

ORDINANCE NO. 3877



AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, ORDERING A SPECIAL ELECTION TO BE HELD ON THE 5th DAY OF NOVEMBER 2024, FOR THE PURPOSE OF ELECTING A COUNCILMEMBER TO FILL THE VACANCY FOR THE UNEXPIRED TERM FOR COUNCILMEMBER, DISTRICT 2; DESIGNATING POLLING PLACES; ORDERING NOTICES OF ELECTION TO BE GIVEN; AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN ELECTION AGREEMENT WITH DALLAS COUNTY; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the resignation of Martin Baird, Councilmember - District 2, was submitted and accepted by the City Council effective July 16, 2024, creating a vacancy in said office with more than one year remaining in the unexpired term; and

WHEREAS, in accordance with the general laws and Constitution of the State of Texas and the Charter of the City of Farmers Branch, Texas, a special election must be held within 120 days after the vacancy in office is created; and

WHEREAS, the City Council of the City of Farmers Branch finds it in the public interest to order a special election be held on the 5th day of November, 2024, 7:00 a.m. to 7:00 p.m., for the purpose of electing a person to the office of Councilmember for District 2 to fill the unexpired term in said office; and

WHEREAS, the election shall be administered by the Dallas County Elections Administrator in accordance with the provisions of the Texas Election Code, the Charter of the City of Farmers Branch, and an agreement with the County of Dallas; and

WHEREAS, the City of Farmers Branch accepts Dallas County Election Administration's use of the direct record and optical scan voting systems, which have been certified by the Secretary of State in accordance with the Texas Election Code and approved by the United States Department of Justice.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, THAT:

SECTION 1: A special election is hereby ordered for November 5, 2024, for the City of Farmers Branch, Texas, for the purpose of electing a person to the office of City Council for District 2 to fill a vacancy for the unexpired term of said office. Polling locations for the election will be determined in the Joint Election Contract to be entered into with Dallas County. The polling locations shall be open between the hours of 7:00 a.m. and 7:00 p.m. the date of the election. The election will be conducted in accordance with the Joint Election Contract by and between the City, the County of Dallas and other units of government and the Texas Election Code.

SECTION 2: The City Secretary is hereby directed to cause notice of said election to be published at least once, not earlier than the 30th day nor later than the 10th day, before election day as provided in Section 4.003(a)(1) of the Texas Election Code; and shall be posted on the bulletin board used for posting notices of the City Council meetings not later than the 21st day before election day. A copy of the published notice that contains the name of the newspaper and the date of publication shall be retained as a record of such notice, and the person posting the notice shall make a record at the time of posting stating the date and place of posting in accordance with Texas Election Code Section 4.005.

SECTION 3. Early voting by personal appearance by any qualified voter of District 2 may be conducted at Farmers Branch Manske Library, 13613 Webb Chapel Road, Farmers Branch, Texas. Early voting by personal appearance for the November 5, 2024, election will be conducted by the Dallas County Elections Department beginning on Monday, October 21, 2024, and continue through Friday, November 1, 2024, with the polling places to be open on such days during the following hours:

Monday, October 21, 2024, through Friday, October 25, 2024	7:00 a.m. until 7:00 p.m.
Saturday, October 26, 2024	7:00 a.m. until 7:00 p.m.
Sunday, October 27, 2024	12:00 p.m. until 6:00 p.m.
Monday, October 28, 2024, through Friday, November 1, 2024	7:00 a.m. until 7:00 p.m.

SECTION 4. Applications for early voting ballot by mail shall be mailed to: Heider Garcia, Early Voting Clerk, Dallas County Elections Department, 1520 Round Table Drive, Dallas, Texas 75247. Applications for early voting ballot by mail must be received no later than the close of business on Friday, October 25, 2024.

SECTION 5. If a run-off election becomes necessary, the Dallas County Elections Administrator will conduct the run-off election on December 14, 2024. Early voting by personal appearance with respect to such run-off election shall be as determined by the Dallas County Elections Administrator.

SECTION 6. In accordance with Section 123.001 of the Texas Election Code, the Direct Record and Optical Scan Voting Systems approved by the Secretary of State are hereby adopted for the election on November 5, 2024.

SECTION 7. The City Manager is hereby authorized to negotiate and execute an agreement for the conduct of the special election to be held on November 5, 2024, and to approve any amendments thereto.

SECTION 8. The first day to file an application for a place on the ballot with the City Secretary is July 23, 2024, at 8:00 a.m., with the last day for filing to be August 22, 2024, at 6:00 p.m., in accordance with the Election Code Sections 1.006, 143.007, and 201.054.

SECTION 9. Pursuant to the contract with Dallas County to administer this special election on November 5, 2024, the Dallas County Elections Administrator shall serve as Election Administrator for the election. Presiding Election Judges and an Alternate Presiding Election Judges appointed to serve at said polling places shall be those election officials furnished by the Elections Administrator from the list of proposed election judges listed in an attachment to said agreement.

SECTION 10. In compliance with Section 271.006 of the Texas Election Code, Heider Garcia, Dallas County Elections Administrator, will be appointed as Early Voting Clerk. Other deputy early voting clerks will be appointed as needed to process early voting mail and to conduct early voting by personal appearance at the branch locations.

SECTION 11. An Early Voting Ballot Board shall be created to process early voting results in accordance with Section 87.007 of the Texas Election Code. The Early Voting Ballot Board shall be made up of members appointed in the manner stated in the agreement with Dallas County and the Presiding Judge and Alternate Presiding Judge of the Early Voting Ballot Board shall be the election officials listed in said agreement.

SECTION 12. Should any word, sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said Ordinance, which shall remain in full force and effect.

SECTION 13. This Ordinance shall take effect immediately from and after its passage as the law and charter in such cases provide.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, DALLAS COUNTY, TEXAS, ON THIS THE 16th DAY OF JULY 2024.

ATTEST:

Stacy Henderson, City Secretary

Terry Lynne, Mayor

APPROVED AS TO FORM:

City Attorney