

**One-reading Ordinance to review Recount results for purposes of electing District One Council Member; canvassing the recounted votes; casting lots to resolve a tie pursuant to Texas Election Code Sec. 2.028; and declaring person elected to be the Council Member for District One**

**Whereas**, the City Council of the City of Corpus Christi, by Ordinance No. 033425 on August 13, 2024, ordered and called a General Election for the election of Mayor and eight Council Members to be held on November 5, 2024;

**Whereas**, Ordinance No. 033425 provided that a runoff election shall be held on December 14, 2024, if one is necessary;

**Whereas**, by Ordinance No. 033512 on November 19, 2024, the City Council canvassed returns and declared the results of the General Election;

**Whereas**, Ordinance No. 033512 declared the persons elected to serve in three at-large Council Member positions and the Council Member Districts 2, 3, and 5 positions;

**Whereas**, by Ordinance No. 033513 also on November 19, 2024, the City Council ordered a Runoff election to be held on December 14 2024, for the election of the Mayor and Council Member District One and Council Member District Four;

**Whereas**, the Runoff election described above is hereinafter referred to as the "Election";

**Whereas**, notice of said Election was given as required by law;

**Whereas**, said Election was duly held on the 14th day of December 2024, at which said contests were presented to the voters as provided in the respective City ordinance calling the applicable Election and in conformity with the election laws of the State of Texas and the results of said Election have been certified and returned by the judges and clerks thereof; and

**Whereas**, it is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public, and public notice of the time, place and purpose of said meeting was given, all as required by the Texas Open Meetings Act; and

**Whereas**, the City Council has reviewed and investigated all matters pertaining to this Election, and finds that the said Election was in all respects lawfully held and that the City's Secretary's tally and certification of results to the Council are correct;

**Whereas**, pursuant to section 67.004 of the Texas Election Code, two members of the governing body constitutes a quorum for canvassing the election results;

**Whereas**, Texas Election Code Section 2.028 provides as follows:

“Sec. 2.028. TIE VOTE IN RUNOFF. (a) Except as provided by Subsection (c), if the candidates in a runoff election tie, an automatic recount shall be conducted in accordance with Chapter [216](#). If the recount does not resolve the tie, the tied candidates shall cast lots to determine the winner.

(b) The presiding officer of the final canvassing authority shall supervise the casting of lots under this section.

(c) A tying candidate may resolve the tie by filing with the presiding officer of the final canvassing authority a written statement of withdrawal signed and sworn to by the candidate. If the statement of withdrawal is received before the automatic recount is conducted, the remaining candidate is the winner, and the automatic recount is not conducted. If the statement of withdrawal is received not later than 5 p.m. the day after the date the automatic recount is conducted, the remaining candidate is the winner, and a casting of lots is not held.”

**Whereas**, Texas Election Code Section 216.003 provides as follows:

“Sec. 216.003. INITIATING AUTOMATIC RECOUNT. For purposes of initiating an automatic recount, the authority designated under Section 212.026 shall order the recount.”

**Whereas**, on December 23, 2024, the City Council canvassed the Election results and declared the results in the Election for Mayor and District Four Council Member;

**Whereas**, an automatic recount (the “Recount”) for the Runoff Election for Council Member District One was ordered as required by the Texas Election Code due to tie vote;

**Whereas**, on December 23, 2024, District One candidate Billy Lerma submitted request for a manual recount;

**Whereas**, a manual recount was conducted for the Runoff Election for Council Member District One;

**Whereas**, Texas Election Code Section 213.055 provides as follows:

Sec. 213.055. SUPERVISOR'S REPORT. (a) As soon as practicable after receiving the recount committee's report, the recount supervisor shall prepare and sign a report of the vote count by precinct in the supervisor's jurisdiction, using the recount committee's report for the precincts recounted and the original precinct election returns for the precincts not recounted.

