

CITY OF FORNEY, TEXAS
RESOLUTION NO. 23-01

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FORNEY, TEXAS, CALLING A GENERAL ELECTION TO BE HELD JOINTLY WITH THE FORNEY INDEPENDENT SCHOOL DISTRICT AND ADMINISTERED BY THE KAUFMAN COUNTY ELECTIONS ADMINISTRATOR ON SATURDAY, MAY 6, 2023, FOR THE PURPOSE OF ELECTING A MAYOR AND THREE (3) COUNCIL MEMBERS, ONE (1) EACH FOR PLACE 2, PLACE 4 AND PLACE 6, FOR TWO (2) YEAR TERMS EACH; DESIGNATING THE ENTIRE CITY AS ONE ELECTION PRECINCT; DESIGNATING THE POLLING PLACES; DESIGNATING FILING DEADLINES: ORDERING NOTICES OF ELECTION TO BE POSTED AND PUBLISHED AS PRESCRIBED BY LAW IN CONNECTION WITH SUCH ELECTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 41.001 of the Texas Election Code, as amended (the "Code") specifies that the first Saturday in May shall be a "uniform election date" and that a general election of a city may be held on such day; and

WHEREAS, the City Council of the City of Forney, Texas (hereinafter referred to as the "City"), has determined that the City shall conduct general municipal elections on the first Saturday in May 2023; and

WHEREAS, by this Resolution, it is the intention of the City Council to: (i) call for said election to be held on said date, (ii) designate the entire City as one election precinct, (iii) designate the polling places for the election and (iv) establish and set forth procedures for conducting said election;

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

Section 1. Incorporation of Premises. That all of the above premises are found to be true and correct and are incorporated into the body of this Resolution as if copied in their entirety.

Section 2. Election Date; Purpose of Election; Officers and Terms of Office. That a general election is hereby ordered to be held in and throughout the City on Saturday, May 6, 2023, for the purpose of electing a Mayor and three (3) Council Members, one each for Place 2, Place 4, and Place 6, for two (2) year terms each.

Section 3. Eligibility for Candidacy. In accordance with Section 22.032 of the Texas Local Government Code and Section 3.02 of the City Charter of the City of Forney, no person shall be eligible for the office of Mayor or Council Member, unless he/she is a registered voter who shall have resided within the City not less than twelve (12) months preceding Election Day.

Section 4. Application for a Place on the Ballot. In accordance with Section 143.007 of the Code, any eligible and qualified person may have his/her name printed upon the

official ballot as a candidate for the offices herein before set forth, by filing his/her sworn application with the City Secretary not earlier than 8:00 a.m. January 18, 2023, and not later than 5:00 p.m. February 17, 2023. Each such application shall be on a form as prescribed by Section 141.031 of the Code. The order in which the names of the candidates are to be printed on the ballot shall be determined by a drawing by the City Secretary or her designee as provided by Section 52.094 of the Code. Notice of the time and place for such drawing shall be given in accordance with the Code.

Section 5. Election Precinct; Polling Place; Election Hours. The entire City of Forney, Texas, shall constitute one (1) election precinct for the election, and the polling places are as designated on Exhibit "A" attached here to and made a part hereof for all purposes. Said polling places shall be open from 7:00 a.m. until 7:00 p.m. on the date of the election.

Section 6. Early Voting. Early voting by personal appearance shall be conducted as set forth on Exhibit "A."

Applications for ballot by mail shall be requested from and mailed to the Kaufman County Election Administrator, Attn: Tandis Smith, P.O. Box 339, Kaufman, Texas 75142. Applications for ballots by mail must be received no later than the close of business on Tuesday, April 25, 2023.

Section 7. Method of Voting. Direct Record Electronic (DRE) voting machines shall be used for early voting by personal appearance and for Election Day voting. The County Election Official uses HAVA compliant equipment manufactured by Hart InterCivic, Inc. (DRE: eSlate 3000 and DAU 5000 upgrade).

Section 8. Governing Law; Qualified Voters. The election shall be held in accordance with the constitution of the State of Texas and the Code, and all resident, qualified electors of the city, shall be eligible to vote at the election.

Section 9. Publication and Posting of the Notice. Notice of the election shall be given by posting a notice of election on the City Hall bulletin board used for posting notices of the meetings of the City Council not less than twenty-one (21) days prior to the date upon which the election is to be held, and by publication of said notice at least once in a newspaper of general circulation within the city, the date of said publication to be not less than ten (10) days not more than thirty (30) days prior to the date set for the election.

Section 10. Delivery of Returns; Preservation of Election Records. The County Election Officer shall prepare the unofficial tabulation report after all precinct have been counted, and will provide a copy of the report to the City Secretary as soon as possible after all returns have been tabulated. The County Election Officer is hereby appointed as the custodian of voted ballots and shall preserve them in accordance with Chapter 66 of the Texas Election Code and other applicable law.

Section 11. Canvassing of Returns. The City Council of the City shall convene no later than May 17, 2023, to canvass the returns of the election.

Section 12. Necessary Action. The City Secretary of the City, in consultation with the City Attorney, is hereby authorized and directed to take any and all actions necessary to comply with the provisions of the Code in carrying out and conducting the election, whether or not expressly authorized herein.

Section 13. Effective Date. This Resolution shall be in force and effect from and after its passage and it is accordingly so resolved.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FORNEY, TEXAS, this _____ day of _____, 2023.

ATTEST:

Amanda Lewis, Mayor

Dorothy Brooks, City Secretary