday through Friday by appointment with the City Secretary's/City Administration office. The deadline for a write-in candidate shall be 5:00 p.m. on February 21, 2023.

Section 4. Voting System. That voting on the date of the Election, and early voting therefore, shall be by the use of a lawfully approved voting system. The preparation of the voting equipment to be used in connection with such voting system and the official ballots for the Election shall conform to the Texas Election Code, as amended, so as to permit the electors to vote. Said ballots shall have printed therein such provisions, markings, and language as may be required by law and the Candidates shall be set forth on said ballots in substantially the following form and language:

**GENERAL ELECTION
City of Commerce, Texas
May 6, 2023**

OFFICIAL BALLOT

City Council Member, Place One (1)

City Council Member, Place Three (3)

Section 5. Election Precincts; Polling Places. That the City shall constitute one election precinct for this election and the polling place shall be the Commerce City Hall, 1119 Alamo, Commerce, Texas 75428. Judges, Alternate Judges and Clerks will be determined and appointed in accordance with the provisions of a Joint Election Contract ("Joint Election Contract") by and between City of Commerce and Hunt County Elections Officer.

On Election Day, the polls shall be open from 7:00 A.M. to 7:00 P.M.

Section 6. Early Voting; Early Voting Polling Place.

City Secretary/Director of Administrative Services Molly Jacobsen, 1119 Alamo, Commerce, Texas 75428, is hereby appointed as the Early Voting Clerk. Other deputy early voting clerks will be appointed as needed to conduct early voting by personal appearance.

Early voting shall take place during the following dates and times:

April 24 th – April 28 th	8:15 a.m. – 4:45 p.m.;
May 1st	7:00 a.m. – 7:00 p.m.;
May 2 nd	7:00 a.m. – 7:00 p.m.

Section 7. Early Voting Ballot Board. That an Early Voting Ballot Board shall be created to process early voting results in accordance with Section 87.007 of the Texas Election Code. The Early Voting Ballot Board shall be made up of members appointed in the manner stated in the Joint Election Contract.

Section 8. Election Compliance. This election shall be held in accordance with, and shall be governed by, the election laws of the State of Texas. In all City elections, the Mayor, City Secretary or City Council shall perform each act as is required to be performed, in connection with the holding and consummation of such election, and to give effect to the intent of this Ordinance.

Section 9. Voting Qualification; Voting Materials. All registered, qualified voters of the City shall be permitted to vote at the election. In addition, the election materials enumerated in the Texas Election Code, as amended, shall be printed in English and Spanish for use at the polling places and for early voting for the Election.

Section 11. Election Returns. The Hunt County Election Administrator shall deliver election returns to the City Secretary/Director of Administrative Services. The ballot boxes will be retained by the Hunt County Election Administrator and will be available for inspection by the City Council in compliance with the applicable laws of the State of Texas; and the ballots that are properly marked in conformance with the provisions of the Texas Election Code, as amended, for votes cast both during the period of early voting and on the day of the Election shall be counted in the manner required by law.

Section 13. Run-Off Election. If a run-off election becomes necessary, the Hunt County Election Administrator's office will conduct the run-off election. In the event any candidate for any one of said offices fails to receive a majority of all votes cast for such office, a run-off election is hereby ordered to be held on Saturday, June 17, 2023, as provided for by the Texas Election Code.

Section 14. Severability Clause. If any word, section, article, phrase, paragraph, sentence, clause, or portion of this ordinance or application thereto to any person or circumstance is held to be invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portion of this ordinance; and the City Council hereby declares it would have passed such remaining portions of this ordinance despite such invalidity which remaining portions shall remain in full force and effect.

Section 15. Effective Date. This Ordinance shall take effect from and after its passage.

DULY PASSED AND APPROVED by the City Council of the City of Commerce, Texas on this the 17th day of January 2023.

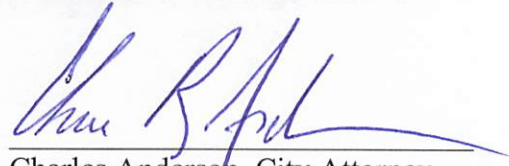
ATTEST:

CITY OF COMMERCE, TEXAS


Molly Jacobsen, City Secretary
(seal)


Teddy Reel, Mayor

APPROVED AS TO FORM:


Charles Anderson, City Attorney

I, Molly Jacobsen, City Secretary of the City of Commerce, Texas, do hereby certify that the above is a true and correct copy of an Ordinance, and that the same has not been repealed and is in full force and effect.

(seal)


Molly Jacobsen, City Secretary
City of Commerce, Texas