

**ORDINANCE 23-002**

**AN ORDINANCE ORDERING THE HOLDING OF AN ELECTION IN THE CITY OF KILLEEN, TEXAS, FOR THE PURPOSE OF ELECTING A COUNCILMEMBER FOR EACH OF THE 4 DISTRICTS; PROVIDING FOR THE FILING OF WRITTEN APPLICATION TO HAVE THEIR NAMES PRINTED ON THE OFFICIAL BALLOT; SPECIFYING THAT THE PROVISIONS OF THE GENERAL ELECTION LAWS SHALL CONTROL ALL QUESTIONS PERTAINING TO SUCH ELECTION; PRESCRIBING THE CONTENTS OF THE OFFICIAL BALLOT; PROVIDING FOR COMPENSATION; DESIGNATING THE POLLING PLACES, AND PROVIDING FOR POSTING AND PUBLICATION OF NOTICE OF ELECTION AND CONTAINING MISCELLANEOUS PROVISIONS.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KILLEEN:**

**SECTION 1.** That, pursuant to the laws of the State of Texas and the Charter of the City of Killeen, it is ordered by the City Council that a general election be held in the City of Killeen, Texas, on May 6, 2023, for the purpose of electing from the City of Killeen a Council Member for District 1, 2, 3 and 4. Any reference in this ordinance hereinafter to "Election Day" shall mean May 6, 2023.

**SECTION 2.** The manner of holding the election and all questions pertaining to such election shall be governed by the V.T.C.A. Election Code, and the returns shall be made and canvassed and the results declared as in other legal elections of the City of Killeen.

**SECTION 3.** Any eligible and qualified person may have his or her name printed upon the official ballot as an independent candidate for the office of councilmember by filing a written application with the City Secretary beginning Wednesday, January 18, 2023, through 5:00 p.m. Friday, February 17, 2023. Any person wishing to file a declaration of write-in candidacy must do so not later than 5:00 p.m. on Tuesday, February 21, 2023.

**SECTION 4.** The names of all those who have filed their written applications to have their names printed on the official ballot as candidates shall be posted by the City Secretary in a conspicuous place at her office for the inspection of the public for at least ten days before she orders the ballot to be printed. The City Secretary shall preserve in her office for a period established by the Texas State Library and Archives Commission and adopted by the City all applications, statements, notice of objections, and other related papers.

**SECTION 5.** Any person eligible for the office of councilmember or other office who has filed his or her written application in accordance with the provisions of this ordinance shall have his or her name printed on the official ballot. Any such person may cause his or her name to be withdrawn at any time prior to 5:00 p.m. on Friday, February 24, 2023, by filing in writing with the City Secretary, a

request to that effect over his/her signature, duly attested to by a Notary Public. No name so withdrawn shall be printed on the ballots. Not later than twenty (20) days before the election, the City Secretary shall have the official ballots printed.

**SECTION 6.** Each qualified voter who desires to cast an early vote or who expects to be absent on the date of the election shall be entitled to an official ballot and to cast such ballot in accordance with the applicable provisions of Title 7, V.T.C.A., Election Code, beginning Monday, April 24, 2023, and continuing through Tuesday, May 2, 2023. The City Secretary will be the early voting clerk, who may appoint by written order one or more temporary deputies to serve as deputy early voting clerks in accordance with the applicable law. Early voting will be held in the first floor lobby of the Killeen City Hall, 101 North College (mailing address: PO Box 1329, Killeen, TX 76540, Attention: Early Voting Clerk), at the Jackson Professional Learning Center, 902 Rev R A Abercrombie Drive, Killeen, and at the Killeen Lions Park Senior Center, 1700-B E. Stan Schlueter Loop between the hours of 8:00 a.m. and 5:00 p.m. on each day of early voting except Saturdays, Sundays, and official State or City holidays. Provided, however, that on the first and last day of early voting, the hours shall be 7:00 a.m. to 7:00 p.m. For the 2023 election those dates shall be Monday, April 24, 2023, and Tuesday, May 2, 2023. The City Hall location for early voting is also where ballot applications and ballots voted by mail may be sent. Should the Killeen Independent School District also have an election on such date, early voting shall also be at the KISD School Administration Office, 200 North W.S. Young Drive, Killeen, between the hours of 8:00 a.m. and 5:00 p.m. on each day of early voting except Saturdays, Sundays, and official State holidays.

**SECTION 7.** The election shall be held in the hereafter-designated polling places between the hours of 7:00 a.m. to 7:00 p.m. on the date of the election.

