

**RESOLUTION NO. R-2012-2**

**A RESOLUTION CALLING FOR AND ESTABLISHING PROCEDURE FOR A  
SPECIAL ELECTION BASTROP, TEXAS**

WHEREAS, the laws of the State of Texas and the City of Bastrop, provide that a vacancy on the City's governing body must be filled by majority vote of the qualified voters at a special election called for such purpose within 120 days after such vacancy [Article XI, Section 1], Texas Constitution.

WHEREAS, the laws of the State of Texas further provide that the Election Code of the State of Texas is applicable to said election, and in order to comply with said Code, a resolution should be passed establishing the procedure to be followed in said election, and designating the voting places for said election.

**NOW THEREFORE BE IT RESOLVED AND ORDERED BY THE CITY COUNCIL OF  
THE CITY OF BASTROP, TEXAS:**

That a special election will be held on March 3, 2012 for the purpose of filling a vacancy of the unexpired "transitional term" of Council Member at Large, Place 1.

That all candidates, for the election to be held on the first Saturday in March 2012 for the above mentioned City office, shall file their application to become candidates with the City Secretary of the City of Bastrop, City Hall, 1311 Chestnut Street, Bastrop, Texas 78602 on or before 5:00 P.M. on February 1, 2012, the thirty-first (31<sup>st</sup>) day before the election, and that all of said applications shall be on a form as prescribed by Section 141.031 of the Election Code of the State of Texas.

The order in which the names of the candidates are to be printed on the ballot shall be determined by a drawing by the Bastrop County Elections Administrator as provided by Section 52.094 of the Election Code.

This City has four (4) election precincts and said election shall be held at the following location:

- 1. For Election Precincts 1001, 1013, 1014 & a portion of 2016, (including all of the area within the boundaries of the Bastrop City limits) the election polling place shall be at the Bastrop County Annex Building, 804 Pecan Street, Bastrop, Texas.**

The County Elections Administrator is hereby authorized and instructed to provide and furnish all necessary election supplies to conduct said election. Voting at such election shall be upon paper ballots prepared in conformity to the Texas Election Code.

Section 61.012 of the Texas Election Code requires that the Bastrop City Council must provide at least one accessible voting system in each polling place used in a Texas election on or after January 1, 2006. This system must comply with state and federal laws setting the requirements for voting systems that permit voters with physical disabilities to cast a secret ballot.

The Office of the Texas Secretary of State has certified that the ES&S's AutoMARK Voter Assist Terminal version 1.0 is an accessible voting system that may legally be used in Texas elections.

Sections 123.032 and 123.035 of the Texas Election Code authorize the acquisition of voting systems by local political subdivisions and further mandate certain minimum requirements for contracts relating to the acquisition of voting of such voting systems.

As chief elections officer of the Bastrop City Council, the Bastrop County Elections Administrator shall provide at least one ES&S AutoMARK Voter Assist Terminal version 1.0 in each polling place in every polling location used to conduct any election ordered on or after January 1, 2006.

The election officers (Presiding Judges and Alternate Judges) for said election will be appointed by the Bastrop City Council at a later date for Election Precincts 1001, 1012, 1014 and 2016. The clerks for the election will be appointed by the Presiding Judge, in a number not to exceed three (3) clerks.

The polls at the above designated polling place shall on said Election Day be open from 7:00 A.M. to 7:00 P.M.

Nora Cano is hereby appointed Clerk for Early Voting. The Main Early Voting location for the above designated election shall be at the Bastrop County Annex Building, 804 Pecan Street, Bastrop, Texas, and said place shall conduct voting on the following dates and times:

February 15-17, 2012	8:00 a.m. – 5:00 p.m.
February 21-23, 2012	8:00 a.m. – 5:00 p.m.
February 24, 2012	7:00 a.m. – 5:00 p.m.
February 27, 2012	8:00 a.m. – 5:00 p.m.
February 28, 2012	7:00 a.m. – 7:00 p.m.

Ballot applications and ballots voted by mail should be addressed to the Early Voting Clerk, Nora Cano, Bastrop County Elections Administrator, 804 Pecan Street, Bastrop, Texas 78602. Applications for ballots by mail must be received no later than the close of business on February 24, 2012, the eighth (8th) day before the election.

For Elections Precincts 1001, 1013, 1014 and a portion of 2016 a Presiding Judge of the Early voting Ballot Board will be appointed by the Bastrop City Council at a later date. In accordance with Section 87.0021 et seq. of the Texas Election Code said presiding judge shall appoint at least two (2) other members to the Board and shall process early voting results in accordance with said Texas Election Code.

The Presiding Judge will receive compensation at the rate of \$10.00 per hour. The Alternate Presiding Judge and Clerks will receive compensation at the rate of \$8.00 per hour.

Said election shall be held in accordance with the Election Code of this State and only resident qualified voters of said City shall be eligible to vote at said election.

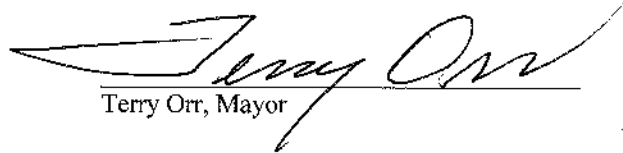
The Mayor shall give notice of this election in accordance with the terms and provisions of Sections 4.004, 83.010, 85.004, and 85.007 of the Election Code, and all necessary orders and writs for said election shall be issued by the proper authority. Returns of said election shall be made to the City Council immediately after the closing of the polls.

It is further found and determined that in accordance with the order of this governing body, the City Secretary will post notice of the date, place and subject of this meeting on the bulletin board located at the City Hall, a place convenient and readily accessible to the general public, and said notice having been so posted and remaining posted continuously for at least seventy-two (72) hours preceding the scheduled time of said meeting.

A substantial copy of this Resolution shall serve as proper notice of the Special Election. Said notice, including a Spanish translation thereof, shall be posted not later than the twenty-first (21<sup>st</sup>) day before the election on the bulletin board used for posting notices of meetings of the City Council and shall be published at least once occurring before the 10<sup>th</sup> day before the date of the election in a newspaper of general circulation in the City of Bastrop, Texas.

SAVINGS CLAUSE: In the event that the Texas State Legislature enacts any laws or implements any provisions that alter the specifics set forth herein, concerning the Texas Election Code, State election schedules or dates, notice requirements or other elections matters that are pertinent to this March 3, 2012 election , then the City shall read this Resolution to incorporate such changes to make this Resolution fully compliant with State law, and as necessary, shall update information provided to the voters of the City of Bastrop, Texas, to ensure that the voters have access to complete, fully accurate, updated information concerning this election. In sum, the City shall ensure that this elections hall be held in accordance with existing and applicable State law.

**PASSED, APPROVED, AND ADOPTED this 10<sup>th</sup> day of January 2012.**

  
Terry Orr, Mayor

**ATTEST:**

  
Teresa Valdez, City Secretary