

ORDINANCE

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DESOTO, TEXAS, ORDERING A GENERAL ELECTION TO BE HELD ON THE 1ST DAY OF MAY, 2021 IN THE CITY OF DESOTO FOR THE PURPOSE OF ELECTING COUNCILMEMBER PLACE 6 AND COUNCILMEMBER PLACE 7; DESIGNATING POLLING PLACES; ORDERING NOTICES OF ELECTION TO BE GIVEN; AUTHORIZING THE MAYOR TO EXECUTE A JOINT ELECTION AGREEMENT AND ELECTION SERVICES CONTRACT WITH DALLAS COUNTY ELECTIONS DEPARTMENT; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in accordance with the general laws and Constitution of the State of Texas and the Charter of the City of DeSoto, Texas, a General City Election for municipal officers shall be conducted on the first Saturday in May, 2021; and

WHEREAS, the City Council desires to enter into a Joint Election Agreement and Election Services Contract with Dallas County Elections Department and other political subdivisions to conduct a Joint Election for the benefit of the City and its citizens.

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

SECTION 1. That a General Election for municipal officers is hereby ordered to be conducted on May 1, 2021, at which election all qualified voters of the City may vote for the purpose of electing a Councilmember for Place 6 and a Councilmember for Place 7. The Home Rule City Charter provides that members of the City Council shall run for office by Place, elected at large by the qualified voters of the entire City and shall, except the Mayor, reside in the correspondingly numbered geographical district of the City based on equality of population as established by Ordinance 1890-11 on September 6, 2011. Councilmember Place 6 and Councilmember Place 7 shall be elected for terms of three (3) years. The candidate for each such office, receiving a majority of all votes cast for all the candidates for an office, shall be elected to serve such term.

SECTION 2. The City Secretary is hereby directed to cause notice to be given of said election by publication in the official newspaper of the City of DeSoto, Texas, not earlier than the 30th day or later than the 10th day before Election Day. A copy of the published notice that contains the name of the newspaper and the date of publication shall be retained as a record of such notice. Notice shall be posted on the bulletin board used to post notice of City Council meetings no later than the 21st day before election day in accordance with Texas Election Code Section 4.003 and the person posting the notice shall make a record at the time of posting stating the date and place of posting in accordance with the Texas Election Code. Notice shall also be posted to the City's website in accordance with the Government Code.

SECTION 4. The first day for a candidate to file an application for a place on the ballot with the City Secretary for the General Election is no earlier than January 13, 2021, at 9 a.m., with the last day for filing to be no later than February 12, 2021, at 5:00 p.m., in accordance with Sections 143-006 and 143-007 of the Election Code. The City Secretary shall designate the official clock for filing.

SECTION 6. The Mayor is hereby authorized to execute the Joint Election Agreement and the Election Services Contract, attached as Exhibit A, for the conduct of a Joint Election to be held Saturday, May 1, 2021. The Mayor shall have further authority to approve any minor modifications as may be necessary in the best interest of the City.

SECTION 7. The expenses of the Joint Election will be divided equally between the entities conducting elections. Expenses will be determined and divided based on each precinct. By way of example, where the entities use a common polling place in a precinct, the expenses will be apportioned as appropriate for each. Each entity will bear all expenses for equipment and supplies utilized in its election.

SECTION 8. Pursuant to the Joint Election Agreement, the Dallas County Elections Interim Administrator shall serve as Election Administrator for the election. Presiding Election Judge and Alternate Presiding Election Judge appointed to serve at said polling places, shall be those election officials furnished by the Elections Administrator from the list of proposed Elections Judges listed in an attachment to the agreement.

SECTION 9. In compliance with Section 271.006 of the Texas Election Code, Michael Scarpello, shall serve as the Early Voting Clerk. Deputy Early Voting Clerks shall be appointed as needed to process early voting mail and to conduct early voting by personal appearance at branch locations.

SECTION 10. An Early Voting Ballot Board shall be created to process early voting results in accordance with Section 87.001 of the Texas Election Code, The Early Voting Ballot Board shall be members appointed in the manner stated in the agreement and the Presiding Judge and Alternate Presiding Judge of the Early Voting Board shall be the election officials listed in the agreement.

SECTION 11. The early voting by personal appearance shall be conducted in the Disciple Central Community Church, located at 900 North Polk, Suite 101, DeSoto, Texas 75115, beginning Monday, April 19, 2021, and continuing through Saturday, April 24, 2021, between the hours of 8:00 a.m. and 5:00 p.m.; Sunday, April 25, 2021, between the hours of 1:00 p.m. and 6:00 p.m; and Monday, April 26, 2021 and continuing through Tuesday, April 27, 2021, between the hours of 7:00 a.m. and 7:00 p.m. Qualified voters for the Joint Election may vote early by personal appearance at any Vote Center location within Dallas County.

SECTION 12. That the City shall be divided into twenty-three (23) Dallas County election precincts for this election shown on Exhibit "A", which is attached hereto and

incorporated herein by reference as a part hereof for all purposes. The City Secretary may change the places and times of the locations set forth on Exhibit "A" without further City Council action or approval after consulting with the Dallas County Elections Administrator and determining that a change in the places or times is necessary.

SECTION 13. Should a run-off election become necessary, the Dallas County Elections Department 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 all the candidates for such office, a run-off election shall be called as provided for by the agreement.

SECTION 14. The official canvass of the election returns shall be conducted between the period of May 4, 2021 and May 12, 2021. During this period, the early voting ballot board shall meet to count ballots received from outside the United States and complete the count of provisional ballots. The early voting clerk shall certify that all ballots mailed from outside the United States have been received and counted and the provisional ballots have been counted. Upon receipt of final counts from Dallas County Elections Department, the City Secretary shall present the official results to the City Council and the canvass of said election shall take place in accordance with the Texas Election Code.

SECTION 15. That all provisions of the Code of Ordinances of the City of DeSoto, Texas, in conflict with the provisions of this ordinance be, and the same are hereby, repealed, and all other provisions not in conflict with the provisions of this ordinance shall remain in full force and effect.


SECTION 16. That should any word, sentence, paragraph, subdivision, clause, phrase or section of this ordinance, or of the Code of Ordinances, as amended hereby, be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said ordinance or the Code of Ordinances, as amended hereby, which shall remain in full force and effect.

SECTION 17. This ordinance shall take effect immediately from and after its passage and publication of the caption, as the law and Charter in such case provide.

IT IS ACCORDINGLY SO ORDAINED.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DESOTO, TEXAS ON THIS THE 19TH DAY OF JANUARY, 2021.

APPROVED:




Kenzie Moore III, Mayor Pro Tem

ATTEST:


Kisha R. Morris-Perkins, City Secretary



APPROVED AS TO FORM:


Joseph J. Gorfida, Jr., City Attorney