

Motion was made by Councilmember Scottie Garner and seconded by Councilmember Kevin Johnson, that the following Ordinance be passed:

ORDINANCE NO. 325-2024

ORDINANCE BY THE CITY COUNCIL OF THE CITY OF WOODBRANCH VILLAGE, TEXAS CALLING AN ELECTION FOR NOVEMBER 5, 2024, ELECTION FOR THE POSITION OF COUNCIL MEMBER POSITIONS II, IV & V PROVIDING THAT THE COUNTY ELECTIONS ADMINISTRATOR SHALL CONDUCT EARLY VOTING AND ELECTION DAY VOTING FOR THE CITY; SETTING COUNTY POLLING PLACE FOR EARLY VOTING AND FOR THE CITY ELECTION; NAMING THE CITY SECRETARY AS THE CUSTODIAN OF THE VOTING RECORDS; PROVIDING FOR NOTICE OF THE ELECTION; AND AUTHORIZING THE MAYOR AND CITY SECRETARY TO DO ALL THINGS NECESSARY TO CONDUCT THE ELECTION

WHEREAS, by state law the uniform election date for the month of November 2024 falls on November 5, 2024,

WHEREAS, the City Council ("the Council") of the City of the City of Woodbranch Village, Texas (the "City") has the authority to call an election (the "Election") on November 5, 2024 for the election of the positions of, Council member positions II, IV & V; and

WHEREAS, the Council pursuant to Chapter 31, Texas Election Code, entered into an Election Services Agreement and Montgomery County, Texas by its County Elections Officer Suzie Harvey, who is the Elections Administrator ("Administrator") for Montgomery County, Texas, for purposes of providing election administration services on behalf of the city, and

WHEREAS, the Council has determined pursuant to chapter 271 of the Texas Election Code, the city is authorized to enter into a Joint Election Agreement with Montgomery County and other participating political subdivisions in the November 5, 2024 election:

IT IS THEREFORE ORDAINED BY THE CITY COUNCIL OF THE CITY OF WOODBRANCH VILLAGE, TEXAS THAT:

SECTION I

The facts and opinions in the preamble to this Ordinance are true and correct.

SECTION II
CALL OF ELECTION; DATE; ELIGIBLE ELECTORS; AND HOURS

An election (the "Election") shall be held on Tuesday, November 5, 2024, which is seventy-eight (78) or more days from the date of the adoption of this Ordinance (the "Ordinance") within the entire territory of the City for the election of the following positions:

General Election

Councilmember Position II for a two-year term ending November 2026
Councilmember Position IV for a two-year term ending November 2026
Councilmember Position V for a two-year term ending November 2026

Each of the members to be elected in the General Election shall serve two-year terms. All resident, qualified electors of the City shall be entitled to vote in the Election for candidates for the council members' positions. The Council hereby finds that holding the Election on such date, which is a uniform election date, is in the public interest. The hours during which the polling places are to be open at the Election shall be from 7 a.m. to 7 p.m.

SECTION III
CONDUCT OF ELECTION

The election shall be conducted by election officers, in accordance with the Texas Election Code and the Constitution and laws of the State of Texas and the United States of America.

Pursuant to Chapter 31 of the Texas Election Code, the Council anticipates that this election will be conducted under the terms and conditions of the Election Services Agreement. Chapter 31 of the Texas Election Code provides that the Administrator may contract with the governing body of a political subdivision situated wholly or partly within the County served by the Administrator to perform election services in an election ordered by the political subdivision.

SECTION IV
VOTING PRECINCTS

The presently existing boundaries and territory of the Montgomery County Election Precinct 53 which are wholly or partially within the territorial boundaries of the City are hereby designated as the voting precinct of the City Election. The polling location for the City Election shall be the City Hall Building, 58 A Woodbranch Drive, New Caney, Texas 77357.

SECTION V
APPOINTMENT OF CUSTODIAN OF RECORDS

To the extent not otherwise provided for in the Election Services Agreement, the Council appoints Debra Wildblood, the City Secretary, or her designee as the Custodian of Records ("Custodian") and agent to the Council to perform the duties related to the conduct and maintenance of records of the Election as required under the Texas Election. In particular, the Custodian shall provide applications for candidates, accept applications from candidates for a place on the ballot, and determine the order in which names will appear on the ballot for the mayor and council member positions and accept and maintain records regarding campaign expenditures that may be filed with the City.

The Custodian shall maintain an office open for election duties for at least three hours each day, during regular office hours, on regular business days during the period required by law. The Custodian shall post notice of the location and hours of her office as required by the Texas Election Code. The Custodian shall maintain in her office, the documents, records and other items relating to the election and shall be the person designated to receive documents on behalf of the City that are required by the Texas Election Code.

