

## **ORDINANCE 2023- 38**

**AN ORDINANCE OF THE CITY OF THE CITY OF NEW BRAUNFELS, TEXAS ORDERING A RUNOFF ELECTION FOR THE PURPOSE OF ELECTING A COUNCILPERSON FOR DISTRICT 6, TO BE HELD ON THE 17<sup>th</sup> DAY OF JUNE 2023; AND PROVIDING FOR THE POSTING AND PUBLICATION OF NOTICE; CONTAINING A SAVINGS CLAUSE; DECLARING AN EFFECTIVE DATE UPON ONE READING.**

**WHEREAS**, the City of New Braunfels, Texas (“City”) is a home-rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Texas Local Government Code; and

**WHEREAS**, the City of New Braunfels Charter provides that city elections shall be held in accordance with laws of the State of Texas; and

**WHEREAS**, the election held on May 6, 2023, resulted in none of the three candidates receiving the majority of the votes cast so that a runoff election is required pursuant to Texas Election Code (“Code”), Sec. 2.021; and

**WHEREAS**, the two candidates in the runoff election will be the candidates who received the highest and second highest number of votes in the May 6<sup>th</sup> election, pursuant to Texas Election Code, Sec. 2.023; and

**WHEREAS**, the laws of the State of Texas, further provide that there shall be elected at a runoff election which will be held on June 17, 2023, one City Councilmember from **District 6** to be elected by a majority of those votes cast; and

**WHEREAS**, Section 3.004(b) of the Texas Election Code provides that the governing body of a municipality shall be the authority to order a Special Election (herein referred to as the Runoff Election) for the purposes of electing members to the governing body; and

**WHEREAS**, the City will enter into a contract for election services with Comal County pursuant to Texas Election Code (“Code) Sections 31.092 and 271.002; and

**WHEREAS**, the City Council of the City of New Braunfels, Texas authorizes the Mayor to sign the order calling the Runoff Election and any subsequent orders adjusting the polling locations, dates and times that are subject to change due to agreements with Comal County Elections Department and other joint election agreements up until the final posting deadline of such notice pursuant Texas Election Code (“Code”) § 4.003(a)(b) and (c).

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

## **SECTION I**

### **CALL OF A RUNOFF ELECTION**

That a runoff election be held on the 17<sup>th</sup> day of June 2023, in the City of New Braunfels, Texas, for the purpose of electing a regular City officer as listed below.

- A. One City Councilmember from District Six (6) to be elected by a majority of those votes cast.

## **SECTION II**

### **EARLY VOTING BY PERSONAL APPEARANCE**

(Subject to Change)

**Comal County Elections Office, 396 N. Seguin Avenue**

**Early Voting beginning on Monday, June 5 through Saturday June 10, and Monday and Tuesday June 12th and 13th.**

**June 5 – June 9 8 a.m. to 5 p.m.**

**June 10 10 a.m. to 4 p.m.**

**June 12 & 13, 7 a.m. to 7 p.m.**

## **SECTION III**

### **EARLY VOTING BY MAIL**

**THAT** early voting by mail ballot shall be conducted in accordance with applicable provisions of the Texas Election Code.

- A. The address of the Comal County Elections Office, 396 North Seguin Avenue, New Braunfels, Texas 78130, shall be the early voting clerk's mailing address to which ballot applications and ballots voted by mail may be sent for the City for Comal County residents.

**SECTION IV**  
**ELECTION DAY POLLING PLACES**

(Subject to Change)

**Former New Braunfels Police Department (Lobby)**  
**1488 S. Seguin Avenue**

**June 17 – 7 a.m. – 7 p.m.**

**SECTION V**  
**METHOD OF VOTING**

**THAT** use of Hart DRE Verity Duo version 2.5.1, and controller voting system, as the term is defined in the Texas Election Code, shall be utilized in connection with the election for Comal County residents. This system shall be utilized for early voting as well as for district voting conducted on Election Day. Cynthia Jaqua is appointed as programmer, and she shall prepare a program for the automatic tabulating equipment. Ample voting equipment shall be provided for early voting and in the specific districts on Election Day. The central counting station is established as the Comal County Elections Office.

**SECTION VI**  
**APPOINTMENT OF PRESIDING JUDGES**

**THAT** the Comal County Elections Office will appoint the Early Voting Ballot Board, a Presiding Judge for the Early Voting Ballot Board, and a Presiding Judge for the Central Counting Station.

**SECTION VII**  
**GOVERNING LAW, POSTING AND PUBLICATION**

**THAT** the election will be held in accordance with the provisions of the Charter of the City of New Braunfels and the laws of the State of Texas. Notice of the election, including a Spanish translation thereof, will be published at least once in the local newspaper in accordance with the Texas Election Code and will be posted on the bulletin board at City Hall at 550 Landa Street, New Braunfels, Texas.

**SECTION VIII**  
**TESTING OF AUTOMATIC TABULATING**  
**EQUIPMENT**

**THAT** testing of the automatic tabulating equipment will be performed and notice thereof will be given in accordance with the Texas Election Code. Comal County shall designate the tabulating equipment and personnel required under the Election Code.

**SECTION IX**  
**COMPENSATION FOR ELECTION WORKERS**

**THAT** the rate of compensation for all polling workers will be decided by the Comal County Elections Office.

**SECTION X**  
**SAVINGS CLAUSE**

**THAT** if any part of this ordinance shall be held to be unconstitutional or invalid for any reason, such unconstitutionality or invalidity shall not affect the constitutionality or validity of the remaining parts of this Ordinance. The City Council hereby declares that it would have passed the remaining parts of this ordinance if it had known that such part or parts thereof would have been declared unconstitutional or invalid, and further declares that such remaining parts shall remain in full force and effect; and that the provisions hereof are severable.

**SECTION XI**  
**EFFECTIVE DATE**

**THAT** it is further ordained that this ordinance shall become effective upon one (1) reading of the City Council as allowed by the City Charter, Section 3.10.

**PASSED, ADOPTED, AND APPROVED** this the 16th day of May 2023.

CITY COUNCIL OF THE CITY OF NEW  
BRAUNFELS, TEXAS

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RUSTY BROCKMAN, MAYOR

ATTEST:

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GAYLE WILKINSON, CITY SECRETARY

APPROVES AS TO FORM:

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VALERIA M. ACEVEDO, CITY ATTORNEY