

ORDINANCE NO. 2022-27

AN ORDINANCE AMENDING THE ORDER CALLING A GENERAL ELECTION FOR THE CITY OF LEAGUE CITY, TEXAS ON TUESDAY, NOVEMBER 8, 2022, TO ELECT PERSONS TO THE OFFICES OF MAYOR AND COUNCIL POSITIONS 1, 2, 6 AND 7; BY AMENDING ORDINANCE 2022-24 TO ORDER A SPECIAL ELECTION TO ELECT A PERSON TO COUNCIL MEMBER POSITION 3 FOR THE REMAINDER OF THE UNEXPIRED TERM; ORDERING A RUNOFF ELECTION ON DECEMBER 6, 2022, IF NECESSARY

WHEREAS, the City of League City, Texas (the "City"), pursuant to the laws of the State of Texas and Article III, Section 2 of the Charter of League City, which provides that all elections shall be held in accordance with the laws of the State of Texas regulating the holding of municipal elections in accordance with the ordinances adopted by the City Council for the conduct of such elections; and

WHEREAS, by state law, Section 41.001 of the Texas Election Code, the uniform election date for the month of November 2022 falls on November 8, 2022, (the first Tuesday after the first Monday in November) and there is therefore required to be elected, on November 8, 2022, the following officials for the City:

Mayor, currently for a four-year term ending November 2026; and  
Council Position 1, currently for a four-year term ending November 2026; and  
Council Position 2, currently for a four-year term ending November 2026; and  
Council Position 6, currently for a four-year term ending November 2026; and  
Council Position 7, currently for a four-year term ending November 2026; and

WHEREAS, the City of League City, Texas (the "City"), pursuant to the laws of the State of Texas and Section 6 of Article III of the City Charter, as amended, may hold a special election in the City, fix the time and place of holding same, and provide all means for holding such special election provided that such special election be called and held as nearly as practicable according to the provisions governing general elections; and

WHEREAS, the Home Rule Charter for the City in Article II, Section 5, and Section 201.023 of the Texas Election Code provides that if a councilmember submits a resignation, whether it's effective immediately or at a future date, a vacancy occurs on 1) the date the resignation is formally accepted by the City Council or 2) on the eighth day after the date of its receipt by the authority, whichever is earlier; and

WHEREAS, the Home Rule Charter for the City in Article II, Section 6 provides that if a seat on the City Council becomes vacant, it shall be filled for the remainder of the unexpired term at a special election called for such purpose, unless the next regular election is to be held within one hundred and twenty (120) days from the time of such vacancy; and

WHEREAS, the Texas Constitution, Article 11, Section 11(b) provides that any vacancy in a municipality with terms exceeding two (2) years but not exceeding four (4) years must be filled by majority vote of the qualified voters at a special election called for such purpose within 120 days after such vacancy occurs; and

WHEREAS, on July 15, 2022 Council Member Millican formally announced his resignation effective when his successor is duly qualified; and

WHEREAS, the next uniform election date occurs on November 8, 2022, within the 120 day period under which the State Constitution requires the City to call a special election; and

WHEREAS, the laws of the State of Texas and Section 4 of Article II of the City Charter, as amended, provide for a Runoff Election as hereinafter described; and

WHEREAS, the present composition of the City Council is as follows:

<u>Position</u>	<u>Name</u>	<u>Date Elected</u>	<u>Term (years)</u>	<u>Date Term Expires</u>
Mayor	Pat Hallisey	November 2018	4	November 2022
Position #1	Andy Mann	November 2018	4	November 2022
Position #2	Hank Dugie	November 2018	4	November 2022
Position #3	Larry Millican	November 2020	4	November 2024
Position #4	John Bowen	December 2020	4	November 2024
Position #5	Justin Hicks	December 2020	4	November 2024
Position #6	Chad Tressler	December 2018	4	November 2022
Position #7	Nick Long	November 2018	4	November 2022

WHEREAS, the City Council has determined to proceed with the ordering of such general-special election for the purpose of electing persons to Mayor and Council Position 1, 2, 6 and 7 on Tuesday, November 8, 2022, which is a uniform election date; and

WHEREAS, the City Council wishes to proceed with the ordering of such special election for the purpose of electing a person to the position of Council Position Three on November 8, 2022.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEAGUE CITY, TEXAS, as follows:

Section 1. The facts and opinions in the preamble to this Ordinance are true and correct.

