



## Legislation Text

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**File #:** 20-3406, **Version:** 1

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### Discussion and Possible Action Regarding a Special Election to Fill a Vacancy

Defer to the Council.

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At the regular City Council Meeting of Monday, December 9, 2019 Mayor Cook announced his filing to run for House of Representatives District 96. A vacancy occurred immediately upon his announcement.

Pursuant to Texas Constitution Art. XI Sec. 11 (c) Any vacancy or vacancies occurring on such governing body shall not be filled by appointment but must be filled by majority vote of the qualified voters at a special election called for such purpose within one hundred and twenty (120) days after such vacancy or vacancies occur except that the municipality may provide by charter or charter amendment the procedure for filling a vacancy occurring on its governing body for an unexpired term of 12 months or less.

Pursuant to Texas Election Code Ch. 41 Sec. 41.001. (c) (a) (2) an election may not be held within 30 days before or after the date of the general election for state and county officers, general primary election, or runoff primary election.

This year a Primary Election will be held on March 3, 2020. The City Council would be permitted to call a Special Election to fill a vacancy for any day between April 3, 2020 to April 7, 2020.

The city will be conducting a General Election on May 2, 2020 for Place 6 and Place 7.

Staff is seeking guidance on which day to choose to hold the Special Election.

State Law requires the Governing Body of a Political Subdivision to call a Special Election to fill a vacancy.

General Fund

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