



**CITY OF TYLER  
CITY COUNCIL COMMUNICATION**

**Agenda Number:** R-1

**Date:** March 7, 2007

**Subject:** Request that the City Council consider approving a Resolution calling an Election for May 12, 2007, to fill the offices of Tyler City Council Members for Single Member District Numbers 1, 3, and 5 on the Tyler City Council and calling for a joint election with Smith County and Tyler Independent School District.

**Page:** 1 of 1

**Item Reference:** City Charter and Texas Election Code

In order to comply with the City Charter and Texas Election Code, it is essential that the City Council adopt a Resolution calling an election for the second Saturday in May, being May 12, 2007, to elect the City Council Members for Single Member Districts Numbers 1, 3 and 5. The terms of the following Council Members will expire in May, 2007:

District 1 (Central) – Steve Smith  
District 3 (Northwest) – Derrick Choice  
District 5 (East) – Nathaniel Moran

It is proposed that this election be held jointly with Smith County and Tyler Independent School District.

A copy of the Resolution calling the joint election is attached for your review.

**Recommendation:**

It is recommended that the City Council approve the attached Resolution calling an Election for May 12, 2007, to fill the offices of Tyler City Council Members for Single Member District Numbers 1, 3, and 5 on the Tyler City Council and calling for a joint election with Smith County and Tyler Independent School District.

**Recommended By:  
Department Leader**

A handwritten signature in black ink that reads "Daniel Crawford".

**Edited/Submitted By:  
City Manager**

**RESOLUTION NO. R-2007-7**

**A RESOLUTION ORDERING AN ELECTION TO BE HELD IN THE CITY OF TYLER ON THE 12TH DAY OF MAY, 2007, FOR THE PURPOSE OF ELECTING CITY COUNCIL MEMBERS FOR SINGLE MEMBER DISTRICT NUMBERS 1, 3 AND 5; MAKING PROVISIONS FOR THE CONDUCT OF A JOINT ELECTION AND RESOLVING OTHER MATTERS INCIDENT AND RELATED TO SUCH ELECTION; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, it is now necessary to hold an election to fill expiring terms of three City Council Members, and such election is required by law to be held the second Saturday in May;

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

**PART 1:** That an election be, and the same is hereby ordered to be held within the jurisdiction of the City of Tyler, Texas on the 12th day of May, 2007, pursuant to the laws of the State of Texas and the Charter of the City of Tyler, Texas. Such election shall be held for the purpose of electing three Council Members to fill Places Number 1, Central District; Number 3, Northwest District; and Number 5, East District, for full two year terms on the City Council.

**PART 2:** It is agreed that the City of Tyler, Smith County and Tyler Independent School District will hold a joint election where common polling places are possible and that in accordance with Chapter 271 of the Texas Election Laws, the election herein ordered shall be held as a joint election with Smith County and Tyler Independent School District Board of Trustees and a single ballot shall be utilized for the candidates to be voted on at such joint election. The joint election, including early voting, shall be conducted by the County Election Official, as set out in a contract with said official, and in accordance with Section 31.091 through 31.100, Contract for Election Services.

Direct Recording Electronic (DRE) voting machines shall be used in this joint election and for early voting by personal appearance and by mail, and each voter shall record his vote by Help America Vote Act (HAVA) touch screen voting machines.

**PART 3:** That said election shall be held and conducted in the manner and within the hours prescribed for general elections by the laws of the State of Texas insofar as they may be applicable, and all persons qualified to vote in said City under the laws of this State regulating general elections shall be allowed to vote.

**PART 4:** That all election instructions and ballots shall be printed in both English and Spanish as required by the Texas Election Code Sections 272.002 through 272.010.

**PART 5:** Polling places shall be open between the hours of 7:00 o'clock a.m. and 7:00 o'clock p.m.

**PART 6:** The candidate receiving a majority of the votes cast for their respective office shall be declared elected. If any candidate shall not receive a majority of the votes cast for that position, a run-off election shall be ordered for such office. Candidates for all offices shown above shall be voted for and elected separately.

The Council Members for Districts #1, #3 and #5 shall be filled by a person residing in each district respectively who receives the majority of the votes cast by voters in that district. Only voters living in each district shall vote for that District's Council Member.