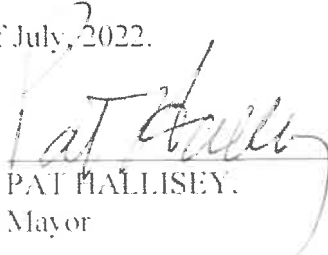
Section 2. The amended Election Order (attached as Exhibit "A") is herein adopted, which declares and orders that a general-special election (the "Election") be held in and throughout the City of League City on Tuesday, November 8, 2022, and a Runoff Election be held on December 6, 2022, if necessary, to elect persons to Mayor and Council Positions 1, 2, 6, and 7 for a four-year term for each such position; and Council Position 3 for an unexpired term.

Section 3. All ordinances and parts of ordinances in conflict herewith are herein repealed to the extent of the conflict only.


Section 4. It is hereby found and determined that the meeting at which this ordinance was passed was open to the public and that advance public notice of the time, place and purpose of said meeting was given as required by law.

APPROVED first reading the 26<sup>th</sup> day of July, 2022.

PASSED and ADOPTED the 26<sup>th</sup> day of July, 2022.

  
\_\_\_\_\_  
PAT HALLISEY,  
Mayor

ATTEST:

  
\_\_\_\_\_  
DIANA M. STAPP,  
City Secretary

APPROVED AS TO FORM:

  
\_\_\_\_\_  
NGHIEM V. DOAN,  
City Attorney

SUSPENDED THE RULE AND ADOPTED ON FIRST AND FINAL READING

EXHIBIT "A"

REVISED ELECTION ORDER

WHEREAS, the laws of the State of Texas and Sections 1 and 6 of Article III of the City Charter, as amended, require the City to hold a general election in the City on the uniform election date for the month of November for Mayor and Councilpersons whose terms are expiring; and,

WHEREAS, the uniform election date for the month of November 2022 falls on November 8, 2022, and there is therefore required to be elected, on November 8, 2022, the following officials for the City:

Mayor, currently for a four-year term ending November 2026; and  
Council Position 1, currently for a four-year term ending November 2026; and  
Council Position 2, currently for a four-year term ending November 2026; and  
Council Position 6, currently for a four-year term ending November 2026; and  
Council Position 7, currently for a four-year term ending November 2026; and

WHEREAS, the Constitution of the State of Texas and Section 6 of Article II of the City Charter, as amended, require the City to hold a special election in the City to fill a vacancy within 120 days from the time of such vacancy; and

WHEREAS, on July 15, 2022 Council Member Millican formally announced his resignation effective when his successor is duly qualified; and

WHEREAS, the required 120 days after the date on which Council Member Millican seat will become officially vacant falls on November 12, 2022, the proposed date to conduct a special election is the second Tuesday in November, 2022, which date is 116 days from the date of vacancy, and there is therefore required to be elected, on November 8, 2022, the following official for the City:

Council Position 3, for an unexpired term ending November 2024

WHEREAS, the laws of the State of Texas and Section 4 of Article II of the City Charter, as amended, provide for a Runoff Election as hereinafter described; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEAGUE CITY, TEXAS, as follows:

Section 1. The City Secretary is hereby authorized and directed to prepare the election ballots to conduct the General-Special Election and, if necessary, the Runoff Election, in accordance with the provisions of the City Charter, the Texas Constitution and Texas Election Code. On such election ballot, the voters shall select from properly filed candidates, Mayor and Council Positions 1, 2, 3, 6 and 7.

