

**ORDINANCE NO. 24-034**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GALVESTON, TEXAS, ORDERING A RUNOFF ELECTION TO BE HELD IN THE CITY OF GALVESTON ON JUNE 15, 2024 FOR THE PURPOSE OF ELECTING A COUNCILMEMBER TO DISTRICT TWO (2); PROVIDING THE MEANS AND METHOD OF CARRYING OUT SAID ELECTION; DESIGNATING HOURS FOR VOTING; PROVIDING BILINGUAL ELECTION REQUIREMENTS; DESIGNATING POLLING PLACES; PROVIDING FOR EARLY VOTING; PROVIDING FOR NOTICE OF THE RUNOFF ELECTION; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING AN OPEN MEETINGS CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR FINDINGS OF FACT AND PROVIDING FOR AN EFFECTIVE DATE.**

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**WHEREAS**, on the 4th day of May, 2024, the City of Galveston held a General Election for the purpose of electing a Mayor at-large and six (6) Council Members from districts, each for a term of two (2) years; and

**WHEREAS**, at a Special Meeting held on the 15th day of May, 2024, the City Council adopted Ordinance No. 24-033, canvassing the returns of such election and declaring the fact that no candidate received a majority vote to duly qualify for the Council Member seat in District Two (2); and

**WHEREAS**, The City Charter, Article III, § 2, “Election of Mayor and Councilmembers” requires a candidate to receive “fifty (50) percent of the votes plus one (1) vote” (hereinafter a “Majority Vote”) to be declared elected to office; and

**WHEREAS**, Texas Election Code Section 2.021 requires a runoff election to be held when no candidate for a particular office receives the vote necessary to be elected in an election requiring a majority vote; and

**WHEREAS**, Article XVI, § 17 of the Texas Constitution requires all incumbent Councilmembers to continue to perform the duties of their offices until their successors are duly qualified; and

**WHEREAS**, the City Council of the City of Galveston, Texas, deems it in the public interest to call and order a runoff election for the above office.

**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.** That pursuant to the provisions of Article III of The City Charter and Section 2.021 of the Texas Election Code, a runoff election is hereby called and ordered to be held in the City of Galveston, Texas, on Saturday, June 15, 2024 between the hours of 7:00

o'clock a.m. and 7:00 o'clock p.m. for the purpose of electing a Councilmember to District Two (2) (hereinafter the "Runoff Election").

**SECTION 3.** That the Runoff Election hereby called and ordered shall be conducted in accordance with the provisions of this Ordinance and in accordance with the requirements of The City Charter, and the Constitution and laws of the State of Texas regulating the holding of municipal runoff elections. The election called and ordered shall also 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 January 25, 2024.

**SECTION 4.** In accordance with the provisions of Section 2.023 of the Texas Election Code, the following persons received the highest and second highest number of votes in the May 4, 2024, General Election and are hereby designated as the only eligible candidates in the June 15, 2024 Runoff Election:

District 2      David Finklea  
                     Luke Bohlman

**SECTION 5.** In accordance with the provisions of Section 2.027 of the Texas Election Code, the Mayor shall certify in writing for placement on the Runoff Election ballot the names of the runoff candidates and shall deliver the certification to the City Secretary for preparation of the official ballot. The ballots used in such Runoff Election shall conform to all requirements of the laws of the State of Texas governing the same.

**SECTION 6.** 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 below as countywide polling places to be utilized for this election.

- 1)      Records and Elections Center  
         10,000 Emmett F. Lowry Expressway  
         Texas City, TX 77591
  
- 2)      GISD Admin Building  
         3904 Avenue T  
         Galveston, TX 77550
  
- 3)      Galveston County Courthouse  
         722 Moody Street  
         Galveston, TX 77550

**SECTION 7.** All qualified voters of the City of Galveston in District Two shall be entitled to vote at the Runoff Election hereby called and ordered. The Runoff Election shall be conducted in accordance with the laws of the State of Texas between the hours of 7 o'clock a.m. and 7 o'clock p.m. on June 15, 2024.

**SECTION 8.** (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. Early voting by personal appearance is available at the following countywide locations, and such other early voting polling places as designated by the Early Voting Clerk.

- 1) Records and Elections Center  
10,000 Emmett F. Lowry Expressway  
Texas City, TX 77591
  
- 2) GISD Admin Building  
3904 Avenue T  
Galveston, Texas 77550
  
- 3) Galveston County Courthouse  
722 Moody Street  
Galveston, TX 77550

(b). Early voting by personal appearance shall begin on June 3, 2024, and end on June 11, 2024, and shall be conducted and shall be conducted during the following hours:

<i>Day</i>	<i>Date</i>	<i>Hours of operation</i>
Monday	June 3	8:00 a.m. to 5:00 p.m.
Tuesday	June 4	8:00 a.m. to 5:00 p.m.
Wednesday	June 5	8:00 a.m. to 5:00 p.m.
Thursday	June 6	8:00 a.m. to 5:00 p.m.
Friday	June 7	8:00 a.m. to 5:00 p.m.
Saturday	June 8	8:00 a.m. to 5:00 p.m.
Sunday	June 9	1:00 p.m. to 5:00 p.m.
Monday	June 10	7:00 a.m. to 7:00 p.m.
Tuesday	June 11	7:00 a.m. to 7:00 p.m.