(b) The report prepared under this section is the official statement of the vote count in the local canvassing authority's jurisdiction.

(c) On completion of the report required by this section, the recount supervisor shall deliver one copy to the recount coordinator and one copy to the general custodian of election records. The copies shall be preserved for the period for preserving the precinct election records.

**Whereas**, the City Council has received the Recount report; copy attached as **Attachment A**;

**Whereas**, Texas Election Code Section 213.033 provides as follows:

“Sec. 213.033. CANVASS FOLLOWING RECOUNT. (a) As soon as practicable after completion of a recount that changes the number of votes received for a particular candidate or for or against a measure, the canvassing authority shall conduct a canvass for the office or measure involved using the recount committee's report in the recount supervisor's possession, instead of the original precinct election returns, for each precinct in which a recount was conducted. An original canvass for the office or measure is void, and the new canvass is the official canvass for the election on that office or measure. If no change occurs in the recount in the number of votes received for a candidate or for or against a measure, the official result of the election is determined from the original canvass.

(b) In a recount of an election in which there is more than one local canvassing authority, the result of the canvass conducted under this section shall be reported to the other canvassing authorities in the same manner as the result of an original canvass.

(c) The appropriate authority shall take any further action that may be necessary in the same manner as for an original canvass.”

**Whereas**, if the Recount resulted in a new tie vote, casting of lots is required pursuant to Section 2.028 of the Texas Election Code;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CORPUS CHRISTI, TEXAS THAT:**

**Section 1.** The City Council officially finds, determines, and declares that the Recount for the Runoff Election for Council Member District One was duly and properly ordered, that proper legal notice of the Recount was duly given as required by law and that the Recount was duly and legally conducted.

**Section 2.** The City Council hereby accepts the results of the Recount, attached hereto as **Attachment A** incorporated by reference and made a part of this Ordinance as though reproduced herein in its entirety, and the same is hereby adopted as the official tabulation of the

votes cast at the Runoff Election for Council Member District One, and that said tabulation be filed and recorded in the official records of the City of Corpus Christi as the official canvass of the Runoff Election for District One.

**Section 3.** From the Recount report attached hereto as **Attachment A**, the City Council hereby finds that the following votes were cast in the Election. The results of the Runoff Election canvass for District One are declared to be:

Council Member, District 1	Everett Roy	1,916
	Billy Lerma	1,916

The City Council accepts and approves the returns for the Runoff Election as received and canvassed herein.

**Section 4.** Due to tie vote, the canvass has been finalized by the casting of lots to determine the winner. The two tied candidates, Everett Roy and Billy Lerma, cast lots to determine the winner pursuant to Section 2.028 of the Texas Election Code. The casting of lots was held on January 7, 2025 during the City Council meeting and was supervised by the Mayor as presiding officer pursuant to Section 2.028. The casting of lots determined that the following person is declared elected and may qualify for the office indicated:

**Council Member District One:** \_\_\_\_\_

**Section 5.** The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the City Council.

**Section 6.** This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

**Section 7.** If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this Ordinance would have been enacted without such invalid provision.

**Section 8.** It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.

**Section 9.** This Ordinance shall be in force and effect from and after its final passage and it is so ordained.

**Section 10.** The necessity of making an official canvass of votes and declaring the results thereof immediately in order to meet the requirements of State Law and the City Charter, and the need for efficient and effective administration of the City's affairs, creates a public emergency requiring the suspension of the City Charter rule that no ordinance be passed finally on the date of its introduction but that such ordinance shall be read at two regular meetings of the City Council, and the Mayor having declared that such emergency exists, having requested the suspension of the City Charter rule that this ordinance be finally passed on the date of its introduction and take effect and be in full force and effect from and after its passage, IT IS ACCORDINGLY SO ORDAINED, this the 7<sup>th</sup> day of January 2025.

