

**CITY OF EL PASO, TEXAS
AGENDA ITEM
DEPARTMENT HEAD'S SUMMARY FORM**

DEPARTMENT: City Clerk's Office

AGENDA DATE: August 19, 2024

CONTACT PERSON NAME AND PHONE NUMBER: Laura D. Prine, (915) 212-1212

DISTRICT(S) AFFECTED: District 1

STRATEGIC GOAL: GOAL 6 SET THE STANDARD FOR SOUND GOVERNANCE AND FISCAL MANAGEMENT

SUBGOAL: 6.8 Support transparent and inclusive government.

SUBJECT:

Discussion and action on a Resolution of the City Council of the City of El Paso, Texas, calling for a Special Election to fill a City Council vacancy in the office of Representative for District No. 5, to be held on November 5, 2024; and making provisions for the conduct of the Special Election; and authorizing a contract with El Paso County to furnish election services and equipment.

BACKGROUND / DISCUSSION:

On August 15, 2024, Representative Isabel Salcido filed an application for a place on the November 5, 2024 election ballot for the office of Mayor resulting in a vacancy in District 5 and the need for a special election. The Constitution of the State of Texas provides that a special election shall be held to fill the vacancy within one hundred and twenty (120) days after such vacancy occurs.

PRIOR COUNCIL ACTION:

Council approved a resolution calling for the November 5, 2024, General Election and the Special Election for District 1 on July 30, 2024.

AMOUNT AND SOURCE OF FUNDING:

TBD - 117 1000 11020 522050 (Legal Notices)

*****REQUIRED AUTHORIZATION*****

DEPARTMENT HEAD:

Laura D. Prine

08/15/2024

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL PASO, TEXAS, CALLING FOR A SPECIAL ELECTION TO FILL A CITY COUNCIL VACANCY IN THE OFFICE OF REPRESENTATIVE FOR DISTRICT NO. 5, TO BE HELD ON NOVEMBER 5, 2024; AND MAKING PROVISIONS FOR THE CONDUCT OF THE SPECIAL ELECTION; AND AUTHORIZING A CONTRACT WITH EL PASO COUNTY TO FURNISH ELECTION SERVICES AND EQUIPMENT.

WHEREAS, effective August 15, 2024, a vacancy occurred in the office of City Council Representative for District No. 5 following Representative Isabel Salcido’s announcement to run for the office of Mayor; and

WHEREAS, the Constitution of the State of Texas provides that a special election shall be held to fill the vacancy within one hundred and twenty (120) days after such vacancy occurs; and

WHEREAS, the Texas Election Code, Section 201.051 (b), provides that a special election to fill a vacancy to be held on the date of the general election for state and county officers, the election shall be ordered not later than the 78th day before election day; and

WHEREAS, the Texas Election Code defines “general election for state and county officers” to include general elections at which federal officers are elected; (Tex. Elections Code 1.005 (7); and

WHEREAS, because the November 5, 2024 election includes the general election for the federal office of the United States President, the Special Election to fill this vacancy must be ordered no later than the 78th day before election day, which is Monday, August 19, 2024; and

WHEREAS, the City Council has determined that the holding of the special election to fill the unexpired term of City Council Representative for District No. 5 on November 5, 2024, is in conformity with applicable laws and is in the best interest of the citizens of El Paso.

WHEREAS, by this Resolution, it is the intention of the El Paso City Council to adopt all requirements of this election order in accordance with state law, and to authorize a contract with El Paso County for election services.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO THAT:

SECTION 1 – VACANCY, REPRESENTATIVE FOR DISTRICT NO. 5

The City Council of the City of El Paso, Texas, does hereby declare a vacancy in the position of City Council Representative, District No. 5, and orders a special election for the City of El Paso, Texas, to be held on November 5, 2024, uniform election day, for the purpose of electing a City Council Representative to serve for the unexpired term of District No. 5.

Such election shall be held in the manner and form prescribed by the laws of the State of Texas. At such election all qualified voters in District No. 5 of the City are authorized to vote. The candidate receiving a majority of the votes cast for City Council Representative, District No. 5 shall be declared elected to such office.

Such election shall be held at the precincts and the polling places designated in Exhibit "A" or such other locations as may be designated prior to the election by the City Clerk, attached hereto and made a part hereof for all purposes, and said polling places shall open at 7 a.m. and remain open until 7 p.m. on the day of the election.

