

ORDINANCE NO. 16-012

AN ORDINANCE OF THE CITY OF GALVESTON, TEXAS, ORDERING AND CALLING AN ELECTION TO BE HELD IN THE CITY OF GALVESTON ON THE 7TH DAY OF MAY, 2016, FOR THE PURPOSE OF ELECTING A MAYOR AT-LARGE AND SIX (6) COUNCIL MEMBERS FROM DISTRICTS, EACH FOR A TWO-YEAR TERM; PROVIDING FOR SUCH ELECTION TO BE HELD JOINTLY WITH THE GALVESTON COMMUNITY COLLEGE DISTRICT FOR THE PURPOSE OF ELECTING PERSONS TO SERVE ON ITS BOARD OF REGENTS IN POSITIONS #7, #8, AND #9, EACH FOR A SIX-YEAR TERM; MAKING PROVISIONS FOR THE CONDUCT AND GIVING NOTICE OF THE ELECTION; DESIGNATING POLLING PLACES; DESIGNATING HOURS FOR VOTING; PROVIDING FOR PUBLICATION OF THE NOTICE OF THE ELECTION; PROVIDING BILINGUAL ELECTION REQUIREMENTS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING AN OPEN MEETINGS CLAUSE; PROVIDING A SAVINGS CLAUSE; DECLARING FINDINGS OF FACT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the terms of office of the Mayor and six (6) Council Members of the City of Galveston, Texas expire upon the election and qualifications of their successors; and

WHEREAS, Article III of the Galveston City Charter and sections 3.005, 41.001(a), and 41.005 of the Texas Election Code require an election to be held, ordered, and called for on Saturday, May 7, 2016, that being a uniform election date under the Texas Election Code, to fill the seats of the Mayor and six (6) Council Members; and

WHEREAS, on January 28, 2016, the Galveston City Council unanimously approved entering into a contract with the County of Galveston for the administration of election services pursuant to the applicable provisions of the Texas Election Code; and

WHEREAS, pursuant to the provisions of Chapter 271 of the Texas Election Code, the City of Galveston (the "City") and the Galveston Community College District (the "College District") are entering into an agreement to hold a joint election, as permitted by law and as approved by City Council on January 28, 2016.

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

SECTION 1. The findings and recitations set out in the preamble to this Ordinance are found to be true and correct, and they are hereby adopted by the City Council and made a part hereof for all purposes.

SECTION 2. Pursuant to the provisions of Article III of the Charter of the City of Galveston and section 3.005 of the Texas Election Code, the regular City election for the year 2016, is hereby called and ordered for the purpose of electing a Mayor at-large and six (6) Council Members from districts, each for a term of two (2) years, to be held in the City on Saturday, May 7, 2016, between the hours of 7 o'clock a.m. and 7 o'clock p.m., as provided in section 41.031 of the Texas Election Code; and that said election is to be held and conducted

jointly with the College District for the purpose of electing persons to serve on its Board of Regents in Positions #7, #8, and #9, each for a term of six (6) years, to be conducted as provided in section 271.001 et seq. of the Texas Election Code.

SECTION 3. The election hereby called and ordered shall be conducted in accordance with the provisions of this Ordinance, the requirements of the Charter of the City of Galveston, the Constitution and laws of the State of Texas regulating the holding of elections, and the provisions of the Resolution adopted on January 13, 2016, by the Board of Regents of the College District. The election called and ordered shall also be conducted in accordance with the provisions of the Election Services Agreement by and between the City and Galveston County (approved by City Council on January 28, 2016), and the Joint Election Agreement by and between the City and the College District (approved by City Council on January 28, 2016).

SECTION 4. In accordance with Chapter 43 and other applicable provisions of the Texas Election Code, this election shall be conducted utilizing countywide polling places as designated by the County of Galveston. The City Council hereby designates the locations listed in **Exhibit 1** as countywide polling places to be utilized for this joint election.

SECTION 5. The ballots shall conform to all requirements of the laws of the State of Texas governing the same. Such ballots shall contain the names of all eligible candidates for the respective offices of the Mayor and City Council Members of the City of Galveston and for the Regents of the College District, as stated in Section 2 above.

SECTION 6. All qualified voters of the City of Galveston and the College District shall be entitled to vote at the election so hereby called and ordered. The election shall be conducted in accordance with the applicable laws of the State of Texas between the hours of 7 o'clock a.m. and 7 o'clock p.m. on Saturday, May 7, 2016 ("Election Day").

