

RESOLUTION NO. 24-062

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARLIN, TEXAS, ORDERING A SPECIAL ELECTION TO BE HELD IN THE CITY OF MARLIN, TEXAS, ON THE UNIFORM ELECTION DATE OF MAY 4, 2024, TO ELECT A CITY COUNCIL MEMBER FOR PLACE 1, PLACE 1, OF THE CITY COUNCIL FOR THE CITY OF MARLIN; MAKING PROVISIONS FOR THE CONDUCT OF THE ELECTION; PROVIDING FOR NOTICE OF THE ELECTION; PROVIDING ELECTION PRECINCTS AND POLLING PLACES; PROVIDING FOR EARLY VOTING; PROVIDING EFFECTIVE DATE AND OPEN MEETINGS CLAUSES; PROVIDING FOR THE AUTHORITY TO EXECUTE ANY AND ALL NECESSARY DOCUMENTS; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, on May 4, 2024, there shall be elected the following official for the City of Marlin City Council ("City Council"): Council member Place 1, for Precinct 1 of the City for the remainder of the current term of office for Council member Place 1; and

WHEREAS, the Texas Election Code is applicable to said election and this resolution establishes procedures consistent with the Code for the conduct of the election, and designates the voting place for the election;

WHEREAS, the City of Marlin ("City") has or will enter into one or more Election Agreements (collectively, the "Election Agreement") with Falls County, Texas (the "County"), by and through the county election officer and Election Administrator (the "Administrator"), and possibly other political subdivisions, in accordance with the laws of the State of Texas (the "State") and applicable federal law; and

WHEREAS, the City Council of the City of Marlin intends, and by adoption of this Resolution, orders a special election be conducted on the Uniform Election Date of May 4, 2024, for the election of the following official for the City of Marlin: Councilmember Place 1 for Precinct 1,

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

Section 1. Findings. The statements contained in the preamble of this Resolution are true and correct and are hereby adopted as findings of fact and as a part of the operative provisions hereof.

Section 2. Election Ordered; Special Election. A Special Election of the City shall be held on Saturday, May 4, 2024, to elect a member of the City Council from the City for the office of Councilmember Place 1, for Precinct No. 1, to serve the remainder of the current term of office. This Resolution shall serve as an order calling such special election as required by the Texas Election Code. Candidates for the above office shall file their application with the City Secretary of the City, at City Hall, 101 Fortune Street, Marlin, Texas 76661, no later than February 16, 2024 during regular business hours during which the city Hall is open to the public. All applications for candidacy shall be on a form as prescribed by the Texas Election Code. The order in which the names of the candidates

be on a form as prescribed by the Texas Election Code. The order in which the names of the candidates for each office are to be printed on the ballot shall be determined by a drawing conducted by the City Secretary after notice is provided as required by law.

Section 3. Ballots. The ballots used for the general election shall comply with the Texas Election Code and be in the form provided by the City for use on the respective voting devices used the City.

Section 4. Printed Materials. The official ballots, together with such other election materials as are required by the Texas Election Code, as amended, shall be printed in both the English and Spanish languages and shall contain such provisions, markings and language as required by law.

Section 5. Persons Qualified to Vote. All resident, qualified electors of the City shall be eligible to vote at the Election.

Section 6. Election Precincts, Voting Locations and Voting Hours on Election Day.

(a) Except as otherwise provided herein, the boundaries and territories of the County election precincts that are wholly or partially within the territorial boundaries of the City and that also coincides with the precincts for which an election is ordered as provided in this Resolution, are hereby designated as the voting precincts of the City for the Election. The Election Day polling places shall be as established by the Administrator and the polls shall be open from 7:00 a.m. to 7:00 p.m. on Election Day. Polling place location information shall be modified to reflect any alterations or changes in or additions to polling places required to conform to the Code or the Election Agreement or as directed by the Administrator.

(b) **Early Voting Locations, Dates and Times.** Early voting by personal appearance for all election precincts shall be held at the locations, at the times and on the days set forth and as published by the Administrator, or at such other locations as hereafter may be designated by the Administrator. Polling place location information shall be modified to reflect any alterations or changes in or additions to early voting polling places or times for early voting required to conform to the Code or the Election Agreement or as directed by the Administrator. Early voting by personal appearance shall commence on April 22, 2024, and continue through April 30, 2024, and early voting polls shall remain open for the time specified by the Texas Election Code and the City Secretary.

Section 7. Early Voting Clerk. The Administrator is hereby designated as the Early Voting Clerk. The Administrator's contact information/delivery addresses for applications for ballots to be voted by mail and other matters related to the Election is as follows:

Nicket Taylor
Falls County Election Administrator
Falls County Courthouse
Official Mailing Address:
PO Box 810
Marlin, Texas 76661
E-mail: nicket.taylor@co.falls.tx.us
Phone: (254) 883-1521
Website Address: <https://www.co.falls.tx.us/page/falls.Elections>

Section 8. Appointment of Election Officers. Prior to the Election Day, the election judges, alternate judges, clerks and other personnel necessary for conducting the Election will be appointed by the Administrator, and the election judges and alternate judges may be changed and the polling places may be combined for some precincts, pursuant to decisions of the Administrator. The Administrator shall also be responsible for establishing the central counting station for the ballots cast in such election and appointing the personnel necessary for such station. The City Council hereby authorizes the Mayor, City Administrator and/or their designees (collectively, the "Authorized Representatives") to appoint any such other officials not designated herein or appointed by the Administrator as are necessary and appropriate to conduct the Election in accordance with the Code.

