

ORDINANCE NO. 343

AN ORDINANCE PROVIDING FOR THE HOLDING OF A SPECIAL RUNOFF ELECTION ON THE 10TH DAY OF JULY, 2004, FOR THE PURPOSE OF ELECTING A COUNCILMEMBER TO POSITION NO. 4 ON THE CITY COUNCIL OF THE CITY OF MAGNOLIA, TEXAS; DESIGNATING THE POLLING PLACE AND APPOINTING ELECTION OFFICIALS FOR SUCH RUNOFF ELECTION; PROVIDING THE FORM OF THE BALLOT; DIRECTING THE GIVING OF NOTICE OF SUCH RUNOFF ELECTION; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT.

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

Section 1. In accordance with the Constitution and general laws of the State of Texas, a Municipal Runoff Election is hereby called and ordered for Saturday, July 17, 2004, at which election all qualified voters of the City may vote for the purpose of electing the following official of the City:

Councilmember - Position No. 4

Section 2. The two candidates for such runoff election shall be Sommy Ham and David Sutherland, same being the two candidates whose election resulted in a tie vote for such position in the general election.

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, Library
18030 Buddy Riley Boulevard
Magnolia, Texas 77355

ELECTION OFFICERS

Peggy Avant

Presiding Judge

Bill Avant

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
Magnolia, Texas 77355

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 thirty o'clock (7:30) a.m. until four thirty o'clock (4:30) p.m., on each day for early voting which is not a Saturday, a Sunday, or an official state or federal holiday, beginning on the seventeenth (17th) day and continuing through the fourth (4th) day 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. Jane Miller 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 6. 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 therefor 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 7. The City Secretary is hereby authorized and directed to furnish all necessary election supplies to conduct such election.

Section 8. The candidate receiving the highest number of votes in the position to be filled at such election shall be declared elected to such position.

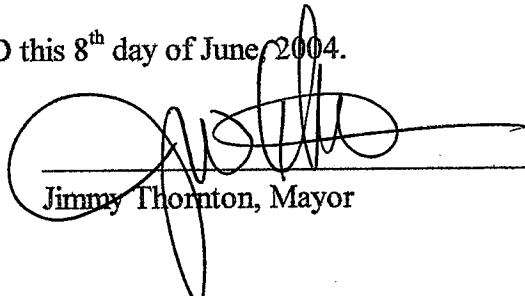
Section 9. The order in which the names of the candidates are to be printed on the ballot for the special runoff election shall be determined by a drawing by the City Secretary, as provided by Section 52.094 of the TEXAS ELECTION CODE. The City Secretary shall post a notice in her office of the date, 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 10. Notice of this election shall be given in accordance with the provisions of the TEXAS ELECTION CODE, specifically with regard to Section 2.026 thereof, 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 11. Said election shall be held in accordance with the TEXAS ELECTION CODE and the Federal Voting Rights Act of 1965, as amended.

PASSED, APPROVED, AND ADOPTED this 8th day of June, 2004.



Jimmy Thornton, Mayor

ATTEST:



Jane Miller, City Manager/City Secretary

AFFIDAVIT OF PUBLICATION

Before me, the undersigned authority, on this day personally appeared Denny O'Brien who on his oath stated:

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Jimmy Thornton, Mayor

ATTEST:

Jane Miller, City Manager/City Secretary

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publication of the
newspaper in the

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Denny O'Brien, F

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