

**RESOLUTION NO. R-2019-29**

**A RESOLUTION ORDERING A RUNOFF ELECTION TO BE HELD IN THE CITY OF TYLER, TEXAS ON THE 29TH DAY OF JUNE, 2019 FOR THE PURPOSE OF ELECTING A CITY COUNCILMEMBER FOR SINGLE MEMBER DISTRICT NUMBER 3; MAKING PROVISIONS FOR THE CONDUCT OF A RUNOFF ELECTION AND RESOLVING OTHER MATTERS INCIDENT AND RELATED TO SUCH ELECTION; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, The Tyler City Council Election to elect a City Councilmember for Single Member District No. 3 was held on May 4<sup>th</sup>, 2019; and

**WHEREAS**, On May 15<sup>th</sup>, 2019, the Tyler City Council canvassed the returns of the May 4<sup>th</sup>, 2019 election, and as a result of such canvass it appeared that none of the three candidates on the ballot for Single Member District No. 3 received a majority of the votes cast; and

**WHEREAS**, It is now necessary to hold a runoff election to fill an expiring term of a City Councilmember for Single Member District No. 3

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS:**

**PART 1:** That a runoff election be, and the same is hereby ordered to be, held within the jurisdiction of the City of Tyler, Texas on the 29<sup>th</sup> day of June, 2019, pursuant to the laws of the State of Texas and the Charter of the City of Tyler, Texas. Such runoff election shall be held for the purpose of electing a Councilmember to fill the District No. 3 seat, for a full two year term on the City Council.

**PART 2:** It is agreed that the City of Tyler will hold a runoff election where common polling places are possible and that in accordance with Chapter 271 of the Texas Election Laws, the runoff election herein ordered shall be held and a single ballot shall be utilized for the candidates to be voted on at such election. The runoff election, including early voting, shall be conducted by the Smith County Election Administrator, as set out in a contract with said official, and in accordance with Section 31.091 through 31.100, Contract for Election Services.

**PART 3:** That said runoff election shall be held and conducted in the manner and within the hours prescribed for runoff elections by the laws of the State of Texas insofar as they may be applicable, and all persons qualified to vote in said City under the laws of this State regulating runoff elections shall be allowed to vote.

**PART 4:** That all election instructions and ballots shall be printed in both English and Spanish as required by the Texas Election Code Sections 272.002 through 272.010.

**PART 5:** Polling places shall be open between the hours of 7:00 o'clock a.m. and 7:00 o'clock p.m.

**PART 6:** The candidate receiving a majority of the votes cast for her/his respective office shall be declared elected.

The Councilmember for District No. 3 shall be filled by a person residing in that district respectively who receives the majority of the votes cast by voters in that district. Only voters living in that district shall vote for that District's Councilmember.

**PART 7:** The candidate elected to the City office stated hereinabove in Part 1 shall hold office as may be provided by the Charter of the City of Tyler, Texas, for a period of two (2) years following their election or until their successor has been duly elected and qualified.

**PART 8:** The ballot to be used at said runoff election shall contain the name of no person unless she or he was a candidate for the office designated at the regular election held on May 4<sup>th</sup>, 2019. The two (2) persons receiving, at said regular election, the first and second highest number of votes cast for candidates for such office shall be entitled to have their names printed on said ballot in the order of their standing in the computation of the votes cast at said regular election for such office. All candidates shall make such other filings as may be required by law.

**PART 9:** The voting places shall be as follows:

**Early Voting Locations**

Monday, June 17, 2019 - Friday, June 21, 2019            8:00 am – 5:00 pm  
Monday, June 24, 2019 - Tuesday, June 25, 2019        7:00 am – 7:00 pm

**Main Early Voting Location:**

The HUB - Smith County Elections Office  
304 East Ferguson Street  
Tyler, Texas 75702

**Election Day Vote Centers**  
June 29, 2019 – 7:00 a.m. – 7:00 p.m.

On Election Day, Smith County voters may vote at ANY location listed below:

| <b>Location</b>             | <b>Address</b>    | <b>City &amp; Zip Code</b> |
|-----------------------------|-------------------|----------------------------|
| Jones/Boshears Elementary   | 3450 Chandler Hwy | Tyler, 75702               |
| TJ Austin Elementary School | 1105 W. Franklin  | Tyler, 75702               |

Each Presiding Judge shall appoint at least two (2) clerks to serve in his/her precinct and shall appoint as many additional clerks to so serve, not to exceed seven (7), as they deem necessary for the proper conduct of the election, one of whom shall be the Alternate Presiding Judge in that precinct, which said Presiding Judges and clerks shall be the managers of said election.

If any Presiding Judge is unable to serve at the election, the Alternate Presiding Judge of that precinct shall serve as the Presiding Judge for the election.

**PART 10:** Early voting by personal appearance shall be at 304 E. Ferguson Street Tyler, Texas. The Elections Administrator is appointed as the early voting clerk for the runoff election. The time of early voting shall be as prescribed by law, being June 17<sup>th</sup>, 2019, through June 21<sup>st</sup>, 2019, from 8:00 a.m. to 5:00 p.m., and June 24<sup>th</sup> and 25<sup>th</sup>, 2019, from 7:00 a.m. to 7:00 p.m. Applications for early voting ballots by mail should be addressed to Karen Chaney, Elections Administrator, P O Box 777, Tyler, Texas 75710, in accordance with the provisions of the Texas Election Laws.

For purposes of processing ballots cast in early voting, the following persons are appointed to the early Voting Ballot Board for this runoff election:

|                      |                           |
|----------------------|---------------------------|
| <u>Maurine Smith</u> | Presiding Judge           |
| <u>Arvilla Banks</u> | Alternate Presiding Judge |

**PART 11:** The Central Counting Station for the tabulation and counting of ballots for this runoff election shall be located at the Smith County Courthouse, Tyler, Texas and the persons hereby appointed to serve as Manager, Tabulation Supervisor and the Presiding Judge at the Central Counting Station are as follows:


|                            |                       |
|----------------------------|-----------------------|
| <u>Karen Chaney Nelson</u> | Manager               |
| <u>Karen Chaney Nelson</u> | Tabulation Supervisor |
| <u>Karen Chaney Nelson</u> | Presiding Judge       |

The Manager and Presiding Judge of the Central Counting Station may appoint clerks to serve at such Station, as provided by Section 127.006 of the Texas Election Laws.

**PART 12:** A copy of this resolution shall be sufficient notice of said election and the City Councilmembers of the City of Tyler are hereby ordered and directed to give notice of the time and place of said election by causing a true copy of this resolution to be published in some newspaper of general circulation in this City.

**PART 13:** That this resolution shall take effect immediately from and after its passage, as indicated below.

**PASSED AND APPROVED** this 15<sup>th</sup> day of May, A. D. 2019.


  
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MARTIN HEFNER, MAYOR  
OF THE CITY OF TYLER, TEXAS

ATTEST:

APPROVED:

  
\_\_\_\_\_  
CASSANDRA BRAGER, CITY CLERK



  
\_\_\_\_\_  
DEBORAH G. PULLUM,  
CITY ATTORNEY