

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY OF MANSFIELD (“CITY”), TEXAS, CALLING FOR A GENERAL ELECTION TO BE HELD ON MAY 12, 2012; DESIGNATING POLLING PLACES; ESTABLISHING ELECTION PRECINCTS WITHIN THE CITY; APPOINTING AN ELECTION JUDGE AND AN ALTERNATE JUDGE; AUTHORIZING THE CITY SECRETARY TO MAKE SUBMISSIONS TO THE UNITED STATES JUSTICE DEPARTMENT FOR PRE-CLEARANCE APPROVAL; ESTABLISHING OTHER PROCEDURES FOR CONDUCT OF THE ELECTION; ESTABLISHING A DATE FOR CANVASSING RETURNS; ESTABLISHING A DATE FOR RUNOFF ELECTION, IF NECESSARY; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, Section 41.001 of the Texas Election Code (the “Code”) specifies that the second Saturday in May shall be a “uniform election date” and that a general election of a City may be held on such day; and

**WHEREAS**, state law and the charter of the City of Mansfield require that a general election be held; and

**WHEREAS**, by this Resolution, it is the intention of the City Council to officially establish the election precincts within the City, to designate polling places for the election, to appoint the necessary election officers, to establish and set forth procedures for conducting the election, and authorize the City of Mansfield to enter into a contract with Tarrant County to conduct the election; and

**WHEREAS**, changes from prior practices may require pre-clearance under the Federal Voting Rights Act.

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

**SECTION 1.**

**GENERAL ELECTION CALLED:** A general election shall be held in the City of Mansfield, Texas, on Saturday, May 12, 2012, between the hours of 7:00 a.m. and 7:00 p.m. at which the following officers will be elected:

**COUNCIL MEMBER, PLACE 3  
COUNCIL MEMBER, PLACE 4  
COUNCIL MEMBER, PLACE 5**

## **SECTION 2.**

**TERMS OF OFFICE:** In accordance with the City charter, the candidate for each office to be filled in the general election receiving the majority of votes for such office shall be elected to a three (3) year term beginning May 2012 and ending May 2015, or until a successor is duly elected and qualified.

## **SECTION 3.**

**ELIGIBILITY FOR CANDIDACY:** In accordance with the City's charter, no person shall be eligible for the office Councilmember unless he/she is a qualified voter of the State of Texas and has resided in the City for at least twelve (12) months preceding the election at which he/she is to be elected.

## **SECTION 4.**

**APPLICATION FOR A PLACE ON THE BALLOT:** Any eligible and qualified person shall have his name printed upon the official ballot as a candidate for the offices herein set forth by filing his sworn application with the City Secretary not earlier than February 4, 2012 and not later than 5:00 p.m. March 5, 2012. The order in which the names of the candidates are to be printed on the ballot shall be determined by a drawing by the City Secretary. Notice of the time and place for such drawing shall be given in accordance with the Code.

## **SECTION 5.**

**JOINT AGREEMENT WITH MANSFIELD INDEPENDENT SCHOOL DISTRICT:** Prior to the election, the City anticipates that it will enter into a joint agreement with the Mansfield Independent School District ("MISD") for the Johnson County and Ellis County portions of the City to conduct a joint election; and

## **SECTION 6.**

**AGREEMENT WITH TARRANT COUNTY:** Prior to the election, the City anticipates that it will enter into an agreement for election services with Tarrant County (the "Agreement").

## **SECTION 7.**

(a) **ELECTION DAY POLLING PLACE – TARRANT COUNTY:** The polling places for Election Day in Tarrant County shall be as follows:

- (a) The polling place for City of Mansfield Precinct No. 1 (which is hereby created, comprised of Tarrant County Precincts Nos. 2221, 2258, 2308, 2355, 2357 and 2636) is:

Donna Shepard Intermediate School  
1280 FM 1187  
Mansfield, Texas 76063

- (b) The polling place of City of Mansfield Precinct No. 2 (which is hereby created, comprised of Tarrant County Precincts Nos. 2426, 2524, 2548, 2557 and 2645) is:

J.L. Boren Elementary School  
1400 Country Club Drive  
Mansfield, Texas 76063

- (c) The polling place for City of Mansfield Precinct No. 3 (which is hereby created, comprised of Tarrant County Precincts No. 2033, 2360, 2612, 2614 and 2643) is:

Mansfield Sub-Courthouse  
1100 East Broad Street  
Mansfield, Texas 76063

- (b) ELECTION DAY POLLING PLACE – JOHNSON COUNTY:** The polling places for Election Day in Johnson County shall be as follows:

The polling place for City of Mansfield Precinct No. 4 (which is hereby created, comprised of Johnson County Precincts Nos. 7, 8 and 35) is:

Mansfield City Hall  
1200 East Broad Street  
Mansfield, Texas 76063

- (c) ELECTION DAY POLLING PLACE – ELLIS COUNTY:** The polling places for Election Day in Ellis County shall be as follows:

The polling place for City of Mansfield Precinct No. 5 (which is hereby created, comprised of Ellis County Precinct No. 101) is:

Mansfield City Hall  
1200 East Broad Street  
Mansfield, Texas 76063

## **SECTION 8.**

**APPOINTMENT OF ELECTION JUDGES AND ALTERNATE ELECTION JUDGES - TARRANT COUNTY:** Election judges for the general election shall be appointed by Tarrant County as authorized by Chapter 271, of the Texas Election Code.

