

**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. 2, TO BE HELD ON DECEMBER 9,  
2023; 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 October 3, 2023, a vacancy occurred in the office of City Council Representative for District No. 2 following Representative Alexandra Annello's announcement to run for a different office of honor, trust or profit; 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 201.052, provides that a special election to fill a vacancy shall be held on the first authorized uniform election date occurring on or after the 46th day after the election is ordered, and allows for an exception to the uniform date requirement if none is available within the required timeframe; and

**WHEREAS**, December 9, 2023, is the State's date set for runoff elections from the November 7, 2023 election and falls after the 46th day after the date of this order and falls within the 120-day constitutional mandate; 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. 2 on December 9, 2023, is in conformity with applicable laws and is in the best interest of the citizens of El Paso.

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

**SECTION 1 – VACANCY, REPRESENTATIVE FOR DISTRICT NO. 2**

The City Council of the City of El Paso, Texas, does hereby declare a vacancy in the position of City Council Representative, District No. 2, and orders a special election for the City of El Paso, Texas, to be held on the second Saturday in December, that being December 9, 2023, for the purpose of electing a City Council Representative to serve for the unexpired term of District No. 2.

Such election shall be held in the manner and form prescribed by the laws of the State of Texas, and at such election all qualified voters in District No. 2 of the City are authorized to vote. The candidate receiving a majority of the votes cast for City Council Representative, District No. 2 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 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 November 25, 2023, 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. 2 shall be made to the City Secretary of the City of El Paso beginning upon approval by City Council of this resolution and ending on October 30, 2023, 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, not later than Wednesday, November 29, 2023.

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. 2, following the special election of December 9, 2023, shall be held on a date 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 10<sup>th</sup> day of October, 2023.

CITY OF EL PASO

\_\_\_\_\_  
Oscar Leeser  
Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Laura D. Prine  
City Clerk

\_\_\_\_\_  
Russell T. Abeln  
Senior Assistant City Attorney