

RESOLUTION NO. _____

RESOLUTION OF THE CITY OF PFLUGERVILLE, TEXAS
ORDERING A SPECIAL ELECTION TO FILL CITY COUNCIL VACANCY

WHEREAS, the City Council finds on April 26, 2016, City Councilmember Place 2 Brad Marshall unequivocally announced his candidacy for Pflugerville Mayor in the upcoming November 2016 election; and

WHEREAS, the City Council finds Councilmember Marshall is currently serving a three-year term ending November 2017 and has more than one year and thirty days remaining on his term; and

WHEREAS, the City Council finds that Councilmember Marshall's mayoral candidacy results in his automatic resignation creating a vacancy in City Council Place 2 by operation of law, pursuant to the Texas Constitution; and

WHEREAS, the City Council finds Councilmember Marshall shall continue to serve as Councilmember Place 2 as a "hold-over" until his replacement is elected and sworn into office in accordance with the Texas Constitution; and

WHEREAS, the City Council finds City Charter Section 3.07 requires the City Council to take this action to fill the vacancy within 30 days following the creation of the vacancy; and

WHEREAS, the City Council finds Texas law requires that this vacancy be filled by a special election called within 120 days of the vacancy and that no uniform election date occurs within the timeframe provided by law to conduct the special election; and

WHEREAS, the City Council finds it proper to order a special election on August 6, 2016 for the purpose of electing a new Councilmember to fill the unexpired term for Council Place 2, with a term expiring in November 2017; and

WHEREAS, the City Council finds it proper to enter into an agreement with Travis County to conduct the City's August 6, 2016 special election for all qualified resident electors of the City; and

WHEREAS, the City Council finds the Travis County Clerk is designated as the Travis County Election Officer and the City of Pflugerville should appoint the Travis County Election Officer to serve as the City of Pflugerville's Election Officer and Deputy Early Voting Clerk to conduct the City's August 6, 2016 special election through an election agreement with Travis County; and

WHEREAS, the City Council finds the Williamson County Elections Administrator is designated as the Williamson County Election Officer and the Williamson County Election Officer has agreed to furnish the list of registered City of Pflugerville voters residing in Williamson County eligible to vote in the City's August 6, 2016 special election to the Travis County Election Officer, to update Williamson County voter lists and to meet all other Williamson County requirements concerning the City's August 6, 2016 special election.

NOW THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF PFLUGERVILLE, TEXAS, THAT:

1. The matters and facts set out in the preamble of this order are hereby found and declared to be true and complete.
2. A special election shall be held for the City of Pflugerville, Texas (the "City") on the 6th day of August, 2016, for the purpose of electing a Councilmember for Place 2 for an unexpired term ending November 2017.
3. The deadline for candidates to file applications for place on ballot is June 6, 2016 at 5:00 p.m.
4. Notice of the election shall be given and the election shall be held in compliance with the provisions of the *Tex. Elec. Code* in all respects. The ballots for the election shall comply with the *Tex. Elec. Code* and be in the form provided by the City to the Travis County Election Officer for use on the voting devices and ballots used by the Travis County Election Officer.
5. The Travis County Election Officer and his/her employees and appointees, and the election judges, alternate judges and clerks properly appointed for the election shall hold and conduct the election in the manner provided by agreement with the City and the law governing the holding of special elections by home rule cities of the State of Texas. The official ballots, together with such other election materials as are required by the *Tex. Elec. Code*, shall be prepared in both the English and Spanish languages and shall contain such provisions, markings and language as is required by law; and, the Hart Intercivics eSlate Voting System is hereby adopted as the voting system to be used in the August 6, 2016 special election.
6. The City shall constitute a single election precinct for the August 6, 2016 special election and Election Day voting shall take place at the City of Pflugerville City Hall, 100 East Main Street, Suite 500, Pflugerville, TX 78660. The polls shall remain open on the day of the election from 7:00 a.m. to 7:00 p.m. The Travis County Election Officer shall tabulate and provide the election returns for the election.
7. The presiding judges, alternate presiding judges and clerks for the election shall be selected and appointed by Travis County and their appointees in compliance with the requirements of state law, and such judges and clerks so selected by Travis County and their appointees are hereby designated and appointed by the City Council as the election officers, judges and clerks, respectively, for the holding of said special election. The presiding judges, alternate presiding judges and clerks shall perform the functions and duties of their respective positions that are provided by state law.
8. Early voting, both by personal appearance and by mail, will be conducted by the Travis County Election Officer who is designated and appointed as Deputy Early Voting Clerk for the City's August 6, 2016 special election in accordance with the *Texas Election Code*. Early voting by personal appearance will be conducted at the City of Pflugerville

City Hall, 100 East Main Street, Suite 500, Pflugerville, TX 78660 on weekdays between the hours of 8:00 a.m. and 5:00 p.m. beginning on July 20, 2016 and ending August 2, 2016. Extended hours for early voting will be held from 7:00 a.m. to 7:00 p.m. on Wednesday, July 20, 2016 and Tuesday, August 2, 2016; and Saturday, July 30, 2016 from 10:00 a.m. to 2:00 p.m.

The permanent main early voting place for early voting by personal appearance is:

City of Pflugerville City Hall
100 East Main Street, Suite 500
Pflugerville, TX 78660

Applications for early voting ballot by mail shall be mailed to:

City of Pflugerville
P. O. Box 589
Pflugerville, TX 78691
Attention: Karen Thompson

Applications for early voting ballots by mail must be received by the close of business on July 26, 2016. Marked early voting ballots by mail must be received no later than 7:00 p.m. on August 6, 2016. (Does not apply to Federal Post Card Applications which have separate deadlines for receipt of applications and voted ballots.)

9. All qualified resident electors of the City shall be entitled to vote in the election.
10. The City Secretary is authorized to give or cause to be given notices required for the election, and to take such other and further action as is required to conduct the election in compliance with the *Tex. Elec. Code* and *City Charter*; provided that, pursuant to the Election Agreements between Travis County and the City, the County Election Officers shall have the duty and be responsible for organizing and conducting the election in compliance with the *Tex. Elec. Code*; and for providing all services specified to be provided in the Election Agreements.

APPROVED this 24th day of May, 2016.

CITY OF PFLUGERVILLE, TEXAS

ATTEST:

By: _____
Jeff Coleman, Mayor

Karen Thompson, City Secretary