

## RESOLUTION 2021.3.1

**A RESOLUTION OF THE CITY OF FLATONIA, TEXAS, APPROVING A CORRECTED ORDER OF A GENERAL CITY ELECTION TO BE HELD ON THE 1<sup>ST</sup> DAY OF MAY 2021, FOR THE PURPOSE OF ELECTING THREE (3) COUNCIL MEMBERS, FOR TWO-YEAR TERMS EACH; PROVIDING FOR ELECTION OFFICERS; DESIGNATING THE PLACE AND MANNER OF HOLDING SAID ELECTION; PROVIDING FOR NOTICE OF SAID ELECTION AND THE CONDUCT THEREOF; APPROVING A JOINT ELECTION WITH FLATONIA ISD; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Section 41.001 of the Texas Election Code, as amended ("Code") establishes the first Saturday in May as a "uniform election date" for the purposes of conducting general and special elections; and

**WHEREAS**, the City Council of the City of Flatonia, Texas ("City Council") is the governing body authorized to order a general election pursuant to Chapter 41 of the Code, and Chapter 22 of the Texas Local Government Code; and

**WHEREAS**, the City Council has determined that the City shall conduct a general election to elect three (3) full term Council Members; and

**WHEREAS**, through mistake or inadvertence the Order approved on January 12, 2021 did not specify the two (2) days during the period of early voting when early voting will be held for a continuous period of twelve (12) hours; and

**WHEREAS**, the City Council has been advised that a corrected Order of Election must be issued specifying the two days during the early voting period during which early voting will occur for twelve continuous hours on each of those two days.

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

**Section 1:** In accordance with the general laws and Constitution of the State of Texas, a general election is hereby called and ordered for the first Saturday in May 2021, the same being the 1<sup>st</sup> day of said month ("Election Day"), to be held between the hours of seven o'clock a.m. (7:00 a.m.) and seven o'clock p.m. (7:00 p.m.).

**Section 2:** The purpose of the general election ordered by this Resolution is so that all qualified voters residing within the corporate limits of the City of Flatonia, Texas, may vote for the purpose of electing three (3) full term Council Members.

**Section 3:** The order in which the names of the candidates will be printed was determined by a drawing by the City Secretary on February 22, 2021 as provided by Section 52.094 of the Texas Election Code.

**Section 4:** Three (3) Council Members shall be elected for the City by a plurality vote of the registered voters of the City. Three (3) Council Members shall be qualified for office as specified by the Code, by Chapter 22 of Texas Local Government Code, and by other applicable law. Three (3) Council Members shall hold office for a period of two years.

**Section 5:** The City Council hereby designates the following election day polling location for the voters for the Fayette County Election Precincts located wholly or partially within the City of Flatonia, Texas, and said designated polling place shall be: Flatonia City Hall, located at 125 E. South Main Street, City Council Chambers. The polls shall be open on said Election Day at said polling place from seven o'clock a.m. (7:00 a.m.) to seven o'clock p.m. (7:00 p.m.).

**Section 6:** Section 61.012 of the Code requires that the City must provide at least one accessible voting system in each polling place used in a Texas election on or after January 1, 2006. The City shall use, in Early Voting and Election Day Voting, a voter assist terminal as approved by the Secretary of State and shall contract with the Fayette County Elections Administrator (attached as Exhibit "A") for the use of said voter assist equipment that Fayette County uses for its elections, as same may be necessary.

**Section 7:** The preparation of the voting equipment to be used in connection with the general election ordered herein shall conform to the Code to permit the electors to vote for three (3) full term Council Members.

Ballots shall include such provisions, markings, and language as may be required by law. The City shall contract with the Fayette County Elections Administrator for the use of said voting equipment and ballots for the election ordered by this Resolution, as same may be necessary.

**Section 8:** The City shall contract with the Fayette County Elections Administration to perform all duties normally performed by Fayette County in general elections with respect to early voting, election day voting, and preparing the official ballots.

**Section 9:** The City Secretary is hereby authorized and instructed to provide and furnish all necessary election notices, preparation of ballot wording and candidate order to the County Elections Administrator, and necessary submissions to the U.S. Department of Justice under the Federal Voting Rights Act of 1965.

**Section 10:** The City shall contract with the Fayette County Elections Administrator to coordinate, supervise, and handle all aspects of administering the election ordered by this Resolution. Early voting shall be conducted in accordance with the Code and with the contract between the City and the Fayette County Elections Administrator.

**Section 11:** Early Voting shall begin on April 19, 2021 through and including April 26, 2021. The Early Voting location is designated in the Fayette County Elections Administrator contract with the City, and shall remain open for at least eight (8) hours on each day for Early Voting which is not a Saturday, a Sunday, or an official state or federal holiday, between the hours of eight o'clock a.m. (8:00 a.m.) and four o'clock p.m. (4:00 p.m.)

**Section 12:** In accordance with Section 85.005(d) of the Code, two days of the Early Voting period will be open for twelve (12) hours on days which are not a Saturday, a Sunday, or an official state or federal holiday. The dates specified for the extended hours are April 19 and 26, 2021.

**Section 13:** All voting, including early voting by personal appearance, shall be accomplished by ES&S ExpressVote electronic voting system equipment approved by the Fayette County Elections Administrator. The City hereby appoints the Fayette County Elections Administrator as the custodian of voted ballots.

**Section 14:** Pursuant to the Election Services Contract with the Fayette County Election Administrator, the Elections Administrator will be responsible for appointing the election judge, any alternate election judge, any clerk(s) or other election worker(s). Election workers shall be paid by the City with the expense split with Flatonia ISD.

**Section 15:** The election ordered by this Resolution shall be held in accordance with the Code and the contract between the City and the Fayette County Elections Administrator. The City shall give notice of said election in accordance with the provisions of the Code, and all necessary orders and writs for said election shall be issued by the proper authority. The Mayor is hereby authorized to execute the contract between the City and the Fayette County Elections Administrator, and to execute such other documents related to the election ordered by this Resolution, as may be necessary to the proper conduct thereof.

**Section 16:** Should any part, section, subsection, paragraph, sentence, clause or phrase contained in this Resolution be held to be unconstitutional or of no force and effect, such holding shall not affect the validity of the remaining portions of this Resolution, but in all respects said remaining portions shall be and remain in full force and effect.

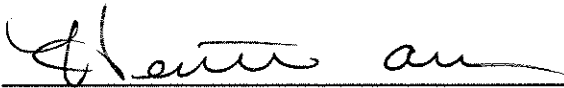
**Section 17:** This Resolution shall take effective immediately from and after the date of its passage.

**PASSED AND APPROVED** by the City Council of the City of Flatonia, Texas, on this the 9<sup>th</sup> day of March 2021.


CITY OF FLATONIA, TEXAS

By:   
Bryan Milson  
Mayor

ATTEST:

  
Heather Ambrose  
City Secretary

APPROVED AS TO FORM AND LEGALITY:

  
Maria Angela Flores Beck  
City Attorney

