



City of Killeen

Legislation Details (With Text)

File #: OR-21-008 **Version:** 1 **Name:** Ordinance Calling Second Election
Type: Ordinance **Status:** Passed
File created: 5/13/2021 **In control:** City Council Workshop
On agenda: 5/18/2021 **Final action:** 5/18/2021
Title: Consider an ordinance ordering a second election to resolve the tie between two candidates in the Councilmember District 4 race from the May 1, 2021 election.
Sponsors: City Secretary
Indexes:
Code sections:
Attachments: 1. Staff Report, 2. Ordinance, 3. Presentation

Date	Ver.	Action By	Action	Result
5/18/2021	1	City Council	Approved	Pass

Consider an ordinance ordering a second election to resolve the tie between two candidates in the Councilmember District 4 race from the May 1, 2021 election.

DATE: **May 18, 2021**
TO: **Kent Cagle, City Manager**
FROM: **Traci Briggs, City Attorney**
SUBJECT: **Order Second Election**

BACKGROUND AND FINDINGS:

The Texas Election Code, Chapter 2, provides that if two or more candidates for the same office tie for the number of votes required to be elected, a second election to fill the office shall be held and that the ordering of the second election not be later than the 5th day after the date the automatic recount is completed. In compliance with the law, the Mayor appointed a recount committee who conducted an automatic recount on May 13, 2021, of the ballots cast in the District 4 election of May 1, 2021. In addition to any other elements required, the order must state the date of the election and the offices or measures to be voted on at the election. The election must be held not earlier than the 20th day or later than the 30th day after the date of the automatic recount. The election must be held between June 2 and June 12.

The attached ordinance has been prepared calling the election and giving notice of an election for the purpose of electing a District 4 councilmember and designating the polling places and times the polls will be open.

THE ALTERNATIVES CONSIDERED:

There are no legal alternatives.

Which alternative is recommended? Why?

Staff recommends holding a second election on _____ for the purpose of electing a District 4 councilmember.

CONFORMITY TO CITY POLICY:

This ordinance conforms to Article IX of the City Charter authorizing the calling of an election as provided for in the Texas Election Code.

FINANCIAL IMPACT:

What is the amount of the expenditure in the current fiscal year? For future years?

Costs to conduct this election include: judge and clerk salaries estimated at \$6,763; polling location supplies (i.e. election kits) at \$200.00; and ordering 650 ballots at \$190.00. Estimates from Bell County to produce the data sticks for each of the machines and use of their voter check-in equipment has not been received at this time. Funds are budgeted in 010-1010-416.50-45 Election Expense to cover costs associated with the election. There was an overage of budgeted funds due to staying under the estimated budgeted amount of FY 2021 judge and clerk salaries and the Killeen Independent School District ordering its own ballots.

Is this a one-time or recurring expenditure?

One-time expenditure

Is this expenditure budgeted?

Yes

If not, where will the money come from?

N/A

Is there a sufficient amount in the budgeted line-item for this expenditure?

Yes

RECOMMENDATION:

Staff recommends City Council approve the ordinance calling for a second election to be held on _____, 2021 to elect a District 4 councilmember.

DEPARTMENTAL CLEARANCES:

City Attorney

ATTACHED SUPPORTING DOCUMENTS:

Ordinance