**APPOINTMENT OF ELECTION JUDGES AND ALTERNATE ELECTION JUDGES - JOHNSON COUNTY AND ELLIS COUNTY:** By separate action, the City Council will appoint election judges and alternates for the portions of Mansfield within Ellis and Johnson Counties.

## SECTION 9.

**(a) EARLY VOTING - TARRANT COUNTY:** Steve Raborn is designated the Early Voting Clerk. Additional Deputy Early Voting Clerks may be appointed, as provided in the Agreement.

Early Voting by personal appearance shall be conducted beginning on April 30, 2012 and continuing through May 8, 2012 in Mansfield at the Mansfield Sub-Courthouse, 1100 East Broad Street, Mansfield, Texas 76063 at the following times:

Monday, April 30, 2012: 8:00 a.m. – 5:00 p.m.

Tuesday, May 1, 2012: 8:00 a.m. – 5:00 p.m.

Wednesday, May 2, 2012: 8:00 a.m. – 5:00 p.m.

Thursday, May 3, 2012: 8:00 a.m. – 5:00 p.m.

Friday, May 4, 2012: 8:00 a.m. – 5:00 p.m.

Saturday, May 5, 2012: 7:00 a.m. – 7:00 p.m.

Sunday, May 6, 2012: 11:00 a.m. – 4:00 p.m.

Monday, May 7, 2012: 7:00 a.m. – 7:00 p.m.

Tuesday, May 8, 2012: 7:00 a.m. – 7:00 p.m.

Additional early voting will be conducted at locations throughout Tarrant County as established by the Agreement. If there is any discrepancy between this resolution and the Agreement as to early voting locations or times, the Agreement shall control.

**(b) EARLY VOTING- JOHNSON COUNTY:** The City Secretary, City of Mansfield, 1200 East Broad Street, Mansfield, Texas, 76063, is hereby designated as the Early Voting Clerk for the portions of Mansfield within Johnson County (City Precinct 4) and she may appoint the necessary deputy clerks as required for early voting.

Early Voting by personal appearance shall be conducted beginning on April 30, 2012 and continuing through May 8, 2012 in Mansfield at the Mansfield City Hall, 1200 East Broad Street, Mansfield, Texas 76063 at the following times:

Monday, April 30, 2012: 8:00 a.m. – 5:00 p.m.

Tuesday, May 1, 2012: 8:00 a.m. – 5:00 p.m.

Wednesday, May 2, 2012: 8:00 a.m. – 5:00 p.m.

Thursday, May 3, 2012: 8:00 a.m. – 5:00 p.m.

Friday, May 4, 2012: 8:00 a.m. – 5:00 p.m.

Saturday, May 5, 2012: 7:00 a.m. – 7:00 p.m.

Sunday, May 6, 2012: 11:00 a.m. – 4:00 p.m.

Monday, May 7, 2012: 7:00 a.m. – 7:00 p.m.

Tuesday, May 8, 2012: 7:00 a.m. – 7:00 p.m.

**(c) EARLY VOTING- ELLIS COUNTY:** The City Secretary, City of Mansfield, 1200 East Broad Street, Mansfield, Texas, 76063, is hereby designated as the Early Voting Clerk for the portions of Mansfield within Ellis County (City Precinct 5) and she may appoint the necessary deputy clerks as required for early voting.

Early Voting by personal appearance shall be conducted beginning on April 30, 2012 and continuing through May 8, 2012 in Mansfield at the Mansfield City Hall, 1200 East Broad Street, Mansfield, Texas 76063 at the following times:

Monday, April 30, 2012: 8:00 a.m. – 5:00 p.m.

Tuesday, May 1, 2012: 8:00 a.m. – 5:00 p.m.

Wednesday, May 2, 2012: 8:00 a.m. – 5:00 p.m.

Thursday, May 3, 2012: 8:00 a.m. – 5:00 p.m.

Friday, May 4, 2012: 8:00 a.m. – 5:00 p.m.

Saturday, May 5, 2012: 7:00 a.m. – 7:00 p.m.

Sunday, May 6, 2012: 11:00 a.m. – 4:00 p.m.

Monday, May 7, 2012: 7:00 a.m. – 7:00 p.m.

Tuesday, May 8, 2012: 7:00 a.m. – 7:00 p.m.

**(d)** Applications for early voting by mail may be delivered to the City Secretary at Mansfield City Hall, 1200 East Broad Street, Mansfield, Texas, 76063, not earlier than March 13, 2012, and not later than the close of business on April 27, 2012, if delivered in person, and May 4, 2012, if delivered by mail. Early Voting ballots for Tarrant County shall be mailed to Early Voting Clerk, P.O. Box 961011, Fort Worth, Texas, 76161-0011. The City Secretary is directed to forward the applications and ballots to the Election Administrator as provided in the Agreement.

