

**CITY OF NEWARK  
ORDINANCE NO. A-539**

**AN ORDINANCE OF THE CITY COUNCIL OF NEWARK, TEXAS, CALLING FOR A JOINT GENERAL ELECTION WITH WISE COUNTY TO BE HELD ON MAY 6, 2023; AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH WISE COUNTY ELECTIONS FOR SERVICES; ESTABLISHING OTHER PROCEDURES FOR CONDUCTING THE ELECTION; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, the City of Newark, Texas (“Newark”) is a Type A General Law City governed by Chapter 6 of the Texas Local Government Code; and

**WHEREAS**, May 6, 2023, between the hours of seven o’clock a.m. (7:00 a.m.) and seven o’clock p.m. (7:00 p.m.), is designated as a Uniform Election Day at which time the voters will elect persons in a General Election to fill the offices of City Council Members Place #4, Place #5 and Mayor on the Newark City Council; and

**WHEREAS**, the City Council wishes to enter into an agreement with Wise County Elections, when available, to conduct the election according to State law.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEWARK, TEXAS:**

**SECTION 1**

**GENERAL ELECTION ORDERED:** A general election shall be held in the City of Newark, Texas, on Saturday, May 6, 2023, between the hours of seven o’clock a.m. (7:00 a.m.) and seven o’clock p.m. (7:00 p.m.) at which the following officers will be elected for two (2) year terms:

**COUNCILMEMBER PLACE 4  
COUNCILMEMBER PLACE 5  
MAYOR**

The filing deadline for a place on the General Election ballot is February 17, 2023 at 5:00 p.m.

**SECTION 3**

**AGREEMENT FOR CONDUCT OF ELECTION:** The Mayor is authorized to execute an Agreement for the Conduct of the Election between Wise County Elections and the City of Newark. In the event of a conflict, the terms of the Agreement shall control.

**SECTION 4**

**TERM OF OFFICE:** In accordance with Texas Local Government Code §§ 22.006, 22.035 and 22.036, the candidate for each office in the General Election receiving the highest number of votes for such office shall be elected to a two (2) year term beginning on or after May 12, 2023, the fifth day after

the date of the election, not including Sundays or as soon as possible after that fifth day and shall meet at the usual meeting place to be installed, and ending in May 2025, or until a successor is duly elected and qualified.

#### **SECTION 5**

**ELIGIBILITY FOR CANDIDACY:** In accordance with Texas Local Government Code Section 22.032, no person shall be eligible for the office of Mayor or Councilmember unless the person is a qualified voter of the State of Texas and resides within the municipal limits of the City of Newark.

#### **SECTION 6**

**APPLICATION FOR A PLACE ON THE BALLOT:** Any eligible and qualified person shall have their name printed upon the official ballot as a candidate for the offices herein set forth by filing a sworn application with the City Secretary not earlier than January 18, 2023, and not later than 5:00 pm on February 17, 2023 for the General. The order in which the names of the candidates are to be printed on the ballot shall be determined by a drawing by the City Secretary. Notice of time and place for such drawing shall be given in accordance with the Texas Election Code.

#### **SECTION 7**

**ELECTION DAY POLLING PLACE:** The Election Day polling place for the General Election and the Special Election shall be the Newark Municipal Building, Community Center, 209 Hudson Street, Newark, Texas, between the hours of 7:00 am and 7:00 pm.

#### **SECTION 8**

**COMPENSATION OF THE ELECTION JUDGES AND ELECTION CLERKS:** The Presiding Election Judge, Alternate Presiding Judge and each Election Clerk shall be the rate per hour as established by the Texas Election Code and as agreed upon in an election agreement with Wise County. The Presiding Election Judge shall also be paid the additional rate as provided by the Texas Election Code for delivering the returns of the election and as agreed upon in an election agreement with Wise County.

#### **SECTION 9**

**GOVERNING LAW AND QUALIFIED VOTERS:** The elections shall be held in accordance with the Constitution of the State of Texas and the Texas Election Code, and all resident qualified voters of the City shall be eligible to vote for Mayor and City Council Places #4, #5.

#### **SECTION 10**

**PUBICATION AND POSTING OF NOTICE OF ELECTION:** Notice of the elections shall be given as required by Chapter 4 of the Texas Election Code.

## SECTION 11

### **EARLY VOTING:**

- a. Early voting by personal appearance.** Notice of early voting by personal appearance shall be posted by the City Secretary of Newark at least 72 hours immediately preceding the first hour that voting shall be conducted, and in a place where notice of meetings is commonly posted.
  
- b. Early voting by mail.** Applications for early voting by mail may be delivered to the Wise County Elections Office, P. O. Box 1597, 200 S. Trinity, Decatur, Texas 76234, not later than the close of business on April 25, 2023. Early voting ballots shall be mailed to the Wise County Elections Office, P. O. Box 1597, Decatur, Texas 76234
  
- c. Early voting by Ballot Board.** Early voting, both by personal appearance and by mail shall be canvassed by the Early Voting Ballot Board, which is hereby created. The Presiding Election Judge and Alternate Presiding Election Judge appointed herein shall serve as the presiding officer and alternate presiding officer, respectively, of the Early Voting Ballot Board. The other election officers serving at the election shall serve as the other members of the Early Voting Ballot Board.

## SECTION 12

**METHOD OF VOTING:** Paper ballots shall be used for voting by mail. Wise County shall determine the Voting Systems to be used for early voting by personal appearance and for voting by personal appearance on Election Day. The City Council hereby adopts for use in early voting and on Election Day said Voting Systems which is being leased from Wise County Elections Administration. All expenditures necessary for the conduct of the elections, the purchase of materials therefore, and the employment of all election officials is hereby authorized and shall be conducted in accordance with the Texas Election Code.

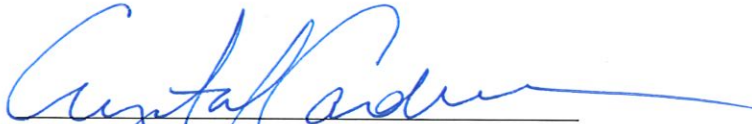
## SECTION 13

**DELIVERY OF RETURNS:** In accordance with the Texas Election Code, immediately after the closing of the polls on the day of the election, the election officers shall make and deliver the returns of the election as an original and three copies as follows: one copy shall be retained by the Presiding Judge; one copy shall be delivered to the Mayor of the City; and one copy of the returns and all election supplies shall be delivered to the Election Administrator. All election records and supplies shall be preserved by the Election Administrator in accordance with the Texas Election Code.

## SECTION 14

**NECESSARY ACTIONS:** The Mayor 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 in carrying out and conducting the election, whether or not expressly authorized herein.

**PASSED APPROVED AND EFFECTIVE** on this 19<sup>th</sup> day of January, 2023.

  
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**Crystal Cardwell, Mayor**

**ATTEST:**

  
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**Jenni Moore, City Secretary**

