

**Ordinance ordering a special election to be held on May 6, 2017 in the City of Corpus Christi for the election of Mayor to fill remainder of the unexpired term; authorizing a runoff election, if one is necessary, on June 24, 2017; providing for procedures for holding such election; identifying election officials; authorizing an election services agreement with Nueces County; and enacting provisions incident and relating to the subject and purpose of this ordinance.**

**WHEREAS**, the City of Corpus Christi conducted a General election on November 8, 2016 for the election of the Mayor and Council Members;

**WHEREAS**, the Mayor resigned from office on January 18, 2017, whose resignation was accepted by the City Council on January 24, 2017;

**WHEREAS**, a vacancy exists in the office of the Mayor;

**WHEREAS**, Article II Section 12 (a) of the City Charter provides that the remaining City Council members shall call a special election to fill a vacancy in the office of Mayor in the event more than one year remains in the unexpired term of the Mayor;

**WHEREAS**, the next available uniform election date for the special election is Saturday May 6, 2017;

**WHEREAS**, it is provided in Section 3.004 of the Texas Election Code that the governing body shall order elections pertaining to municipal affairs, and other provisions of the Election Code provide for notice, appointment of election officers to hold the election; and other matters related to the holding of the election;

**WHEREAS**, said special election shall be conducted in accordance with the Texas Election Code sections recited herein;

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

SECTION 1. A special City election (hereinafter the "Election") to fill the unexpired term of the Mayor shall be held in the City of Corpus Christi, Texas on Saturday, May 6, 2017. A runoff election shall be held on Saturday, June 24, 2017, if one is necessary.

SECTION 2. The Election shall be held in accordance with the Election Laws of the State of Texas. At the Election, all the qualified registered voters of the City of Corpus Christi shall be permitted to vote.

SECTION 3. The names of candidates for the office of Mayor shall be placed on the ballot in manner and form prescribed by law.

SECTION 4. The electronic voting system approved by the Secretary of State for Nueces County is adopted for the Election: eSlate direct recording equipment (DRE). (Sec. 123.001).

SECTION 5. The Election shall be held at the polling places in the regularly prescribed precincts of the City of Corpus Christi, as set forth on **Attachment A** hereto incorporated by reference and made part of this ordinance. Nueces County participates in the Countywide Polling Place Program under Section 43.007, as amended, meaning that any qualified registered voter of the City of Corpus Christi can vote in the Election at any polling place identified in **Attachment A**. Each branch polling place and the main early polling place shall serve all Election precincts. The polls shall be open from 7:00 a.m. to 7: 00 p.m. on the date of the Election.

SECTION 6. Presiding Judges and Alternate Presiding Judges are appointed for the Election as specified in attached **Attachment B**, which is incorporated herein, (Sec. 32.005). If neither the Presiding Judge nor the Alternate Presiding Judge can serve in the Election and their inability to serve is discovered after the 15<sup>th</sup> day before the Election, the Mayor Pro Tem as the presiding officer of the City Council shall appoint a replacement judge (Sec. 32.007). Each Presiding Judge shall appoint not less than two nor more than four election clerks, one of whom shall be the precinct's Alternate Presiding Judge appointed herein (Sec. 32.031 thru 32.033).

SECTION 7. The Nueces County Clerk is to serve as the Early Voting Clerk pursuant to an election services agreement between the parties (Sec. 31.092). The Early Voting Clerk's physical address is Nueces County Courthouse, 901 Leopard Street, Corpus Christi, TX 78401 (Sec. 83.010). Early voting in person at each of the temporary branch polling places shall be conducted as follows:

Such early voting in person may be conducted at the main early voting polling place located in the first floor lobby of the Nueces County Courthouse, 901 Leopard, and at the temporary branch polling places set forth in **Attachment C**, incorporated by reference and made a part of this ordinance. In addition, **Attachment C** provides the dates for early voting and address for early voting by mail.

SECTION 8. \_\_\_\_\_ is appointed Presiding Judge of the Early Voting Ballot Board (Sec. 87.002). The Early Voting Ballot Board shall consist of a Presiding Judge and at least two other members. The other members are identified as \_\_\_\_\_ (Sec. 87.002 and Sec. 87.004).

SECTION 9. The Nueces County Courthouse is designated as the sole Central Counting Station. (Sec. 127.001). \_\_\_\_\_ is appointed as the Presiding Judge of the Central Counting Station (Sec. 127.005). City Secretary Rebecca L. Huerta is appointed Manager of the Central Counting Station. (Sec. 127.002). Assistant City Secretary Paul Pierce is appointed assistant to the Central Counting Station Manager.

SECTION 10. Nueces County Clerk Elections Manager Johnny D. Martinez is appointed Tabulation Supervisor of the Central Counting Station (Sec. 127.003). Eric Gutierrez with the Nueces County Clerk's Office is appointed Assistant to the Tabulation Supervisor (Sec. 127.004).

SECTION 11. Compensation for persons appointed or employed pursuant to this ordinance shall be:

- A. Presiding Judges and Alternate Presiding Judges shall be compensated at \$9.60 per hour for services rendered. Overtime shall be paid as per Fair Labor Standards Act.