TO THE MEMBERS OF THE CITY COUNCIL  
Corpus Christi, Texas

For the reasons set forth in the emergency clause of the foregoing ordinance, state law supersedes the Charter rule as to consideration and voting upon ordinances at two regular meetings: I/we, therefore, request that you suspend said Charter rule and pass this ordinance finally on the date it is introduced or at the present meeting of the City Council.

Respectfully,

Respectfully,

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Paulette Guajardo  
Mayor

Council Members

The above ordinance was passed by the following vote:

Paulette Guajardo	_____
Roland Barrera	_____
Sylvia Campos	_____
Gil Hernandez	_____
Michael Hunter	_____
Jim Klein	_____
Everett Roy	_____
Dan Suckley	_____

Pursuant to Section 67.004 (a) of the Texas Election Code, two members of the governing body constitutes a quorum for canvassing the election results.

PASSED AND APPROVED on this the January 7, 2025

ATTEST:

CITY OF CORPUS CHRISTI

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Rebecca Huerta  
City Secretary

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Paulette Guajardo  
Mayor

THE STATE OF TEXAS       §  
  §  
COUNTY OF NUECES       §  
  §  
CITY OF CORPUS CHRISTI   §

I, the undersigned, City Secretary of the City of Corpus Christi, Texas, do hereby certify that the above and foregoing is a true, full and correct copy of an Ordinance passed by the City Council of the City of Corpus Christi, Texas (and of the minutes pertaining thereto) on January 7, 2025, canvassing the returns and declaring the results of the Runoff Election held on December 14, 2024, for Council Member District One, which ordinance is duly of record in the minutes of said City Council, and said meeting was open to the public, and public notice of the time, place and purpose of said meeting was given, all as required by Texas Government Code, Chapter 551.

EXECUTED UNDER MY HAND AND SEAL of said City, on \_\_\_\_\_, 2025.

\_\_\_\_\_  
City Secretary

(CITY SEAL)



**ATTACHMENT A**

**(TO BE INSERTED)**

**City of Corpus Christi**  
**City Secretary's Office**

**TO:** Mayor and City Council  
**FROM:** Stephanie Box, Assistant City Secretary & Recount Supervisor  
**SUBJECT:** Recount of District 1 Runoff Election  
**DATE:** January 3, 2025

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The Recount Committee conducted a manual (hand) recount of the District 1 Runoff Election after receipt and approval of a recount petition from District 1 Candidate Billy Lerma. The recount occurred on December 30 and 31, 2024 and January 2, 2025, and the report is attached to this memo. After counting all ballots cast in the District 1 race, the committee obtained the same results as presented in the canvass report for the December 14, 2024 Runoff Election.

Please note the following definitions from the Texas Secretary of State:

Undervote: Occurs when the number of choices selected by a voter in a contest is *less* than the maximum number allowed for that contest or when no selection is made for a single choice contest.

Overvote: Occurs when a voter voted for *more* than the maximum number of selections allowed in a contest. The result is that the voter's vote is not included in the final tally. One example of an overvote would be voting for two candidates in a single race in which only one candidate may be selected.

