

**CITY OF PILOT POINT
ORDINANCE NO. 514-14-2022**

AN ORDINANCE OF THE CITY OF PILOT POINT, TEXAS, CANVASSING THE ELECTION RETURNS OF THE SPECIAL ELECTION HELD ON NOVEMBER 8, 2022, FOR THE PURPOSE OF ELECTING A COUNCIL MEMBER FOR PLACE 3 TO FILL THE UNEXPIRED TERM ENDING IN MAY 2023; DECLARING THE RESULTS OF THE SPECIAL ELECTION FOR PLACE 3; ORDERING A RUNOFF ELECTION TO BE HELD ON DECEMBER 13, 2022, FOR THE PURPOSE OF ELECTING THE MAYOR FOR AN UNEXPIRED TERM ENDING IN MAY 2025; DESIGNATING ELECTION DAY POLLING PLACES AND HOURS; DESIGNATING EARLY VOTING POLLING PLACES AND HOURS; PROVIDING FOR ELECTION OFFICERS; PROVIDING FOR METHOD OF VOTING; ORDERING NOTICES OF ELECTION TO BE GIVEN AS PRESCRIBED BY LAW; AUTHORIZING THE MAYOR PRO TEM AND CITY SECRETARY TO TAKE ALL ACTIONS NECESSARY TO COMPLY WITH APPLICABLE ELECTION LAWS; PROVIDING SAVINGS, REPEALING, AND SEVERABILITY CLAUSES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council (the “City Council”) of the City of Pilot Point, Texas (the “City”) on August 11, 2022, ordered that a Special Election (the “Election”) be held within the City on November 8, 2022, by Ordinance No. 503-14-2022, for the purpose of electing the Mayor for an unexpired term ending in May 2025, and on August 18, 2022, the City Council ordered a Special Election be held within the City on November 8, 2022, for the purpose of electing a Council member for Place 3 for an unexpired term ending in May 2023 by Ordinance No. 505-14-2022; and

WHEREAS, the City Council has investigated all matters pertaining to the Election, including Ordinance Nos. 503-14-2022 and 505-14-2022 calling the Special Elections, giving notice, appointing officers, holding and making returns of the Special Elections; the election officers who held the Special Elections have duly made the returns of the results thereof; and said returns have been duly delivered to the City Council to conduct the official canvass of the returns thereof; and

WHEREAS, upon the consideration of the returns of the Special Elections, it is hereby found and determined that the same was held in accordance with the authorized proceedings and was in all respects legally held after due notice had been given, and the returns duly and legally made, along with other instruments; and

WHEREAS, the official returns, including returns of early voting ballots cast, of the presiding judges of the Special Elections have been presented and delivered; and the City Council acting in capacity as the Canvassing Board, met on November 22, 2022, and duly canvassed such returns in accordance with the law; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PILOT POINT, TEXAS:

SECTION 1. INCORPORATION OF PREMISES. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein, and are adopted by the City Council as part of its legislative findings.

SECTION 2. ELECTION PROPERLY ORDERED AND HELD. The City Council, having canvassed the returns of said Special Elections and all election procedures heretofore occurring, finds the election was duly and properly ordered; that due and proper notice of the election was given; that the election was in all respects regularly and lawfully held, and that said returns thereof have been duly and legally made as presented herein.

SECTION 3. CONFIRMATION OF VOTE TABULATION. The City Council officially finds and determines that only qualified resident voters of the City were allowed to vote at the Special Elections, and that the canvass of the votes cast in said Special Elections and returns thereof were made in accordance with the law. Further, the City Council officially finds that the returns of the Special Election, including the returns of the early voting ballots, duly and legally made, are as follows and has determined that the candidate for Council member for Place 3 has received the following votes:

Name of Candidate	Absentee Votes	Total Number of Early Votes	Total Number of Votes Received on Election Day	Total Number of Votes Received
Ray Dane	24	838	294	1,156

