

ARTICLE VII. NOMINATIONS AND ELECTIONS

Sec. 7.01. Elections.

The regular City election shall be held annually on the uniform election date in May of each year as set by State law, at which time officers will be elected to fill those offices which become vacant that year. The City Council shall fix the hours and place for holding such election in accordance with State law. The City Council may, by resolution, order a special election, fix the time and place for holding same, and provide all means for holding such special election as set by State Law.

(Amd. no. 1, 4-4-1964; amd. nos. 16, 17, 1-21-1989; Ord. No. 3503, Exh. A, 5-15-2018)

Sec. 7.02. Regulation of elections.

The City Council shall make all regulations which it considers needful or desirable, not inconsistent with this Charter or the laws of the State of Texas, for the conduct of municipal elections, for the prevention of fraud in such elections and for the recount of ballots in case of doubt or fraud. Municipal elections shall be conducted by the appointed election authorities as specified in section 7.08 who shall also have power to make regulations not inconsistent with this Charter or with any regulations made by the Council or the laws of the State of Texas.

(Amd. no. 1, 5-1-1999; Ord. No. 3868, § 1(Exh. A, Prop. J), 6-4-2024)

Sec. 7.03. Nominations.

Any person, having the qualifications required by this Charter, may be nominated for the Council by petition, by using the most recent petition form prescribed by the Texas Secretary of State, of sufficient number of qualified voters of the City, in the case of a person seeking election to the office of mayor, or by petition of sufficient number of qualified voters of the District in which the person resides, in the case of person seeking election to the office of Councilmember Districts 1 through 5, respectively, to satisfy the requirements of State law, who shall be designated as the candidate's sponsors. Such petition must comply in all respects with the requirements of this Charter and State law. No voter shall sign more than one such petition for any one Council place, and should a voter do so, the voter's signature shall be void except as to the petition first filed. With each signature shall be stated the place of residence of the signer, giving the street and number or other description sufficient to identify it and such other information as shall be required by State law. Nominating petitions shall be submitted with the application for a place on the ballot and filed in accordance with the filing period set forth in the Texas Election Code with the City Secretary.

(Amd. no. 14, 4-3-1971; amd. nos. 18, 28, 1-21-1989; Ord. No. 3503, Exh. A, 5-15-2018; Ord. No. 3868, § 1(Exh. A, Prop. K), 6-4-2024)

Sec. 7.04. Number, selection and term of city council.

The Council, consisting of a Mayor and five Councilmembers, shall be selected as follows:

- (a) The Mayor shall be elected by a majority vote of the qualified voters voting at the election.

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- (b) The five Councilmembers shall be elected to individual districts, designated as District 1, 2, 3, 4, and 5, respectively, by a majority vote of the qualified voters residing within the district who vote for the candidate seeking office from district where the voter resides.
 - (c) The Mayor and each Councilmember shall hold office for a period of three years and until his or her successor is duly elected and qualified.
 - (d) Commencing with the regular municipal election held in 2011 and continuing thereafter:
 - (1) No person elected to the office of Mayor may serve in such office for more than two consecutive terms until at least three years have elapsed from the expiration of such person's previous term of office as Mayor; provided however such person is eligible to become a candidate for, and may serve two terms of office as a Councilmember;
 - (2) No person elected to the office of Councilmember may serve in such office for more than two consecutive terms until at least three years have elapsed from the expiration of such person's previous term of office as a Councilmember; provided however such is eligible to become a candidate for, and may serve two terms of office as Mayor;
 - (3) No person elected to the Council may serve more than two consecutive terms of office as Mayor and two consecutive terms of office as a Councilmember, or a maximum of four consecutive terms of office on the Council whether as Mayor or as a Councilmember, until at least three years have elapsed from the expiration of such person's previous term of office on the Council, whether as Mayor or as a Councilmember.

(Amd. nos. 2, 28, 1-21-1989; Ord. No. 3141, 5-25-2011; Ord. No. 3503, Exh. A, 5-15-2018)

Sec. 7.05. The official ballot.

The names of all candidates for office, except such as may have been withdrawn, died or become ineligible, shall be placed on the ballot without party designations and in the order determined in a drawing of lots conducted by the City Council.

Sec. 7.06. Qualified voter.