- B. Election clerks who are not City employees shall be compensated at \$9.60 per hour for services rendered, subject to Sec. 32.091. Overtime shall be paid as per Fair Labor Standards Act.
- C. In addition, \$25 shall be paid to the election judge or clerk who delivers the precinct election records, keys to ballot boxes, or other election equipment, and unused election supplies after an election. (Sec. 32.092)
- D. There shall be no additional compensation for any City employee.
- E. There shall be no direct compensation for County employees. Instead, services by County employees shall be part of the services provided under the election services agreement with Nueces County.

SECTION 12. The City Secretary shall conduct the Election as directed by ordinance of the City Council and by law in accordance with the election services agreement to be entered into with Nueces County. The City Secretary is directed to provide such demographic data and information as required by law. The City Secretary is directed to post and publish such election notices as are required by the election laws of the State of Texas. The City Secretary is further appointed as the authority and officer responsible for the conduct of said Election and is hereby authorized and directed to make all necessary arrangements for the holding of said Election in accordance with and subject to the laws of this State including not limited to coordinating the election process, including use of tabulation equipment, supplies and printing of ballots, in accordance with the election services agreement to be executed with Nueces County. The City Secretary is authorized to provide for suitable replacement polling places in the event the designated polling places are not available for use due to unforeseen circumstances.

SECTION 13. The Election is expected to be conducted in accordance with an election services agreement (Sec. 31.091 through 31.100) between Nueces County and the City of Corpus Christi to hold a special election on May 6, 2017, which shall be approved and attached hereto as **Attachment D** and incorporated herein. The City Secretary is authorized to approve all lawful changes and additions to the procedures provided herein in order to implement such agreement.

SECTION 14. By approving and signing this ordinance, the Mayor Pro Tem officially confirms and orders as the Mayor Pro Tem's actions all matters recited in this ordinance which by law come within the Mayor Pro Tem's jurisdiction.

SECTION 15. If for any reason any section, paragraph, subdivision, clause, phrase, word, or provision of this ordinance or the ballot herein shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word, or provision of this ordinance, for it is the definite intent of this City Council that every section, paragraph, subdivision, clause, phrase, word, or provision hereof be given full force and effect of its purpose.

That the foregoing ordinance was read for the first time and passed to its second reading on this the \_\_\_\_\_ day of \_\_\_\_\_, 2017, by the following vote:

Mayor	_____	Ben Molina	_____
Rudy Garza	_____	Lucy Rubio	_____

Paulette Guajardo \_\_\_\_\_ Greg Smith \_\_\_\_\_

Michael Hunter \_\_\_\_\_ Carolyn Vaughn \_\_\_\_\_

Joe McComb \_\_\_\_\_

That the foregoing ordinance was read for the second time and passed finally on this the \_\_\_\_\_ day of \_\_\_\_\_, 2017, by the following vote:

Mayor \_\_\_\_\_ Ben Molina \_\_\_\_\_

Rudy Garza \_\_\_\_\_ Lucy Rubio \_\_\_\_\_

Paulette Guajardo \_\_\_\_\_ Greg Smith \_\_\_\_\_

Michael Hunter \_\_\_\_\_ Carolyn Vaughn \_\_\_\_\_

Joe McComb \_\_\_\_\_

PASSED AND APPROVED, this the \_\_\_\_\_ day of \_\_\_\_\_, 2017.

ATTEST:

\_\_\_\_\_  
Rebecca Huerta  
City Secretary

\_\_\_\_\_  
Mayor

**ATTACHMENT A**

[TO BE INSERTED] --REGULARLY PRESCRIBED PRECINCTS; POLLING PLACES

**ATTACHMENT B**

[to be inserted] PRESIDING JUDGES AND ALTERNATE PRESIDING JUDGES

**ATTACHMENT C**

**EARLY VOTING INFORMATION**

Early voting begins Monday, April 24, 2017 and ends on Tuesday, May 2, 2017.

Any voter entitled to vote an early ballot by personal appearance may do so at an Early Voting Site.

**Main Early Voting Polling Place, Dates & Times**

Nueces County Courthouse  
1<sup>st</sup> Floor Atrium  
901 Leopard  
Corpus Christi, Texas 78401

**Dates**

Monday, April 24, 2017 – Friday, April 28, 2017  
Saturday, April 29, 2017  
Monday, May 1, 2017 – Tuesday, May 2, 2017

**Times**

8:00 a.m. – 6:00 p.m.  
8:00 a.m. – 5:00 p.m.  
7:00 a.m. – 7:00 p.m.

**Temporary Branch Polling Places, Dates & Times  
(To be inserted)**

**Dates**

Monday, April 24, 2017 – Friday, April 28, 2017  
Saturday, April 29  
Monday, May 1, 2017 – Tuesday, May 2, 2017

**Times**

8:00 a.m. – 6:00 p.m.  
8:00 a.m. – 5:00 p.m.  
7:00 a.m. – 7:00 p.m.

### **Early Voting by Mail**

Applications for voting by mail should be received no later than the close of business (5:00 p.m.) on Friday, April 25, 2017. Applications should be sent to:

Kara Sands, County Clerk  
Nueces County, Texas  
ATTN: Elections Division  
P.O. Box 2627  
Corpus Christi, Texas 78403  
e-mail: [votebymail@nuecesco.com](mailto:votebymail@nuecesco.com)  
fax: 361-888-0329



**ATTACHMENT D**

[TO BE INSERTED] – ELECTION SERVICES AGREEMENT WITH NUECES COUNTY