**PART 7:** Candidates elected to the City offices stated hereinabove in Part 1 shall hold office as may be provided by the Charter of the City of Tyler, Texas, for a period of two (2) years following their election or until their successor has been duly elected and qualified.

**PART 8:** All requests by candidates to have their names placed upon the respective ballots shall be in writing, shall designate the office filed for, shall be signed by the candidate and comply with state law concerning filing time deadlines. In addition to said application, all candidates shall make such other filings as may be required by law.

**PART 9:** The voting places shall be as follows:

**SINGLE MEMBER**  
**DISTRICT & CITY**  
**PRECINCT NUMBER**

**VOTING**  
**PLACE**

**Central District, #1**

- |   |  |
|---|--|
| 1 | Rice School (Pcts. 38, 54, 71)<br>409 Carriage Drive     |
| 2 | Birdwell School (Pcts. 50, 72, 77)<br>1919 South Kennedy |

**Northwest District, #3**

- |   |   |
|---|---|
| 5 | Boulter Middle School (Pcts. 12, 16, 34, 57, 7301)<br>2926 Garden Valley Road |
| 6 | Greater St. Mary Baptist Church (Pcts. 13, 18)<br>1625 Texas College Road     |
| 7 | Douglas Elementary School (Pct. 2)<br>1508 North Haynie                       |

**East District, #5**

- 9 Bell Elementary School (Pct. 23)  
1409 Hankerson
  
- 10 TASCAs Building (Pcts. 55, 56)  
3402 Old Omen Road

Each Presiding Judge shall appoint at least two (2) clerks to serve in his precinct and shall appoint as many additional clerks to so serve, not to exceed seven (7), as they deem necessary for the proper conduct of the election, one of whom shall be the Alternate Presiding Judge in that precinct, which said Presiding Judges and clerks shall be the managers of said election.

If any Presiding Judge is unable to serve at the election, the Alternate Presiding Judge of that precinct shall serve as the Presiding Judge for the election.

**PART 10:** Early voting by personal appearance shall be in Suite 500 on the fifth floor of the office building located at 200 East Ferguson Street, Tyler, Texas. The Elections Administrator is appointed as the early voting clerk for the joint election. The time of early voting shall be as prescribed by law, being April 30, 2007, through May 4, 2007, from 8:00 a.m. to 5:00 p.m. and May 7 & 8, 2007, from 7:00 a.m. to 7:00 p.m. Applications for early voting ballots by mail should be addressed to Paula Patterson, Elections Administrator, P O Box 777, Tyler, Texas 75710, in accordance with the provisions of the Texas Election Laws.

For purposes of processing ballots cast in early voting, the following persons are appointed to the early Voting Ballot Board for this joint election:

<u>Maurine Rouff</u>	Presiding Judge
<u>Texanna Crutchfield</u>	Alternate Presiding Judge

**PART 11:** The Central Counting Station for the tabulation and counting of ballots for this joint election shall be located at the Smith County Courthouse, Tyler, Texas and the persons hereby appointed to serve as Manager, Tabulation Supervisor and the Presiding Judge at the Central Counting Station are as follows:

<u>Kathy Harpe</u>	Manager
<u>Karen Chaney</u>	Tabulation Supervisor
<u>Paula Patterson</u>	Presiding Judge

The Manager and Presiding Judge of the Central Counting Station may appoint clerks to serve at such Station, as provided by Section 127.006 of the Texas Election Laws.

**PART 12:** A copy of this resolution shall be sufficient notice of said election and the Mayor of the City of Tyler is hereby ordered and directed to give notice of the time and place of said election by causing a true copy of this resolution to be published in some newspaper of general circulation in this City not less than ten (10) days nor more than thirty (30) days before the election.

**PART 13:** That this resolution shall take effect immediately from and after its passage, as indicated below.

**PASSED AND APPROVED** this 7<sup>th</sup> day of March, A. D. 2007.

\_\_\_\_\_  
**JOSEPH O. SEEBER, MAYOR OF  
THE CITY OF TYLER, TEXAS**

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
**CASSANDRA BRAGER, CITY CLERK**

\_\_\_\_\_  
**GARY LANDERS, CITY ATTORNEY**