Section 2. All independent candidates at the election to be held on November 8, 2022 (the "General Election"), for Mayor and Council Positions 1, 2, 6 and 7 shall file their applications to become candidates with the City Secretary at City Hall, 300 West Walker Street, League City, Texas 77573, not earlier than July 23, 2022 and not later than 5:00 p.m. on August 22, 2022; however, because July 23, 2022 falls on a Saturday and the City's normal business hours are Monday through Thursday, 7:30 a.m. to 5:30 p.m., and Friday 7:30 a.m. to 12:00 p.m., the earliest date to file applications to become candidates is Monday, July 25, 2022. All independent candidates at the election to be held on November 8, 2022 (the "Special Election"), for Council Position 3 shall file their applications to become candidates with the City Secretary at City Hall, 300 West Walker Street, League City, Texas 77573, not earlier than July 27,

2022 and not later than 6:00 p.m. on August 25, 2022.

All such applications shall be on a form as prescribed by Section 141.031 of the Texas Election Code (the "Code"). All candidates shall file with such application the loyalty affidavit required by Section 141.031 of the Code. A filing fee of One Hundred Dollars (\$100.00) shall be paid at the time of filing for each candidate for Mayor, and Fifty Dollars (\$50.00) shall be paid at the time of filing by each candidate for Council Positions 1, 2, 3, 6 and 7; however, in lieu of the filing fee, any candidate may present a petition, requesting that his or her name be placed on the ballot, that must be signed by the greater of either twenty-five (25) registered voters of the City or one-half of one percent of the total votes received in the territory from which the office is elected by all candidates for mayor in the most recent mayoral general election.

Section 3. Persons wishing to run as write-in candidates shall declare their intent with the City Secretary in order to be entitled to have their votes counted, not later than 5:00 p.m. on the 74th day before the General-Special Election, as denoted in Section 146.054 of the Code, to-wit: August 26, 2022. Only the votes for those write-in candidates that appear on the City Secretary's certified list of write-in candidates shall be counted. Gag votes and/or protest votes shall not be tallied on election night, as stipulated in Sections 146.051 through 146.055 of the Code.

Section 4. If no candidate for any office shall receive a majority of all votes cast for such office at the General-Special Election as required by the City's home-rule Charter, a runoff election between the two (2) highest vote-getters for such office shall be held on Tuesday, December 6, 2022 (the "Runoff Election"), as permitted by the Code.

Section 5. The order in which the names of the candidates for Mayor and Council Positions 1, 2, 3, 6 and 7 are to be printed on the ballot for the General-Special Election or for the Runoff Election, if required, shall be determined by drawings by the City Secretary as provided by Section 52.094 of the Code. The City Secretary shall provide notice of such drawings as provided by Section 52.094 of the Code.

Section 6. The General-Special Election and the Runoff Election, if required (collectively, the "Elections"), shall be held under the provisions of the Charter of the City, the Texas Constitution and the laws of the State of Texas, and of this Ordinance. All qualified and registered voters residing in the City shall be allowed to vote at the Elections.

Section 7. The County of Galveston has been approved to conduct Vote Center elections on Election Day. This process allows voters to cast their votes at any Vote Center location within the County. Listed below are the locations within the City that the County of Galveston is proposing:

Hometown Heroes Park, 1001 East League City Pkwy, League City; and  
League City Rec Center, 400 West Walker Street, League City; and  
Public Works Operation Center, 1701 West League City Pkwy, League City; and  
Bay Harbour United Methodist Church, 3459 FM 518 East, League City; and  
League City EMS Station 1, 260 FM 270, League City; and  
New Hope Baptist Church, 3610 FM 646 East, League City; and  
League City Fire Station #4, 175 Bay Area Blvd, League City

Section 8. All voting locations shall be open from 7:00 a.m. to 7:00 p.m. on Election Day.

Section 9. The City will contract with the County of Galveston to conduct a joint election, and runoff election if necessary, for those voters residing within Galveston County. The City will contract with Harris County to conduct a joint election for those voters residing within Harris County. Therefore officers and clerks for the Elections shall be appointed by the appropriate County.

Section 10. Tabulation of all votes cast within Galveston County will be done at the Central Counting Station located at the Galveston County Clerk's Office at 600 59<sup>th</sup> Street, Galveston, Texas. Tabulation of all votes cast with Harris County will be done at the Central Counting Station located at the Harris County Election Technology Center, 11525 Todd Street, Houston, Texas.

