



## ORDINANCE NUMBER 01102022-01

**AN ORDINANCE OF THE CITY OF MOULTON, TEXAS, ORDERING A GENERAL AND SPECIAL ELECTION ON MAY 06, 2023, FOR THE PURPOSE OF ELECTING CITY COUNCIL MEMBERS FOR MAYOR, PLACES ONE, TWO AND THREE OF THE CITY OF MOULTON CITY COUNCIL; ESTABLISHING EARLY VOTING LOCATIONS AND POLLING PLACES FOR THE ELECTION; MAKING OTHER PROVISIONS FOR THE CONDUCT OF THE ELECTION; AND PROVIDING FOR FINDINGS OF FACT, SEVERABILITY, CONFLICTING PROVISIONS, GOVERNING LAW, PROPER NOTICE AND OPEN MEETINGS AND EFFECTIVE DATE.**

**WHEREAS**, the City of Moulton governing body (the “Council”), of the City of Moulton (“City”) has the authority to call a General and Special Election on May 06, 2023 for the purpose of electing a mayor and three council members to serve in positions where the term expiring in May 2023.

**WHEREAS**, the Council also has the authority pursuant to Chapter 271, Texas Election Code, to enter into joint election agreements with other governing entities, which are political subdivisions also holding a general election on the same date; and

**WHEREAS**, the Council also has the authority pursuant to Chapter 31, Texas Election Code, to enter into a contract for election services with Lavaca County Clerk for rental of voting equipment; and

**NOW, THEREFORE, BE IT ORDAINED BY  
THE CITY COUNCIL OF THE CITY OF MOULTON, TEXAS:**

### **SECTION 1.**

#### **Call of Elections; Date; Eligible Electors; and Hours.**

Election shall be held on Saturday, May 06, 2023, which is seventy-one (71) or more days from the date of the adoption of this ordinance within the entire territory of the City for a Mayor and three (3) Council positions expiring in May, 2023. All resident, qualified electors of the City shall be entitled to vote for candidates for the Council positions at issue. The Council hereby finds that holding the General Election (“Election”) on such date, which is a uniform election date, is in the public interest. The hours during which the polling place to be open at the Election shall be from 7:00 a.m. to 7:00 p.m.

### **SECTION 2.**

#### **Voting Precincts.**

Except as otherwise provided herein, the presently existing boundaries and territory of the Lavaca County Election Precinct #23 that is wholly or partially within the territorial boundaries of the City is hereby designated as the voting precinct of the City of Moulton.

### **SECTION 3.**

#### **Voting Location.**

The election day polling place for the City election precinct for this election shall be Moulton Community Center, located at 102 Veteran's Drive, Moulton, Texas 77975.

### **SECTION 4.**

#### **Conduct of Election, Joint Election Agreement, Election Services Contract and Appointment of Elections Officers.**

The Election shall be conducted by election officers, in accordance with the Texas Election Code, the Constitution and laws of the State of Texas and the United States of America. A paper ballot shall be utilized for the early voting by mail process of the Election. An electronic voting system, ExpressVotes and DS200 Precinct Counter, as defined and described in Title 8 of the Texas Election Code, and paper ballots will be utilized for early voting by personal appearance and on election day.

Pursuant to Chapter 271 of Texas Election Code, the Council orders that the Election be conducted under the terms and conditions of the Agreements to Conduct Joint Elections between Moulton I.S.D., Moulton Community Medical Clinic District and City of Moulton. Chapter 271 of Texas Election Code provides that the authorities of two or more political subdivisions that have ordered elections for the same day in all or part of the same territory, may enter into an agreement to hold the elections jointly in elections precincts that can be served by common polling places, and the Council is expressly authorizing this action.

Pursuant to Chapter 31 of the Texas Election Code, the Council orders that the District enter into an Election Services Contract with the Lavaca County Clerk for the rental of electronic voting equipment and other election services.

### **SECTION 6.**

#### **Ballots and Election Expenditures Authorized.**

All ballots shall be prepared in accordance with the Texas Election Code. Paper ballots shall be used for early voting by mail. Paper ballots and ExpressVotes and DS200 Precinct Counter Voting System shall be used for early voting by personal appearance and for voting on Election Day. All expenditures necessary for the conduct of the election, the purchase of materials therefore, the and the employment of all election officials is hereby authorized.

### **SECTION 7.**

#### **Appointment of Custodian of Records.**

To the extent not otherwise provided for in the Joint Election Agreement, the Council appoints LuAnn D. Rogers, TRMC as the Custodian of Records ("Custodian") to perform the duties related to the conduct and maintenance of records of the Election as required under the Texas Election Code during the period beginning the fiftieth (50<sup>th</sup>) day before the election and ending not earlier than the fortieth (40<sup>th</sup>) day after the day of the Election. In particular, The Custodian shall provide applications for candidates, accept applications from candidates for a place on the ballot, determine the order which names will appear on the ballot for the positions, and accept and maintain records regarding campaign expenditures that may be filed with the City.

