

ORDINANCE NUMBER O2023-6

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DAYTON, TEXAS ORDERING A SPECIAL ELECTION TO BE HELD ON THE 6TH DAY OF MAY, 2023 FOR THE PURPOSE OF ELECTING A COUNCILPERSON TO FILL THE VACANCY FOR THE REMAINDER OF THE UNEXPIRED TERM FOR POSITION ONE (1); AUTHORIZING A JOINT ELECTION AGREEMENT AND ELECTION SERVICES CONTRACT BY AND BETWEEN THE CITY OF DAYTON, THE DAYTON INDEPENDENT SCHOOL DISTRICT, ANY OTHER CONTRACTING ENTITIES AND THE LIBERTY COUNTY ELECTIONS ADMINISTRATOR; PROVIDING FOR EARLY VOTING; PROVIDING FOR PUBLICATION AND NOTICE OF ELECTION; ESTABLISHING OTHER PROCEDURES FOR CONDUCT OF THE ELECTION; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF DAYTON, TEXAS:

Section 1.

It is hereby ordered that a Special Election be held in the City of Dayton, Texas ("City") on the first Saturday in May, the 6th day of May 2023, at which election the qualified voters of the City will elect a Councilperson to fill the vacancy for the remainder of the unexpired term for position one (1) which shall hold office for the remainder of the unexpired term.

Section 2.

That the election be held jointly between the City of Dayton, Dayton Independent School District, and any other contracting entities. The election shall be conducted by the Liberty County Elections Administrator as stated per the terms of the 2023 Joint Election Agreement and Elections Services Contract. The City Council authorizes the Mayor to sign the 2023 Joint Election Agreement and Election Services Contract with the Liberty County Elections Administrator and the joint election agreement with Dayton ISD.

Section 3.

The present boundaries of the City of Dayton constitute one election precinct, and the polls shall be open for voting on Election Day, May 6, 2023, from 7:00 a.m. until 7:00 p.m. at the following polling places. The Liberty County Elections Administrator shall have the authority to add and/or remove polling locations as deemed appropriate.

1. Devers School: 201 Chism St., Devers, Texas 77538
2. Hull Daisetta High School: 117 N. Main St., Daisetta, TX 77533
3. Raywood, Sacred Heart Church, 3720 FM 160 North, Raywood, TX 77582
4. Jack Hartel Building: 318 San Jacinto St., Liberty, TX 77575
5. Westlake VFD: 8704 FM 1409, Dayton, TX 77535
6. Douglas School Gym: 900 Sam Wiley Dr., Cleveland, TX 77327

7. Romayor Baptist Church: 307 FM 2610, Cleveland, TX 77327
8. Hardin City Hall: 142 CR 2010, Liberty, TX 77575
9. Hi-Way Tabernacle: 108 CR 2250, Cleveland, TX 77327
10. Cleveland Civic Center: 210 Peach St., Cleveland, TX 77327
11. Santa Fe Admin Building: 1680 Rd 3549, Cleveland, TX 77327
12. Plum Grove City Hall: 9485 Plum Grove Rd., Cleveland, TX 77327
13. Dayton Community Center: 801 S. Cleveland St., Dayton, TX 77535
14. Kenefick Southern Baptist Church: 3536 FM 1008, Dayton, TX 77535
15. Tarkington Prairie Baptist Church: 25 CR 306, Cleveland, TX 77327

Section 4.

The Liberty County Elections Administrator shall act as Contracting Officer and Early Voting Clerk. The location for Early Voting for such election is hereby designated as:

EARLY VOTING POLLING PLACES:

Jack Hartel Building
318 San Jacinto Street
Liberty, Texas 77575

Hardin City Hall
142 C.R. 2010
Hardin, Texas

Cleveland Civic Center
210 Peach Avenue
Cleveland, Texas

Dayton Community Center
801 S. Cleveland St.
Dayton, Texas 77535

Santa Fe Administration Building
1680 Rd 3549
Cleveland, Texas

Early voting by personal appearance shall be conducted on the dates and times set forth below:

- April 24th – April 28th from 9:00 a.m. to 6:00 p.m.
- May 1st – May 2nd from 7:00 a.m. to 7:00 p.m.

The Election Administrator's address to which ballot applications and ballots voted by mail may be sent is:

Liberty Co. Elections Administrator
Liberty County Courthouse
1923 Sam Houston Street
Liberty, Texas 77575

All requests for early voting ballots by mail that are received by the City of Dayton will be transported to the Liberty County Elections Administrator, Liberty County Courthouse, 1923 Sam Houston, Liberty, Texas 77575.

Election officials for the City's Early Voting and Election Day Polling Locations shall be

designated by the Contracting Officer, in accordance with the provisions of the Texas Election Code.

Section 5.

All election equipment, election supplies, and election services used to coordinate, supervise, and administer the Joint Election shall be in accordance with the provisions of the Texas Election Code. Each polling location for both early voting and election day voting shall be accessible to disabled voters. The Contracting Officer shall prepare the voting system for polling locations during Early Voting and on Election Day. Election materials as outlined in the Texas Election Code, shall be printed in both English and Spanish for use at the polling place and for Early Voting and Election Day for said election.

Section 6.

Notice of this election shall be published in the official newspaper of the City not earlier than the 30th day or later than the 10th day before election day, and shall be posted in the place used to post notice of City of Dayton's City Council Meetings not later than the 21st day before election day, in accordance with the provisions of the Texas Election Code.

Section 7.

Said election shall be held in accordance with the Texas Election Code and the Federal Voting Rights Act of 1965, as amended. The Mayor and/or the City's Attorney are hereby authorized and directed to make any filings required by the Federal Voting Rights Act. The Mayor and/or the City's Attorney are further authorized and directed to take any action necessary to comply with provisions of the Texas Election Code, the Federal Voting Rights Act and the terms and provisions of the 2023 Joint Election Agreement and Election Services Contract.


Section 8.

That if any section, subsection, sentence, clause, or phrase of this order should for any reason be held to be unconstitutional or invalid by a court of competent jurisdiction, such invalidity shall not affect the remaining portions of this order, and to such end the various portions and provisions of this order are declared to be severable; and the City Council of the City of Dayton, Texas, declares it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

Section 9.

This Order shall be in full force and effect from and after the date of its passage.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Dayton, this the 6th day of March 2023.



Mayor, Caroline Wadzeck



ATTEST