Section 9. Notice of Election. Notice of the Election shall be given in the manner required by the Code and other applicable law. The City's website may be accessed at the following address: <https://marlintx.net/2023-election-2/>. To the extent required by law, notice of the Election shall include such address.

Section 10. Bilingual Election Materials. All notices, instructions, and ballots pertaining to the Election shall be furnished to voters in both English and Spanish and persons capable of acting as translators in both English and Spanish shall be made available to assist Spanish language speaking voters in understanding and participating in the election process.

Section 11. Conduct of Election. The Election shall be conducted by election officers, including the precinct judges and alternate judges or clerks appointed by the Administrator or the Authorized Representatives, in accordance with the Election Agreements, the Code and the Constitution and laws of the State and the United States of America. The Authorized Representatives are authorized to enter into, execute and deliver one or more Election Agreements, in accordance with applicable provisions of the Code. The terms and provisions of each Election Agreement are hereby incorporated into this Resolution. To the extent of any conflict between this Resolution and an Election Agreement, the terms and provisions of the Election Agreement shall prevail, and the Authorized Representatives are authorized to make such corrections, changes, revisions and modifications to this Resolution, including the exhibits hereto, as are deemed necessary or appropriate to conform to the Election Agreement, to comply with applicable State and federal law and to carry out the intent of the City Council, as evidenced by this Resolution. The Administrator shall be responsible for establishing the central counting station for the ballots cast in the Election and appointing the personnel necessary for such station.

Section 12. Necessary Actions. The Authorized Representatives and City Council of the City, in consultation with the City's attorney and bond counsel are hereby authorized and directed to take any and all actions necessary to comply with the provisions of the Code and the Federal Voting Rights Act in carrying out and conducting the Election, whether or not expressly authorized herein.

Section 13. Joint Election. The City may agree to conduct a joint election with other political subdivisions within Falls County, provided that such political subdivisions hold an election on May 4, 2024, in all or part of the same territory as the City (the "Political Subdivisions"). The joint election will be conducted in accordance with state law, this Resolution, and any respective election services contracts.

Section 14. City Secretary Assistance. The City Secretary is hereby authorized to assist with the giving of notices required for the election, and to take such other and further action as is required to conduct the election in compliance with the Texas Election Code; provided that, pursuant to the any applicable election services contracts shall have the duty and be responsible for organizing and conducting the election in compliance with the Texas Election Code; and for providing all services specified to be provided in any applicable election services contract.

Section 15. Necessary Actions. The Mayor and the City Secretary of the City, in consultation with the City's Attorney, are hereby authorized and directed to take any and all actions necessary to comply with the provisions of the Code and the Federal Voting Rights Act in carrying out and conducting the Election, whether or not expressly authorized herein, including but not limited to making changes or additions to polling places, ballot language, or procedures to the extent required or desirable or as may become necessary due to circumstances arising after the date of this Resolution, or as necessary to comply with the Texas Election Code. The Mayor and the City Secretary are further authorized to give notice of the election as provided in the Texas Election Code.

Section 16. Authorization to Execute. The Mayor or the City Manager is authorized to execute, and the City Secretary is authorized to attest this resolution on behalf of the City Council; and the Mayor and the City Manager is authorized to do all other things legal and necessary in connection with the holding and consummation of the Election.

Section 17. Effective Date; Election Code; Preamble. This Resolution shall be in full force and effect from and after its passage on the date shown below; provided that if any term or provision of this resolution conflicts with, or is inconsistent with, the Texas Elections Code, the Texas Election Code shall govern and control and the City Secretary shall comply with the Texas Elections Code. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this resolution for all purposes as part of the findings of Council.

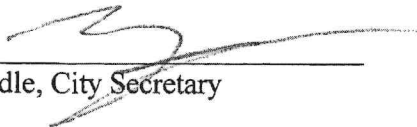
Section 18. Severability. If any provision, section of this resolution or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the resolution which can be given effect without the invalid provision or application, and to this end the provisions of this resolution are declared to be severable.

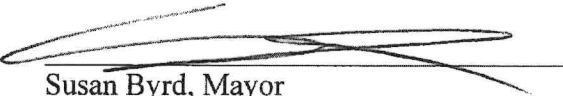
Section 19. Open Meetings. It is officially found and determined that the meeting at which this resolution is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required *Chapt. 551, Tex. Gov't. Code*.

PASSED, ADOPTED AND APPROVED on this the 16th day of February, 2024.

ATTEST:

CITY OF MARLIN, TEXAS


Maryann Waddle, City Secretary


Susan Byrd, Mayor