

**ORDER CALLING 2023 ELECTION**

**TO ALL TO WHOM THESE PRESENTS SHALL COME**

**WHEREAS**, the City of Santa Clara, Texas, is a Type A general law municipality located in Guadalupe County, created in accordance with Chapter 7 of the Local Government Code, and operating pursuant to the enabling legislation of the State of Texas; and

**WHEREAS**, pursuant to Section 22.003 of the Texas Local Government Code the City is required to order an election for the City's elected officers annually; and

**WHEREAS**, the regular election day for the City of Santa Clara, Texas ("City") is on the uniform election day occurring the first Saturday in May (May 6, 2023); and

**WHEREAS**, the terms for Mayor, City Alderperson Place 3, and City Alderperson Place 5 are scheduled to expire at the next uniform election date; and

**WHEREAS**, on December 5, 2022 the City received a petition in accordance to Tax Code Section 26.075 for an election to reduce the City's adopted tax rate for the current tax year to the voter-approval tax rate; and

**WHEREAS**, Section 3.005 of the Texas Election Code requires that an election to be held on a uniform election date shall be ordered not later than the 78<sup>th</sup> day before election day; and

**WHEREAS**, it is the intention of the City to designate a polling place for the election, to appoint the necessary election officers to establish and set forth procedures for conducting the election and authorize the Mayor to execute a contract with Guadalupe County for conducting the election.

**NOW, THEREFORE, BE IT ORDED BY THE CITY COUNCIL OF THE CITY OF SANTA CLARA, TEXAS, THAT:**

**Section 1. Election Ordered.**

An Election (the "Election") is hereby ordered in the City of Santa Clara, Texas on Saturday, May 6th, 2023 to elect three municipal officer positions, and concerning the question of reducing the adopted City of Santa Clara, Texas tax rate for the current year to the voter-approval tax rate.

**Section 2. Officer Positions.**

- A. Each of the following officer positions are up for election and have the corresponding terms of office:

Mayor – 2023 to 2025;

Alderperson Place 3 – 2023 to 2025; and

Alderperson Place 5 – 2023 to 2025.

- B. A candidate must receive a plurality vote to be elected to office by the Election.

**Section 3. Application for Place on Ballot.**

Qualified persons may file to be a candidate for an office to be elected by filing an application in the office of the City Secretary located at 1653 N Santa Clara Rd., Santa Clara, TX 78124. The first date for filing is **January 18, 2023**. Applications for filing as a candidate will be accepted during normal City Hall business hours through 5:00 p.m. on Friday February 17, 2023. The **filing deadline is 5:00 p.m. on Friday February 17, 2023**. Applications must be RECEIVED by the above-mentioned time and date.

**Section 4. Tax Question.**

The question of reducing the adopted City of Santa Clara, Texas tax rate for the current year to the voter-approval tax rate shall be worded as follows in accordance with Tax Code Section 26.07(c):

“Approving the ad valorem tax rate of \$0.23 per \$100 valuation in the City of Santa Clara Texas for the current year, a rate that is \$0.0337 higher per \$100 valuation than the voter-approval tax rate of the City of Santa Clara Texas, for the purpose of the current expenses, maintenance and operation of the general government (General Fund), and the interest and sinking fund (to pay the interest and principal on all outstanding bonds or other indebtedness of the City, not otherwise provided for).”

**Section 5. Ballots.**

Ballots shall be prepared in accordance with Chapter 52 of the Texas Election Code so as to permit the voters to cast a ballot for the candidate of their choice for each officer position on the ballot, and Chapter 26 of the Texas Tax Code so as to permit the voters to cast a ballot for the question of reducing the adopted tax rate for the current year to the voter-approval rate.

**Section 6. Conduct of Election; Appointments.**

- A. The Election shall be conducted by election officers appointed by the City in accordance with the Texas Election Code, the Constitution and laws of the State of Texas and the United States.
- B. The City Council hereby appoints the Guadalupe County Elections Administrator as the election officer for the sole purpose of conducting the Election, early voting related thereto, tabulation of votes and the custody of any records from the Election.
- C. The City Council hereby delegates the authority to the Guadalupe County Election Administrator to appoint the Election Judge(s) and Alternate Election Judge(s).
- D. In the event any person appointed under this Order cannot or will not serve in the appointed capacity, the Mayor is authorized to appoint alternates, if necessary.

**Section 7. Election Day Precincts & Polling Places.**

- A. The territorial boundaries of the City of Santa Clara, Texas are hereby designated as the voting precinct for the Election.
- B. The Election day polling place shall be at the Santa Clara City Hall located at 1653 N Santa Clara Rd., Santa Clara, TX 78124.
- C. The Election day polling place shall be open for voting on May 6, 2023 between the hours of 7:00 a.m. and 7:00 p.m.

**Section 8. Early Voting.**

**A. Early Voting Clerk.**

The Guadalupe County Elections Administrator shall serve as the Early Voting Clerk for all purposes other than for the purpose of receiving ballot applications for ballots to be voted by mail. The Early Voting Clerk shall have the authority to designate such Deputy Early Voting Clerks as may be necessary to staff the Early Voting Polling Place.

