

**TOWN OF TROPHY CLUB, TEXAS
ORDINANCE NO. 2023-01**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF TROPHY CLUB, TEXAS, ORDERING AND CALLING A JOINT GENERAL ELECTION FOR THE TOWN OF TROPHY CLUB ("TOWN") TO BE HELD ON MAY 6, 2023 FOR THE PURPOSE OF ELECTING ONE (1) MAYOR FOR A THREE (3) YEAR TERM AND ONE (1) COUNCILMEMBER FOR PLACE NO. 1 AND ONE (1) COUNCILMEMBER FOR PLACE NO. 2, EACH FOR A THREE YEAR TERM, ON THE TOWN OF TROPHY CLUB TOWN COUNCIL; PROVIDING FOR THE INCORPORATION OF PREMISES; SPECIFYING THE DATE OF ELECTION; SPECIFYING THE PURPOSE OF THE ELECTION; SPECIFYING ELIGIBILITY FOR CANDIDACY; PROVIDING FOR APPLICATION FOR A PLACE ON THE BALLOT; PROVIDING FOR A RUNOFF ELECTION; AUTHORIZING CONTRACTS WITH DENTON COUNTY ELECTIONS AND TARRANT COUNTY ELECTIONS FOR ADMINISTRATION OF THE ELECTION; ESTABLISHING OTHER PROCEDURES FOR CONDUCTING THE ELECTION; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 41.001(a) of the Texas Election Code establishes the first Saturday in May as a Uniform Election Date for the purposes of conducting a Joint General Election; and

WHEREAS, Section 3.004 of the Texas Election Code provides that the governing body of a municipality shall be the authority to order a Joint General Election; and

WHEREAS, the Town Council finds and declares that the meeting at which this Ordinance is considered is open to the public as required by law, and that public notice of the time, place, and purpose of such meeting was given as required by Chapter 551, Texas Government Code, as amended; and

WHEREAS, Section 3.005(c) of the Texas Election Code provides that an election ordered by an authority of a municipality shall be ordered not later than the 78th day before Election Day; and

WHEREAS, the Town Council desires to and hereby orders a Joint General Election for the purpose of electing one (1) Mayor for a three (3) year term and one (1) Councilmember for Place No. 1 and one (1) Councilmember for Place No. 2, each for a three (3) year term.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF TROPHY CLUB, TEXAS:

SECTION 1.
INCORPORATION OF PREMISES

All of the above premises are true and correct and are hereby incorporated in the body of this Ordinance as if fully set forth herein.

All resident, qualified voters of the Town shall be eligible to vote at the Election.

SECTION 2.
DATE OF ELECTION

It is hereby ordered that a Joint General Election shall be held on May 6, 2023, from 7:00 a.m. to 7:00 p.m.

SECTION 3.
PURPOSE OF ELECTION

The purpose of the Joint General Election is to elect one (1) Mayor for a three (3) year term and one (1) Councilmember for Place No. 1 and one (1) Councilmember for Place No. 2, each for a three (3) year term, on the Town of Trophy Club Town Council.

SECTION 4.
ELIGIBILITY FOR CANDIDACY

As set forth in Section 141.001 of the Texas Election Code, to be eligible for a public elective office in this state, a person must: 1) be a United States citizen; 2) be 18 years of age or older on the first day of the term to be filled at the election or on the date of appointment, as applicable; 3) have not been determined by a final judgment of a court exercising probate jurisdiction to be: (A) totally mentally incapacitated; or (B) partially mentally incapacitated without the right to vote; 4) have not been finally convicted of a felony from which the person has not been pardoned or otherwise released from the resulting disabilities; 5) have resided continuously in the state for 12 months and in the territory from which the office is elected for six months immediately preceding the following date: (A) for a candidate whose name is to appear on a general primary election ballot, the date of the regular filing deadline for a candidate's application for a place on the ballot; (B) for an independent candidate, the date of the regular filing deadline for a candidate's application for a place on the ballot; (C) for a write-in candidate, the date of the election at which the candidate's name is written in; (D) for a party nominee who is nominated by any method other than by primary election, the date the nomination is made; and (E) for an appointee to an office, the date the appointment is made; 6) on the date described by Subdivision (5), be registered to vote in the territory from which the office is elected; and 7) satisfy any other eligibility requirements prescribed by law for the office.