SECTION 7. Voting machines and/or ballot boxes shall be used in the election in accordance with the provisions of the laws of the State of Texas relating to the use of voting machines, ballot boxes, and elections. Pursuant to the Election Services Agreement between the City of Galveston and Galveston County, Hart Intercivic Direct Record Electronic (DRE) Voting Machines will be used during the conduct of the subject election being called by this Ordinance.

SECTION 8. (a) In compliance with Section 271.006 of the Texas Election Code, Dwight D. Sullivan, Galveston County Clerk, is appointed as the Early Voting Clerk. Other deputy early voting clerks shall be appointed as needed to process early voting mail and to conduct early voting by personal appearance. The main early voting polling place is designed as the Galveston County Justice Center, 600 – 59th Street, 2nd Floor Conference Room, Galveston, Texas 77551. Early voting by personal appearance is also available at the Galveston County Courthouse, 722 Moody (21st Street), 2nd Floor Mezzanine, Galveston, Texas 77550, the Joe Faggard Community Center, 1750 Highway 87, Crystal Beach, Texas 77650, and such other early voting polling places as designated by the Early Voting Clerk.

(b) Qualified electors voting early who are unable to vote in person shall vote by mail as prescribed by the laws of the State of Texas. Applications for ballots by mail may be sent to the Early Voting Clerk as follows:

- **By Mail:** Attn: Ballots by Mail, c/o Dwight D. Sullivan, Galveston County Clerk, P. O. Box 17253, Galveston, Texas 77552-7253;
- **By Fax:** 409.765.3249 (Please put “Attention Ballots By Mail” on the cover sheet); or
- **By Email:** absenteeballotapplications@co.galveston.tx.us (If this method is used, an application from the County Clerk’s Elections Division website will need to be printed, filled out completely, signed, and scanned before submitting as an attachment to the email).

In accordance with Section 84.007 of the Texas Election Code, the first day to apply for a ballot by mail was January 1, 2016. The last day to apply for a ballot by mail is April 26, 2016 (received, not postmarked). The deadline for receipt of a Federal Post Card Application (FPCA) from a registered voter is April 26, 2016.

The Galveston County Clerk must physically receive marked ballots by the last mail delivery on Election Day which is Saturday, May 7, 2016 at 3:00 o’clock p.m. If a marked ballot is being mailed from outside of the United States, the ballot must be received by the last mail delivery on the fifth day after Election Day. In addition, marked ballots from individuals voting by mail may be hand delivered in person only while polls are open on Election Day. Only the person casting the marked ballot may surrender the ballot in person. Such ballots will be accepted between the hours of 7:00 a.m. and 7:00 p.m. at the Galveston County Clerk’s Office, Elections Division, 600 – 59th Street, 3rd Floor, Galveston, Texas 77551.

(c) Early voting by personal appearance shall begin on Monday, April 25, 2016, and end on Tuesday, May 3, 2016, and shall be conducted during the following hours:

<i>Day</i>	<i>Date</i>	<i>Hours of Operation</i>
Monday	April 25, 2016	8:00 a.m. until 7:00 p.m.
Tuesday	April 26, 2016	8:00 a.m. until 7:00 p.m.
Wednesday	April 27, 2016	8:00 a.m. until 7:00 p.m.
Thursday	April 28, 2016	8:00 a.m. until 7:00 p.m.
Friday	April 29, 2016	8:00 a.m. until 7:00 p.m.
Monday	May 2, 2016	7:00 a.m. until 7:00 p.m.
Tuesday	May 3, 2016	7:00 a.m. until 7:00 p.m.

There will be no early voting by personal appearance on Saturday, April 30, 2016 and Sunday, May 1, 2016.

(d) The City Council hereby appoints Betty Jo Dyda to the Early Voting Ballot Board.

SECTION 9. (a) Notice of said election shall be given (1) by filing a copy of this election Ordinance with the City Secretary; and (2) by publication as required by state law. The notice shall be in accordance with state law.

(b) The Mayor is hereby authorized to sign an “Order of Election” and “Notice of General Election.” Council directs the City Secretary to post the “Order of Election” and publish and post the “Notice of General Election,” in both English and Spanish in accordance with state law.