**B. Early Voting by Personal Appearance.**

- i. Early voting by personal appearance shall commence April 24, 2023 and shall continue until May 2, 2023.
- ii. The Early Voting polling place shall be at the Santa Clara City Hall located at 1653 N Santa Clara Rd., Santa Clara, TX 78124.
- iii. The Early Voting polling place shall be open for voting as follows:

Monday April 24, 2023 – Friday April 28, 2023  
8:00 a.m. - 5:00 p.m.

Saturday April 29, 2023  
8:00 a.m. - 5:00 p.m.

Monday May 1, 2023 – Tuesday May 2, 2023  
7:00 a.m. - 7:00 p.m.

- C. **Early Voting by Mail.** The City Secretary for the City of Santa Clara is hereby appointed as and shall serve as Early Voting Clerk solely for the purpose of receiving ballot applications for ballots to be voted by mail. Ballot applications submitted by mail shall be addressed to: City of Santa Clara, Attn: Early Voting Clerk, 1653 N Santa Clara Rd., Santa Clara, TX 78124. The City Secretary for Santa Clara shall collect all applications for ballots received by the City at the above address during the period allowed by the Texas Election Code and deliver to the Guadalupe County Elections Administrator as required by law. Early voting ballots shall be mailed to the Guadalupe County Elections Administrator.

**Section 9. Notice of Election.**

- A. ***NOTICE IS HEREBY GIVEN to the County Clerk and Voter Registrar*** of Guadalupe County that the City of Santa Clara, Texas ordered an election be held at the City Hall of the City of Santa Clara, Texas, 1653 N Santa Clara Rd., Santa Clara, Texas, on Saturday, May 6th, 2023 to elect the municipal officer positions of Mayor, Alderperson Place 3, and Alderperson Place 5, and to determine whether to reduce the tax rate adopted by the City Council of the City for the current tax year to the voter-approval tax rate.
- B. The City Secretary of the City of Santa Clara, Texas is hereby authorized and directed to issue public notice of the Election by (i) publishing the notice at least once, not earlier than the 30th day or later than the 10th day before election day in a newspaper of general circulation in the territory; and (ii) posting, not later than the 21st day before election day, a copy of the notice at a public place in the City of Santa Clara, Texas. The public notice shall state:
- (1) the nature and date of the election;
  - (2) the location of each polling place;
  - (3) the hours that the polls will be open;
  - (4) the Internet website of the authority conducting the election; and
  - (5) any other information required by law.
- C. The Guadalupe County Elections Administrator or alternate person(s) appointed and authorized to appoint the Election Judge(s) and Alternate Election Judge(s) is hereby authorized and directed to issue public notice to the presiding election judge of each election precinct in which the Election is to be held in the City of Santa Clara, Texas not later than the 15th day before election day or the seventh day after the date the election is ordered, whichever is later. The public notice shall state:
- (1) the nature and date of the election;
  - (2) the location of the polling place for the precinct served by the judge;
  - (3) the hours that the polls will be open;
  - (4) the judge's duty to hold the election in the precinct specified by the notice;
  - (5) the maximum number of clerks that the judge may appoint for the election; and
  - (6) any other information required by law.

**Section 10. Information in Spanish.**

Notices, instructions, ballots and other written material pertaining to the special election shall be translated into the Spanish language. This material shall be furnished to voters in both English and Spanish in order to enable voters to properly participate in the election process.

**Section 11. Delivery of Return; Canvassing.**

- A. The Guadalupe County Elections Administrator shall make a written return of the Election results to the City Council in accordance with the Texas Elections Code.
- B. The City Council shall canvas the returns and declare the results of the Election in accordance with the Texas Elections Code.

**Section 12. Unopposed Candidates; Canceling Election.**

The City Council of the City of Santa Clara, Texas further orders that if any Elected Officer Position race called by this order remains unopposed after the candidate application for a place on the ballot filing deadline, the Mayor of the City of Santa Clara, Texas shall certify each unopposed candidate and present an order to the City Council to declare each unopposed candidate elected to office. If any Elected Officer Position race called by this order remain unopposed after the candidate application for a place on the ballot filing deadline, the Mayor shall canceling that race in the election in the order presented to the City Council.

**Section 13. Authorization to Execute.**

The Mayor of the City of Santa Clara, Texas is authorized to execute, and the City Secretary of the City of Santa Clara, Texas is authorized to attest to, in consultation with the City Attorney, this Order and any other document or other legal action necessary to order, hold and carryout the intent of this Order and the consummation of the Election.


**Section 14. Severability.**

If any provision, section, clause, sentence, or phrase of this order is for any reason held to be unconstitutional, void, invalid, or un-enforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this order, but it shall be confined in its operation to the specific sections, sentences, clauses or parts of this order held invalid, the invalidity of any section, sentence, clause or part of this order in one or more instances shall not affect or prejudice in any way the validity of this order in other instances, and the validity of the remainder of this order or its application shall not be affected.

Ordered this the 23rd day of January 2023.



ATTEST:

  
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Jeff Hunt, Mayor

  
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Donna L. White, City Secretary