

**ORDINANCE # 204**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EAST MOUNTAIN, TEXAS, CALLING FOR A GENERAL ELECTION TO BE HELD ON MAY 1, 2021 TO ELECT THREE (3) COUNCIL MEMBERS AT LARGE; DESIGNATING POLLING PLACES; ESTABLISHING THE DATES AND TIMES OF EARLY VOTING FOR SUCH ELECTION; PROVIDING FOR CANVASSING THE RETURNS; AND AUTHORIZING A CONTRACT WITH UPSHUR COUNTY TO FURNISH ELECTION SERVICES AND EQUIPMENT.**

**WHEREAS**, the Charter of the City of East Mountain, Texas provides that the Election Code of the State of Texas is applicable to conducting City elections, and in order to comply with said code an order should be passed establishing the procedure to be followed in said election, and designating the voting place for said election; and

**WHEREAS**, the City Council hereby declares that the approval of this resolution is in the best interests of the health, safety, and welfare of the public; and

**WHEREAS**, the East Mountain City Council has determined that a contract with Upshur County Elections Administration for election services and equipment is in the best interest of the City of East Mountain.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EAST MOUNTAIN, TEXAS, THAT:**

**SECTION 1.**

The City Council of the City of East Mountain, Texas, at a regular meeting held this date February 8, 2021, does hereby order a General election to be held on May 1, 2021, for the purpose of electing three (3) council members:

**SECTION 2.**

The Mayor is hereby authorized to execute a contract with the Upshur County Elections Administrator for the purpose of having Upshur County furnish all or any portion of the election services and equipment needed by the City Secretary to conduct the election. The contract document and election services provided therein shall conform to Chapter 31, Subchapter D, of the Texas Election Code and other applicable statutes and laws.

**SECTION 3.**

The election services contract shall provide (a) the type of electronic voting equipment to be used for early voting by personal appearance and on election day, (b) notification and training for election judges and clerks, (c) an estimate and final payment terms for the election services provided, (d) agreements for early voting equipment and voting machine rental, and (e) other procedures to conduct the election.

**SECTION 4.**

Combined ballots may be utilized containing all of the offices and propositions to be voted on at each polling place, provided that no voter shall be given a ballot or permitted to vote for any office or proposition on which the voter is ineligible to vote. Returns may be made on forms, which are individual or combined, and the Upshur County Election Administrator shall be designated as the custodian of the combined records.

**SECTION 5.**

\_\_\_\_\_, 103 Municipal Drive, East Mountain, Texas, shall serve as Deputy Early Voting Clerk. Applications for ballot by mail must be received by 12 noon or close of business, whichever is later, by Friday, February 12, 2021, (Mailing Address: 103 Municipal Dr., Gilmer, TX 75645; Attention: Early Voting Clerk.)

**SECTION 6.**

Early voting by personal appearance shall be conducted at the City of East Mountain City Hall, 103 Municipal Dr., East Mountain, 75645.

Early voting by personal appearance will begin on Monday, April 19, 2021, and will end on Tuesday, April 27, 2020, and the hours designated for early voting by personal appearance shall be as set forth below:

April 19 & 20	(Monday & Tuesday)	7:00 a.m. to 7:00 p.m.
April 21 & 22	(Wednesday & Thursday)	9:00 a.m. to 6:00 p.m.
April 23	(Friday)	9:00 a.m. to 12:30 p.m.
April 26 & 27	(Monday & Tuesday)	9:00 a.m. to 6:00 p.m.

Applications for early voting by mail shall be delivered to the Early Voting Clerk at the address set forth in Section 5 not earlier than January 1, 2021, and not later than 12 noon or close of business, whichever is later, on February 12, 2021, if received by mail.

For purposes of processing ballots cast in early voting, the election officers for the Early Voting Ballot Board shall be appointed and designated in accordance with the provisions of the election agreement with Upshur County.

**SECTION 7.**

All resident, qualified voters, determined by the laws of the State of Texas, the Charter and ordinances of the City of East Mountain shall be qualified to vote at such election. Voting on Election Day, May 1, 2021, shall be conducted between the hours of 7:00 a.m. and 7:00 p.m. at the following locations:

103 Municipal Dr., Gilmer, TX 75645

**SECTION 8.**

The election shall be held in accordance with the Constitution of the State of Texas and the Election Code. The results of the election shall be certified, canvassed, and returned in the form and manner prescribed by the laws of the State of Texas and the charter and ordinances of the City of East Mountain.

**SECTION 9.**

The notice of the election hereby ordered and called shall be promulgated, published and posted in keeping with the laws of the State of Texas, and the charter and ordinances of the City of East Mountain.

**SECTION 10.**

That the rate of pay for the Judge and election clerk(s) is hereby fixed at the following rate pursuant to Section 32.091 and 32.092 of the Texas Election Code:


<b>Election Judge:</b>	<b>\$15.00 per hour</b>
<b>Election Clerk(s)</b>	<b>\$16.00 per hour</b>

**SECTION 11.**

The Mayor and the City Secretary, in consultation with the City Attorney, are hereby authorized and directed to take any and all actions necessary to comply with the provisions of federal and state law in carrying out and conducting the election, whether or not expressly authorized herein.

**APPROVED AND ADOPTED** at a regular meeting of the East Mountain City Council on February 8, 2021.

**APPROVED:**

  
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Marc Covington, Mayor

**ATTEST:**

  
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Melissa Boyd, City Secretary

