

**ORDINANCE NO. 2023-001**

**AN ORDINANCE OF THE CITY OF EAST BERNARD, TEXAS,  
PROVIDING FOR THE HOLDING OF A GENERAL ELECTION TO  
BE HELD ON MAY 6, 2023, AT WHICH GENERAL ELECTION ALL  
QUALIFIED VOTERS OF THE CITY MAY VOTE FOR THE  
PURPOSE OF ELECTING OFFICIALS OF THE CITY; AND  
PROVIDING DETAILS RELATING TO THE HOLDING OF SUCH  
ELECTION.**

\* \* \* \* \*

**BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF EAST  
BERNARD, TEXAS:**

**Section 1.      Annual General Election Called.**

In accordance with the general laws and Constitution of the State of Texas, a General Election is hereby called and ordered for the 6<sup>th</sup> day of May 2023, at which General Election there shall be submitted to the resident qualified voters of the City, for their action thereon, the purpose of electing the following officials of the City:

**ALDERMAN, PLACE NO. 1**

**ALDERMAN, PLACE NO. 3**

**ALDERMAN, PLACE NO. 5**

**Section 2.      Names on Ballot**

No person's name shall be placed upon the official ballot as a candidate for any of the above-mentioned offices unless such person has filed his or her sworn application, as provided by Section 141.031 of the TEXAS ELECTION CODE, with the City Secretary of East Bernard, at East Bernard City Hall, 704 Church Street, East Bernard, Texas 77435, not later than five o'clock (5:00) p.m. on the seventy-eighth (78th) day (February 17, 2023) before the date of such election. The City Secretary shall note on the face of each such application the date and time of its filing. Such application shall include the office the candidate is seeking.

**Section 3.      Elected Candidate**

The candidate receiving the highest number of votes for the position sought shall be deemed elected.

**Section 4.      Election Precinct**

The present boundaries of the City constituting one election precinct, the polls shall be open for voting from seven o'clock (7:00) a.m. until seven o'clock (7:00) p.m. at the following polling place, and the following are hereby appointed officers to conduct the above-described election at said polling place:

**POLLING PLACE**

Wharton County Library, East Bernard Branch  
746 Clubside Drive, East Bernard, Texas 77435

**Section 5.**      Officers of Election and Compensation Thereof.

The appointments, compensation, and duties of all election officers and personnel shall be as provided in the contract with the Wharton County Elections Administrator.

**Section 6.**      Early Voting

The Wharton County Elections Administrator is hereby appointed clerk for early voting. The Wharton County Library, East Bernard Branch, 746 Clubside Drive, is hereby designated as the place for early voting for said election. The Early Voting Clerk is hereby authorized to conduct early voting by personal appearance beginning on the twelfth (12<sup>th</sup>) day; and continuing through the fourth (4<sup>th</sup>) day preceding the date of said election. In addition, said clerks shall keep said polling place open from seven o'clock (7:00) a.m. until seven (7:00) p.m., for a total of 12 hours for early voting on the fourth (4<sup>th</sup>) and fifth (5<sup>th</sup>) day preceding the date of said election. Said clerk shall keep said polling place open during the hours that the City Secretary's main office is regularly open for business, that is from eight o'clock (8:00) a.m. until five o'clock (5:00) p.m., on each day for early voting which is not a Saturday, a Sunday, or an official state or federal holiday. Said clerks shall not permit anyone to vote early by personal appearance on any day which is not a regular working day for the clerk's office, and under no circumstances shall they permit anyone to vote early by personal appearance at any time when such office is not open to the public. Early voting by mail shall be as provided by applicable law. The mailing address ballots voted by mail may be sent shall be:

**Early Voting Clerk**

**P. O. Box 390**

**Wharton, TX 77488**

The early voting clerk, in accordance with the provisions of the Texas Election Code, shall maintain a roster listing each person who votes early by personal appearance and each person to whom a ballot to be voted by mail is sent. The roster shall be maintained in a form approved by the Secretary of State.

**Section 7.**      Method of Voting and Conduction Election.

All early voting by personal appearance and all voting on the day named above for the holding of said election shall be by means of whatever type of voting machine or

electronic voting system is available from the Elections Administrator of Wharton County. The manner of holding said election will be governed by the laws of the State of Texas governing general elections, the Federal Voting Rights Act of 1965, as amended and as provided in this ordinance. Early voting by a method other than by personal appearance shall be by paper ballot.

**Section 8.**      Notice of Election

Notice of said election shall be given in accordance with the provisions of the Texas Election Code and returns of such notice shall be made as provided for in said Code. The Mayor shall issue all necessary orders and writs for such election and returns of such election shall be made to the City Secretary immediately after the closing of the polls.

**Section 9.**      Ratification and Confirmation by Mayor

By signing this ordinance, the undersigned Mayor hereby ratifies and confirms as his action all matters herein contained which by law come within his jurisdiction.

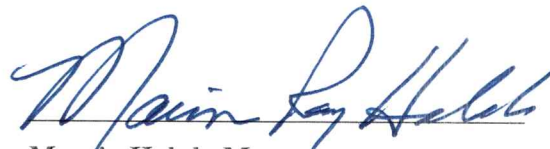
**Section 10.**    Severance Clause.

If any part of this order and ordinance, of whatever size, is ever declared invalid or unenforceable for any reason, the remainder of this order shall remain in full force and effect.

**Section 11.**    Effective Date

This ordinance shall be effective immediately upon its passage and approval.

**PASSED, APPROVED, AND ADOPTED** this 17th day of January, A.D. 2023.



Marvin Holub, Mayor

City of East Bernard, Texas

ATTEST:



Lisa Pless, City Secretary

City of East Bernard, Texas