

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

**A RESOLUTION AND ORDER OF THE CITY OF MANSFIELD, TEXAS, CALLING FOR A RUNOFF ELECTION TO BE HELD ON JUNE 23, 2012; FOR COUNCIL MEMBER PLACE FIVE (5); DESIGNATING POLLING PLACES; ESTABLISHING 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; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, a resolution canvassing the returns and declaring the results of a General City Officer's Election held on May 12, 2012, was passed by the City Council on May 21, 2012; and

**WHEREAS**, that resolution declared that in the race for Council Member, Place Five (5) no candidate received a majority of the votes cast for such position; and

**WHEREAS**, pursuant to the provisions of Article 4.04(b) of the City Charter, a runoff election must be held between the two candidates receiving the highest number of votes cast for such office ; and

**WHEREAS**, the two candidates receiving the highest number of voters were Cory Hoffman and Gary Mills.

**SECTION 1.**

**RUNOFF ELECTION ORDERED:** A runoff election is hereby ORDERED in and for the City of Mansfield, Tarrant County, Texas, and is hereby called and set for the 23<sup>rd</sup> day of June, 2012. At such election, there shall be elected one Council Member, Place Five (5).

**SECTION 2.**

**DRAWING FOR NAME ON BALLOT:** 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.

**SECTION 3.**

**AGREEMENT WITH TARRANT COUNTY ("AGREEMENT"):** In the event of a runoff election, the agreement approved by the City Council on April 24, 2012, Resolution No. RE-2794-12 will be automatically extended. Should there be a conflict between this resolution and the terms of the agreement, the agreement shall prevail.

**SECTION 4.**

**ELECTION DAY POLLING PLACE – TARRANT COUNTY:** The polling place 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 Precinct Nos. 2221, 2258, 2308, 2355, 2357 and 2636) is:

Donna Shepard Intermediate School  
1280 FM 1187  
Mansfield, Texas 76063

- (b) The polling place for City of Mansfield Precinct No. 2 (which is hereby created, comprised of Tarrant County Precinct Nos. 2426, 2435, 2524, 2548, 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 Precinct Nos. 2033, 2360, 2614, 2618 and 2643) is:

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

**ELECTION DAY POLLING PLACE – JOHNSON COUNTY:** The polling place for Election Day in Johnson County shall be as follows:

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

Mansfield City Hall  
1200 East Broad Street  
Mansfield, Texas 76063

**ELECTION DAY POLLING PLACE – ELLIS COUNTY:** The polling place for Election Day in Ellis County shall be as follows:

- (a) 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 5.**

**APPOINTMENT OF ELECTION JUDGES AND ALTERNATE ELECTION JUDGES – TARRANT COUNTY:** The following named individuals, are hereby appointed to serve as Presiding Election Judge and Alternate Presiding Election Judges, respectively, at the election:

**MANSFIELD SUB-COURTHOUSE**

**PRESIDING JUDGE:**

William Perdue

**ALTERNATE PRESIDING JUDGE:**

Victoria Perdue

**DONNA SHEPARD INTERMEDIATE SCHOOL**

**PRESIDING JUDGE:**

David James

**ALTERNATE PRESIDING JUDGE:**

Robert Gaut

**J.L. BOREN ELEMENTARY SCHOOL**

**PRESIDING JUDGE:**

Ruthie Foster

**ALTERNATE PRESIDING JUDGE:**

Bobby Jutson

**APPOINTMENT OF ELECTION JUDGES AND ALTERNATE ELECTION JUDGES – JOHNSON COUNTY AND ELLIS COUNTY:** The following named individuals, are hereby appointed to serve as Presiding Election Judge and Alternate Presiding Election Judges, respectively, at the election:

**MANSFIELD CITY HALL**

**PRESIDING JUDGE:**

Tom May

**ALTERNATE PRESIDING JUDGE:**

Marilyn May

The Election Judges and Alternate Presiding Judges shall be qualified voters of the City.

**SECTION 6.**

**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 June 11, 2012 and continuing through June 19, 2012 in Mansfield at the Mansfield Sub-Courthouse, 1100 East Broad Street, Mansfield, Texas 76063 at the following times:

Monday, June 11, 2012	8:00 a.m. – 5:00 p.m.
Tuesday, June 12, 2012	8:00 a.m. – 5:00 p.m.
Wednesday, June 13, 2012	8:00 a.m. – 5:00 p.m.
Thursday, June 14, 2012	8:00 a.m. – 5:00 p.m.
Friday, June 15, 2012	8:00 a.m. – 5:00 p.m.
Saturday, June 16, 2012	7:00 a.m. – 7:00 p.m.
Sunday, June 17, 2012	11:00 a.m. – 4:00 p.m.
Monday, June 18, 2012	7:00 a.m. – 7:00 p.m.
Tuesday, June 19, 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.

**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 with Johnson County (City Precinct 4) and she may appoint deputy clerks as required for early voting.

Early Voting by personal appearance shall be conducted beginning on June 11, 2012 and continuing through June 19, 2012 in Mansfield at the Mansfield City hall, 1200 East Broad Street, Mansfield, Texas 76063 at the following times:

Monday, June 11, 2012	8:00 a.m. – 5:00 p.m.
Tuesday, June 12, 2012	8:00 a.m. – 5:00 p.m.
Wednesday, June 13, 2012	8:00 a.m. – 5:00 p.m.
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Sunday, June 17, 2012	11:00 a.m. – 4:00 p.m.
Monday, June 18, 2012	7:00 a.m. – 7:00 p.m.
Tuesday, June 19, 2012	7:00 a.m. – 7:00 p.m.

**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 with Ellis County (City Precinct 5) and she may appoint deputy clerks as required for early voting.

Early Voting by personal appearance shall be conducted beginning on June 11, 2012 and continuing through June 19, 2012 in Mansfield at the Mansfield City hall, 1200 East Broad Street, Mansfield, Texas 76063 at the following times:

Monday, June 11, 2012	8:00 a.m. – 5:00 p.m.
Tuesday, June 12, 2012	8:00 a.m. – 5:00 p.m.
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Tuesday, June 19, 2012	7:00 a.m. – 7:00 p.m.

- (a) 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 April 24, 2012, and not later than the close of business on Jun3 8, 2012, if delivered in person, and June 15, 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.
- (b) 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 lection shall serve as the ot6her 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.
- (c) 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.
- (d) 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.

#### **SECTION 7.**

**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 early voting and the eSlate DRE for 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 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 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 8.**

**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 9.**

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

#### **SECTION 10.**

**CANVASSING RETURNS:** The City Council shall convene on Monday, July 2, 2012, at 8:00 a.m. to canvass the returns of the runoff election.

**SECTION 11.**

**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 12.**

**NECESSARY ACTIONS:** The Mayor and the City Secretary of the City, in accordance 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 13.**

**PASSED, APPROVED AND EFFECTIVE** on this 21<sup>st</sup> day of May, 2012.

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

**ATTEST:**

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**Vicki Collins**, City Secretary