

**ORDINANCE NO. 2005-361**

**AN ORDINANCE OF THE CITY OF MAGNOLIA, TEXAS, PROVIDING FOR THE HOLDING OF A GENERAL ELECTION ON MAY 7, 2005, FOR THE PURPOSE OF ELECTING THREE (3) COUNCILMEMBERS; AND PROVIDING DETAILS RELATING TO THE HOLDING OF SUCH ELECTION.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MAGNOLIA, TEXAS:**

**Section 1.** In accordance with the general laws and Constitution of the State of Texas, a General Municipal Election is hereby called and ordered for the first Saturday in May 2005, the same being the 7th day of said month, at which general election all qualified voters of the City may vote for the purpose of electing the following officials of the City:

Councilmember, Position No. 1

Councilmember, Position No. 2

Councilmember, Position No. 3

**Section 2.** No person's name shall be placed upon the official ballot as a candidate for any of the above-mentioned positions unless such person has filed his or her sworn application, as provided by Section 141.031 of the TEXAS ELECTION CODE, with the City Secretary of the City at the City Offices, located at 16835 FM 1488, Building 1, Magnolia, Texas 77354, not later than five o'clock (5:00) p.m. on the sixty-second (62nd) day before the date of such election. The City Secretary shall note on the face of each such application the date and time of its filing. Such application shall include the office the candidate is seeking and, if applicable, the position number of such position.

**Section 3.** The present boundaries of the City constituting one election precinct, the polls shall be open for voting from seven o'clock (7:00) a.m. until seven o'clock (7:00) p.m. at the following polling place, and the following are hereby appointed officers to conduct the above-described election at said polling place:

**POLLING PLACE**

Willie Williams Elementary  
18030 Buddy Riley Boulevard  
Magnolia, Texas 77354

**ELECTION OFFICERS**

Peggy Advant	Presiding Judge
Bill Advant	Alternate Presiding Judge

The City Secretary is hereby authorized and directed to provide a copy of this Ordinance to each judge as written notice of the appointment as required by Section 32.009 of the TEXAS ELECTION CODE.

The Presiding Judge shall have the authority to appoint no more than five (5) clerks to assist in the holding of said election, but in no event shall the Presiding Judge appoint less than two (2) clerks.

**Section 4.** The City Secretary is hereby appointed clerk for early voting; the appointment of a deputy clerk or clerks for early voting by the City Secretary shall be in accordance with Section 83.031 *et seq.* of the TEXAS ELECTION CODE. The

City Office  
City of Magnolia  
16835 FM 1488, Building 1  
Magnolia, Texas 77354

is hereby designated as the place for early voting for said election. Said clerks shall keep said office open during the hours that the City Secretary's main office is regularly open for business, that is, from seven o'clock (7:00) a.m. until five o'clock (5:00) p.m. Monday through Thursday and seven o'clock (7:00) a.m. until eleven o'clock (11:00) a.m., Friday, on each day for early voting which is not a Saturday, a Sunday, or an official state or federal holiday, beginning on the seventeenth day (April 20<sup>th</sup>) and continuing through the fourth day (May 3<sup>rd</sup>) preceding the date of said election. Said clerks shall not permit anyone to vote early by personal appearance on any day which is not a regular working day for the clerk's office, and under no circumstances shall they permit anyone to vote early by personal appearance at any time when such office is not open to the public. The above-described place for early voting is also the clerk's mailing address to which ballot applications and ballots voted by mail may be sent. The early voting clerk, in accordance with the provisions of the TEXAS ELECTION CODE, shall maintain a roster listing each person who votes early by personal appearance and each person to whom a ballot to be voted by mail is sent. The roster shall be maintained in a form approved by the Secretary of State.

**Section 5.** That the City Secretary shall receive applications by mail for a ballot to be voted by mail from March 8, 2005 until the close of business on April 29, 2005. Requests for applications should be mailed to: City Secretary, City of Magnolia, 16835 FM 1488, Building 1, Magnolia, Texas 77354.

**Section 6.** Melonie M. Hopkins is hereby appointed as Presiding Judge of the Early Ballot Board. In accordance with Section 87.001, *et seq.*, TEXAS ELECTION CODE, said

Presiding Judge shall appoint at least two (2) other members to said Board, and shall process early voting results in accordance with said TEXAS ELECTION CODE.

**Section 7.** All ballots shall be prepared in accordance with the TEXAS ELECTION CODE. Paper ballots shall be used for early voting by personal appearance and for voting on election day. Early voting by a method other than by personal appearance shall be by paper ballot. All expenditures necessary for the conduct of the election and the purchase of materials therefore is hereby authorized. Compensation of all election officials is hereby established at the maximum amounts permitted under Section 32.091 *et seq.*, TEXAS ELECTION CODE.

**Section 8.** The City Secretary is hereby authorized and directed to furnish all necessary election supplies to conduct such election.

**Section 9.** The candidate receiving the highest number of votes in each of the positions to be filled at such election shall be declared elected to such positions.

**Section 10.** The order in which the names of the candidates are to be printed on the ballot for the general election, and the order in which the names of the candidates are to be printed on the ballot for the special election, shall be determined by a drawing by the City Secretary, as provided by Section 42.094 of the TEXAS ELECTION CODE. The City Secretary shall post a notice in her office of the date, hour, and place of drawing. Such notice shall remain posted continuously for seventy-two (72) hours immediately preceding the scheduled time of the drawing, and personal notice shall also be given to any candidate who makes written request for such notice and furnishes to the City Secretary a self-

addressed, stamped envelope. Each candidate involved in the drawing, or a representative designated by him, shall have a right to be present and observe the drawing.

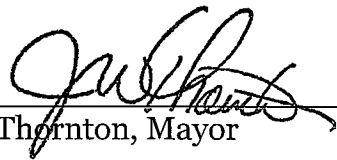
**Section 11.** Notice of this election shall be given in accordance with the provisions of the TEXAS ELECTION CODE and returns of such notice shall be made as provided for in said Code. The Mayor shall issue all necessary orders and writs for such election, and returns of such election shall be made to the City Secretary immediately after the closing of the polls.

**Section 12.** Said election shall be held in accordance with the TEXAS ELECTION CODE and the Federal Voting Rights Act of 1965, as amended.

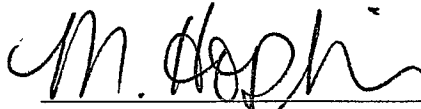
**Section 13.** It is further found and determined that in accordance with the order of this governing body the City Secretary posted written notice of the date, place and subject of this meeting on the bulletin board located in the City Hall, a place convenient and readily accessible to the general public, and such notice having been so posted and remaining posted continuously for at least seventy-two (72) hours preceding the scheduled time of such meeting. A copy of the return of such posting shall be attached to the minutes of this meeting and shall be made a part thereof for all intents and purposes.

**Section 14.** That the Mayor and/or the City Secretary of the City of Magnolia are hereby authorized to execute and/or issue, for an on behalf of the City, such orders, documents and forms as may, from time to time, be promulgated by the Secretary of State of the State of Texas in conjunction with the election herein ordained.

PASSED, APPROVED, AND ADOPTED this 8th day of February 2005.

  
Jimmy Thornton, Mayor

ATTEST:

  
Melonie M. Hopkins  
Acting City Secretary