

ORDINANCE NO. 23-003

AN ORDINANCE OF THE CITY OF GALVESTON, TEXAS, ORDERING AND CALLING A SPECIAL ELECTION TO BE HELD IN THE CITY OF GALVESTON ON THE 6TH DAY OF MAY, 2023, FOR THE PURPOSE OF ELECTING A DISTRICT COUNCIL MEMBER FOR DISTRICT TWO, FOR A TERM ENDING IN MAY 2024; MAKING PROVISIONS FOR THE CONDUCT AND GIVING NOTICE OF THE ELECTION; DESIGNATING POLLING PLACES; DESIGNATING DATES AND HOURS FOR EARLY VOTING; DESIGNATING THE DATE AND HOURS FOR THE ELECTION DAY; PROVIDING FOR PUBLICATION OF THE NOTICE OF THE ELECTION; PROVIDING BILINGUAL ELECTION REQUIREMENTS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING AN OPEN MEETINGS CLAUSE; PROVIDING A SAVINGS CLAUSE; DECLARING FINDINGS OF FACT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Galveston consists of the Mayor and six (6) Council Members duly elected by the citizenry of the City of Galveston, Texas, and which the terms of office are to expire in May, 2024; and,

WHEREAS, the elected representative for Galveston Council District No. 2, Mr. William Schuster, has resigned from the position creating a vacancy on the Council seat. Mr. William Schuster, will remain as District Two Councilmember until a new District Two Councilmember is elected to complete the remainder of the 2022 thru 2024 term of office years; and,

WHEREAS, pursuant to the City Charter Art. II Section 3 "[I]f a seat on the council becomes vacant, it shall be filled for the remainder of the unexpired term at a special election called for such purpose, unless the next regular City election is to be held within one hundred and twenty (120) days from the time of such vacancy"; and,

WHEREAS, as the next regular election day for the City of Galveston is in excess of one hundred twenty (120) days from the date of the creation of the vacancy, a special election is required under the City Charter to fill the vacancy on Council for the unexpired term of Mr. William Schuster; and,

WHEREAS, Texas Election Code §201.051 provides that if a vacancy in office is to be filled by a Special Election, the "election shall be ordered as soon as practicable after the vacancy occurs..."; and,

WHEREAS, on January 26, 2023, the Galveston City Council unanimously approved entering into a contract with the County of Galveston for the administration of election services pursuant to the applicable provisions of the Texas Election Code; and,

WHEREAS, the filing period for interested candidates to submit an application for placement on the ballot for the May 6, 2023 Special Election is from January 18, 2023 through February 17, 2023. Applications will be received in the office of the City Secretary of the City of Galveston and filed with the City Secretary between the business hours of 8 a.m. and 5 p.m.; and,

WHEREAS, the City Council of the City of Galveston finds that due to the reasons stated herein, deems it in the public interest to call and order a Special Election to be held on May 6, 2023, to fill the unexpired council member vacancy of District Two, for a term ending in May, 2024.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GALVESTON, TEXAS:

SECTION 1. The findings and recitations set out in the preamble to this Ordinance are found to be true and correct, and they are hereby adopted by the City Council and made a part hereof for all purposes.

SECTION 2. Pursuant to the provisions of Article III of the Charter of the City of Galveston and section 3.005 of the Texas Election Code, a Special Election for the year 2023, is hereby called and ordered for the purpose of electing District Two Council Member, for a term ending in May, 2024, to be held in the City on Saturday, May 6, 2023, between the hours of 7 o'clock a.m. and 7 o'clock p.m., as provided in section 41.031 of the Texas Election Code, as well as, a period of early voting in accordance with the provisions of the Texas Election Code.

SECTION 3. The Special Election hereby called and ordered shall be conducted in accordance with the provisions of this Ordinance, the requirements of the Charter of the City of Galveston, the Constitution and laws of the State of Texas regulating the holding of special elections. The special election called and ordered shall be conducted in accordance with the provisions of the Election Services Agreement by and between the City and Galveston County approved by City Council on May 27, 2023.