Every person resident in the City of Farmers Branch who is a qualified voter under the laws of the State of Texas shall be entitled to vote in any City election for the mayor and for the council member for the Councilmember District in which such person resides, and to determine the expenditures of money, or assumption of debt, and for the levying of special taxes, or other matters that may be presented to voters by the City Council.

(Amd. no. 12, 1-15-1983; amd. no. 1, 5-1-1999; Ord. No. 3868, § 1(Exh. A, Prop. L), 6-4-2024)

Sec. 7.07. Laws governing city elections.

All City elections shall be governed, except as otherwise provided by this Charter, by the laws of the State of Texas governing general and municipal elections.

Sec. 7.08. Conducting and canvassing elections; runoff elections.

The election judges and other necessary election officials for conducting all such elections shall be appointed by the City Council. The election judges shall conduct the elections, determine, record and report the results as provided by the general election laws of the State of Texas. In accordance with the provisions of the Texas Election Code, the City Council shall meet after election day, open the returns, canvass and officially declare the results of

the election as to candidates and questions and issue certificates of election to candidates elected as hereinbefore provided. In the event no candidate for a given office has received the necessary majority, the Mayor shall, on the first day following the completion of the official canvas, call a second election to be held on a date authorized for such purpose by State law as adopted by resolution of the City Council. At the second election, the ballot shall list the names of the two (2) candidates receiving the first and second highest number of votes for a given office (in the first election) in the order determined in a drawing of lots conducted by the City Council. Should one of such candidates withdraw, die, or become ineligible, the other shall be declared elected to office without a second election. Any tie shall be decided by lot. All elections shall be governed by the Texas Election Code and the laws applicable to municipal elections.

(Amd. no. 13, 1-15-1983; amd. no. 19, 1-21-1989; amd. no. 2, 5-1-1999; Ord. No. 3240, Exh. A, 8-20-2013; Ord. No. 3252, Exh. A, 11-19-2013)

Sec. 7.09. Oath of office.

Every officer of the City shall, before entering upon the duties of the office, take and subscribe to the statement of elected or appointed officer and the oath of office pursuant to the Texas Constitution Art. XVI, Sec. 1(e) and (f).

(Amd. no. 28, 1-21-1989; amd. no. 2, 5-1-1999)

Sec. 7.10. Establishment, review and revision of Council District boundaries.

- (a) The City is divided into five (5) districts, known as Districts 1, 2, 3, 4 and 5 as described in the Judgment of United States District Court in *Fabela v. City of Farmers Branch*, No. 3:10-CV-1425-D (N.D. Tex.) (January 31, 2018).
- (b) The Council shall appoint a redistricting commission, starting in January 2022, and every ten (10) years thereafter, to review the District boundaries in order to maintain a substantial equality of population in each District. The redistricting commission shall advise the Council, which shall within six (6) months after appointment fix the boundaries of the Districts by ordinance, if necessary. The Mayor and each member of the Council shall appoint at least one member of the redistricting commission. The Council shall designate the chair of the redistricting commission. In making such appointments, the Council shall, as nearly as may be practicable, provide fair and balanced representation of all geographical areas of the city in the redistricting process and provide a total membership that reflects the racial and ethnic makeup of the city's population. Members of the redistricting commission shall be appointed to serve a term that will end upon completion of the redistricting commission's work. Persons appointed to the redistricting commission must be qualified voters and meet the qualifications for service on a City board. A member of the Council is not eligible for appointment to the redistricting commission. A member of the redistricting commission is not eligible to be a candidate for Council in the next succeeding general election of the city, and may not be appointed or elected to the Council for a period of one year after service on the redistricting commission.
- (c) The redistricting commission shall draw the districts in compliance with the following guidelines:
 - (1) The districts shall be substantially equal in population according to the total population count as presented in the census data, except where deviation is required to comply with federal law or is allowable by law;
 - (2) In addition to the requirements of federal law, there shall be no discrimination on the basis of race, color, or membership in a language minority group, and the voting strength of racial, ethnic, and language minorities in the districts shall not be diluted to deprive minority voters of an equal opportunity to elect a candidate of their choice;

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- (3) The districts shall be geographically compact, to the extent possible, and composed of contiguous territory;
 - (4) The reconfiguration of districts shall be neutral as to incumbents or potential candidates; and
 - (5) To the extent practicable, communities of interest shall be placed in a single district and attempts should be made to avoid splitting neighborhoods, where possible, without violating the other requirements or applicable laws.

(Ord. No. 3503, Exh. A, 5-15-2018)