

**RESOLUTION NO. R-2009- 20**

**A RESOLUTION ORDERING A SPECIAL ELECTION TO BE HELD IN THE CITY OF TYLER ON THE 3<sup>RD</sup> DAY OF NOVEMBER, 2009, FOR THE PURPOSE OF ELECTING A CITY COUNCIL MEMBER FOR SINGLE MEMBER DISTRICT NUMBER 5; MAKING PROVISIONS FOR THE CONDUCT OF A SPECIAL ELECTION AND RESOLVING OTHER MATTERS INCIDENT AND RELATED TO SUCH ELECTION; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, it is now necessary to hold a special election to fill a vacancy of one of our City Council Members, and such election is required by law to be held on a uniform election date which is the first Tuesday after the first Monday in November;

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

**PART 1:** That a special election be, and the same is hereby ordered to be held within the jurisdiction of the City of Tyler, Texas on the 3<sup>rd</sup> day of November, 2009, pursuant to the laws of the State of Texas and the Charter of the City of Tyler, Texas. Such special election shall be held for the purpose of electing a Council Member to fill Place Number 5, East District, on the City Council.

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

**PART 3:** That said special election shall be held and conducted in the manner and within the hours prescribed for special 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 special elections shall be allowed to vote.

**PART 4:** That all special 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.

The Council Member for District #5 shall be filled by a person residing in that district respectively who receives the majority of the votes cast by voters in that district. Only voters living in that district shall vote for that Council Member.

**PART 7:** Candidate elected to the City office stated hereinabove in Part 1 shall hold office as may be provided by the Charter of the City of Tyler, Texas, for the remainder of the original two (2) year period.

**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**

**East District, #5**

5

Bell Elementary School  
1409 Hankerson

6

Omega Ministries International  
4520 Old Troup Hwy.

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 special election. The time of early voting shall be as prescribed by law, being October 19, 2009, through October 30, 2009, from 8:00 a.m. to 5:00 p.m. and October 29 & 30, 2009, from 7:00 a.m. to 7:00 p.m. Applications for early voting ballots by mail should be addressed to Karen Chaney, 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 special election:

Sue Nash

Presiding Judge

Texanna Crutchfield

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:

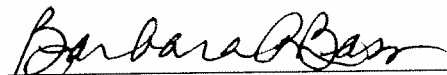
<u>Bonnie Maxfield</u>	Manager
<u>Peggy Jones</u>	Tabulation Supervisor
<u>Karen Chaney</u>	Presiding Judge

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 special election and the Mayor of the City of Tyler is hereby ordered and directed to give notice of the time and place of said special 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 8<sup>th</sup> day of July, A. D. 2009.

  
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BARBARA BASS, MAYOR OF  
THE CITY OF TYLER, TEXAS

ATTEST:

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

APPROVED:

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

