

**ORDINANCE  
NO. 2023-02-06**

**ADOPTION OF AN ORDINANCE ORDERING A GENERAL ELECTION FOR MAY 6, 2023 FOR THE PURPOSE OF ELECTING A MAYOR AND THREE COUNCIL MEMBERS (PLACES NO. 5, 6, AND 7) BY THE QUALIFIED VOTERS OF THE CITY PURSUANT TO THE CITY OF PEARSALL HOME RULE CHARTER, ORDERING THE APPOINTMENT OF A PRESIDING JUDGE AND ALTERNATE JUDGE, ORDERING THE APPOINTMENT OF AN EARLY VOTING BALLOT BOARD AND ORDERING THE SETTING OF THE RATE OF PAY FOR ALL ELECTION JUDGES AND CLERKS FOR THE GENERAL ELECTION ON MAY 6, 2023 , PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the laws of the State of Texas, specifically Section 22.003 of the Texas Local Government Code, provide that a General Election shall be held annually for the election of City Officers, and

**WHEREAS**, the Council intends to call a general election for May 6, 2023, for the purpose of electing a Mayor and three (3) members to the City Council to conduct this general election in accordance with the provisions of the Local Government Code and the Election Code of the State of Texas, and

**WHEREAS**, the Council hereby finds and determines that the Frio-Nueces Current is designated as the “official” newspaper published in the City and is a newspaper of general circulation in the City; and

**WHEREAS**, the Council hereby finds and determines that ordering the above described general election is in the best interest of the citizens of the city; now therefore,

**BE IT ORDAINED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF PEARSALL, TEXAS THAT:**

**Section 1.** That a General Election is hereby ordered to be held on the uniform election date of Saturday, May 6, 2023, which is sixty-two (62) or more days from the date of the adoption of this order as required by Section 3.005(a) of the Election Code of the State of Texas. The purpose of the election is to elect the following City Officers:

Mayor	
Councilmember for Place	<u>5</u>
Councilmember for Place	<u>6</u>
Councilmember for Place	<u>7</u>

**Section 2.** All independent candidates at the General Election to be held on May 6, 2023 for the above-specified offices shall file their applications to become candidates with the City Clerk of the City at 214 South Ash Street, Pearsall, Texas. The candidates and all such applications shall comply with the requirements of the Texas Election Code, Texas Local Government Code, the

City's Home Rule Charter, all as amended, and any other applicable law.

**Section 3.** That all office holders and candidates file with the City Secretary all appropriate notices and statements required by Title 15 of the Election Code of the State of Texas pertaining to Political Funds Reporting and disclosure.

**Section 4.** That the order in which the names of the candidates are to be printed on the ballot shall be determined by a drawing to be conducted by the City Secretary at 10:30 a.m., on Friday, February 24, 2023 at Pearsall City Hall located at 214 S. Ash, Pearsall, Texas 78061 as provided by Section 52.094 of the State Election Code.

**Section 5.** The election precinct hereby established for the purpose of holding the elections, the county election precincts included within the designated election precinct, the polling place hereby designated for holding the elections in the designated election precinct, and the Presiding Judge and the Alternate Presiding Judge hereby appointed for holding the election in the designated election precinct are identified in a document attached to this Ordinance as **Exhibit "A"** and incorporated herein by reference for all purposes.

The Presiding Judge shall act as the Election Judge and appoint not less than two (2) or more than thirteen (13) resident qualified voters of the City to act as clerks to properly conduct the elections. However, if the Presiding Judge appointed actually serves, the Alternate Presiding Judge shall serve as one of the Election Clerks. The appointment of such Election Clerks must include a person fluent in the Spanish language to serve as a clerk to render oral aid in the Spanish language to any voter desiring such aid at the polls on the day of the election.