The Custodian shall maintain an office open for election duties for at least three hours each day, during regular office hours, on regular business days during the period designated in this section. This office shall be located at 102 South Main Street, Moulton, Texas. The Custodian shall post notice of the location and hours of her office as required by the Texas Election Code. The Custodian shall maintain in her office, the documents, records and other items relating to the election and shall be the person designated to receive documents on behalf of the City that are required by the Texas Election Code. She shall also serve as Custodian for the sole purpose of preserving all voted ballots securely in a locked room in the locked ballot boxes for the period for preservation required by the Election Code.

## **SECTION 8.**

### **Election Information to be provided in Spanish.**

The Custodian of Records appointed by the Council shall be responsible for the preparation of notices, instructions, orders, ballots and other written material pertaining to the Election and shall cause each such document to be translated into and furnished to voters in both the English language and the Spanish language in order to aid and assist voters speaking Spanish as a primary or an alternative language to properly participate in the election process. In addition, the Custodian is hereby authorized and directed to make available to the voters having the need of an individual capable of acting as a translator and speaking both English and Spanish languages who will assist Spanish speaking voters in understanding and participating in the election process.

## **SECTION 9.**

### **Early Voting by Mail.**

The Council appoints Amy Kloesel as the City's Early Voting Clerk. Ballot applications shall be addressed to the City's Early Voting Clerk at the address indicated immediately below.

Early Voting Clerk – Council Election

Lavaca County

412 N. Texana

P. O. Box 727

Hallettsville, TX 77964

The Early Voting Clerk for the City shall collect all applications for ballots received by the City at the above address during the period allowed by the Texas Election Code.

The Early Voting Clerk shall have the authority to designate such deputy early voting clerks as may be necessary to staff the Main Early Voting Polling Place established under this Order. Deputy early voting clerks shall be compensated at the rate of \$10.00 per hour.

Ballot applications and ballots voted by mail shall be addressed to the Early Voting Clerk at the address. For the use of those voters who are entitled by law to vote early by mail, the early voting clerk shall provide each voter with a ballot with instructions to mark the ballot indicating his or her vote on the same ballots utilized for early voting in person at the Election.

## **SECTION 10.**

### **Early Voting by Personal Appearance.**

The Early Voting Clerk for all purposes shall be Amy Kloesel.

### **Main Early Voting Place**

The Main Early Voting Place is hereby designated as:

Moulton Community Center

102 Veterans Drive

Moulton, Texas 77975

Early voting by personal appearance shall be conducted at the Main Early Voting Polling Place from 8:00 a.m. until 5:00 p.m. on Monday through Friday from April 24, 2023 through May 02, 2023 with extended hours from 7:00 a.m. until 7:00 p.m. on Monday, April 24, 2023, and Monday, May 01, 2023. The Main Early Voting Place shall also remain open on the day of the Election during the hours the polls are required to be open for voting by the Texas Election Code.

## **SECTION 11.**

### **Delivery of Voted Ballots; Counting.**

In accordance with the requirements of the Texas Election Code, the Presiding Election Judge for the respective City of Moulton Election Precinct shall deliver the ballot boxes and other materials related to the election for the respective precinct to the Return Center located at the Moulton Community Center, 102 Veteran's Drive, Moulton, Texas 77975.

The Early Voting Ballot Board, at a time and in a manner permitted under the Texas Election Code, shall tabulate the early voting ballots and the provisional ballots and deliver the results to the Return Center located at the Moulton Community Center, 102 Veteran's Drive, Moulton, Texas 77975.

## **SECTION 12.**

### **Canvassing of Returns: Declaring Results.**

The Election Officer, Tenia Hudson, shall make a written return of the Elections results to the City Council in accordance with the Texas Election Code. The Council shall canvass the returns and declare the results of the Election.

## **SECTION 13.**

### **Notice of Election.**

Notice of the Election, stating in substance the contents of this Order, shall be published one time in the English and Spanish languages, in a newspaper published with the City's territory at least ten (10) days and no more than thirty (30) days before the Election and as otherwise may be required by the Texas Election Code. Notice of the Election shall also be posted on the bulletin board used by the Council to post notices of the Council's meetings no later than the twenty-first (21<sup>st</sup>) day before the Election.

## **SECTION 14.**

### **Training of Election Officials.**

Pursuant to the Texas Election Code, a public school of instruction for all election officers shall be held as arranged or contracted by the Election Officer.

## **SECTION 15.**

### **Authorization to Execute.**

The Mayor of the Council is authorized to execute and the City Secretary is authorized to attest this Order on behalf of the Council; and the Mayor of the Council is authorized to do all other things legal and necessary in connection with the holding and consummation of the Election.

## **SECTION 16.**

### **Severability.**

If any portion of this Ordinance or the application thereof to any person or circumstance is held invalid by a court of competent jurisdiction, the remaining provisions of this Ordinance and the application of such provision to other persons and circumstances shall remain valid and in full force and effect, and the City Council hereby declares that this Ordinance would have enacted without such invalid provision.

## **SECTION 17.**

### **Effective Date.**

This Ordinance is effective immediately upon its passage and approval.

**PASSED AND APPROVED** by the City Council of Moulton, Texas at a meeting on the **10<sup>th</sup> day of January, 2023**, at which a quorum was present and for which due notice was given.



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Mark Zimmerman, Mayor  
ATTEST:



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LuAnn D. Rogers, TRMC  
City Secretary

