

RESOLUTION NO. 39-2023

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, ORDERING A GENERAL ELECTION ON NOVEMBER 7, 2023, FOR THE PURPOSE OF ELECTING A MAYOR AND COUNCILMEMBERS FOR PLACES 1, 2, 3, 4, 5, AND 6.

WHEREAS, the Charter of the City of Mesquite, Texas requires the regular municipal election for the City to be held on a uniform election date in November, provided by the general election laws of the State of Texas, in odd-numbered years; and

WHEREAS, Texas Election Code § 41.001(a) provides a general election of city officials may be held the first Tuesday after the first Monday in November; and

WHEREAS, it is necessary that the City Council of the City of Mesquite order an election to be held November 7, 2023, for the purpose of electing a Mayor and Councilmembers; and

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

SECTION 1. Findings. The findings contained in the preamble of this resolution are determined to be true and correct and are hereby adopted as a part of this resolution.

SECTION 2. General Election Ordered. A general election shall be held in the City of Mesquite on November 7, 2023. At the election, there shall be elected by the qualified voters of the City a Mayor (at large) and City Councilmembers (single member districts) for Places 1, 2, 3, 4, 5, and 6. The candidates for Mayor shall meet all requirements and shall be residents of the City of Mesquite. The Mayor shall be elected by majority vote of the City at large. The candidates for Councilmember Places 1, 2, 3, 4, 5, and 6 shall meet all requirements and shall be residents of their respective Districts, being Districts 1, 2, 3, 4, 5, and 6, and shall be elected by majority vote of voters residing in each respective district. The election shall be held in accordance with the Election Code of the State of Texas, the Statutes of the State of Texas, and the Charter and ordinances of the City of Mesquite, and shall be in conformity with the procedures set forth herein.

SECTION 3. Notice. The Mayor shall give notice of the election by causing the notice to be published at least once not earlier than the 30th day or later than the 10th day before election day as provided in § 4.003(a)(1) of the Texas Election Code, and the notice shall include the information required by Texas Election Code § 4.004. Notice shall also be posted on the City's website and on the bulletin boards used for posting notices of the meetings of the City Council not later than the 21st day before election day.

SECTION 4. Election Administration. The election shall be administered by the Dallas County Elections Department and Kaufman County Elections Department pursuant to Joint Election Agreements. In compliance with Texas Election Code § 271.006, Michael J. Scarpello, Dallas County Elections Administrator, is hereby appointed election officer and clerk of early voting in Dallas County and Tandi Smith, Kaufman County Elections Administrator, is hereby appointed election officer and clerk of early voting in Kaufman County.

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SECTION 5. Polling Places. The location of each polling place on election day shall be stated in the notice provided under Section 3 of this Resolution.

SECTION 6. Early Voting. The early voting polling places for conducting early voting by personal appearance for said election are set forth in Exhibit A. The early voting ballots for the election will be processed by an early voting ballot board to be created in accordance with the Texas Election Code § 87, as amended, and Joint Election Agreement.

SECTION 7. Voting Hours; Period for Early Voting by Personal Appearance.

(a) On election day, the polls shall be open from 7:00 A.M. to 7:00 P.M.

(b) The dates and hours for early voting by personal appearance at the early voting polling places shall be as described in Exhibit A hereto.

SECTION 8. Applications for Early Voting by Mail. For residents in Dallas County, an application for a ballot to be voted by mail shall be submitted by mail, carrier delivery, fax or email (scanned application containing an original signature) to:

Michael J. Scarpello
Early Voting Clerk
Dallas County Elections Department
1520 Round Table Drive
Dallas, Texas 75247
Email: evapplications@dallascounty.org
Fax: 214.819.6301

For residents in Kaufman County, an application for a ballot to be voted by mail shall be submitted by mail, carrier delivery, fax or email (scanned application containing an original signature) to:

Tandi Smith
Early Voting Clerk
Kaufman County Elections Department
P.O. Box 1347
Kaufman, Texas 75142
Email: tandi.smith@kaufmancounty.net
Fax: 469.932.1413

If an application for ballot by mail (“**ABBM**”) is faxed or emailed or if a Federal Postcard Application (“**FPCA**”) is faxed, the early voting clerk must receive the original ABBM or FPCA no later than the 4th business day after receiving the emailed or faxed ABBM or faxed FPCA. If such original ABBM or FPCA is not received by the early voting clerk by the deadline, the faxed or emailed ABBM or faxed FPCA will be considered incomplete and the early voting clerk may NOT send the applicant a ballot. The requirement to mail the original application does not apply to an emailed FPCA. An ABBM must be received by Noon or close of business, whichever is later, on Friday, October 27, 2023. An FPCA must be received in accordance with Texas Election Code § 101.052.