SECTION 2 – ELECTION SERVICES CONTRACT WITH COUNTY

The City Manager is hereby authorized to execute a contract(s) and agreements, joint or otherwise, with the El Paso County Elections Administrator for the purpose of having El Paso County furnish all or any portion of the election services and equipment needed by the City Clerk to conduct the election. The contract document and election services provided therein shall conform to Chapter 31, Subchapter D, of the Texas Election Code and other applicable statutes and laws.

The election services contract shall provide (a) the type of electronic voting equipment to be used for early voting by personal appearance and on election day, (b) notification and training for election judges and clerks, (c) an estimate and final payment terms for the election services provided, (d) agreements for early voting equipment and voting machine rental, and (e) other procedures to conduct the election.

SECTION 3 – EARLY VOTING CLERK

Lisa Wise, El Paso County Elections Administrator, 500 E. San Antonio, Suite 314, El Paso, Texas, 79901, is hereby appointed as Early Voting Clerk. Applications for ballot by mail must be received no later than the close of business on October 25, 2024, sent to this address.

SECTION 4 – EARLY VOTING

Early voting by personal appearance shall be conducted at the El Paso County Courthouse, located at 500 E. San Antonio, El Paso, Texas 79901. In addition, early voting may also occur at such branch early voting polling places as are designated herein or otherwise designated by the El Paso County Elections Administrator and posted at City Hall by the City Clerk. The locations and hours for early voting by personal appearance shall be authorized for such election as set forth in Exhibit "A."

In addition, mobile voting stations may also be authorized and used for early voting at publicly owned buildings in the City as established by the El Paso County Elections Administrator. The City Clerk is authorized to make corrections or revisions to the list of these mobile stations, including the respective hours for early voting by personal appearance at these stations, as are established by the El Paso County Elections Administrator. The City Clerk is further authorized to make corrections or revisions to the list of early voting stations as set forth above, including the respective hours for early voting by personal appearance at

these stations, and revise and correct all election notices regarding the early voting locations and the mobile voting stations, and the dates and times for such voting.

For purposes of processing ballots cast in early voting, the election officers for the Early Voting Ballot Board shall be appointed and designated in accordance with the provisions of the election agreement with El Paso County.

SECTION 5 – FILING FOR PLACE ON BALLOT

Applications for candidacy to the office of City Council Representative, District No. 5 shall be made to the City Clerk of the City of El Paso beginning upon approval by City Council of this resolution and ending on September 4, 2024 at 5 p.m., in manner and form as prescribed by law.

The names of eligible and qualified candidates for such office shall be placed on the ballots for such election by the City Clerk at the time and in the manner prescribed by law.

SECTION 6 – VOTING MACHINES AND ELECTION RESULTS

Voting machines used for the conduct of the election, shall be procured, maintained, operated, sealed and the votes therefrom tabulated pursuant to procedures established and authorized by the laws of the State of Texas.

The results of the election shall be certified, canvassed, and returned in the form and manner prescribed by law.

SECTION 7 – NOTICE OF ELECTION

The notice of the election hereby ordered and called shall be promulgated, published and posted in keeping with the state and local laws. A substantial copy of this resolution shall serve as proper notice of said election.

The City Clerk shall give notice of such election by posting a notice of such election in English and Spanish in the Office of the City Clerk as provided by law and by publishing a copy of said notice in both English and Spanish in a newspaper in the City as required by law.

The City Clerk shall deliver notice of this election to the county clerk and voter registrar of El Paso County, as required by law.

SECTION 8 – RUNOFF ELECTION

Any runoff election required for the election of City Council Representative, District No. 5, following the special election of November 5, 2024, shall be held on December 14, 2024 that is permitted by and in accordance with Section 2.025 (a) Election Code of the State of Texas. Such election, if any, shall be called by the City Council. Early voting dates and sites will be identified if such runoff election shall be held.

SECTION 9 – COMPLIANCE WITH APPLICABLE LAWS

The City Manager and the City Clerk, in consultation with the City Attorney, are hereby authorized and directed to take any and all actions necessary to comply with the provisions of federal and state law in carrying out and conducting the election, whether or not expressly authorized herein.

APPROVED this ____ day of August, 2024.

CITY OF EL PASO

Oscar Leeser
Mayor

ATTEST:

Laura D. Prine
City Clerk

APPROVED AS TO FORM:

Karla Saenz

Karla Saenz
Assistant City Attorney

APPROVED AS TO CONTENT:

Laura D. Prine
City Clerk

ATTACHMENT “A”