

ORDINANCE

AN ORDINANCE ORDERING AND PROVIDING NOTICE OF A RUNOFF ELECTION FOR THE CITY OF DESOTO, TEXAS, TO BE HELD ON THE 8TH DAY OF JUNE, 2019, FOR THE PURPOSE OF ELECTING A CITY COUNCILMEMBER FOR PLACE 5; PROVIDING FOR EARLY VOTING BY PERSONAL APPEARANCE; PROVIDING FOR THE ESTABLISHMENT OF A POLLING PLACE; PROVIDING FOR CONTRACTS FOR ELECTION SERVICES; AND RESOLVING OTHER MATTERS INCIDENT AND RELATED TO SUCH ELECTION; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING A SEVERABILITY CLAUSE; AND AN EFFECTIVE DATE.

WHEREAS, the governing body of the City of DeSoto (City Council) has determined that the May 4, 2019 General Election for Place 5 resulted in no individual having received the majority of the votes cast in the election for Councilmember Place 5 as required by City Charter and State Law;

WHEREAS, the Mayor shall call a runoff election for said office between the candidates having received the most votes and second most votes cast in said election, said candidates being, respectively, Marikay Dewberry and Dinah Marks.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DESOTO, TEXAS:

SECTION 1. There is hereby called a Runoff Election to be participated in by the qualified voters of the City of DeSoto, Texas, to be held on June 8, 2019, between the hours of 7:00 am and 7:00 pm (the "Election"), for the purpose of electing a person to fill Place 5 on the City Council.

SECTION 2. The election precincts for this election shall be the same as those precincts established for the May 4, 2019, General Election. The polling place designated for the election precincts shall be DeSoto Library Assembly Hall located at 211 East Pleasant Run Road, DeSoto, Dallas County, Texas.

SECTION 3. On Election Day, the polls shall be open from 7:00 am to 7:00 pm.

SECTION 4. Early voting by personal appearance.

Early voting by personal appearance shall be conducted in accordance with the provisions of the joint election contracts and the Texas Election Code with the main Early Voting location being the Disciple Central Community Church, located at 900 North Polk, Suite 170, DeSoto, Texas 75115. The Early Voting Clerk shall keep the places for early voting open between the dates and hours of:

ORDINANCE NO. 2163-19

Tuesday May 28, 2019, through Friday, May 31, 2019, between the hours of 8:00 a.m. and 5:00 p.m.;

Saturday June 1, 2019, between the hours of 8:00 a.m. and 5:00 p.m.;

Sunday June 2, 2019, between the hours of 1:00 p.m. and 6:00 p.m.; and

Monday, June 3, 2019, through Tuesday, June 4, 2019, between the hours of 7:00 a.m. and 7:00 p.m.

SECTION 5. Early voting by mail.

The City Council hereby appoints Kisha Morris-Perkins as the Regular Early Voting Clerk, together with the Dallas County Elections Administrator, as the City's Joint Early Voting Clerk. Ballot applications for ballot by mail shall be addressed to the City's Joint Early Voting Clerk at the address indicated immediately below:

Elections Administrator – Early Voting Clerk
Toni Pippins-Poole
2377 N. Stemmons Freeway, Ste. 820
Dallas, Texas 75207

The Joint Early Voting Clerk for the City shall collect all applications for ballots received by the City at the above address during the period allowed by the Texas Election Code.

SECTION 6. Notice of the Election shall be posted on the bulletin board on which the City Council posts notices of its meetings and as otherwise provided by law. The contents of the Notice of Runoff Election shall comply with the requirements of the Election Code.

SECTION 7. The City Secretary shall present the Special Runoff Election returns to the City Council at a Council meeting for the canvassing of said election in accordance with the Texas Election Code. The candidate for Councilmember for Place 5 that receives over fifty percent (50%) of valid votes by qualified voters at the election shall be declared elected.

SECTION 8. The City has previously authorized the use of election contracts for the administration of the runoff election. The runoff election shall be conducted in accordance with the terms and conditions of any such election contracts and the City Manager is hereby authorized to execute any additional election contracts, together with any amendments thereto, as necessary to conduct the June 8, 2019 runoff election.

SECTION 9. The recitals contained in the preamble hereof are hereby found to be true and correct, 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 10. All ordinances or parts of ordinances in force when the provisions of this Ordinance becomes effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed only to the extent of such conflict.

SECTION 11. Should any part, sentence or phrase of this Ordinance be determined to be unlawful, void or unenforceable, the validity of the remaining portions of this Ordinance shall not be adversely affected. No portion of this Ordinance shall fail or become inoperative by reason of the invalidity of any other part. All provisions of this Ordinance are declared to be severable.

SECTION 12. This Ordinance is effective immediately upon its passage and approval.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DESOTO, TEXAS, THIS 13TH DAY OF MAY, 2019.

APPROVED:


Curtistene S. McCowan, Mayor

ATTEST:


Kisha R. Morris-Perkins, City Secretary

APPROVED AS TO FORM:


Joseph J. Gorfida, City Attorney

