

**ORDINANCE NO. 2023- 36**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, CANVASSING THE RETURNS OF THE GENERAL ELECTION OF NEW BRAUNFELS, TEXAS, COMAL COUNTY, HELD ON SATURDAY, MAY 6, 2023, TO ELECT TWO MEMBERS TO THE NEW BRAUNFELS CITY COUNCIL FOR DISTRICT FIVE (5) , DISTRICT SIX (6) AND THE MAYOR, EACH FOR A THREE (3)- YEAR TERM, DECLARING THE RESULTS OF SAID ELECTION, DECLARING AN EFFECTIVE DATE UPON ONE READING.**

**WHEREAS**, on the 13<sup>th</sup> day of February 2023, the City Council of the City of New Braunfels ordered a General Election to be held on Saturday, May 6, 2023, for the purpose of electing councilpersons for New Braunfels City Council Districts Five (5), Six (6) and the Mayors seat; and

**WHEREAS**, the City Council has investigated all matters pertaining to said election, including the ordering, giving notice, officers, holding and making returns of said election, all as required by applicable federal, state, and local law; and

**WHEREAS**, the election officers who held said election have duly made the returns of the result thereof, said returns have been duly delivered to the City Council, and it is now necessary to declare the official results of the canvass;

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

**SECTION 1.** The City Council having convened on this the 16th day of May 2023, to canvass the returns of the General Election held on May 6, 2023, and after canvassing the returns of this election, officially finds and determines that this election was duly ordered; proper notice of this election was given; proper election officers were duly appointed prior to this election; the election was duly held; the City has complied with the federal, state, and local law; and due returns of the result of this election have been made and delivered, all in accordance with the law and the Ordinance calling the election.

**SECTION 2.** The Mayor and City Council of the City of New Braunfels, after opening the returns of the election received from the election judges and delivered to the City Secretary, do officially find and declare the results of the May 6, 2023, General Election to be as follows:

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## GENERAL ELECTION – FOR MEMBERS OF CITY COUNCIL

*Final numbers are subject to change per Comal County*

# Comal County 05-06-2022 – Unofficial Final Results

**20230506 City of New Braunfels Cumulative**

20230506 General/Special Elections

Run Time 11:44 AM  
Run Date 05/12/2023

### COMAL COUNTY, TEXAS

JOINT GENERAL and SPECIAL ELECTIONS

5/6/2023

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### Unofficial Results

Registered Voters  
6591 of 150042 = 4.39%

Precincts Reporting  
189 of 189 = 100.00%

#### City of New Braunfels Mayor - Vote for none or one

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Neal Linnartz		69	49.29%	2,344	58.70%	1,129	51.46%	3,542	55.98%
Michael Alexander French		37	26.43%	1,054	26.40%	625	28.49%	1,716	27.12%
George Green		31	22.14%	428	10.72%	329	15.00%	788	12.45%
Edward Martinez, Jr.		3	2.14%	167	4.18%	111	5.06%	281	4.44%
Cast Votes:		140	100.00%	3,993	100.00%	2,194	100.00%	6,327	100.00%
Undervotes:		7		157		100		264	
Overvotes:		0		0		0		0	

#### City of New Braunfels City Councilmember District 5 - Vote for none or one

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Mary Ann Labowski		10	90.91%	437	80.04%	174	79.09%	621	79.92%
Bently C. Paiz		1	9.09%	109	19.96%	46	20.91%	156	20.08%
Cast Votes:		11	100.00%	546	100.00%	220	100.00%	777	100.00%
Undervotes:		0		41		16		57	
Overvotes:		0		0		0		0	

#### City of New Braunfels City Councilmember District 6 - Vote for none or one

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
April Ryan		4	22.22%	182	43.86%	171	51.82%	357	46.79%
Steven Voges		8	44.44%	131	31.57%	78	23.64%	217	28.44%
James Blakey		6	33.33%	102	24.58%	81	24.55%	189	24.77%
Cast Votes:		18	100.00%	415	100.00%	330	100.00%	763	100.00%
Undervotes:		0		55		45		100	
Overvotes:		0		0		0		0	