SECTION 4. The filing period for interested candidates to submit an application for placement on the ballot for the May 6, 2023 Special Election is from January 18, 2023 through February 17, 2023. Applications will be received in the office of the City Secretary of the City of Galveston and filed with the City Secretary between the business hours of 8 a.m. and 5 p.m.

SECTION 5. In accordance with Chapter 43 and other applicable provisions of the Texas Election Code, this election shall be conducted utilizing countywide polling places as designated by the County of Galveston. The City Council hereby designates the locations listed in **Exhibit 1** as countywide polling places to be utilized for this election.

SECTION 6. The ballots shall conform to all requirements of the laws of the State of Texas governing the same. Such ballots shall contain the names of all eligible candidates for the respective office of City Council Member of District Two of the City of Galveston.

SECTION 7. All qualified voters of the City of Galveston shall be entitled to vote at the Special Election so hereby called and ordered. The Special Election shall be conducted in accordance with the applicable laws of the State of Texas between the hours of 7 o'clock a.m. and 7 o'clock p.m. on Saturday, May 6, 2023 ("Election Day").

SECTION 8. Voting machines and/or ballot boxes shall be used in the election in accordance with the provisions of the laws of the State of Texas relating to the use of voting machines, ballot boxes, and elections. Pursuant to the Election Services Agreement with the City

of Galveston, Intercivic Verity Duo Equipment Voting Machines will be used during the conduct of the subject special election being called by this Ordinance.

SECTION 9. (a) In compliance with Section 271.006 of the Texas Election Code, Dwight D. Sullivan, Galveston County Clerk, is appointed as the Early Voting Clerk. Other deputy early voting clerks shall be appointed as needed to process early voting mail and to conduct early voting by personal appearance. The main early voting polling place is designed as the Galveston County Justice Center, 600 – 59th Street, 1st Floor Vending Room, Galveston, Texas 77551. Early voting by personal appearance is available at the City of Galveston Historic 30th Street Pump and Electric Light Station, 715 30th Street, Galveston, Texas 77550, and such other early voting polling places as designated by the Early Voting Clerk.

(b) Qualified electors voting early who are unable to vote in person shall vote by mail as prescribed by the laws of the State of Texas. Applications for ballots by mail may be sent to the Early Voting Clerk as follows:

- By Mail: Attn: Ballots by Mail, c/o Dwight D. Sullivan, Galveston County Clerk, P. O. Box 17253, Galveston, Texas 77552-7253;
- By Fax: 409.765.3249 (Please put “Attention Ballots By Mail” on the cover sheet);
or
- By Email: absenteeballotapplications@co.galveston.tx.us (If this method is used, an application from the County Clerk’s Elections Division website will need to be printed, filled out completely, signed, and scanned before submitting as an attachment to the email).

In accordance with Section 84.007 of the Texas Election Code, the first day to apply for a ballot by mail is January 1, 2023. The last day to apply for a ballot by mail is April 25, 2023 (received, not postmarked). The deadline for receipt of a Federal Post Card Application (FPCA) from a registered voter is April 25, 2023.

The Galveston County Clerk must physically receive marked ballots by the last mail delivery on Election Day which is Saturday, May 6, 2023 at 3:00 o’clock p.m. If a marked ballot is being mailed from outside of the United States, the ballot must be received by the last mail delivery on the fifth day after Election Day. In addition, marked ballots from individuals voting by mail may be hand delivered in person only while polls are open on Election Day. Only the person casting the marked ballot may surrender the ballot in person. Such ballots will be accepted between the hours of 7:00 a.m. and 7:00 p.m. at the Galveston County Clerk’s Office, Elections Division, 600 – 59th Street, 3rd Floor, Galveston, Texas 77551.

