

**CITY OF ROCKWALL, TEXAS**

**RESOLUTION NO. 18-01**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, CALLING A GENERAL ELECTION TO BE HELD JOINTLY WITH THE ROCKWALL INDEPENDENT SCHOOL DISTRICT AND ADMINISTERED BY THE ROCKWALL COUNTY ELECTIONS ADMINISTRATOR ON SATURDAY, MAY 5, 2018 FOR THE PURPOSE OF ELECTING THREE (3) COUNCIL MEMBERS - ONE (1) FOR PLACE 2, ONE (1) FOR PLACE 4, AND ONE (1) FOR PLACE 6 - EACH FOR TWO (2) YEAR TERMS; DESIGNATING THE ENTIRE CITY AS ONE ELECTION PRECINCT; DESIGNATING THE POLLING PLACE; DESIGNATING FILING DEADLINES; ORDERING NOTICES OF ELECTION TO BE POSTED AND PUBLISHED AS PRESCRIBED BY LAW IN CONNECTION WITH SAID ELECTION; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Section 41.001(a) of the Texas Election Code, as amended (the "Code") specifies that each general or special election in this state shall be held on the first Saturday in May in an even-numbered year and that a general election of a city may be held on such day; and

**WHEREAS**, the City Council of the City of Rockwall, Texas (hereinafter referred to as the "City"), in accordance with its City Charter, Section 5.01, has determined that the City shall conduct general municipal elections on the first Saturday in May 2018; and

**WHEREAS**, Section 271.002(a) of the Texas Election Code authorizes two or more political subdivisions to enter into an agreement to hold elections jointly in the election precincts that can be served by common polling places; and

**WHEREAS**, the City of Rockwall and Rockwall Independent School District desire that a joint election be held in order to provide a convenient, simple, and cost-saving election to the voters in their respective jurisdictions; and

**WHEREAS**, the City of Rockwall and Rockwall County Elections Administrator will enter into an agreement setting out their respective duties and responsibilities for the May 5, 2018 election; and

**WHEREAS**, by this Resolution, it is the intention of the City Council to: (i) call for said election to be held on said date, (ii) designate the entire City as one election precinct, (iii) designate the Rockwall County Library as the polling place for the election and (iv) establish and set forth procedures for conducting said election.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS:**

**Section 1. Incorporation of Premises.** That all of the above premises are found to be true and correct and are incorporated into the body of this Resolution as if copied in their entirety.

**Section 2. Election Date, Purpose of Election, Officers and Terms of Office.** That a general election is hereby ordered to be held in and throughout the City of Rockwall on Saturday, May 5, 2018, for the purpose of electing three (3) Council Members - one (1) for Place 2, one (1) for Place 4, and one (1) for Place 6 - each for two (2) year terms.

**Section 3. Eligibility for Candidacy.** That in accordance with Section 22.032 of the Texas Local Government Code and Section 5.02 of the City Charter of the City of Rockwall, no person shall be eligible for the office of Council Member, unless he/she is a registered voter who shall have resided within the corporate limits of the City, or recently annexed territory, for at least twelve (12) months prior to the filing deadline, shall be twenty-one years old and not be in arrears in payment of taxes or other liabilities due the City. In accordance with Section 5.04 of the City Charter, a plurality vote is required to be elected and declared the winner.

**Section 4. Application for a Place on the Ballot.** That in accordance with Section 143.007 of the Code, any eligible and qualified person may have his/her name printed upon the official ballot as a candidate for the offices herein before set forth by filing his/her sworn application with the City Secretary not earlier than 8:00 a.m., January 17, 2018 and not later than 5:00 p.m., February 16, 2018. 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.

**Section 5. Election Precinct, Polling Place, and Election Hours.** That the entire City of Rockwall, Texas shall constitute one (1) election precinct for the election, and the polling place is hereby designated to be located at the Rockwall County Library – 1215 E. Yellow Jacket Lane, Rockwall, TX 75087. In accordance with and pursuant to the requirements of the Code, said polling place shall be open from 7:00 a.m. until 7:00 p.m. on the date of the election.

