

**ORDINANCE NO. 2198**

**AN ORDINANCE ORDERING A GENERAL ELECTION IN THE CITY OF ALAMO HEIGHTS, TEXAS, TO BE HELD ON THE 6<sup>th</sup> DAY OF MAY, 2023, FOR THE ELECTION OF THE MAYOR AND TWO COUNCIL MEMBERS FOR PLACES ONE (1), AND TWO (2), AS PROVIDED BY THE CITY CHARTER, THE TERM OF SUCH OFFICES TO BE FOR TWO (2) YEARS TERMINATING WHEN THEIR SUCCESSORS ARE ELECTED AND QUALIFIED; DESIGNATING JACQUELYN F. CALLANEN, BEXAR COUNTY ELECTIONS ADMINISTRATOR, AS THE ELECTION ADMINISTRATOR TO CONDUCT SAID ELECTION; DESIGNATING THE POLLING PLACES; DESIGNATING FILING DEADLINES; ORDERING NOTICES OF ELECTION TO BE POSTED AND PUBLISHED AS PRESCRIBED BY LAW IN CONNECTION WITH SAID ELECTION; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the terms for the Mayor, City Council Places One and Two are set to expire in May 2023 and there is a need to call for a General Election to fill the vacancies in accordance with the City Charter and Election Code; and

**WHEREAS**, the Texas Constitution, the *Texas Election Code* (the "Code"), and the City Charter are applicable to said General Election (hereinafter referred to as the "election"), and in order to comply with applicable laws, an ordinance is required to call the elections and establish procedures consistent with the Constitution, the Code, and the Charter; and

**WHEREAS**, Section 271.002(a) of the Texas Election Code authorizes two or more political subdivisions to enter into an agreement to hold elections jointly in the election precincts that can be served by common polling places; and

**WHEREAS**, the election will be held jointly with Bexar County on May 6, 2023 because the entities desire that a joint election be held in order to provide a convenient, simple, and cost-saving election to the voters in their respective jurisdictions; and

**WHEREAS**, the City will enter into an agreement with Bexar County Elections Administrator setting out respective duties and responsibilities for the May 6, 2023 election;

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ALAMO HEIGHTS, TEXAS, THAT:**

**SECTION 1.** It is hereby ordered, pursuant to Section 3.005(a) of the Texas Election Code, that a Regular General Election be held in the City of Alamo Heights, Texas on the first Saturday on the 1st day of May, 2023, at which election the following officers shall be elected by the qualified voters of the City of Alamo Heights:

**POSITIONS:**

**MAYOR (TWO-YEAR TERM)**

**CITY COUNCIL PLACE #1 (TWO-YEAR TERM)**

**CITY COUNCIL PLACE #2 (TWO-YEAR TERM)**

**SECTION 2.** That at said election each of the foregoing named positions shall be voted upon separately and in accordance with Article IV, Section 5 of the City Charter, the candidate receiving the highest number of votes for each said position shall be elected to such office.

**SECTION 3.** That qualified persons desiring to be candidates in the aforementioned places shall file for election as such candidates with the City Secretary beginning at 8:30 a.m. on the 18<sup>th</sup> day of January, 2023 and not later than 5:00 p.m. on the 17<sup>th</sup> day of February, 2023. Any person desiring to file as a candidate for such offices shall pay a filing fee of \$100.00 at the time such person files his or her written oath as a candidate.

**SECTION 4.** That the order in which the names of the candidates are to be printed on the ballot shall be determined by a drawing to be conducted by the City Secretary at 10:00 a.m., on Monday, February 27, 2023 at Alamo Heights City Hall, 6116 Broadway, Alamo Heights, Texas as provided by Section 52.094 of the Election Code

**SECTION 5.** Voting on Election Day and during early voting shall be done on Election Systems & Software, Inc. (ES&S) iVotronic™ Touch Screen Voting Unit provided by Bexar County with ballot tabulation performed by Bexar County Elections Administrator. Voting by Mail ballot and Provisional Voting shall be done on paper ballot.