**SECTION 3.** Voting numbers are also broken out by precinct and attached to this ordinance in the New Braunfels Canvass Report provided by Comal County through their contract for holding a joint election and are incorporated for all purposes herein. However, since Comal County was holding joint elections, including elections for certain school districts, some precincts may also include areas which are not within the city limits for the City of New Braunfels and each district had its own ballot for district representation. As a result, the City Council utilized the per district numbers provided by Comal County.

**SECTION 4.** As a result of the May 6, 2023, General Election, no individual candidate in District 6, as listed below, received a majority of the votes cast. A run-off election will be required for the two candidates who received the highest and second highest number of votes in the May 6, 2023, General election, pursuant to Texas Election Code, Sec. 2.023.

DISTRICT SIX:	April Ryan	<u>357</u>
	Steven Voges	<u>217</u>
	James Blakey	<u>189</u>

As a result of the May 6, 2023, General Election, the following individual was elected to serve as City Council Member for District Five, with the respective term beginning on May 22, 2023:

DISTRICT FIVE:	Mary Ann Labowski	<u>621</u>
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and District Five was elected by receiving the majority of all votes cast for the office for which she was a candidate, cast by the qualified voters of the City of New Braunfels voting at said election, and is hereby declared to be the lawful and duly elected Council Member for the City of New Braunfels for the district specified.

As a result of the May 6, 2023, General Election, the following individual was elected to serve as the Mayor of New Braunfels, Texas, with the respective term beginning on May 22, 2023:

MAYOR:	Neal Linnartz	<u>3,542</u>
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and the Mayor's seat was elected by receiving the majority of all votes cast for the office for which he was a candidate, cast by the qualified voters of the City of New Braunfels voting at said election, and is hereby declared to be the lawful and duly elected Council Member for the City of New Braunfels for the district specified.

**SECTION 5.** 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 6.** 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 AND APPROVED: this the 16th day of May 2023.

**CITY OF NEW BRAUNFELS, TEXAS**

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RUSTY BROCKMAN, Mayor

**ATTEST:**

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GAYLE WILKINSON, City Secretary

**APPROVED AS TO FORM:**

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VALERIA M. ACEVEDO, City Attorney

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**Unofficial Results**

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**City of New Braunfels Mayor - Vote for none or one**

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Overvotes:		0		0		0		0	

**City of New Braunfels Proposition A**

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
FOR		108	73.97%	3,031	73.39%	1,524	67.14%	4,663	71.23%
AGAINST		38	26.03%	1,099	26.61%	746	32.86%	1,883	28.77%
Cast Votes:		146	100.00%	4,130	100.00%	2,270	100.00%	6,546	100.00%
Undervotes:		1		20		24		45	
Overvotes:		0		0		0		0	

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**City of New Braunfels Proposition B**

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
FOR		71	48.97%	2,414	58.66%	1,228	54.14%	3,713	56.88%
AGAINST		74	51.03%	1,701	41.34%	1,040	45.86%	2,815	43.12%
Cast Votes:		145	100.00%	4,115	100.00%	2,268	100.00%	6,528	100.00%
Undervotes:		2		35		26		63	
Overvotes:		0		0		0		0	

**City of New Braunfels Proposition C**

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
FOR		87	60.42%	2,319	56.37%	1,204	53.04%	3,610	55.30%
AGAINST		57	39.58%	1,795	43.63%	1,066	46.96%	2,918	44.70%
Cast Votes:		144	100.00%	4,114	100.00%	2,270	100.00%	6,528	100.00%
Undervotes:		3		36		24		63	
Overvotes:		0		0		0		0	

\*\*\* End of report \*\*\*