SECTION VI
CANDIDATE PETITIONS AND APPLICATIONS

Pursuant to the provisions of the Election Code, all candidates for a position on the City Council in the Election shall file an application for a place on the ballot with the City Secretary at the City Hall at 58 A Woodbranch Drive, New Caney, Texas 77357. The City Secretary shall note on the face of each such application the date and time of its filing. Such application shall include the office the candidate is seeking and, if applicable, the position number of such position. The first day to file an application for a place on the ballot is July 20, 2024. The last day to file an application for a place on the ballot is August 19, 2024 on or before 5:00 p.m. No person's name shall be placed upon the official ballot as a candidate for any of the above-mentioned positions unless such person has filed his or her sworn application, as provided by Section 141.031 of the TEXAS ELECTION CODE, with the City Secretary of the City at the City Offices not later than five o'clock (5:00) p.m. on the seventy eighth (78th) day before the date of such election, said date being August 19, 2024.

The order in which the names of the candidates are to be printed on the ballot for the general election, and the order in which the names of the candidates are to be printed on the ballot for the special election, shall be determined by a drawing by the City Secretary, as provided by Section 42.094 of the TEXAS ELECTION CODE. The City Secretary shall post a notice in her office of the date, hour, and place of drawing. Such notice shall remain posted continuously for seventy-two (72) hours immediately preceding the scheduled time of the drawing, and personal notice shall also be given to any candidate who makes written request for such notice and furnishes to the City Secretary a self-addressed, stamped envelope. Each candidate involved in the drawing, or a representative designated by him, shall have a right to be present and observe the drawing.

SECTION VII
EARLY VOTING

The Montgomery County Elections Administrator is hereby appointed as early voting clerk for early voting; the appointment of a deputy clerk or clerks for early voting by the joint early voting clerks shall be in accordance with Section 83.031 *et seq.* of the TEXAS ELECTION CODE. The City adopts the designated November 5, 2024 Joint Election Early Voting Locations listed in the attached Exhibit "A" to this Order and further adopts any amendments or additions to Joint Election Early Voting Locations by the Montgomery County Elections Administrator and the early voting dates and times are designated and listed in the attached Exhibit "A" for each early voting location all pursuant to the contract for election services with Montgomery County.

Pursuant to the Election Services Agreement with Montgomery County, Texas the Presiding Judge, alternate judges and other election officials will either be appointed by the Montgomery County Commissioner's Court or alternatively the Presiding Judge, alternate judges and other election officials that are recommended by the Elections Administrator of Montgomery County are hereby appointed by the City.

The City Secretary and the Montgomery County Elections Officer are hereby appointed as joint early voting clerks for early voting; the appointment of a deputy clerk or clerks for early voting by the joint early voting clerks shall be in accordance with Section 83.031 *et seq.* of the TEXAS ELECTION CODE. The City adopts the designated November 5, 2024 Joint Election Early Voting Locations listed in the attached Exhibit "A" and the early voting dates and times are designated and listed in the attached Exhibit "A" for each early voting location all pursuant to the contract for election services with Montgomery County.

The Montgomery County Elections Administrator is hereby appointed to receive ballot by mail applications. The appointment of a deputy clerk or clerks for early voting by the County Elections Administrator shall be in accordance with Section 83.031 *et seq.* of the Texas Elections Code. The Address of the Regular Early Voting Clerk is:

Mailing Address:

Montgomery County Election Administrator
P. O. Box 2646
Conroe, Texas 77305-2646

Physical Address for Carrier Delivery:

Montgomery County Election Administrator
9159 Airport Road
Conroe, Texas 77303

The early voting clerk, in accordance with the provisions of the TEXAS ELECTION CODE, shall maintain a roster listing each person who votes early by personal appearance and each person to whom a ballot to be voted by mail is sent. The roster shall be maintained in a form approved by the Secretary of State.

The Montgomery County Elections Administrator shall receive applications for a ballot to be voted by mail at any time during the calendar year until the close of business on October 25, 2024. Applications for a mail ballot should be mailed to: Suzie Harvey Elections Administrator and Early Voting Clerk, P.O. Box 2646, Conroe, TX 77305-2646; faxed to (936)788-8340; or emailed to Election.Ballot@mctx.org.

All ballot by mail applications received by the Regular Early Voting Clerk must be delivered to the Montgomery County Elections Administrator by hand, by fax to (936)-788-8340, or by email to Suzie.Harvey@mctx.org on the day of receipt, and the original application must be mailed or delivered to the Elections Administrator. The Montgomery County Elections Officer will process applications, mail ballots, and tabulate.