**SECTION 6.** The City shall hold the general election in conjunction with the elections to be held by the Joint Election Participants on Saturday, May 6, 2023, at the precincts and polling places as determined by the Elections Administrator pursuant to the provisions of the Election Agreement. When so determined, such precincts and polling places shall be attached hereto as *Exhibit A*. The City is hereby declared to be one election precinct, which is coterminous with Bexar County election precincts No. 3020, 3025 and 3026.

**SECTION 7.** The polling place designated for Alamo Heights voting precincts for Early Voting for the May 6, 2023 General Election shall be the conducted Monday, April 24, 2023 thru Tuesday, May 2, 2023. Early voting in person must be conducted at least eight (8) hours each weekday that is not a legal state holiday per Texas Election Code. Regular and extended hours for Early Voting will be conducted by Bexar County Elections office on dates selected by the Elections Office. Electors may cast their early votes in person at the locations, dates and times to be determined by the Elections Administrator. When so determined, the locations, dates, and times for early voting by personal appearance shall be attached hereto as *Exhibit B*.

**SECTION 8.** Applications for ballot by mail shall be mailed to Bexar Elections Administrator, Jacquelyn F. Callanen, 1103 S. Frio St., Suite 100, San Antonio, Texas 78207.

Applications for ballots by mail must be received by the Elections Administrator no later than the close of business on April 25, 2023.

**SECTION 9.** Jacqueline F. Callanen, Bexar County Elections Administrator, is designated as the election officer to conduct the General Election of May 6, 2023 and Early Voting for the General Election. She shall appoint a sufficient number of clerks to assist in the proper conduct of the election and other persons to serve with her as Early Voting Ballot Board.

**SECTION 10.** That notice of the May 6, 2023 General Election of the City of Alamo Heights shall be posted and published no later than Wednesday, April 26, 2023 in accordance with the Election Code of the State of Texas.

**SECTION 11.** The City Manager is authorized to enter into a contract with Bexar County Elections Administrator to conduct the election ordered herein and committing to pay the fee charged by the Bexar County Elections Administrator for such services. The City Manager is furthermore authorized to enter into a contract for the conduct of a joint election with other governmental entities in Bexar County, Texas.

**SECTION 12 Representatives.** That the following slate of officials and other designated persons are hereby authorized but not required to be present to observe the election counting process:

- the Mayor and members of the City Council of the City of Alamo Heights;
- candidates for the City Council of the City of Alamo Heights; and
- the Alamo Heights City Secretary or her designated representative

**SECTION 13.** That the returns of said election be made in accordance with the State Election Code and shall be canvassed by the City Council at a special City Council Meeting at a time to be set by Mayor between May 09, 2023 and May 17, 2023 in accordance with the Election Code of the State of Texas.


**SECTION 14.** The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the City Council.

**SECTION 15.** All ordinances and resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters ordained herein.

**SECTION 16.** If any provision of this Ordinance or the application thereof to any person or circumstances shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and this City Council hereby declares that this Ordinance would have been enacted without such invalid provision.

**SECTION 17.** This Ordinance shall be in force and effect from and after the date of its adoption, and it is so ordained.

**PASSED AND APPROVED** this the 13<sup>th</sup> day of **FEBRUARY, 2023.**


  
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Bobby Rosenthal, MAYOR

ATTEST:

  
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Elsa T. Robles, CITY SECRETARY



APPROVED AS TO FORM:

  
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Frank J. Garza, CITY ATTORNEY

**EXHIBIT A**

**ELECTION DAY PRECINCTS AND POLLING PLACES**

[Information provided by the Elections Administrator will be attached when available]

**EXHIBIT B\***

**EARLY VOTING LOCATIONS, DATES AND TIMES**

Monday, April 24, 2023 through Thursday, April 27, 2023	8:00am to 6:00pm
Friday, April 28, 2023	Closed-Holiday
Saturday, April 29, 2023	8:00am to 8:00pm
Monday, May 1, 2023 through Tuesday, May 2, 2023	8:00am to 8:00pm

**Early Voting Polling Places**

Bexar County Elections Department  
1103 S. Frio Street, San Antonio, TX 78207

The main early voting location listed above and other early voting locations for the joint general election shall be arranged and handled by the Bexar County Elections Department.

[Information provided by the Elections Administrator will be attached when available]