

RESOLUTION NO. 866

A RESOLUTION OF THE CITY OF LAKE WORTH, TEXAS, CALLING AND ORDERING A GENERAL ELECTION TO BE HELD ON SATURDAY, MAY 10, 2008; APPROVING A JOINT ELECTION AGREEMENT AND CONTRACT WITH TARRANT COUNTY; DESIGNATING A POLLING PLACE; APPOINTING AN ELECTION JUDGE AND AN ALTERNATE JUDGE; AUTHORIZING THE TARRANT COUNTY ELECTIONS ADMINISTRATOR TO MAKE SUBMISSIONS AS ARE NECESSARY TO THE UNITED STATES JUSTICE DEPARTMENT FOR PRE-CLEARANCE APPROVAL; PROVIDING FOR NOTICE OF ELECTION; PROVIDING FOR EARLY VOTING; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 41.001 of the Texas Election Code (the "Code") specifies that the second 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, state law and the charter of the City of Lake Worth require that a general election be held; and

WHEREAS, all of the City of Lake Worth and its voting precincts are located within only the County of Tarrant; and

WHEREAS, by this Resolution, it is the intention of the City Council to adopt all requirements of an Election Order and Notice of Election in accordance with state law, and authorize a contract with Tarrant County for joint election services.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LAKE WORTH, TEXAS, THAT:

SECTION 1

GENERAL ELECTION CALLED: A general election shall be held in the City of Lake Worth, Texas, on Saturday, May 10, 2008, at which the following officers will be elected:

**COUNCILMEMBER PLACE 1
COUNCILMEMBER PLACE 3
COUNCILMEMBER PLACE 5
COUNCILMEMBER PLACE 7**

SECTION 2

TERM OF OFFICE: In accordance with the City Charter, the candidate for each office receiving the highest number of votes for such office shall be elected to a two (2) year term beginning May 2008, and ending May 2010, or until a successor is duly elected and qualified.

SECTION 3

APPLICATION FOR A PLACE ON THE BALLOT: Any eligible and qualified person shall have his/her name printed upon the official ballot as a candidate for the offices herein set forth by filing his/her sworn application with the City Secretary not earlier than February 11, 2008 and not later than 5:00 p.m. Monday, March 10, 2008. 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 and City Council as provided by state law and City Charter. Notice of the time and place for such drawing shall be given in accordance with the Code.

SECTION 4

JOINT ELECTION AGREEMENT AND CONTRACT APPROVED: The Joint Election Agreement and Contract between Tarrant County and Lake Worth (the "Contract") attached hereto as Exhibit "A" and incorporated herein for all purposes is hereby approved and the City Manager or his designee is authorized to execute the Contract. In the event of a conflict between this Resolution and the Contract, the Contract shall control.

SECTION 5

ELECTION DAY POLLING PLACE: The Election Day polling place for the general election shall be at the Northwest Sheriff Patrol Building located at 6651 Lake Worth Blvd, Lake Worth, Texas between the hours of 7:00 a.m. and 7:00 p.m.

SECTION 6

APPOINTMENT OF ELECTION JUDGE AND ALTERNATE ELECTION JUDGE: The Presiding Election Judge and Alternate Presiding Election Judge shall be appointed by Tarrant County as indicated in the Contract and authorized by Chapter 271 of the Code.

SECTION 7

PUBLICATION AND POSTING OF NOTICE OF ELECTION: Notice of the election shall be published at least once in the newspaper in accordance with the provisions of the Code and City Charter.

SECTION 8

EARLY VOTING:

a. **Early voting by personal appearance.** Steve Raborn, the Tarrant County Elections Administrator ("Elections Administrator") is hereby designated as the Early Voting Clerk for the election, as so indicated in the Contract. Early voting by personal appearance shall commence April 28, 2008 and shall continue until May 6, 2008. Specific days, times and locations shall be designated by the Elections Administrator and included in the Contract and shall be in compliance with state law. On at least two weekdays during the early voting period, the location for early voting shall be open for at least twelve (12) hours as mandated by state law.

b. **Early voting by mail.** The Elections Administrator shall be responsible for the Early Voting applications and ballots. Applications for early voting by mail may be delivered to the Steve Raborn, County of Tarrant, Elections Administrator, 2700 Premier Street, Fort Worth, Texas 76111, not earlier than March 11, 2008 and not later than close of business on April 25, 2008, if delivered in person, and May 2, 2008 if delivered by mail. Early voting by ballots shall be mailed to the Elections Administrator at the same address. The City Secretary is directed to forward applications and ballots she may receive to the Elections Administrator as provided in the Contract.

c. **Early Voting Ballot Board.** Early voting, both by personal appearance and by mail shall be canvassed by an Early Voting Ballot Board which is hereby created. According to the Contract, Tarrant County shall appoint the Early Voting Ballot Board to process early voting results from the election.

SECTION 9

METHOD OF VOTING: Early Voting by personal appearance shall be conducted exclusively on Tarrant County's eSlate electronic voting system. On Election Day, voters shall have a choice between voting on the eSlate electronic voting system or by a paper ballot that is scanned at the polling place using Tarrant County's eScan voting system. All expenditures necessary for the conduct of the election, the purchase of materials therefore, and the employment of all election officials are hereby authorized, and shall be conducted in accordance with the Contract and the Code.

SECTION 10

SUBMISSIONS TO THE UNITED STATES JUSTICE DEPARTMENT: The Elections Administrator is hereby authorized to prepare a submission to the United States Justice Department to seek pre-clearance as required by law and as provided in the Legal Documents section of the Contract.

SECTION 11

NOTICES: This Resolution shall serve as the Order of Election (as required by Section 3.001 of the Code) and as the Notice of Election (as required by Section 4.001 of the Code). A copy of the resolution shall be posted on the bulletin board used for posting notices of the meetings of the City Council at least twenty-one (21) days before the election. Notice shall be published in the newspaper in accordance with state law.

SECTION 12

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

SECTION 13

PASSED, APPROVED AND EFFECTIVE on this 12th day of February 2008.

APPROVED:



Walter Bowen, Mayor

ATTEST:



Linda Rhodes, TRMC/CMC
City Secretary