Pursuant to Chapter 31 of the Texas Election Code and the Election Services Agreement, the Council appoints the Administrator as the City's Early Voting Clerk for the Election. Early voting shall be conducted at the locations listed below, as follows:

Central Library
104 I-45 North, Conroe, 77301
Large Meeting Room

North Montgomery County Community Center
600 Gerald Street, Willis 77378
Meador Room

Lone Star Community Center
2500 Lone Star Parkway, Montgomery, 77356
Cissy Boulware Room

West Montgomery County Community Development Center
31355 Friendship Drive, Magnolia 77355
Green Room

Magnolia Event Center
11659 FM 1488, Magnolia 77354
LGI 1

South County Community Building
2235 Lake Robbins Drive, The Woodlands, 77380
Dining Room

George and Cynthia Woods Mitchell Library
8125 Ashlane Way, The Woodlands, 77380
Meeting Room 101 and 102

Spring Creek Greenway Nature Center
1300 Riley Fuzzel Road, Spring, 77386
Community Room

East Montgomery County Fair Association Building
21675A McClesky Road, New Caney, 77357
Main Room

East Montgomery County Community Development Center
16401 First Street, Suite 100, New Caney, 77357
Hayden and Dunn Conference Rooms

Election Central
(Limited Ballots, Special Forms of Early Voting and Ballot by Mail only)
9159 Airport Road, Conroe, 77303
Lobby

Monday, October 21 – Friday, October 25, 2024	8:00 a.m. – 5:00 p.m.
Saturday, October 26, 2024	7:00 a.m. – 7:00 p.m.
Sunday, October 27, 2024	11:00 a.m. – 5:00 p.m.
Monday, October 28 – Friday, November 1, 2024	7:00 a.m. – 7:00 p.m.

The Administrator's office shall also remain open on the day of the Election during the hours the polls are required to be open for voting by the Texas Election Code.

The City Secretary is hereby appointed as the Regular Early Voting Clerk to receive ballot by mail applications. The appointment of a deputy clerk or clerks for early voting by the City Secretary shall be in accordance with Section 83.031 *et seq.* of the TEXAS ELECTION CODE. The address of the Regular Early Voting Clerk is:

City of Woodbranch Village
58 A Woodbranch Drive
New Caney, Texas 77357

The above-described place is also the clerk's mailing address to which ballot applications and ballots voted by mail may be sent. The early voting clerk, in accordance with the provisions of the TEXAS ELECTION CODE, shall maintain a roster listing each person who votes early by personal appearance and each person to whom a ballot to be voted by mail is sent. The roster shall be maintained in a form approved by the Secretary of State.

SECTION VIII **NOTICE OF ELECTION**

Notice of the Election, stating in substance the contents of this Ordinance, shall be published one (1) time in the English and Spanish languages, in a newspaper circulated within the City's territory at least ten (10) days and no more than thirty (30) days before the Election and as otherwise may be required by the Texas Election Code. A joint Notice of Election may be published by the Administrator. Notice of the Election shall also be posted on the bulletin board used by the Board to post notices of the City's meetings no later than October 17, 2023 (21st day before the Election, or if the 21st day before the Election falls on a weekend or holiday, on the first business day thereafter).

SECTION IX **AUTHORIZATION TO EXECUTE**

The Mayor of the City is authorized to execute and the City Secretary is authorized to attest this Ordinance on behalf of the City Council; that the Mayor and/or the City Secretary of the City of Woodbranch Village, Texas are hereby authorized to execute and/or issue, for an on behalf of the City, such orders, documents and forms as may, from time to time, be promulgated by the Secretary of State of the State of Texas in conjunction with the election herein ordained.

If any person or persons appointed herein do not appear, are unable to perform their duties, or fail to perform their duties, the Mayor shall have the discretion and authority to appoint any substitute personnel to fill the position(s).

The Mayor and/or the City Secretary and the attorney for the City are hereby authorized and directed to make any filings required by the Federal Voting Rights Act. The Mayor and/or the City Secretary and the attorney for the City are further authorized and directed to take any action necessary to comply with the provisions of the Texas Elections Code, the Federal Voting Rights Act and the terms and provisions of the Election Services Contract and the Joint Election Agreement in carrying out the provisions of this Ordinance, whether or not expressly authorized herein, and the Mayor of the City is authorized to do all other things legal and necessary in connection with the holding and consummation of the Election. The City Secretary and Mayor are hereby authorized to perform all duties and take all actions as required by the contracts for election services and election agreement with Montgomery County.

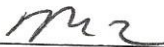
The Council finds that notice of the date, place, and subject of this meeting was posted in accordance with the terms and provisions of the Texas Open Meetings Act at least 72 hours proceeding the scheduled time of this meeting.

SECTION X
EFFECTIVE DATE

This Ordinance is effective immediately upon its passage and approval.

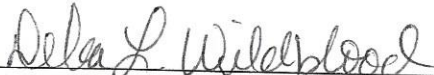
PASSED AND APPROVED this the 25th day of July 2024.

CITY OF WOODBRANCH VILLAGE, TEXAS



Mike Tyson, Mayor

ATTEST:



Debra Wildblood, City Secretary

[Seal]