**Section 6.** That the election be held jointly with Pearsall Independent School District on May 6, 2023, pursuant to House Bill 1 (2006) and Chapter 271 of the Texas Election Code. That the City Council of the City of Pearsall and Pearsall Independent School District will consolidate Election Day voting to one polling place, being:

**Joint Election Voting Polling Place**

Ted Flores Elementary  
321 W. Pena Street  
Pearsall, Texas 78061

**Section 7.** The polls for said election on Election Day shall be open from 7:00 a.m. to 7:00 p.m.

**Section 8.** An Early Voting Ballot Board is hereby established for the purpose of processing early voting results. Jesus Cuevas appointed the Presiding Judge and Grace Perez is appointed the Alternate Presiding Judge of the Early Voting Ballot Board. The Presiding Judge shall appoint not less than two (2) or more than four (4) resident qualified voters of the City to serve as members of the Early Voting Ballot Board. The City Clerk shall act as Early -Voting Ballot Board Clerk.

**Section 9.** Early voting shall be conducted at the City Hall, 214 South Ash Street, Pearsall, Texas 78061, beginning April 24, 2023, and ending May 2, 2023. With the exception of Saturdays, Sundays and official State holidays, this office or place shall remain open from 8:00 a.m. to 5:00 p.m. for early voting.

**Section 10.** The election officials and clerks shall be compensated in the following manner:

- (a) The Election Judge for the May 6, 2023, General Election shall be paid \$16.00 per hour. The Alternate Election Judge for the May 6, 2023, General Election shall be paid

\$13.00 per hour.

- (b) The Election Judge shall also be paid \$25.00 for delivering the precinct election records, keys to ballot box or other election equipment and unused election supplies after the election.
- (c) The Early Voting Ballot Board Presiding Judge for the May 6, 2023, General Election shall not be paid.
- (d) The members of the Early Voting Ballot Board for the May 6, 2023, General Election shall not be paid.
- (e) The Early Voting Ballot Board Clerk for the May 6, 2023, General Election shall not be paid.
- (f) Election Clerks for the May 6, 2023, General Election shall be paid \$ 11.00 per hour.

**Section 11.** Direct recording electronic voting machines shall be used for voting at the foregoing election polling places and direct recording electronic voting machines shall be used for counting the ballots at said election.

**Section 12.** The City Clerk is hereby authorized and instructed to procure and furnish all necessary election supplies to conduct said election. The Council appoints the City Clerk as the Custodian of Records ("Custodian") and agent to the Council to perform the duties related to the conduct and maintenance of records of the Election as required under the Texas Election Code during the period ending not earlier than the sixtieth (60<sup>th</sup>) day after the Election.

**Section 13.** That the returns of said election be made in accordance with the State Election Code and shall be canvassed by the City Council at a special City Council Meeting to be called between May 9-17, 2023.

**Section 14.** A Copy of this Ordinance, including a Spanish translation hereof, shall be posted at the City Hall, not earlier than the 30th day before the date the election or later than the 10th day before the day of the election and shall be published once in the Frio-Nueces Current.

**Section 15.** The Mayor shall issue all necessary Orders, writs and notices for said election and returns of said election shall be made to this Council immediately after the closing of the polls.

**Section 16.** The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Council of the City.

**Section 17.** All orders and resolution, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters ordained herein.

**Section 18.** This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

**Section 19.** If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, unenforceable or illegal, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, enforceable and legal, and the Council hereby declares that this Ordinance would have been enacted without such invalid, unenforceable or illegal provision.

**Section 20.** It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter, including this Ordinance, was given, all as required by Chapter 55 of the Texas Government Code.

**Section 21.** This Ordinance shall be in force and effect from and after the date of its adoption, and it is so ordained.

**PASSED AND APPROVED** this 14<sup>th</sup> day of February, 2023.

Approved:

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Ben T. Briscoe, Mayor

Attest:

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Krystal Garcia, City Clerk

**YOU WILL, THEREFORE,** take notice of all the matters and facts set out in the foregoing Notice of Election.

**EXHIBIT "A"**

<u>Election Precinct</u>	<u>County Election Precincts</u>	<u>Presiding Judge</u>	<u>Alternate Judge</u>	<u>Polling Place</u>
No. 1	1,2,3,4 and 8	<u>Jesus Cuevas</u>	<u>Grace Perez</u>	Ted Flores Elementary 321 W. Pena Street Pearsall, Texas 78061