

RESOLUTION NO. 5-2005

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, ORDERING AN ELECTION TO BE HELD IN SAID CITY ON MAY 7, 2005; PROVIDING FOR THE ELECTION OF PERSONS TO SERVE AS MAYOR AND IN PLACES 3 AND 4 ON THE CITY COUNCIL OF THE CITY OF ABILENE; PROVIDING METHOD OF APPLICATION FOR PLACEMENT OF CANDIDATE'S NAME ON BALLOT; PROVIDING A FILING DEADLINE FOR ALL CANDIDATES; DESIGNATING THE MAIN EARLY VOTING POLLING PLACE AND PROVIDING FOR BILINGUAL ELECTIONS FOR CITY ELECTIONS.

WHEREAS, it is now necessary to hold an election in the City of Abilene, Texas, to elect persons to fill the position of Mayor and Places 3 and 4 on the City Council of the City of Abilene, Texas; and,

WHEREAS, the City of Abilene, Texas, is required by law to hold such election on May 7, 2005;

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS:**

**SECTION 1:** That an election be, and the same is hereby ordered to be held within the jurisdiction of the City of Abilene, Texas, on the 7<sup>th</sup> day of May 2005, pursuant to the laws of the State of Texas and the Charter of the City of Abilene, Texas. Such election shall be held to fill the positions of Mayor, Council Place 3 and Council Place 4 on the City Council of the City of Abilene, Texas.

The election ordered hereby shall be conducted as an at-large election. The candidate receiving a majority of the votes cast for his respective office shall be declared elected. If any candidate shall not receive a majority of the votes cast for his place or office, a run-off election is hereby ordered for such office, as may be provided by applicable laws of the State of Texas for June 11, 2005. All provisions of this resolution and subsequent resolutions, including polling places, election officials, process, and procedures, shall be applicable to any run-off elections that are held. Candidates for all offices shown above shall be voted for and elected separately. The Mayor may be a resident of any part of the City. Council Place 3 shall be filled by a person residing North of the present mainline of the Texas and Pacific Railway Company in the City of Abilene, and Council Place 4 shall be filled by a person residing South of such mainline of the Texas and Pacific Railway Company in the City of Abilene.

Votes cast in such election shall be separately tallied and separate tally sheets, polling lists and other election forms and records shall be maintained and kept as required by law.

**SECTION 2:** Candidates elected shall hold office as may be provided by the Charter of the City of Abilene, Texas.

**SECTION 3:** All requests by candidates to have their names placed upon the ballot shall be in writing on the official forms as prescribed by the Secretary of State and Section 31.002 of the Election Code. Such application shall be filed with the City Secretary of the City of Abilene, Texas, (Election Code Section 143.006) not later than 5:00 p.m. on March 7, 2005. An application may not be filed earlier than the thirtieth (30<sup>th</sup>) day before the date of the filing deadline. In addition to said application, all candidates shall make such other filings as may be required by law.

**SECTION 4:** That the Mayor shall make proclamation of said City election and give notice thereof, and a copy of this order shall be sufficient notice of said election. Notice of the time and places of holding said election shall be given by publication of such notice in a newspaper of general circulation published in the City of Abilene at least thirty (30) days prior to the day of such election. The Mayor is further authorized to give notice of a run-off election if such election is necessary.

**SECTION 5:** That should any elections be ordered to be held within the jurisdiction of the City of Abilene, Texas, this resolution shall govern, unless or until this resolution is changed or amended by the City Council of Abilene, Texas. Said elections shall be held pursuant to the laws of the State of Texas, the Charter of the City of Abilene, Texas, and a contract between the City and Taylor County Elections Administrator for election services. All elections shall be conducted as an at-large election.

**SECTION 6:** That any elections called shall be held in accordance with the requirements for bilingual elections as set forth in the Voting Rights Act amendments for 1975 (42 USC 1973aa-1a) and in Section 272.001 of the Election Code of the State of Texas. All election forms and material shall be printed in both English and Spanish, and bilingual oral assistance shall be made available within the requirements of the law.

**SECTION 7:** That the City Council of the City of Abilene hereby designates the system of marking or punching a ballot which is in such form that it may be counted by data processing machines as the approved method for tabulating votes in this general election to be held on May 7, 2005 and any possible runoff election, said system having been previously approved and utilized by both the Taylor County Commissioners and the City Council for conducting their elections.

**SECTION 8:** The City Council further determines that all early ballots voted in person and by mail shall be voted by ballots to be counted by the electronic voting system. The Taylor County Plaza, 400 Oak Street is hereby designated as the main early voting polling place and as the Central Counting Station for the automatic counting and tabulating of ballots. The City Secretary and the Taylor County Election Administrator are hereby designated as Early Voting Clerks and the Taylor County Elections Administrator is designated to supervise the early voting, as provided by a contract approved for such purpose, and as provided by the Texas Election Code, Sections 31.01 through Sections 31.100.

**SECTION 9:** That this resolution shall take effect immediately from and after its passage, as indicated below.

**ADPOTED** by the City Council of the City of Abilene, Texas, this 24th day of February, 2005.

**ATTEST:**

  
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**CITY SECRETARY**

  
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**MAYOR**

**APPROVED:**

  
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**CITY ATTORNEY**