Section 11. Dwight D. Sullivan, County Clerk is hereby appointed Counting Station Manager at the Galveston County Clerk's Office. Isabel Longoria, Elections Administrator is hereby appointed Counting Station Manager at the Harris County Clerk's Office. Diana M. Stapp is hereby appointed as general custodian of election records for the City of League City. Such officers and their designees shall have all the authority, duties and responsibilities as denoted in the Code.

Section 12. The City, in accordance with Section 32.002 of the Texas Election Code, may appoint one member of the Signature Verification Committee, the Early Voting Ballot Board, and the Ballot Resolution Board (BRB). The BRB is a non-statutory board that assists the Central Counting Station with the duplication of damaged ballots and email ballots submitted by members of the U.S. armed forces overseas and, where necessary, assists the Presiding Judge of the Central Counting Station in determining the intent of the voter in cases of over votes on mail ballots.

Section 13. The early voting location within the City for the General-Special Election shall be at the League City Rec Center, 450 West Walker, League City, Texas 77573, and any additional locations as may be determined by the County of Galveston. Such place of voting shall remain open between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, October 24, 2022 through October 28, 2022, between the hours of 7:00 a.m. and 7:00 p.m. on Saturday, October 29, 2022, between the hours of 1:00 p.m. and 7:00 p.m. on Sunday, October 30, 2022, and between the hours of 7:00 a.m. and 7:00 p.m. on Monday through Friday, October 31, 2022 through November 4, 2022 for early voting.

Section 14. The early voting location for the General-Special election for those voters who reside in Harris County shall be determined by Harris County. Such place of voting shall remain open between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday, October 24, 2022 through October 29, 2022, between the hours of 12:00 p.m. and 7:00 p.m. on Sunday, October 30, 2022, and between the hours of 7:00 a.m. and 7:00 p.m. on Monday through Friday, October 31, 2022 through November 4, 2022 for early voting.

Section 15. Early voting for a Runoff election will be held at the League City Rec Center, 400 West Walker Street, League City, Texas 77573. Such place of voting shall remain open between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday, November 28, 2022 through December 2, 2022.

Section 16. Pursuant to Section 9 above, the City has contracted with Galveston County and Harris County for the performance of election services on the City's behalf. Exact locations and times for voting each in each county shall be established pursuant to such contracts. Such times and locations shall be automatically amended without further action of the City Council to include additional or different early voting polling places and times designated by the respective election administrator of the Counties, and to conform to the respective election services agreements, the notices of the election shall be conformed to such final lists provided to the City by the respective election administrator.

Section 17. Early voting by personal appearance shall comply with Section 61.012 of the Texas Election Code.

Section 18. The early voting clerk's address to which ballot applications and ballots voted by mail for Galveston County residents may be sent is Dwight D. Sullivan, County Clerk, Galveston County Justice Center, 600 59<sup>th</sup> Street, 2<sup>nd</sup> Floor, Galveston, Texas 77551. Applications for ballots by mail must be received no later than close of business on October 28, 2022.

Section 19. The early voting clerk's address to which ballot applications and ballots voted by mail for Harris County residents may be sent is Isabel Longoria, Harris County Elections Administrator P.O. Box 1148, Houston, Texas 77251-1148. Applications for ballots by mail must be received no later than close of business on October 28, 2022.

Section 20. The Mayor shall give notices of the Elections in accordance with the terms and provisions of Section 4.002, et seq., of the Code. Such notices shall state the nature and the date of the Elections, the location of the polling places for each precinct, the hours that the polls will be open and other information required by law. The Mayor shall issue all necessary orders and writs for such Elections, and returns of such Elections shall be made to the City Council and City Secretary immediately after the closing of the polls.

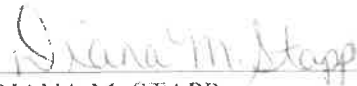
Section 21. The City Attorney shall take such actions as required to have the City in compliance with the Federal Voting Rights Act.

Section 22. 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.

SIGNED on this the 26th day of July, 2022.

  
PAT MALLISEY,  
Mayor

ATTEST:

  
DIANA M. STAPP,  
City Secretary

APPROVED AS TO FORM:

  
NGHIEM V. DOAN,  
City Attorney