Early Voting ballots for Johnson County shall be mailed to Early Voting Clerk, 1200 East Broad Street, Mansfield, Texas 76063. Early Voting ballots for Ellis County shall be mailed to Early Voting Clerk, 1200 East Broad Street, Mansfield, Texas, 76063.

(e) Early voting both by personal appearance and by mail for Tarrant County shall be by electronic voting machines and shall be canvassed by Early Voting Ballot Board, which is hereby created. The Presiding Election Judge and the Alternate Presiding Judge appointed herein shall serve as the presiding officer and the alternate presiding officer, respectively, of the Early Voting Ballot Board. The other election officers serving at the election shall serve as the other members of the Early Voting Ballot Board for the election. The Central Count/Ballot Board Judge and additional personnel shall be appointed as stated in the Agreement.

Early voting both by personal appearance and by mail for Johnson County shall be by paper ballot and an AutoMark accessibility unit voting equipment approved by the Secretary of State in accordance with the Texas Election Code for HAVA compliance and shall be canvassed by Early Voting Ballot Board, which is hereby created. The Presiding Election Judge and the Alternate Presiding Judge appointed herein shall serve as the presiding officer and the alternate presiding officer, respectively, of the Early Voting Ballot Board. The other election officers serving at the election shall serve as the other members of the Early Voting Ballot Board for the election. The Central Count/Ballot Board Judge and additional personnel shall be appointed as stated in the Agreement between the "City" and the "MISD".

Early voting both by personal appearance and by mail for Ellis County shall be by paper ballot and an AutoMark accessibility unit voting equipment approved by the Secretary of State in accordance with the Texas Election Code for HAVA compliance and shall be canvassed by Early Voting Ballot Board, which is hereby created. The Presiding Election Judge and the Alternate Presiding Judge appointed herein shall serve as the presiding officer and the alternate presiding officer, respectively, of the Early Voting Ballot Board. The other election officers serving at the election shall serve as the other members of the Early Voting Ballot Board for the election. The Central Count/Ballot Board Judge and additional personnel shall be appointed as stated in the Agreement between the "City" and the "MISD".

## **SECTION 10.**

**METHOD OF VOTING:** The Hart InterCivic eScan (Optical Scan Voting System) shall be used for voting by personal appearance on Election Day and the Hart InterCivic eSlate (Direct Recording Electronic Voting System) for early voting by personal appearance and Election Day for the Tarrant County portion of the election. The City Council hereby adopts the Hart InterCivic eScan for Election Day and the eSlate DRE for early voting and Election Day. All expenditures necessary for the conduct of the election, the purchase of materials therefore, and the employment of all election officials are hereby authorized, and shall be conducted in accordance with the Election Code.

The ES&S AutoMark accessibility unit voting equipment shall be used for voting by personal appearance on Early Voting by personal appearance and Election Day for the Johnson County portion of the election. The City Council hereby adopts the ES&S AutoMark for early voting

and Election Day. All expenditures necessary for the conduct of the election, the purchase of materials therefore, and the employment of all election officials are hereby authorized, and shall be conducted in accordance with the Election Code.

The ES&S AutoMark accessibility unit voting equipment shall be used for voting by personal appearance on Early Voting by personal appearance and Election Day for the Ellis County portion of the election. The City Council hereby adopts the ES&S AutoMark for early voting and Election Day. All expenditures necessary for the conduct of the election, the purchase of materials therefore, and the employment of all election officials are hereby authorized, and shall be conducted in accordance with the Election Code.

#### **SECTION 11.**

**GOVERNING LAW AND QUALIFIED VOTERS:** The election shall be held in accordance with the Constitution of the State of Texas and the Code, and all resident qualified voters of the City shall be eligible to vote at the election.

#### **SECTION 12.**

**PUBLICATION AND POSTING OF NOTICE OF ELECTION:** Notice of the election shall be published in accordance with Chapter 4 of the Election Code.

#### **SECTION 13.**

**RUN-OFF ELECTION:** In the event no candidate receives a majority of votes for an office, there shall be a run-off election held on Saturday, June 30, 2012.

#### **SECTION 14.**

**SUBMISSIONS TO THE UNITED STATES JUSTICE DEPARTMENT:** The City Secretary of the City of Mansfield is authorized to make such submissions as are necessary to the United States Justice Department to seek pre-clearance for any changes in voting practices.

#### **SECTION 15.**

**NECESSARY ACTIONS:** The Mayor and the City Secretary of the City, in consultation with the City Attorney, are hereby authorized and directed to take any and all actions necessary to comply with the provisions of the Code in carrying out and conducting the election, whether or not expressly authorized herein.

#### **SECTION 16.**

**PASSED, APPROVED AND EFFECTIVE** on this 23<sup>rd</sup> day of January, 2012.

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**David L. Cook**, Mayor on behalf of City Council

**ATTEST:**

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**Vicki Collins**, City Secretary