

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

**A RESOLUTION OF THE CITY OF MANSFIELD (“CITY”), TEXAS, CALLING FOR A GENERAL ELECTION TO BE HELD ON MAY 6, 2023; CALLING FOR A SPECIAL ELECTION TO FILL A VACANCY TO BE HELD ON MAY 6, 2023; DESIGNATING POLLING PLACES; ESTABLISHING ELECTION PRECINCTS WITHIN THE CITY; ESTABLISHING OTHER PROCEDURES FOR CONDUCT OF THE ELECTION; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, Section 41.001 of the Texas Election Code (the “Code”) specifies that the first 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**, Council Member Mike Leyman announced his resignation from his seat hereby creating a vacancy in the office of Council Member, Place 3; and,

**WHEREAS**, state law and the charter of the City of Mansfield require that a special 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, to authorize the City to enter into a contract with Tarrant County, Johnson County and Ellis County to conduct the election.

**NOW, THEREFORE, BE IT RESOLVED BY THE 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 6, 2023, between the hours of 7:00 a.m. and 7:00 p.m. at which the following officers will be elected:

**COUNCIL MEMBER, PLACE 6  
COUNCIL MEMBER, PLACE 7**

**SECTION 2.**

**SPECIAL ELECTION CALLED:** In conjunction with the general election, a special election will be held in the City of Mansfield on Saturday, May 6, 2023, between the hours of 7:00 a.m. and 7:00 p.m. to fill the following unexpired terms:

**COUNCIL MEMBER, PLACE 3**

**SECTION 3.**

**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 2023 and ending May 2026, or until a successor is duly elected and qualified. The candidate in the special election to fill the unexpired terms in the office of Council Member, Place 3 receiving the majority of votes shall be elected to complete the three-year term ending May 2024.

**SECTION 4.**

**ELIGIBILITY FOR CANDIDACY:** In accordance with the City's charter, no person shall be eligible for the Office of Councilmember until 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 5.**

**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 by filing his sworn application with the City Secretary not earlier than January 18, 2023 and not later than 5:00 p.m. February 17, 2023 for the general election; and not earlier than January 24, 2023 and not later than March 6, 2023 for the special election to fill a vacancy. 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 6.**

**AGREEMENT WITH TARRANT COUNTY, JOHNSON COUNTY, AND ELLIS COUNTY:** Prior to the election, the city anticipates that it will enter into an agreement for election services with Tarrant County, Johnson County, and Ellis County (the "Agreement").

**SECTION 7.**

- (a) **ELECTION DAY POLLING PLACE – TARRANT COUNTY:** The polling places for Election Day in the City of Mansfield, Precinct 1, Tarrant County shall be as follows:

Dr. Jim Vaszauskas Center for the Performing Arts  
1110 West Debbie Lane  
Mansfield, Texas 76063

J.L. Boren Elementary School  
1401 Country Club Drive  
Mansfield, Texas 76063

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

Vernon Newsom Stadium  
3700 East Broad Street  
Mansfield, Texas 76063

- (b) **ELECTION DAY POLLING PLACE – JOHNSON COUNTY:** The polling places for Election Day in City of Mansfield, Precinct 2, Johnson County shall be as follows:

Johnson County Elections  
103 S. Walnut Street  
Cleburne, TX 76033

Pct. 3 Maintenance Facility  
10420 E. FM 917  
Alvarado, TX 76009

- (c) **ELECTION DAY POLLING PLACE – ELLIS COUNTY:** The polling place for Election Day in the City of Mansfield, Precinct 3, Ellis County shall be as follows:

Midlothian Conference Center (Ballroom/Foyer)  
1 Community Circle Drive  
Midlothian, TX 76065

## **SECTION 8.**

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

## **SECTION 9.**

- (a) **EARLY VOTING – TARRANT COUNTY:** Heider Garcia, Elections Administrator, 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 24, 2023, and continuing through May 2, 2023, in Mansfield at the Mansfield Sub-Courthouse, 1100 East Broad Street, Mansfield, Texas 76063 at the following times:

April 24 – 28	Monday - Friday	8:00 a.m. – 5:00 p.m.
April 29	Saturday	7:00 a.m. – 7:00 p.m.

April 30	Sunday	10:00 a.m. – 4:00 p.m.
May 1 – 2	Monday – Friday	7:00 a.m. – 7:00 p.m.

Additional early voting will be conducted 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:** Patty Bourgeois, Elections Administrator, 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 24, 2023, and continuing through May 2, 2023, in Alvarado at the Pct. 3 Maintenance Facility, 10420 E. FM 917, Alvarado, TX 76009 at the following times:

April 24 – 28	Monday - Friday	8:00 a.m. – 5:00 p.m.
April 29	Saturday	7:00 a.m. – 7:00 p.m.
May 1 – 2	Monday – Friday	7:00 a.m. – 7:00 p.m.

- (c) **EARLY VOTING – ELLIS COUNTY:** Jana Onyon, Elections Administrator, 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 24, 2023, and continuing through May 2, 2023, in Midlothian at the Midlothian Conference Center (Ballroom/Foyer), 1 Community Circle Dr., Midlothian, TX 76065 at the following times:

April 24 – 28	Monday - Friday	8:00 a.m. – 5:00 p.m.
April 29	Saturday	8:00 a.m. – 4:00 p.m.
May 1 – 2	Monday – Friday	7:00 a.m. – 7:00 p.m.

Additional early voting will be conducted throughout Ellis 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.

- (d) Applications for early voting by mail may be delivered to the Early Voting Clerk for each county no later than the close of business on April 21, 2023. Early Voting ballots for Tarrant County shall be mailed to Heider Garcia, 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 Patty Bourgeois, Early Voting Clerk, P.O. Box 895, Cleburne, Texas 76033. Early Voting ballots for Ellis County shall be mailed to Jana Onyon, Early Voting Clerk, 204 E. Jefferson Street, Waxahachie, TX 75165.
- (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 ES&S AutoMark approved by the Secretary of State in accordance with the Texas Election Code by 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.

Early voting both by personal appearance and by mail for Ellis County shall be by paper ballot and an ES&S Express Vote Marking Device approved by the Secretary of State in accordance with the Texas Election Code by 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.

## **SECTION 10.**

**METHOD OF VOTING:** The Hart InterCivic Verity System v. 2.3.1 shall be used for voting by personal appearance on Election Day and the Hart InterCivic Verity System v. 2.3.1 for early voting by personal appearance and Election for the Tarrant County portion of the election. The City Council hereby adopts the Hart InterCivic Verity System v. 2.3.1 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 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 Express Vote Marking Device 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 Express Vote Marking Device 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.**

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

**SECTION 12.**

**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 10, 2023.

**SECTION 13.**

This Resolution shall take effect immediately from and after its passage in accordance with the Charter of the City of Mansfield, and it is accordingly so resolved.

**PASSED AND APPROVED THIS THE 23<sup>RD</sup> DAY OF JANUARY, 2023.**

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**Michael Evans**, Mayor on behalf of City Council

**ATTEST:**

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**Susana Marin**, City Secretary