**Section 6. Early Voting.** That the main location for early voting by personal appearance shall be conducted the Rockwall County Library - 1215 E. Yellow Jacket Lane Rockwall, TX 75087 – and that early voting shall be conducted there on the following dates and times:

***Monday, April 23 through Friday, April 27 from 8:00 a.m. until 5:00 p.m.;***  
***Saturday, April 28 from 10:00 a.m. until 3:00 p.m.; and***  
***Monday, April 30 and Tuesday, May 1 from 7:00 a.m. until 7:00 p.m.***

Qualified voters of the City of Rockwall may also vote early at any of the additional early voting locations open under contract with the Rockwall County Elections Administrator.

Applications for ballot by mail shall be requested from and mailed to the Rockwall County Election Administrator at 915 Whitmore Drive, Suite D Rockwall, TX 75087. The last day to receive an application by mail for a ballot to be voted by mail is no later than the close of business on April 24, 2018.

**Section 7. Method of Voting.** That ES&S' ExpressVote System shall be used for early voting by personal appearance and for Election Day voting. Optical scan ballots shall be used for early voting by mail. The City Secretary, acting as chief elections officer, shall ensure at least one (1) ES&S ExpressVote "ADA" approved voting machine is provided at the polling place as required by Section 61.012, of the Texas Election Code.

**Section 8. Governing Law and Qualified Voters.** That the election shall be held in accordance with the constitution of the State of Texas and the Code, and all resident, qualified electors of the city, shall be eligible to vote at the election.

**Section 9. Publication and Posting of the Notice.** That notice of the election in English and Spanish shall be given by posting a notice of election on the City Hall bulletin board used for posting notices of the meetings of the City Council not less than twenty-one (21) days prior to the date upon which the election is to be held, and by publication of said notice at least once in a newspaper of general circulation in accordance with Section 2051.44 of the Texas Government Code, the date of said publication to be not less than ten (10) days and not more than thirty (30) days prior to the date set for the election.

**Section 10.** That the Rockwall County Elections Administrator shall serve as the Administrator of the election. The Elections Administrator shall appoint a sufficient number of judges and clerks in accordance with Chapter 32 Texas Elections Code to assist in the proper conduct of the election.

**Section 11. Delivery of Returns: Preservation of Election Records.** That in accordance with the Code and the City's contract with the Rockwall County Elections Administrator, immediately after the closing of the poll on the day of the election, the election officers shall make and deliver the returns of the election in triplicate as follows: one copy shall be retained by the Presiding Election Judge and by the Presiding Election Judge of the Early Voting Ballot Board, one copy shall be delivered to the Mayor of the City, and one copy of the returns, together with the ballot boxes and all election supplies, shall be delivered to the Rockwall County Elections Administrator. All election records and supplies shall be preserved in accordance with the Code.

**Section 12. Representatives.** That the following slate of officials and other designated persons are hereby authorized to be present to observe the election counting process:

- the Mayor and members of the City Council of the City of Rockwall;
- candidates for the City Council of the City of Rockwall; and
- the Rockwall City Secretary or her designated representative.

**Section 13. Canvassing of Returns.** That the City Council of the City shall convene between May 8, 2018 and May 16, 2018 to canvass the returns of the election in accordance with the Texas Election Code.

**Section 14. Necessary Action.** That the Mayor and the City Secretary of the City, in consultation with the City Attorney, are hereby authorized and directed to take any and all actions necessary to comply with the provisions of the Code in carrying out and conducting the election, whether or not expressly authorized herein.

**Section 15. Severability.** That should any part, section, subsection, paragraph, sentence, clause or phrase contained in this resolution be held to be unconstitutional or of no force and effect, such holding shall not affect the validity of the remaining portion of this resolution, but in all respects said remaining portion shall be and remain in full force and effect.

**Section 16. Effective Date.** That this resolution shall be in force and effect from and after its passage, and it is accordingly so resolved.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS 5<sup>th</sup> DAY OF FEBRUARY, 2018.**

**ATTEST:**

  
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Kristy Cole, City Secretary

  
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Jim Pruitt, Mayor

