

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF MANSFIELD (“CITY”), TEXAS, CALLING FOR A GENERAL ELECTION TO BE HELD ON MAY 2, 2020; RATIFYING THAT A SPECIAL ELECTION WAS ORDERED BY THE CITY COUNCIL ON JANUARY 13, 2020 TO BE HELD ON MAY 2, 2020; ESTABLISHING PROCEDURES FOR THE GENERAL AND SPECIAL ELECTIONS; DESIGNATING POLLING PLACES; ESTABLISHING ELECTION PRECINCTS WITHIN THE CITY; APPOINTING AN ELECTION JUDGE AND AN ALTERNATE JUDGE; ESTABLISHING OTHER PROCEDURES FOR CONDUCT OF THE ELECTION; APPROVING THE METHOD OF VOTING; 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 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, on December 9, 2019 Mayor Cook announced that he will run for House of Representatives District 96, thereby creating a vacancy in the office of Mayor, Place 1; and,

WHEREAS, Council Member Brent Newsom announced his intent to file for Mayor, Place 1 thereby creating a vacancy in the office of Council Member, Place 2; and,

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

WHEREAS, on January 13, 2020 the City Council ordered a Special Election to be held on May 20, 2020 to fill the vacancies for Mayor, Place 1, and Council Member, Place 2; 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 to conduct the election, and to authorize the City to enter into a joint agreement with Mansfield Independent School District.

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 2, 2020, 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 2, 2020, between the hours of 7:00 a.m. and 7:00 p.m. to fill the following unexpired terms:

MAYOR, PLACE 1
COUNCIL MEMBER, PLACE 2

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 2020 and ending May 2023, or until a successor is duly elected and qualified. The candidate in the special election to fill the unexpired terms in the office of Mayor, Place 1 and Council Member, Place 2 receiving the majority of votes shall be elected to complete the three year term ending May, 2022.

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 15, 2020 and not later than 5:00 p.m. February 14, 2020 for the general election; and not earlier than January 14, 2020 and not later than March 3, 2020 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.

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. The City Manager is authorized to execute the joint agreement.

SECTION 7.

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”). The City Manager is authorized to execute the Agreement.

SECTION 8.

(a) **ELECTION DAY POLLING PLACE – TARRANT COUNTY:** The main polling places for Election Day in Tarrant County shall be as follows, with additional locations provided for in the Agreement:

- (1) The polling place for City of Mansfield Precinct No. 1 (which is hereby created, comprised of Tarrant County Precinct Nos. 1034, 2221, 2258, 2308, 2355, 2357, 2636 and 2712) is:

Donna Shepard Intermediate School
1280 FM 1187
Mansfield, Texas 76063

- (2) 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
1401 Country Club Drive
Mansfield, Texas 76063

- (3) The polling place for City of Mansfield Precinct No. 3 (which is hereby created, comprised of Tarrant County Precinct Nos. 2033, 2360, 2614, 2618, 2643, 2697 and 2708) 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 Precinct Nos. 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 9.

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

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 10.

- (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 20, 2020 and continuing through April 28, 2020 in Mansfield at the Mansfield Sub-Courthouse, 1100 East Broad Street, Mansfield, Texas 76063 at the following times:

April 20 - 24	Monday – Friday	8:00 a.m. – 5:00 p.m.
April 25	Saturday	7:00 a.m. – 7:00 p.m.
April 26	Sunday	11:00 a.m. – 4:00 p.m.
April 27 – April 28	Monday – Tuesday	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:** 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 3) and she may appoint the necessary deputy clerks as required for early voting.

Early voting by personal appearance shall be conducted beginning on April 20, 2020 and continuing through April 28, 2020 in Mansfield at the Mansfield City Hall, 1200 East Broad Street, Mansfield, Texas 76063 at the following times:

April 20 - 24	Monday – Friday	8:00 a.m. – 5:00 p.m.
April 25	Saturday	7:00 a.m. – 7:00 p.m.
April 26	Sunday	11:00 a.m. – 4:00 p.m.
April 27 – April 28	Monday – Tuesday	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 6) and she may appoint the necessary deputy clerks as required for early voting.

Early Voting by personal appearance shall be conducted beginning on April 20, 2020 and continuing through April 28, 2020 in Mansfield at the Mansfield City Hall, 1200 East Broad Street, Mansfield, Texas 76063, at the following times:

April 20 - 24	Monday – Friday	8:00 a.m. – 5:00 p.m.
April 25	Saturday	7:00 a.m. – 7:00 p.m.
April 26	Sunday	11:00 a.m. – 4:00 p.m.
April 27 – April 28	Monday – Tuesday	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 later than the close of business on April 17, 2020, if delivered in person, and April 20, 2020, if delivered by mail. 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 City Secretary, Early Voting Clerk, 1200 East Broad Street, Mansfield, Texas 76063. Early Voting ballots for Ellis County shall be mailed to City Secretary, 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 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. The Central County/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 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. The Central County/Ballot Board Judge and additional personnel shall be appointed as stated in the Agreement between the “City” and the “MISD”.

SECTION 11.

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 Express Vote Marking Device 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 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.

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 12.

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 13.

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

SECTION 14.

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 13, 2020.

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 27th day of January, 2020.

David L. Cook, Mayor on behalf of City Council

ATTEST:

Susana Marin, City Secretary