

RESOLUTION NO. _____**A RESOLUTION OF THE CITY OF MANSFIELD (“CITY”), TEXAS, AMENDING RESOLUTION NO. RE-3627-20; AND CALLING FOR A GENERAL AND SPECIAL ELECTION TO BE HELD ON NOVEMBER 3, 2020; ESTABLISHING PROCEDURES FOR THE ELECTION; AND PROVIDING AN EFFECTIVE DATE**

WHEREAS, the City of Mansfield is a home rule municipality acting under its charter adopted by the electorate pursuant to Article XI, Section 5, of the Texas Constitution and Chapter 9 of the Local Government Code; 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 his filing to 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 2, 2020 to fill the vacancies for Mayor, Place 1, and Council Member, Place 2; and,

WHEREAS, on January 27, 2020, the City Council approved resolution RE-3627-20 ordering a General Election to be held on May 2, 2020 to elect a Council Member, Place 6, and Council Member, Place 7; and,

WHEREAS, on March 18, 2020, Governor Greg Abbott issued a proclamation authorizing political subdivisions that would otherwise hold elections on May 2, 2020, to move their general elections for 2020 to November 3, 2020, due to the public health and safety concerns related to the novel coronavirus (COVID-19); and,

WHEREAS, on March 23, 2020, the Mansfield City Council approved resolution RE-3640-20 postponing the general and special election of the City of Mansfield to November 3, 2020; 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 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 Tuesday, November 3, 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 Tuesday, November 3, 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 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 November 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 3.

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 4.

FILING DEADLINES: By postponing the election date, the City is preserving all candidate filing and ballot order actions that have already taken place. This postponement does not have the effect of reopening candidate filings.

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 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. 1034, 2221, 2258, 2308, 2355, 2357, 2636 and 2712) 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
1401 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, 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) is:

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

The polling place for City of Mansfield Precinct No. 5 (which is hereby created, comprised of Johnson County Precinct Nos. 35) is:

Lillian Baptist Church
10544 CR 519
Lillian, TX 76061

- (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. 6 (which is hereby created, comprised of Ellis County Precinct No. 101) is:

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 October 13, 2020 and continuing through October 30, 2020 in Mansfield at the Mansfield Sub-Courthouse, 1100 East Broad Street, Mansfield, Texas 76063 at the following times:

October 13 - 17	Tuesday – Saturday	8:00 a.m. – 5:00 p.m.
October 19 - 23	Monday - Friday	8:00 a.m. – 5:00 p.m.
October 24	Saturday	7:00 a.m. – 7:00 p.m.
October 25	Sunday	11:00 a.m. – 4:00 p.m.
October 26 - 30	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 October 13, 2020 and continuing through October 30, 2020 in Alvarado at the Pct. 3 Maintenance Facility, 10420 E. FM 917, Alvarado, TX 76009 at the following times:

October 13 - 16	Tuesday – Friday	8:00 a.m. – 6:00 p.m.
October 19 - 23	Monday - Friday	8:00 a.m. – 6:00 p.m.
October 24	Saturday	7:00 a.m. – 7:00 p.m.
October 25	Sunday	11:00 a.m. – 4:00 p.m.
October 26 - 30	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 October 13, 2020 and continuing through October 30, 2020 in Midlothian at the Midlothian Conference Center (Ballroom/Foyer), 1 Community Circle Dr., Midlothian, TX 76065 at the following times:

October 13 - 16	Tuesday – Friday	8:00 a.m. – 5:00 p.m.
October 17	Saturday	8:00 a.m. – 4:00 p.m.
October 19 - 23	Monday - Friday	8:00 a.m. – 6:00 p.m.
October 24	Saturday	7:00 a.m. – 7:00 p.m.
October 25	Sunday	1:00 p.m. – 6:00 p.m.
October 26 - 30	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.

- (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 October 23, 2020. 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.

On July 27, 2020 by proclamation of Governor, Greg Abbott, suspension of Section 86.006(a-1) of the Texas Election code that for any election ordered or authorized to occur on November 3, 2020, to the extent necessary to allow a voter to deliver a marked mail ballot in person to the Early Voting Clerk's office prior to and including on election day.

- (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.

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 Tuesday, December 8, 2020.

SECTION 14.

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 15.

PASSED, APPROVED AND EFFECTIVE on this 10th day of August, 2020.

David L. Cook, Mayor on behalf of City Council

ATTEST:

Susana Marin, City Secretary