**PRECINCTS #106/116**

Fire Station #1  
3800 Westcliff Road

**PRECINCTS #109/204**

Killeen Elementary School  
1608 E. Rancier Ave

**PRECINCTS #201/211**

Fire Station #3  
700 N. Twin Creek Drive

**PRECINCT #205**

Jackson Professional Learning Center  
902 Rev. R. A. Abercrombie Drive

**PRECINCTS #206/409/419**

Killeen Senior Center at Lions Club Park  
1700 E. Stan Schlueter Loop

**PRECINCT #207**

Copper Mountain Library  
3000 South W. S. Young Drive

**PRECINCTS #203/208/210/214/215**  
Cedar Valley Elementary School  
4801 Chantz Drive

**PRECINCT #404**  
Fire Station #7  
3701 Watercrest Road

**PRECINCT #405/414**  
Robert M. Shoemaker High School  
3302 Clear Creek Road

**PRECINCT #406**  
Central Fire Station  
201 N. 28<sup>th</sup> Street

**PRECINCT #401/402/413**  
Fire Station #9  
5400 Bunny Trail

**PRECINCT #408/412/415**  
Fire Station #5  
905 W. Jasper Road

**PRECINCT #110/410**  
Utility Collections  
210 W. Avenue C

**SECTION 8.** The City Council shall appoint presiding election judges and alternate presiding judges for the election at the precinct polling places and as the Early Voting Ballot Board to process the early voting results, provided that if neither the presiding judge nor the alternate presiding judge can serve and their inability to serve is discovered so late that it is impracticable to fill the vacancy in the normal manner, the Mayor shall have the authority and is hereby directed to appoint a replacement judge to preside at the election. The presiding election judge for each precinct shall appoint no more than two (2) election clerks in addition to the alternate presiding judge named herein to assist the judge in the conduct of the election. The presiding election judges, alternate presiding judges, and clerks shall be paid \$10.00 per hour for serving in such capacities, and the election judges and/or alternate judges shall be paid an additional \$25.00 for delivering the returns of such election to the City Secretary for proper tabulation. No presiding election judge, alternate presiding judge, or clerk shall be compensated for a period in excess of the time extending from one (1) hour before the polls open until two (2) hours after the polls close. The Early Voting Ballot Board shall be paid a set rate of \$50.00 for serving in such capacity that will include proper tabulation. Provided, however, that should the Early Voting Ballot Board need to reconvene to tabulate provisional ballots, they shall be paid an additional \$10.00 per hour for such services.

**SECTION 9.** The following positions shall be set forth on electronic ballots hereinafter provided, in substantially the following form:

**CITY OF KILLEEN GENERAL ELECTION  
MAY 6, 2023  
OFFICIAL BALLOT**

FOR COUNCILMEMBER, DISTRICT 1

Vote for One

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

FOR COUNCILMEMBER, DISTRICT 2

Vote for One

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

FOR COUNCILMEMBER, DISTRICT 3

Vote for One

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

FOR COUNCILMEMBER, DISTRICT 4

Vote for One

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**SECTION 10.** Digital scan ballots shall be used for early voting by mail, curbside voting, and Election Day and the Model DS200 Digital Image Scanner and ExpressVote BMD (ballot marking device). Terminals shall be used for early voting by personal appearance and on Election Day.

**SECTION 11.** All resident qualified electors of the City shall be permitted to vote at the election.

**SECTION 12.** The election materials enumerated in Sec. 272.001, et seq., V.T.C.A. Election Code, shall be printed and furnished in both English and Spanish for use at each polling place on Election Day and for early voting.

**SECTION 13.** A traditional polling place set up will be used at the close of the polls on Election Day.

**SECTION 14.** Notice of election shall be given by posting substantial copies of the Notice of Election as prescribed by the Secretary of State's office in both English and Spanish at the Killeen City Hall, the official city website and at three (3) other public places in the City at least thirty (30) days prior to the date set for the election; and substantial copies of the Notice of Election in both English and Spanish shall be one time in a newspaper of general circulation in the City, the date of publication to be not less than fourteen (14) days prior to the date set for the election.

**SECTION 15.** Returns of election shall be made by the election officers to the City Council at a meeting following the election; the returns will be canvassed and the results of the election declared as prescribed by the Election Code, V.T.C.A., of the State of Texas and the City Charter.

**SECTION 16.** It is officially found, determined, and declared that the meeting at which this Ordinance has been adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered and acted upon at the meeting, including this Ordinance, was given, all as required by the applicable provisions of the Texas Government Code, Sec. 551.001, *et seq.*

**PASSED AND APPROVED** at a regular meeting of the City Council of the City of Killeen, Texas, this 10th day of January 2023, at which meeting a quorum was present, held in accordance with the provisions of the Texas Government Code, Sec. 551.001, *et seq.*

**APPROVED**

  
Debbie Nash-King, MAYOR

**ATTEST:**

  
Laura J. Calcote, CITY SECRETARY

**APPROVED AS TO FORM**

  
Holli C. Clements, CITY ATTORNEY



**CITY COUNCIL MEMORANDUM FOR ORDINANCE**

**DATE:** January 3, 2023  
**TO:** Kent Cagle, City Manager  
**FROM:** Holli C. Clements, City Attorney  
**SUBJECT:** Order May 6, 2023 General Election

**BACKGROUND AND FINDINGS:**

The Texas Election Code, Chapter 3, provides for the ordering of an election not later than the 78<sup>th</sup> day before the election date. In addition to any other elements required, each order must state the date of the election and the offices or measures to be voted on at the election.

The attached ordinance has been prepared calling the election and giving notice of an election for the purpose of electing a district councilmember for each district and designating the polling places and times.

**THE ALTERNATIVES CONSIDERED:**

There are no legal alternatives.

**Which alternative is recommended? Why?**

Staff recommends holding a May 6, 2023 General Election for the purpose of electing a district councilmember for each district.

**CONFORMITY TO CITY POLICY:**

This ordinance conforms to Article IX of the City Charter authorizing the calling of an election to be held on a uniform election date provided for in the Texas Election Code.

**FINANCIAL IMPACT:**

**What is the amount of the expenditure in the current fiscal year? For future years?**

The estimated cost to conduct this election is \$35,000. If KISD and/or CTC has an election, it will be held jointly with the city and total costs of election equipment, personnel and supplies would then be distributed evenly amongst the participating entities.

**Is this a one-time or recurring expenditure?**

Recurring

**Is this expenditure budgeted?**

Yes, funds are available in the General Fund Legal Department City Secretary election expense account 010-1010-416.50-45.

**If not, where will the money come from?**

N/A

**Is there a sufficient amount in the budgeted line-item for this expenditure?**

Yes

**RECOMMENDATION:**

Staff recommends City Council approve the ordinance calling for a May 6, 2023 General Election to elect a district councilmember in each district.

**DEPARTMENTAL CLEARANCES:**

Finance  
City Attorney

**ATTACHED SUPPORTING DOCUMENTS:**

Ordinance