

## ELECTION ORDER

WHEREAS, Section 11 of Article XI of the Constitution of the State of Texas requires the City to hold a special election in the City to fill a vacancy within 120 days from the time of such vacancy; and

WHEREAS, on October 26, 2022 Council Member Brimage formally announced his resignation, which became effective on November 3, 2022, the eighth day after the receipt of his resignation by the City of Freeport; and

WHEREAS, the 120-day deadline to call the special election from the date that Council Member Brimage's resignation became effective on November 3, 2022, the proposed date to conduct a special election is Saturday, February 25, 2023, which date is 114 days from the date of vacancy, and there is therefore required to be elected, the following official for the City:

Council Position Ward D, for an unexpired term ending May 2024

WHEREAS, the laws of the State of Texas and Section 5.05 of Article II of the City Charter, as amended, provide for a Runoff Election as hereinafter described; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS, as follows:

Section 1. The City Secretary is hereby authorized and directed to prepare the election ballots to conduct a Special Election and, if necessary, the Runoff Election, in accordance with the provisions of the City Charter, the Texas Constitution and Texas Election Code. On such election ballot, the voters shall select from properly filed candidate, Council Position Ward D.

Section 2. All independent candidates at the election to be held on February 25, 2023 (the "Special Election"), for Council Position Ward D shall file their applications to become candidates with the City Secretary at City Hall, 200 West 2nd Street, Freeport, Texas 77541, not earlier than November 9, 2022 and not later than 5:00 p.m. on December 27, 2022.

All such applications shall be on a form as prescribed by Section 141.031 of the Texas Election Code (the "Code"). All candidates shall file with such application the loyalty affidavit required by Section 141.031 of the Code.

Section 3. Persons wishing to run as write-in candidates shall declare their intent with the City Secretary in order to be entitled to have their votes counted, not later than 5:00 p.m. of the fifth day after the date an application for a place on the ballot is required to be filed for this Special Election, as denoted in Section 146.054 of the Code, to-wit: December 30, 2022. Only the votes for those write-in candidates that appear on the City Secretary's certified list of write-in candidates shall be counted. Gag votes and/or protest votes shall not be tallied on election night, as stipulated in Sections 146.051 through 146.055 of the Code.

Section 4. If no candidate for any office shall receive a majority of all votes cast for such office at the Special Election as required by the City's home-rule Charter, a runoff election between the two (2) highest vote-getters for such office shall be held on April 1, 2023 (the "Runoff Election").

Section 5. The order in which the names of the candidates for Council Position Ward D are to be printed on the ballot for the Special Election or for the Runoff Election, if required, shall be determined by drawings by the City Secretary as provided by Section 52.094 of the Code. The City Secretary shall provide notice of such drawings as provided by Section 52.094 of the Code.

Section 6. The Special Election and the Runoff Election, if required (collectively, the “Elections”), shall be held under the provisions of the Texas Constitution, the laws of the State of Texas, the Charter of the City (when not otherwise preempted by the Texas Constitution), and of this Ordinance. All qualified and registered voters residing in the City shall be allowed to vote at the Elections.

Section 7. The County of Brazoria has been approved to conduct the Special Election on Election Day on behalf of the City of Freeport. The voting location for purposes of this Special Election will be held at the following:

Freeport Public Library, 410 Brazosport Blvd., Freeport Texas 77541.

Section 8. This voting location shall be open from 7:00 a.m. - 7:00 p.m. on Election Day.

Section 9. The City will enter into a contract with the County Clerk, Joyce Hudman to conduct this Special Election, and Runoff Election, if necessary, for those voters residing within Ward D of the City of Freeport. Therefore, officers and clerks for the Elections shall be appointed by Brazoria County Clerk.

Section 10. Tabulation of all votes cast within Freeport Ward D, Brazoria County will be done at the Brazoria County Election Office, which is the Brazoria County (West Annex), County Clerk’s Office, 1524 E. Mulberry, Suite 145 Angleton Texas 77515.

Section 11. Lisa Mujica, Brazoria County Election Director is hereby appointed Counting Station Manager at the Brazoria County Clerk’s Office (Joyce Hudman, County Clerk) is hereby appointed as general custodian of election records for the City of Freeport. Such officers and their designees shall have all the authority, duties and responsibilities as denoted in the Code.

Section 12. The City, in accordance with Section 32.002 of the Texas Election Code, may appoint one member of the Signature Verification Committee, the Early Voting Ballot Board, and the Ballot Resolution Board (BRB). The BRB is a non-statutory board that assists the Central Counting Station with the duplication of damaged ballots and email ballots submitted by members of the U.S. armed forces overseas and, where necessary, assists the Presiding Judge of the Central Counting Station in determining the intent of the voter in cases of over votes on mail ballots.

Section 13. The early voting period begins February 8, 2023 through February 21, 2023. location within the City for the Special Election shall be at the Freeport Public Library, 410 Brazosport Blvd., Freeport Texas 77541. Such place of voting shall remain open between the hours of 8:00 a.m. and 5:00 p.m., Wednesday through Friday, February 8 through February 10, Saturday, February 11, 2023 between the hours of 7:00 a.m. and 7:00 p.m. Sunday, February 12, 2023, between the hours of 11:00 am and 5:00 p.m. February 13 through February 16 between the hours of 8:00 a.m. and 5:00 p.m. Friday, February, 17, 2023 between the hours of 7:00 a.m. and 7: 00p.m

and Tuesday, February 21, 2023 between the hours of 7:00 a.m. and 7:00 p.m.

Section 14. Early voting for a Runoff election will be held at the Freeport Public Library, 410 Brazosport Blvd., Freeport Texas 77541. Such place of voting shall remain open between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, March 20, 2023 through March 24, 2023; between the hours of 8:00 a.m. and 5:00 p.m. on Saturday, March 25 between the hours of 7:00 a.m. and 7:00 p.m. Monday, March 27 and Tuesday March 28 between the hours of 7:00 a.m. and 7:00 p.m.

Section 15. Early voting by personal appearance shall comply with Section 61.012 of the Texas Election Code.

Section 16. The early voting clerk's address to which ballot applications and ballots voted by mail for Freeport Ward D residents in Brazoria County may be sent to Joyce Hudman, Brazoria County Clerk, Brazoria County Courthouse, 111 East Locust Street, Suite 200, Angleton Texas 77515. Applications for ballots by mail must be received no later than close of business on February 14, 2023.

Section 17. The Mayor shall give notices of the Elections in accordance with the terms and provisions of Section 4.002, et seq., of the Code. Such notices shall state the nature and the date of the Elections, the location of the polling places for each precinct, the hours that the polls will be open and other information required by law. The Mayor shall issue all necessary orders and writs for such Elections, and returns of such Elections shall be made to the City Council and City Secretary immediately after the closing of the polls.

Section 18. The City Attorney shall take such actions as required to have the City in compliance with the Federal Voting Rights Act.


Section 19. It is further found and determined that in accordance with the order of this governing body, the City Secretary posted written notice of the date, place, and subject of this meeting on the bulletin board located in the City Hall, a place convenient and readily accessible to the general public, and such notice having been so posted and remaining posted, continuously for at least seventy-two (72) hours preceding the scheduled time of such meeting. A copy of the return of such posting shall be attached to the minutes of this meeting and shall be made a part thereof for all intents and purposes.

SIGNED on this the 22nd day of November, 2022.



Brooks Bass, Mayor

ATTEST:

  
Betty Wells, City Secretary