

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 017961, CALLING A SPECIAL ELECTION FOR THE SUBMISSION OF CHARTER AMENDMENTS TO BE HELD WITHIN THE CITY, ON MAY 11, 2013, TO CORRECT A SCRIVENER'S ERROR IN THE TEXT UNDER AMENDMENT NO. 1 OF THE ORDINANCE.

WHEREAS, a Scrivener's error occurred in preparing the text of Section 2.1 A of the Charter as part of the proposed Amendment No. 1 in the Ordinance calling a Special Election for the Submission of Charter Amendments in the portion of the text containing the listing of the districts that would be up for election in 2015, by stating Districts 1, 4, 5 and 8 when the correct list is Districts 1, 5, 6 and 8; and

WHEREAS, it is necessary to correct this error by amending Ordinance No. 017961 to correctly state the text in Section 2.1 A.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That the Amendment No. 1 of Ordinance No. 017961 is revised to correct a scrivener's error in the proposed text of Section 2.1 A, so that the entire Amendment and ballot proposition reads as follows:

AMENDMENT NO. 1
Text of Amendment

Amending Sections 2.1 A and B, 2.2 E, 2.3 A, 2.4 A, and 8.7 of the City Charter, relating to conduct of elections, City officers, and terms of office, to read in pertinent part as follows:

Section 2.1 CITY ELECTIONS, subsections A and B.

A. Regular Elections. The regular City elections to be held in 2015 and 2017 shall be held on the uniform date established in the Texas Election Code during the month of May with a run-off election to be held on the earliest date practicable in accordance with the law. These terms of elected office to commence on the last Tuesday in June, or if necessary to comply with state or federal law, the Tuesday following the canvass of a run-off election, whichever is later. Beginning in 2018, the regular City elections shall be held on the uniform date established in the Texas Election Code during the month of November with a run-off election to be held on the earliest date practicable in accordance with the law. All terms of elected office beginning with the November 2018 election to commence on the first Tuesday in January following the election, or if necessary to comply with state or federal law, the Tuesday following the canvass of a run-off election, whichever is later.

B. Officers Elected. The qualified voters of El Paso shall, as necessary to fill expired terms,

elect the following officers, as provided herein and under Section 2.4 A, at the regular elections: A Mayor, eight District Representatives, and Judges of the Municipal Courts. Each Representative shall be elected from a district and the Mayor and other officers shall be elected from the City at large. The Judges of the Municipal Courts, the Mayor, and the District Representatives from districts numbers 2, 3, 4 and 7 taking office in June 2013 shall serve four year terms. Commencing in June 2015, the District Representatives from districts numbers 1, 5, 6 and 8 shall be elected to terms greater than three years but less than four years that conform to the change made in subsection A to the start of the term and the new election date beginning in November 2018, and they shall thereafter be elected to four-year terms. Commencing in June 2017, the Judges of the Municipal Courts, the Mayor, and the District Representatives from districts numbers 2, 3, 4 and 7 shall be elected to terms greater than three years but less than four years that conform to the change made in subsection A to the start of the term and the new election date beginning in November 2020, and they shall thereafter be elected to four-year terms. Each officer shall hold office during the term for which elected and established herein and until the election and qualification of a successor, unless sooner removed in any manner provided in this Charter.

Section 2.2 NOMINATIONS, subsection E.

E. Petition for Candidacy. In lieu of the payment of a filing fee, any person qualified for an elective office may become a candidate by petition of 25 qualified voters who are eligible to vote for that candidate or such other greater number of qualified voters as may be required by state law. The signed petitions shall be filed with the City Clerk at the time of filing for candidacy. Each signer next to his signature shall indicate voter registration number, date of signing and place of residence. Within five days after the filing of a nominating petition, the City Clerk shall notify the candidate and the person who filed the petition, if other than the candidate, whether it satisfies the requirements prescribed by this Charter. If a petition is found insufficient, the City Clerk shall return it immediately to the person who filed it with a statement certifying wherein it is insufficient. Within the regular time for filing petitions a corrected petition may be filed for the same candidate.

Section 2.3 ELECTIONS, subsection A.

A. Conduct of Elections. All elections shall be held in accordance with the laws of Texas. Notwithstanding any other provision of this Charter, when special election is required by a provision of this Charter to be ordered, it will be scheduled for the next uniform election date as specified in state law or the date of the next election that will be conducted by the County Elections Administrator, as directed by the Council.

Section 2.4 REPRESENTATIVE DISTRICTS; ADJUSTMENT OF DISTRICTS, subsection A.

A. Number of Districts. There shall be eight Representative districts. The Representative districts shall be of substantially equal population. One Representative shall be elected from each of the Representative districts established by the Council. Each district shall be numbered; for example, "Representative District No. 1." At such time when the results of a decennial United States census shows the population of the City to be one million or more, the Council may take the appropriate action to increase the number of District Representatives from eight to ten.

Section 8.7 TRANSITIONAL PROVISION TO THE 2013 AMENDMENTS.

No amendment that is approved at the election on May 11, 2013 shall be effective unless and until the Voting Rights Section of the Civil Rights Division of the United States Department of Justice issues a letter interposing no objection to the implementation of the amendment, if voting rights review is required for the amendment. In the event that an objection is interposed to the amendments made in Section 2.1 A and B, the provisions of Section 2.1 A and B establishing the terms of office as approved at the election on May 12, 2007 shall remain in force and effect.

Ballot Proposition

FOR () Shall Sections 2.1 A and B, 2.2 E, 2.3 A, 2.4 A and 8.7, of the City Charter, relating to the conduct of elections, City officers, and terms of office: to move the City's general elections from May in odd numbered years to November in even numbered years beginning in 2018; to revise the requirements for filing for office to conform with state law; to provide for the scheduling of special elections on dates when the election will be conducted by the County Elections Administrator; and to provide that the Council may take action to increase the number of District Representatives from eight to ten at such time as the City's population reaches one million?

AGAINST ()

2. That the remainder of Ordinance No. 017961 remains unchanged and in full force and effect.

APPROVED this ____ day of March 2013.


CITY OF EL PASO

John F. Cook
Mayor

ATTEST:

APPROVED AS TO FORM:

Richarda Duffy Momsen
City Clerk



Matthew K. Behrens
Assistant City Attorney