(c) Early voting by personal appearance shall begin on Monday, April 24, 2023, and end on Tuesday, May 2, 2023, and shall be conducted during the following hours:

<i>Day</i>	<i>Date</i>	<i>Hours of Operation</i>
Monday	April 24, 2023	8:00 am to 5:00 pm
Tuesday	April 25, 2023	8:00 am to 5:00 pm
Wednesday	April 26, 2023	8:00 am to 5:00 pm

Thursday	April 27, 2023	8:00 am to 5:00 pm
Friday	April 28, 2023	8:00 am to 5:00 pm
Monday	May 1, 2023	7:00 am to 7:00 pm
Tuesday	May 2, 2023	7:00 am to 7:00 pm

(d) The City Council hereby appoints the County's duly appointed representatives to the Early Voting Ballot Board.

SECTION 10. (a) Notice of said election shall be given (1) by filing a copy of this election Ordinance with the City Secretary; and (2) by publication as required by state law. The notice shall be in accordance with state law.

(b) The Mayor is hereby authorized to sign an "Order of Election" and "Notice of Special Election." Council directs the City Secretary to post the "Order of Election" and publish and post the "Notice of Special Election," in both English and Spanish in accordance with state law.

SECTION 11. Officers of the election shall immediately at the close of the election return to the City Council the results of the election. The City Council shall canvass the returns and declare the results of the election as provided in the Agreement between the City and the County, and as permitted by law.

SECTION 12. The provisions of 42 U.S.C.A. § 1973aa-1a, 28 C.F.R. Part 55, and section 272.001 et seq. of the Texas Election Code, regarding members of a single-language minority, shall be observed with respect to printing, programming, and disseminating voting notices, forms, balloting materials, instructions, assistance or other materials or information relating to the electoral process, including ballots, and all such election materials shall be printed, programmed, processed, and/or provided in the Spanish language as well as the English language, and at each Election precinct there shall be a Judge, Alternate Judge, or Clerk who is fluent in the Spanish language and who shall be instructed and required to provide assistance to any voter desiring same.

SECTION 13. The County of Galveston shall appoint eligible persons in the following capacities in accordance with the Texas Election Code, and those persons shall have the duties and responsibilities as prescribed by state law:

Central Count Station Manager, Clerk, Tabulation Supervisor, Assistant to the Tabulation Supervisor, Judge of the Central Count Station, Clerks and Early Voting Ballot Board

SECTION 14. The City Secretary is hereby authorized and instructed to provide and furnish all necessary election supplies to conduct said special election and to comply with federal, state, and local laws and in the conduct thereof. This will be provided through the Election Services of the County of Galveston.

SECTION 15. The City Council reserves the right to amend or modify this Ordinance, including, but not limited to, the Early Voting and Election Day polling locations.

SECTION 16. In the event any provision of the Election Services Agreement with the County conflicts with any provision of this Ordinance, the provisions of this Ordinance shall control with respect to the City election.

SECTION 17. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance, because the same would have been enacted by the City Council without the incorporation in this Ordinance of any such invalid phrase, clause, sentence, paragraph or section.

SECTION 18. It is hereby officially found and determined that notice of the meeting at which this Ordinance is adopted was given as required by Chapter 551 of the Texas Government Code (the "Texas Open Meetings Act") and that such meeting has been open to the public at all times when this Ordinance was discussed and acted on.

SECTION 19. All Ordinances or parts thereof in conflict herewith are repealed to the extent of such conflict only.

SECTION 20. In accordance with the provisions of Sections 12 and 13 of Article II of the City Charter, this Ordinance has been publicly available in the Office of the City Secretary for not less than 72 hours prior to its adoption; and that this Ordinance may be read and published by descriptive caption only.

SECTION 21. This Ordinance shall be and become effective from and after its adoption and publication in accordance with the provisions of the Charter of the City of Galveston.