SECTION 10. Officers of the election shall immediately at the close of the election return to the City Council the results of the election. The City Council shall canvass the returns and declare the results of the election as provided in the Agreement between the City and the County, the Agreement between the City and the College District, and as permitted by law.

SECTION 11. The provisions of 42 U.S.C.A. § 1973aa-1a, 28 C.F.R. Part 55, and section 272.001 et seq. of the Texas Election Code, regarding members of a single-language minority, shall be observed with respect to printing, programming, and disseminating voting notices, forms, balloting materials, instructions, assistance or other materials or information relating to the electoral process, including ballots, and all such election materials shall be printed, programmed, processed, and/or provided in the Spanish language as well as the English language, and at each Election precinct there shall be a Judge, Alternate Judge, or Clerk who is fluent in the Spanish language and who shall be instructed and required to provide assistance to any voter desiring same.

SECTION 12. The County of Galveston shall appoint eligible persons in the following capacities in accordance with the Texas Election Code, and those persons shall have the duties and responsibilities as prescribed by state law:

Central County Station Manager, Clerk, Tabulation Supervisor, Assistant to the Tabulation Supervisor, Judge of the Central County Station, and Clerks.

SECTION 13. The City Secretary is hereby authorized and instructed to provide and furnish all necessary election supplies to conduct said election and to comply with federal, state, and local laws and in the conduct thereof. This will be provided through the Election Services of the County of Galveston.

SECTION 14. The City Council reserves the right to amend or modify this Ordinance, including, but not limited to, the Early Voting and Election Day polling locations.

SECTION 15. In the event any provision of the Election Services Agreement with the County or the Joint Election Agreement with the College District conflicts with any provision of this Ordinance, the provisions of this Ordinance shall control with respect to the City election.

SECTION 16. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance, because the same would have been enacted by the City Council without the incorporation in this Ordinance of any such invalid phrase, clause, sentence, paragraph or section.

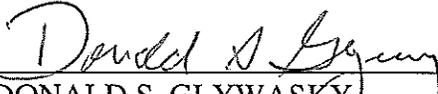
SECTION 17. It is hereby officially found and determined that notice of the meeting at which this Ordinance is adopted was given as required by Chapter 551 of the Texas Government Code (the "Texas Open Meetings Act") and that such meeting has been open to the public at all times when this Ordinance was discussed and acted on.

SECTION 18. All Ordinances or parts thereof in conflict herewith are repealed to the extent of such conflict only.

SECTION 19. In accordance with the provisions of Sections 12 and 13 of Article II of the City Charter, this Ordinance has been publicly available in the Office of the City Secretary for not less than 72 hours prior to its adoption; and that this Ordinance may be read and published by descriptive caption only.

SECTION 20. This Ordinance shall be and become effective from and after its adoption and publication in accordance with the provisions of the Charter of the City of Galveston.

APPROVED AS TO FORM:


DONALD S. GLYWASKY
INTERIM CITY ATTORNEY

I, Janelle Williams, Secretary of the City Council of the City of Galveston, do hereby certify that the foregoing is a true and correct copy of an Ordinance adopted by the City Council of the City of Galveston at its Special Meeting held on the 11th day of February, 2016, as the same appears in records of this office.

IN TESTIMONY WHEREOF, I subscribe my name hereto officially under the corporate seal of the City of Galveston this 12th day of February, 2016.




City Secretary for the City Council
of the City of Galveston, Texas

EXHIBIT 1

**Election Day Locations
Saturday, May 7, 2016**

for

**City of Galveston
and
Galveston Community College District**

1. UTMB – Rebecca Sealy Building
404 – 8th Street
(1st Floor Classroom)
Galveston, Texas 77550
2. Galveston County Courthouse
722 Moody (21st Street)
(2nd Floor Mezzanine)
Galveston, Texas 77550
3. GISD Administration Building
3904 Avenue T
Galveston, Texas 77550
4. L. A. Morgan Elementary School
1410 – 37th Street
Galveston, Texas 77550
5. Alamo School
5200 Avenue N ½
Galveston, Texas 77551
6. Weis Intermediate School
7100 Stewart Road
Galveston, Texas 77551
7. Seaside Baptist Church
16534 San Luis Pass Road
Jamaica Beach, Texas 77554
8. Joe Faggard Community Center
(College District Only)
17650 Highway 87
Crystal Beach, Texas 77650