Additional requirements are set forth in Article III, Section 3.02, of the Trophy Club Town Charter and are as follows:

- (a) Each person who becomes a candidate for Mayor or Councilmember shall meet the following qualifications:
- (1) be at least eighteen (18) years of age on the first day of the form to be filed;
 - (2) be a citizen of the United States;
 - (3) be a qualified voter of the Town;
 - (4) reside and have resided for at least twelve (12) months preceding the election within the corporate limits of the Town;
 - (5) no candidate may file for more than one office or position number per election;
 - (6) no employee of the Town shall continue in such position after becoming a candidate for a Town elective office; and,
 - (7) if any sitting Councilmember files to become a candidate for another public office, he shall resign his current seat upon filing for the new office.

SECTION 5. **APPLICATION FOR A PLACE ON THE BALLOT**

For the purpose of the May 6, 2023 Joint General Election and pursuant to Section 143.007 of the Texas Election Code, any eligible and qualified person may have that person's name printed upon the official ballot as a candidate for the office hereinbefore set forth by filing the person's sworn application with the Town Secretary not earlier than January 18, 2023 and not later than 5:00 p.m. on February 17, 2023. Each such application shall be on a form as prescribed by the Texas Election Code. The order in which the names of the candidates are to be printed on the ballot shall be determined by a drawing by the Town Secretary as provided by Section 52.094 of the Texas Election Code. Notice of the time and place for such drawing shall be given in accordance with Section 52.094 of the Texas Election Code.

SECTION 6. **RUNOFF ELECTION**

If no candidate receives a majority of all votes cast for all of the candidates for his or her office at such election as required to be lawfully elected, there shall be a runoff election held. The runoff election shall be conducted as required by the Town Charter and the Texas Election Code. Notwithstanding the foregoing, the runoff election date has tentatively been set for June 10, 2023.

SECTION 7.

ELECTION CONTRACTS

Since the Town of Trophy Club is located in both Denton County and Tarrant County, the Mayor, or her designee, is authorized to execute the necessary contracts for the administration of the May 6, 2023 Election to the extent required for the Election to be conducted in an efficient and legal manner as determined by the Denton County Election and/or Tarrant County Election Administrators. Upon approval by the Town Council, a Joint Election Agreement between the Town and the Denton County Elections shall be incorporated herein by reference as **Exhibit "A"**. Upon approval by the Town Council, a Joint Election Agreement between the Town and the Tarrant County Elections shall be incorporated herein by reference as **Exhibit "B"**.

SECTION 8.

ELECTIONS ADMINISTRATION

8.1 Denton County. The Denton County Elections Administrator, Frank Phillips, is hereby appointed as Denton County Early Voting Clerk for the Election. Deputy early voting judges/clerks will be appointed as needed to process early voting mail and to conduct early voting. Early voting by mail shall be conducted in conformance with the requirements of the Code. Ballot applications and ballots voted by mail shall be sent to: Early Voting Clerk, P.O. Box 1720, Denton, Texas 76202. The Elections Administrator and/or the Early Voting Clerk are hereby authorized to appoint the members of the Early Voting Ballot Board and the presiding judge and alternate judge in accordance with the requirements of the Code. Early voting by personal appearance shall be conducted at the times on the dates and at the locations designated on **Exhibit "C"** hereto. The main early voting polling place is hereby designated to be Denton County Elections Administration, 701 Kimberly Drive, Denton, Texas 76208. Early voting shall be conducted by the Early Voting Clerk, at the main early voting polling location listed above, and at the locations designated on **Exhibit "C"** hereto; such locations may be changed or additional early voting locations may be added by the Denton County Elections Administrator, without further action of the Town Council, as is necessary for the proper conduct of the Election.

8.2 Tarrant County. The Tarrant County Elections Administrator, Heider Garcia, is hereby appointed as Tarrant County Early Voting Clerk for the Election. Deputy early voting judges/clerks will be appointed as needed to process early voting mail and to conduct early voting. Early voting by mail shall be conducted in conformance with the requirements of the Code. Ballot applications and ballots voted by mail shall be sent to: Early Voting Clerk, P.O. Box 961011, Fort Worth, Texas 76161-0011. The Elections Administrator and/or the Early Voting Clerk are hereby authorized to appoint the members of the Early Voting Ballot Board and the presiding judge and alternate judge in accordance with the requirements of the Code. Early voting by personal appearance shall be conducted at the times on the dates and at the locations designated on **Exhibit "C"** hereto. The main early voting polling place is hereby designated to be Tarrant County Elections Center, 2700 Premier Street, Fort Worth, Texas 76111. Early voting shall be

conducted by the Early Voting Clerk, at the main early voting polling location listed above, and at the locations designated on **Exhibit “C”** hereto; such locations may be changed or additional early voting locations may be added by the Tarrant County Elections Administrator, without further action of the Town Council, as is necessary for the proper conduct of the Election.