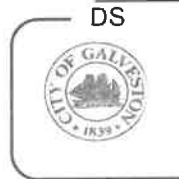
APPROVED AS TO FORM:

Donna Fairweather
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DONNA M. FAIRWEATHER
SR. ASSISTANT CITY ATTORNEY

I, Janelle Williams, Secretary of the City Council of the City of Galveston, do hereby certify that the foregoing is a true and correct copy of an Ordinance adopted by the City Council of the City of Galveston at its Regular meeting held on the 26th day of January, 2023, as the same appears in records of this office.

IN TESTIMONY WHEREOF, I subscribe my name hereto officially under the corporate seal of the City of Galveston this 27th day of January, 2023.



DocuSigned by:
Janelle Williams
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City Secretary for the City Council
of the City of Galveston, Texas

EXHIBIT 1

EARLY VOTING

VOTING LOCATIONS

MAIN EARLY VOTING POLLING PLACE

Galveston County Justice Center
600 – 59th Street
1st Floor Concession Area
Galveston, Texas

#1 Galveston County Courthouse
722 Moody Street
Galveston, TX 77550

#2 Moody Methodist Church
2803 53rd Street
Galveston, TX 77551

#3 Seaside Baptist Church
16534 Termini-San Luis Pass Rd.
Galveston, TX 77554

#4 COG Historic Pump Station
715 30th Street
Galveston, TX 77550

#5 Galveston GISD Admin Bldg.
3904 Avenue T
Galveston, TX 77550

Friendswood Activity Building
416 Morningside Drive
Friendswood, TX 77546

Jacob White
2200 Parkwood Ave
Friendswood, TX 77546
Carver Park
6415 Park Ave.
Texas City, TX 77591

MUD 12 Building
2929 Hwy 6 2nd Floor
Bayou Vista, TX 77563

La Marque Community Room

Joe Faggard Building
1750 State Hwy 87
Port Bolivar, TX 77650

Dickinson Community Center
2714 Hwy 3
Dickinson, TX 77539
San Leon Fire Dept.
337 12th Street
San Leon, TX 77539

Santa Fe City Hall
12002 Highway 6
Santa Fe, TX 77510

Santa Fe Museum

1109 Bayou Road
La Marque, TX 77568

Hitchcock ISD Admin
7801 Neville
Hitchcock, TX 77563

Bacliff Fire Department
600 Grand Avenue
Bacliff, TX 77518

Kemah Community Center
800 Harris Avenue
Kemah, X 77565

La Marque Fire Admin
5715 Texas Ave
La Marque, TX 77568

13304 Hwy 6
Santa Fe, TX 77510

Nessler Center
2010 5th Ave. North
Texas City, TX 77590

Dickinson City Hall
4403 Highway 3
Dickinson, TX 77539

Hometown Heroes Park
1001 E. League City Parkway
League City, TX 77573

Creekside Inter
4320 W. Main Street
League City, TX 77573

ELECTION DAY

VOTING LOCATIONS

Saturday May 6, 2023

#1 Galveston County Courthouse
722 Moody Street
Galveston, TX 77550

#2 Moody Methodist Church
2803 53rd Street
Galveston, TX 77551

#3 Seaside Baptist Church
16534 Termini-San Luis Pass Rd.
Galveston, TX 77554

#4 COG Historic Pump Station
715 30th Street
Galveston, TX 77550

#5 Galveston GISD Admin Bldg.
3904 Avenue T
Galveston, TX 77550

Friendswood Activity Building
416 Morningside Drive
Friendswood, TX 77546

Joe Faggard Building
1750 State Hwy 87
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Jacob White
2200 Parkwood Ave
Friendswood, TX 77546
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Texas City, TX 77591