SECTION 9. Severability. It is hereby declared to be the intent of the City Council of the City of Mesquite, Texas, that the words, phrases, clauses, sentences, paragraphs and sections of this resolution are severable, and if any word, phrase, clause, sentence, paragraph or section of this resolution shall be declared invalid or unconstitutional by a court of competent jurisdiction, such

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invalidity or unconstitutionality shall not affect any of the remaining words, phrases, clauses, sentences, paragraphs or sections of this resolution, the City Council hereby declaring that this resolution would have been enacted by the City Council without incorporation of any such invalid or unconstitutional word, phrase, clause, sentence, paragraph or section.

SECTION 10. Runoff. Should any candidate running for Mayor or Councilmember fail to receive a majority vote of all votes cast for that office in said election, then in that event, it shall be the duty of the Mayor to order a second election for the candidate or candidates failing to receive a majority vote, said election to be held in accordance with State law.

SECTION 11. Effective Date. This resolution shall take effect immediately upon passage.

DULY RESOLVED by the City Council of the City of Mesquite, Texas, on the 21st day of August 2023.

DocuSigned by:

Daniel Aleman Jr.

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Daniel Alemán, Jr.

Mayor

ATTEST:

APPROVED AS TO LEGAL FORM:

DocuSigned by:

Sonja Land

C2518095973F46A...

Sonja Land
City Secretary

DocuSigned by:

David Paschall

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David L. Paschall
City Attorney

EXHIBIT A

Early voting by personal appearance shall be conducted by the Dallas County Elections Department and Kaufman County Elections Department.

Any qualified voter for the election may vote early by personal appearance at either the main early voting location or at any of the branch locations.

The main early voting polling place in Dallas County is:

Elections Training/Warehouse
1460 Round Table Drive
Dallas, TX 75247

The main early voting polling place in Kaufman County is:

Kaufman County Library
3790 S. Houston Street
Kaufman, Texas 75142

For City of Mesquite registered voters in Dallas County, early voting by personal appearance will be conducted at:

Lakeside Activity Center 101 Holley Park Drive Mesquite, Texas 75149	Florence Recreation Center 2501 Whitson Way Mesquite, Texas 75150	Eastfield Campus – Dallas College 3737 Motley Drive Mesquite, Texas 75150
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and at all locations as designated by the Dallas County Elections Administrator, on the following dates and times:

Monday – Friday, October 23, 2023, through October 27, 2023, 8:00 a.m. – 5:00 p.m.
Saturday, October 28, 2023, 7:00 a.m. – 7:00 p.m.
Sunday, October 29, 2023, 12:00 p.m. – 6:00 p.m.
Monday – Friday, October 30, 2023, through November 3, 2023, 7:00 a.m. – 7:00 p.m.

For City of Mesquite registered voters in Kaufman County, early voting by personal appearance will be conducted at:

Forney Sub Courthouse 200 E. Main Street Forney, TX 75126	Terrell Sub Courthouse 408 E. College Street Terrell, TX 75160	Kemp Sub Courthouse 103 N. Main Street Kemp, TX 75143	Crandall/Combine Community Center 500 W. Lewis Crandall, TX 75114
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on the following dates and times:

Monday – Friday, October 23, 2023, through October 27, 2023, 8:00 a.m. – 5:00 p.m.
Saturday, October 28, 2023, 8:00 a.m. – 5:00 p.m.
Sunday, October 29, 2023, 12:00 p.m. – 6:00 p.m.
Monday – Wednesday, October 30, 2023, through November 1, 2023, 8:00 a.m. – 5:00 p.m.
Thursday – Friday, November 2 through 3, 2023, 7:00 a.m. – 7:00 p.m.