SECTION 4. CANVASS. The City Council, acting as the canvassing board of the Special Election for Place 3 on the City Council, has verified that figures on the tally sheets correspond to the figures on the returns and at the Special Election held on November 8, 2022, the following candidate as elected to office:

City Council Place 3 Ray Dane Unexpired term until May 2023

SECTION 5. RUNOFF ELECTION ORDERED. No one person received a majority of the votes cast at the Special Election for the Mayor on the City Council. In accordance with Section 2.023(a) of the Texas Election Code, the City Council hereby calls a Runoff Election to be held in the City on December 13, 2022, for Mayor between the following candidates:

Chad Major

Elisa Beasley

(“Runoff Election”). The Runoff Election shall be administered by the Denton County Elections Administrator.

SECTION 6. ELECTION DAY VOTING FOR RUNOFF ELECTION. Election Day voting by personal appearance shall be at: Pilot Point Senior Center, 310 S. Washington St., Pilot Point, Texas 76258, on December 13, 2022, from 7:00 a.m. to 7:00 p.m.

SECTION 7. EARLY VOTING FOR RUNOFF ELECTION. Early voting by personal appearance shall be available at: Pilot Point Senior Center, 310 S. Washington St., Pilot Point, Texas 76258. Early voting will be:

Dates:

Hours:

Monday, November 28, 2022 – Saturday, December 3, 2022

8:00 a.m. to 5:00 p.m.

Monday, December 5, 2022 – Friday, December 9, 2022

8:00 a.m. to 5:00 p.m.

SECTION 8. EARLY VOTING BY MAIL. The Denton County Elections Administrator is hereby appointed as Early Voting Clerk for the Runoff Election. Applications for a ballot by mail shall be delivered to the early voting clerk, Frank Phillips, Denton County Elections, PO Box 1720, Denton, Texas 76202. Applications for ballots by mail must be received no later than the close of business on Friday, December 2, 2022.

SECTION 9. ELECTION OFFICERS. The election officers for the polling place shall be appointed and compensated pursuant to the Joint Election Agreement and Contract for Election Services with the Denton County Elections Administrator for the Runoff Election on December 13, 2022.

SECTION 10. METHOD OF VOTING FOR RUNOFF ELECTION. Voting on the date of the Runoff Election and early voting shall be by the use of a lawfully approved voting system. The preparation of the voting equipment to be used in connection with such voting system and the official ballots for the Runoff Election shall conform to the Texas Election Code (“Code”), as amended. The ballots shall have printed therein such provisions, markings, and language as may be required by law. The specific voting machines to be used shall be provided by Denton County in accordance with the Joint Election Agreement and Contract for Elections Services with the Denton County Elections Administrator.

SECTION 11. NOTICE OF RUNOFF ELECTION. The City Secretary is hereby authorized and directed to publish and/or post, in the time and manner prescribed by law, all notices required to be so published and/or posted in connection with the conduct of the Runoff Election.

SECTION 12. GOVERNING LAW. The Runoff Election shall be held as set forth by the Charter and the Texas Election Code, and all resident registered voters of the City shall be eligible to vote in the Runoff Election. The Mayor Pro Tem and the City Secretary of the City, in consultation with the City Attorney, are hereby authorized and directed to take any and all actions necessary to comply with the provisions of the Texas Election Code and any other state or federal law in carrying out and conducting the elections, whether or not expressly authorized herein.

SECTION 13. REPEALER. All provisions of any ordinance in conflict with this Ordinance are hereby repealed. Any remaining portions of conflicting ordinances shall remain in full force and effect.

SECTION 14. SEVERABILITY. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional or invalid.

SECTION 15. EFFECTIVE DATE. This Ordinance shall become effective from and after its adoption and publication.

PASSED AND APPROVED by the City Council of the City of Pilot Point, Texas, on this the 22nd day of **NOVEMBER 2022**.



CITY OF PILOT POINT, TEXAS

Chad Major, Mayor Pro Tem

ATTEST:

Lenette Cox, City Secretary