

**ORDINANCE \_\_\_\_\_**

**AN ORDINANCE ORDERING THE HOLDING OF A SECOND ELECTION IN THE CITY OF KILLEEN, TEXAS, FOR THE PURPOSE OF ELECTING A COUNCILMEMBER FOR DISTRICT 4; SPECIFYING THAT THE PROVISIONS OF THE SECOND ELECTION LAWS SHALL CONTROL ALL QUESTIONS PERTAINING TO SUCH ELECTION; PRESCRIBING THE CONTENTS OF THE OFFICIAL BALLOT; PROVIDING FOR COMPENSATION; DESIGNATING THE POLLING PLACES, AND PROVIDING FOR POSTING AND PUBLICATION OF NOTICE OF ELECTION AND CONTAINING MISCELLANEOUS PROVISIONS.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KILLEEN:**

**SECTION 1.** That, pursuant to the laws of the State of Texas and the Charter of the City of Killeen, it is ordered by the City Council that a second election be held in the City of Killeen, Texas, on \_\_\_\_\_, 2021, for the purpose of electing from the City of Killeen a Council Member for District 4. Any reference in this ordinance hereinafter to “election day” shall mean \_\_\_\_\_, 2021.

**SECTION 2.** The manner of holding the election and all questions pertaining to such election shall be governed by the V.T.C.A. Election Code, and the returns shall be made and canvassed and the results declared as in other legal elections of the City of Killeen.

**SECTION 3.** The general election held on May 1, 2021 resulted in tie votes between two candidates in District 4 and the order of the candidates’ names on the ballot to resolve the tie vote shall be the relative order of the names on the original election ballot.

**SECTION 4.** The City Secretary will be the early voting clerk, who may appoint by written order one or more temporary deputies to serve as deputy early voting clerks in accordance with the applicable law. Early voting will be held \_\_\_\_\_, 2021 in the first floor lobby of the Killeen City Hall, 101 North College (mailing address: PO Box 1329, Killeen, TX 76540, Attention: Early Voting Clerk), and at the Killeen Lions Park Senior Center, 1700-B E. Stan Schlueter Loop between the hours of 8:00 a.m. and 5:00 p.m. on each day of early voting except Saturdays, Sundays, and official State or City holidays. Provided, however, that on the first and last day of early voting, the hours shall be 7:00 a.m. to 7:00 p.m. For the 2021 second election those dates shall be \_\_\_\_\_ and

\_\_\_\_\_. The City Hall location for early voting is also where ballots voted by mail should be sent.

**SECTION 5.** The election shall be held in the hereafter-designated polling places between the hours of 7:00 a.m. to 7:00 p.m. on the date of the election.

**PRECINCT #401/402/412/413**

Fire Station #9  
5400 Bunny Trail

**PRECINCT #404**

Fire Station #7  
3701 Watercrest Road

**PRECINCT #405**

Robert M. Shoemaker High School  
3302 Clear Creek Road

**SECTION 6.** The City Council shall appoint presiding election judges and alternate presiding judges for the election at the precinct polling places and as the Early Voting Ballot Board to process the early voting results, provided that if neither the presiding judge nor the alternate presiding judge can serve and their inability to serve is discovered so late that it is impracticable to fill the vacancy in the normal manner, the Mayor shall have the authority and is hereby directed to appoint a replacement judge to preside at the election. The presiding election judge for each precinct shall appoint no more than two (2) election clerks in addition to the alternate presiding judge named herein to assist the judge in the conduct of the election. The presiding election judges, alternate presiding judges, and clerks shall be paid \$10.00 per hour for serving in such capacities, and the election judges and/or alternate judges shall be paid an additional \$25.00 for delivering the returns of such election to the City Secretary for proper tabulation. No presiding election judge, alternate presiding judge, or clerk shall be compensated for a period in excess of the time extending from one hour before the polls open until two hours after the polls close. The Early Voting Ballot Board shall be paid a set rate of \$50.00 for serving in such capacity that will include proper tabulation. Provided, however, that should the Early Voting Ballot Board need to reconvene to tabulate provisional ballots, they shall be paid an additional \$10.00 per hour for such services.

**SECTION 7.** The following positions shall be set forth on electronic ballots hereinafter provided, in substantially the following form:

**CITY OF KILLEEN SECOND ELECTION**  
**\_\_\_\_\_, 2021**  
**OFFICIAL BALLOT**

FOR COUNCILMEMBER, DISTRICT 4

Vote for One

☐ Steve Harris

☐ Michael Boyd

**SECTION 8.** Digital scan ballots, the Model DS200 Digital Image Scanner and ExpressVote BMD (ballot marking device) Terminals shall be used during early voting and election day.

**SECTION 9.** All resident qualified electors of the City District 4 shall be permitted to vote at the election.

**SECTION 10.** The election materials enumerated in Sec. 272.001, et seq., V.T.C.A. Election Code, shall be printed and furnished in both English and Spanish for use at each polling place on election day and for early voting.

**SECTION 11.** A traditional polling place set up will be used at the close of the polls on election day.

**SECTION 12.** Notice of election shall be given by posting substantial copies of the Notice of Election as prescribed by the Secretary of State's office in both English and Spanish at the Killeen City Hall, the official city website and at three (3) other public places in the City at least fifteen (15) days prior to the date set for the election; and substantial copies of the Notice of Election in both English and Spanish shall be one time in a newspaper of general circulation in the City, the date of publication to be not less than ten (10) days prior to the date set for the election.

**SECTION 13.** Returns of election shall be made by the election officers to the City Council at a meeting following the election; the returns will be canvassed and the results of the election declared as prescribed by the Election Code, V.T.C.A., of the State of Texas and the City Charter.

**SECTION 16.** It is officially found, determined, and declared that the meeting at which this Ordinance has been adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered and acted upon at the meeting, including this Ordinance, was given, all as required by the applicable provisions of the Texas Government Code, Sec. 551.001, *et seq.*

**PASSED AND APPROVED** at a special meeting of the City Council of the City of Killeen, Texas, this 18th day of May 2021, at which meeting a quorum was present, held in accordance with the provisions of the Texas Government Code, Sec. 551.001, *et seq.*

**APPROVED**

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Jose L. Segarra, MAYOR

**ATTEST:**

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Lucy C. Aldrich, CITY SECRETARY

**APPROVED AS TO FORM**

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Traci S. Briggs, CITY ATTORNEY