**City of Corpus Christi  
Manual Recount Report - District 1 Runoff Election**

Absentee Votes					Early Voting				Election Day Voting			
Precinct	E. Roy	B. Lerma	UNDER votes	OVER votes	E. Roy	B. Lerma	UNDER votes	OVER votes	E. Roy	B. Lerma	UNDER votes	OVER votes
1	7	10	8	0	46	59	8	0	28	15	4	0
7	6	8	0	0	12	23	1	0	6	7	0	0
9	9	11	1	0	115	94	4	0	35	41	4	0
21	6	5	0	0	30	36	0	0	11	9	1	0
23	1	0	0	0	14	3	1	0	2	0	0	0
30	1	2	0	0	0	0	0	0	0	2	0	0
31	2	5	0	0	4	13	2	0	4	6	0	0
33	2	10	0	0	8	9	2	0	0	4	0	0
38	0	2	0	0	0	4	0	0	2	2	0	0
39	5	6	1	0	28	30	3	0	10	8	0	0
41	0	3	0	0	5	6	1	0	3	2	1	0
44	4	6	0	1	10	15	2	0	0	7	1	0
45	2	6	1	0	4	6	0	0	1	1	0	0
46	0	3	0	0	0	3	0	0	0	2	0	0
47	2	1	0	0	4	8	2	0	3	3	0	0
49	5	11	0	0	71	69	3	0	15	20	1	0
51	15	17	2	0	40	36	5	0	13	16	4	0
52	8	15	0	0	18	27	4	0	7	3	0	0
60	2	12	0	0	13	20	2	0	3	7	3	0
76	3	4	0	0	13	18	0	0	5	3	0	0
77	0	2	0	0	2	7	1	0	0	0	1	0
79	5	18	0	0	21	26	3	0	5	13	0	0
82	4	10	1	0	11	7	0	0	3	3	0	0
85	0	7	0	0	5	9	2	0	7	6	0	0
99	2	4	0	0	9	12	1	0	6	3	0	0
100	10	12	0	0	37	55	4	0	6	12	3	0
101	17	35	0	0	145	145	3	0	37	64	1	0
103	3	11	0	0	122	128	7	0	39	43	3	0
107	9	19	0	0	312	141	9	0	121	70	4	0
110	2	11	1	0	69	58	2	0	18	15	0	0
111	1	0	0	0	46	41	1	0	13	25	0	0
123	4	7	1	0	123	84	6	0	39	39	4	0
<b>Totals</b>	<b>137</b>	<b>273</b>	<b>16</b>	<b>1</b>	<b>1,337</b>	<b>1,192</b>	<b>79</b>	<b>0</b>	<b>442</b>	<b>451</b>	<b>35</b>	<b>0</b>

**City of Corpus Christi  
Manual Recount Report - District 1 Runoff Election**

Grand Total				
Precinct	E. Roy	B. Lerma	UNDER votes	OVER votes
1	81	84	20	0
7	24	38	1	0
9	159	146	9	0
21	47	50	1	0
23	17	3	1	0
30	1	4	0	0
31	10	24	2	0
33	10	23	2	0
38	2	8	0	0
39	43	44	4	0
41	8	11	2	0
44	14	28	3	1
45	7	13	1	0
46	0	8	0	0
47	9	12	2	0
49	91	100	4	0
51	68	69	11	0
52	33	45	4	0
60	18	39	5	0
76	21	25	0	0
77	2	9	2	0
79	31	57	3	0
82	18	20	1	0
85	12	22	2	0
99	17	19	1	0
100	53	79	7	0
101	199	244	4	0
103	164	182	10	0
107	442	230	13	0
110	89	84	3	0
111	60	66	1	0
123	166	130	11	0
<b>Totals</b>	<b>1,916</b>	<b>1,916</b>	<b>130</b>	<b>1</b>

Recount Total Votes Cast	Dec. 14 Canvass Total Votes Cast	Recount Total Ballots Cast	Dec. 14 Canvass Total Ballots Cast
165	165	185	185
62	62	63	63
305	305	314	314
97	97	98	98
20	20	21	21
5	5	5	5
34	34	36	36
33	33	35	35
10	10	10	10
87	87	91	91
19	19	21	21
42	42	46	46
20	20	21	21
8	8	8	8
21	21	23	23
191	191	195	195
137	137	148	148
78	78	82	82
57	57	62	62
46	46	46	46
11	11	13	13
88	88	91	91
38	38	39	39
34	34	36	36
36	36	37	37
132	132	139	139
443	443	447	447
346	346	356	356
672	672	685	685
173	173	176	176
126	126	127	127
296	296	307	307
<b>3,832</b>	<b>3,832</b>	<b>3,963</b>	<b>3,963</b>