



**CITY OF TYLER  
CITY COUNCIL COMMUNICATION**

**Agenda Number:** O-1

**Date:** April 11, 2007

**Subject:** Request that the City Council consider adopting an ordinance canceling the Central District-Place One and the East District-Place Five Elections scheduled for May 12, 2007, and declaring the unopposed candidates for single Member District One and Five elected to office.

**Page:** 1 of 2

**Item Reference:** Election Code provision allowing cancellation of election for unopposed candidates.

In 1995 the Texas Legislature amended the Election Code (Sections 2.051 - 2.054) to permit the cancellation of an election under certain circumstances, and to declare each unopposed candidate elected to office. The Central District and the East District meet those criteria, since the candidates whose name is to appear on the ballot are unopposed and no proposition is to appear on the ballot.

In accordance with provisions of the law, the City Clerk has prepared a "Certification of Unopposed Status," a copy of which is attached. Upon receipt of the certification, if it is the desire of the City Council to cancel the election it shall follow the cancellation procedure set forth in Section 2.053 of the Elections Code, as follows:

Sec. 2.053. Action on certification. (a) On receipt of the certification, the governing body of the political subdivision by order or ordinance may declare each unopposed candidate elected to the office.

- (b) If a declaration is made under Subsection (a), the election is not held. A copy of the order or ordinance shall be posted on Election Day at each polling place that would have been used in the election.
- (c) A certificate of election shall be issued to each candidate in the same manner as provided for a candidate elected at the election.

The unopposed candidates will not be sworn in until after Election Day (May 12, 2007). At that time, the governing body will issue a certificate of election to the unopposed candidates, and they will be sworn into office in the same manner provided for the candidates elected at an election.

The attached ordinance referred to in section 2.053 has been prepared for your consideration.

**Agenda Number:** O-1

**Page:** 2 of 2

**RECOMMENDATION:**

It is recommended that the City Council adopt the ordinance canceling the Central District-Place One and the East District-Place Five City Council Election scheduled for May 12, 2007 and declare Steve Smith and Nathaniel Moran elected to the office of City Council Members for Single Member District Number One and for Single Member District Number Five respectively.



**Recommended By:**  
**Department Leader**

**Edited/ Submitted By:**  
**City Manager**

**ORDINANCE NO. 0-2007- 35**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS, CANCELING THE CENTRAL DISTRICT/ PLACE ONE AND THE EAST DISTRICT/PLACE FIVE CITY COUNCIL ELECTION SCHEDULED FOR MAY 12, 2007, AND DECLARING THE UNOPPOSED CANDIDATES FOR SINGLE MEMBER DISTRICT ONE AND SINGLE MEMBER DISTRICT FIVE ELECTED TO OFFICE.**

**WHEREAS**, a City Council Election is currently scheduled for May 12, 2007; and

**WHEREAS**, no proposition is to appear on the ballot for the May 12, 2007 election in the Place One and Place Five

**WHEREAS**, the City Clerk of the City of Tyler has certified in writing that the candidates for City Council District 1 and City Council District 5 are unopposed and that no write-in candidates have filed to be placed on the list of write-in candidates; and

**WHEREAS**, Texas Election Code Sections 2.051 through 2.054 authorize the City Council to declare each unopposed candidate elected to office and to cancel the election;

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

**PART 1:** That Steve Smith is hereby declared the duly elected City Council member for Place One and that Nathaniel Moran is hereby declared the duly elected City Council member for Place Five to serve for a two-year term of office, to begin May 12, 2007.

**PART 2:** That the City Council Election for Place One (Central) and Place Five (East) scheduled for May 12, 2007 is hereby canceled.

**PART 3:** That a copy of this ordinance shall be posted on May 12, 2007 at each polling place that would have been used in the election, and said notice shall be in both English and in Spanish.

**PART 4:** That after May 12, 2007, a certificate of election shall be issued to the above named unopposed candidate in the same manner as provided for the candidate elected at the election.

**PART 5** That upon issuance of certificate of election, the above named unopposed candidate shall be sworn into office in the same manner provided for the candidate elected at the election.

**PART 6:** That this ordinance shall take effect immediately upon its adoption.

**PASSED AND APPROVED** this the 11<sup>th</sup> day of April, 2007.

---

JOSEPH O SEEBER, MAYOR  
OF THE CITY OF TYLER, TEXAS

A T T E S T :

APPROVED:

---

CASSANDRA BRAGER, CITY CLERK

---

CITY ATTORNEY

**To The Tyler City Council:**

**CERTIFICATION OF UNOPPOSED STATUS**

I, Cassandra Brager, City Clerk of the City of Tyler, Texas, hereby certify that when the deadline of 5:00 p.m., March 19, 2007, passed only the following unopposed Candidate had filed an "Application For a Place On The Ballot" and no one had filed a "Declaration Of Write-in Candidacy" for the Tyler City Council Election scheduled to be held May 12, 2007.

**Central District, No. 1 -  
East District, No. 5 -**

**Steve Smith  
Nathaniel Moran**

This unopposed status and the fact that no proposition is scheduled to appear on the ballot for the Central District/Place One and the East District/ Place Five will permit the Tyler City Council to take advantage of the Texas Election Code Sections 2.051 through 2.054, which allows the City Council to cancel the District election and declare the unopposed Candidate elected to office.

**DONE THIS THE 11<sup>th</sup> day of \_\_\_\_\_, 2007**

**(SEAL)**

\_\_\_\_\_  
**Cassandra Brager, City Clerk**