MUD 12 Building
2929 Hwy 6 2nd Floor
Bayou Vista, TX 77563

La Marque Community Room
1109 Bayou Road
La Marque, TX 77568

Hitchcock ISD Admin
7801 Neville
Hitchcock, TX 77563

Bacliff Fire Department
600 Grand Avenue
Bacliff, TX 77518

Kemah Community Center
800 Harris Avenue
Kemah, X 77565

La Marque Fire Admin
5715 Texas Ave
La Marque, TX 77568

Dickinson Community Center
2714 Hwy 3
Dickinson, TX 77539
San Leon Fire Dept.
337 12th Street
San Leon, TX 77539

Santa Fe City Hall
12002 Highway 6
Santa Fe, TX 77510

Santa Fe Museum
13304 Hwy 6
Santa Fe, TX 77510

Nessler Center
2010 5th Ave. North
Texas City, TX 77590

Dickinson City Hall
4403 Highway 3
Dickinson, TX 77539

Hometown Heroes Park
1001 E. League City Parkway
League City, TX 77573

Creekside Inter
4320 W. Main Street
League City, TX 77573

Certificate Of Completion

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Source Envelope:

Document Pages: 8

Signatures: 2

Envelope Originator:

Certificate Pages: 5

Initials: 0

Janelle Williams

AutoNav: Enabled

Stamps: 1

823 Rosenberg

Envelopeld Stamping: Enabled

Galveston, TX 77550

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CitySec@galvestontx.gov

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Status: Original

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01-27-2023 | 08:53

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Storage Appliance Status: Connected

Pool: City of Galveston

Location: DocuSign

Signer Events

Donna Fairweather

Signature

Timestamp

Legal@galvestontx.gov

DocuSigned by:

Donna Fairweather

City Attorney

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Signature Adoption: Pre-selected Style

Viewed: 01-27-2023 | 10:09

Signed: 01-27-2023 | 10:10

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ID: da8970fb-d34c-42cb-bdea-93351fae59ab

Janelle Williams

DocuSigned by:

Janelle Williams

CitySec@galvestontx.gov

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Sent: 01-27-2023 | 10:10

City Secretary

Viewed: 01-27-2023 | 13:31

City of Galveston

Signed: 01-27-2023 | 13:32

Security Level: Email, Account Authentication (None)



Freeform Signing

Signature Adoption: Pre-selected Style

Using IP Address: 50.205.209.26

Electronic Record and Signature Disclosure:

Not Offered via DocuSign

In Person Signer Events

Signature

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Editor Delivery Events

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Agent Delivery Events

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Intermediary Delivery Events

Status

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Certified Delivery Events

Status

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Witness Events

Signature

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Notary Events

Signature

Timestamp

Envelope Summary Events**Status****Timestamps**

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Completed	Security Checked	01-27-2023 13:32

Payment Events**Status****Timestamps****Electronic Record and Signature Disclosure**

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From time to time, City of Galveston - City Secretary Office (we, us or Company) may be required by law to provide to you certain written notices or disclosures. Described below are the terms and conditions for providing to you such notices and disclosures electronically through the DocuSign system. Please read the information below carefully and thoroughly, and if you can access this information electronically to your satisfaction and agree to this Electronic Record and Signature Disclosure (ERSD), please confirm your agreement by selecting the check-box next to 'I agree to use electronic records and signatures' before clicking 'CONTINUE' within the DocuSign system.

Getting paper copies

At any time, you may request from us a paper copy of any record provided or made available electronically to you by us. You will have the ability to download and print documents we send to you through the DocuSign system during and immediately after the signing session and, if you elect to create a DocuSign account, you may access the documents for a limited period of time (usually 30 days) after such documents are first sent to you. After such time, if you wish for us to send you paper copies of any such documents from our office to you, you will be charged a \$0.00 per-page fee. You may request delivery of such paper copies from us by following the procedure described below.

Withdrawing your consent

If you decide to receive notices and disclosures from us electronically, you may at any time change your mind and tell us that thereafter you want to receive required notices and disclosures only in paper format. How you must inform us of your decision to receive future notices and disclosure in paper format and withdraw your consent to receive notices and disclosures electronically is described below.