(c) The City Council hereby appoints Doug Godinich to the Early Voting Ballot Board.

**SECTION 9.** (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 Runoff Election.” Council directs the City Secretary to post the “Order of Election” and publish and post the “Notice of Runoff Election,” in both English and Spanish in accordance with State law.

**SECTION 10.** 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 11.** 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 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, processed and provided in the Spanish language as well as the English language, and each Election precinct shall have access to 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 12.** The City Secretary is hereby authorized and instructed to appoint all necessary election officers and furnish all necessary election supplies to conduct said election and to comply with Federal, State, and local law in the conduct thereof.

**SECTION 13.** 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 14.** It is hereby officially found and determined that notice of the meeting at which this ordinance is adopted was given as required by 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 15.** All Ordinances or parts thereof in conflict herewith are repealed to the extent of such conflict only.

**SECTION 16.** In accordance with the provisions of Section 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; that this Ordinance may be read and published by descriptive caption only.

**SECTION 17.** 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.

**SECTION 18.** The election hereby called and ordered shall be conducted in accordance with the provisions of this ordinance, The Charter of the City of Galveston, Texas, and the Constitution and laws of the State of Texas regulating the holding of local elections.

**SECTION 19.** The City Council hereby authorizes the City Manager to approve all valid election expenses in accordance with the current Election Services Contract with the County of Galveston.



APPROVED AS TO FORM:

DocuSigned by:

*Donna Fairweather for*

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MEHRAN JADIDI  
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 *Special Meeting* held on the 15th day of May, 2024, 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 16th day of May, 2024.



DocuSigned by:

*Janelle Williams*

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City Secretary for the City Council  
of the City of Galveston

**Certificate Of Completion**

Envelope Id: 8A6884A9C72941C8B3715635A8A644C6	Status: Completed
Subject: COG-ORD-34	
Source Envelope:	
Document Pages: 5	Signatures: 2
Certificate Pages: 5	Initials: 0
AutoNav: Enabled	Stamps: 1
Envelope Stamping: Enabled	Envelope Originator:
Time Zone: (UTC-06:00) Central Time (US & Canada)	Janelle Williams
	823 Rosenberg
	Galveston, TX 77550
	CitySec@galvestontx.gov
	IP Address: 50.205.209.26

**Record Tracking**

Status: Original 05-16-2024   10:10	Holder: Janelle Williams CitySec@galvestontx.gov	Location: DocuSign
Security Appliance Status: Connected	Pool: StateLocal	
Storage Appliance Status: Connected	Pool: City of Galveston	Location: DocuSign

**Signer Events**

Donna Fairweather for  
Legal@galvestontx.gov  
City Attorney  
Security Level: Email, Account Authentication (None)

**Signature**

DocuSigned by:  
*Donna Fairweather for*  
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Signature Adoption: Pre-selected Style  
Using IP Address: 50.205.209.26

**Timestamp**

Sent: 05-16-2024 | 10:10  
Viewed: 05-16-2024 | 10:35  
Signed: 05-16-2024 | 10:37  
Freeform Signing

**Electronic Record and Signature Disclosure:**

Accepted: 05-16-2024 | 10:35  
ID: 0408b41a-89cf-4c41-abbf-3da70fc9c537

Janelle Williams  
CitySec@galvestontx.gov  
City Secretary  
City of Galveston  
Security Level: Email, Account Authentication (None)

DocuSigned by:  
*Janelle Williams*  
F12776E17F29488...  
  
Signature Adoption: Pre-selected Style  
Using IP Address: 50.205.209.26

Sent: 05-16-2024 | 10:37  
Viewed: 05-16-2024 | 10:47  
Signed: 05-16-2024 | 10:48  
Freeform Signing

**Electronic Record and Signature Disclosure:**

Not Offered via DocuSign

In Person Signer Events	Signature	Timestamp
Editor Delivery Events	Status	Timestamp
Agent Delivery Events	Status	Timestamp
Intermediary Delivery Events	Status	Timestamp
Certified Delivery Events	Status	Timestamp
Carbon Copy Events	Status	Timestamp
Witness Events	Signature	Timestamp
Notary Events	Signature	Timestamp

<b>Envelope Summary Events</b>	<b>Status</b>	<b>Timestamps</b>
Envelope Sent	Hashed/Encrypted	05-16-2024   10:10
Certified Delivered	Security Checked	05-16-2024   10:47
Signing Complete	Security Checked	05-16-2024   10:48
Completed	Security Checked	05-16-2024   10:48

<b>Payment Events</b>	<b>Status</b>	<b>Timestamps</b>
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**Electronic Record and Signature Disclosure**

## **ELECTRONIC RECORD AND SIGNATURE DISCLOSURE**

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](mailto: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](mailto: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](mailto: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](mailto: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.