SECTION 9. **NOTICE OF ELECTION PUBLICATION**

Notice of the Election shall be given by posting a notice containing a substantial copy of this Ordinance in both English, Spanish, and Vietnamese at the Town Hall on the bulletin board used for posting notices of the Town Council meetings and by publication of said notice one time in a newspaper of general circulation published within the Town, the date of the publication to be not earlier than the 30th day or later than the 10th day before election day.

SECTION 10. **CANVASS OF ELECTION**

Pursuant to Section 67.002 of the Texas Election Code, the Town Council will canvass the Election not earlier than May 9, 2023 and not later than May 17, 2023. Notice of the time and place for canvass shall be posted on the official bulletin board in the same manner as required by the Open Meetings Act for other Town Council meetings in accordance with the Chapter 551 of the Local Government Code.

SECTION 11. **VOTING RIGHTS ACT**

The Mayor and the Town Secretary of the Town, in consultation with the Town Attorney, are hereby authorized and directed to take any and all actions necessary to comply with the provisions of the Code and the Federal Voting Rights Act in carrying out and conducting the Election, whether or not expressly authorized herein.

SECTION 12. **SEVERABILITY**

It is hereby declared to be the intent of the Town Council of the Town of Trophy Club that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this Ordinance, since the same would have been enacted by the Town Council without incorporation of any such unconstitutional phrase, clause, sentence, paragraph, or section.

SECTION 13.
ENGROSSMENT AND ENROLLMENT

The Town Secretary of the Town of Trophy Club is hereby directed to engross and enroll this Ordinance as required by the Town Charter.

SECTION 14.
EFFECTIVE DATE

This Ordinance shall take effect immediately upon adoption.

PASSED AND APPROVED by the Town Council of the Town of Trophy Club, Texas this 14th day of January 2023.

Alicia L. Fleury, Mayor
Town of Trophy Club, Texas

[SEAL]

ATTEST:

Anita Otterson, Town Secretary
Town of Trophy Club, Texas

APPROVED TO AS FORM:

J. David Dodd III, Town Attorney
Town of Trophy Club, Texas

EXHIBIT "A"

JOINT ELECTION AGREEMENT

**BETWEEN THE TOWN OF TROPHY CLUB, TEXAS and DENTON COUNTY
ELECTIONS**

Incorporated By Reference

EXHIBIT "B"

JOINT ELECTION AGREEMENT

**BETWEEN THE TOWN OF TROPHY CLUB, TEXAS and TARRANT COUNTY
ELECTIONS**

Incorporated By Reference

EXHIBIT "C"
NOTICE FOR EARLY VOTING

Incorporated By Reference

Trophy Club Denton County voters may only vote at the early voting polling locations as designated and maintained by Denton County throughout the County.

Trophy Club Tarrant County voters may only vote at the early voting polling locations as designated and maintained by Tarrant County throughout the County.

The Order of Election will be amended at a later date to include early voting sites added due to joint elections with other political subdivisions.

Denton County

Early voting by personal appearance will be conducted at: Locations designated by Denton County:	
Monday, April 24	8:00 a.m. to 5:00 p.m.
Tuesday, April 25	8:00 a.m. to 5:00 p.m.
Wednesday, April 26	8:00 a.m. to 5:00 p.m.
Thursday, April 27	8:00 a.m. to 5:00 p.m.
Friday, April 28	8:00 a.m. to 5:00 p.m.
Saturday, April 29	8:00 a.m. to 5:00 p.m.
Sunday, April 30	11:00 a.m. to 5:00 p.m.
Monday, May 1	7:00 a.m. to 7:00 p.m.
Tuesday, May 2	7:00 a.m. to 7:00 p.m.

Tarrant County

Early voting by personal appearance will be conducted at: Locations designated by Tarrant County:	
Monday, April 24	8:00 a.m. to 5:00 p.m.
Tuesday, April 25	8:00 a.m. to 5:00 p.m.
Wednesday, April 26	8:00 a.m. to 5:00 p.m.
Thursday, April 27	8:00 a.m. to 5:00 p.m.
Friday, April 28	8:00 a.m. to 5:00 p.m.
Saturday, April 29	7:00 a.m. to 7:00 p.m.
Sunday, April 30	10:00 a.m. to 4:00 p.m.
Monday, May 1	7:00 a.m. to 7:00 p.m.
Tuesday, May 2	7:00 a.m. to 7:00 p.m.