Consequences of changing your mind

If you elect to receive required notices and disclosures only in paper format, it will slow the speed at which we can complete certain steps in transactions with you and delivering services to you because we will need first to send the required notices or disclosures to you in paper format, and then wait until we receive back from you your acknowledgment of your receipt of such paper notices or disclosures. Further, you will no longer be able to use the DocuSign system to receive required notices and consents electronically from us or to sign electronically documents from us.

All notices and disclosures will be sent to you electronically

Unless you tell us otherwise in accordance with the procedures described herein, we will provide electronically to you through the DocuSign system all required notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you during the course of our relationship with you. To reduce the chance of you inadvertently not receiving any notice or disclosure, we prefer to provide all of the required notices and disclosures to you by the same method and to the same address that you have given us. Thus, you can receive all the disclosures and notices electronically or in paper format through the paper mail delivery system. If you do not agree with this process, please let us know as described below. Please also see the paragraph immediately above that describes the consequences of your electing not to receive delivery of the notices and disclosures electronically from us.

How to contact City of Galveston - City Secretary Office:

You may contact us to let us know of your changes as to how we may contact you electronically, to request paper copies of certain information from us, and to withdraw your prior consent to receive notices and disclosures electronically as follows:

To contact us by email send messages to: CitySec@galvestontx.gov

To advise City of Galveston - City Secretary Office of your new email address

To let us know of a change in your email address where we should send notices and disclosures electronically to you, you must send an email message to us at citysec@galvestontx.gov and in the body of such request you must state: your previous email address, your new email address. We do not require any other information from you to change your email address.

If you created a DocuSign account, you may update it with your new email address through your account preferences.

To request paper copies from City of Galveston - City Secretary Office

To request delivery from us of paper copies of the notices and disclosures previously provided by us to you electronically, you must send us an email to jwilliams@galvestontx.gov and in the body of such request you must state your email address, full name, mailing address, and telephone number. We will bill you for any fees at that time, if any.

To withdraw your consent with City of Galveston - City Secretary Office

To inform us that you no longer wish to receive future notices and disclosures in electronic format you may:

- i. decline to sign a document from within your signing session, and on the subsequent page, select the check-box indicating you wish to withdraw your consent, or you may;
- ii. send us an email to CitySec@galvestontx.gov and in the body of such request you must state your email, full name, mailing address, and telephone number. We do not need any other information from you to withdraw consent.. The consequences of your withdrawing consent for online documents will be that transactions may take a longer time to process..

Required hardware and software

The minimum system requirements for using the DocuSign system may change over time. The current system requirements are found here: <https://support.docusign.com/guides/signer-guide-signing-system-requirements>.

Acknowledging your access and consent to receive and sign documents electronically

To confirm to us that you can access this information electronically, which will be similar to other electronic notices and disclosures that we will provide to you, please confirm that you have read this ERSD, and (i) that you are able to print on paper or electronically save this ERSD for your future reference and access; or (ii) that you are able to email this ERSD to an email address where you will be able to print on paper or save it for your future reference and access. Further, if you consent to receiving notices and disclosures exclusively in electronic format as described herein, then select the check-box next to 'I agree to use electronic records and signatures' before clicking 'CONTINUE' within the DocuSign system.

By selecting the check-box next to 'I agree to use electronic records and signatures', you confirm that:

- You can access and read this Electronic Record and Signature Disclosure; and
- You can print on paper this Electronic Record and Signature Disclosure, or save or send this Electronic Record and Disclosure to a location where you can print it, for future reference and access; and
- Until or unless you notify City of Galveston - City Secretary Office as described above, you consent to receive exclusively through electronic means all notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you by City of Galveston - City Secretary Office during the course of your relationship with City of Galveston - City Secretary Office.