

ARTICLE 4. NOMINATIONS AND ELECTIONS

Section 4.01. Nominations and filing for office.

(a) Any qualified person may have his name placed on the ballot as a candidate for mayor or for commissioner one, two, three or four by filing with the city secretary not more than ninety nor fewer than thirty days prior to the date of election an application in substantially the following form:

I, _____, do hereby declare that I am a candidate for the office of _____, of the City of Ballinger and request that my name be printed upon the official ballot for that office in the next general city election. I am qualified to serve as such officer with respect to the qualifications set forth in the charter. I reside in the City of Ballinger, Texas.

(Signed)

The foregoing petition was filed with the city secretary on the, ___ day of _____, 20__.

City Secretary

(b) As an alternative method, any qualified person may be nominated for mayor or for commissioner one, two, three or four by a written petition signed .by twenty-five qualified voters of the City of Ballinger, provided the candidate signs the petition, certifying his acceptance. One such petition shall be circulated and signed for each nominee or candidate, but such petition may be in multiple copies or counterparts. When such petition is filed in multiple copies or counterparts, the same shall be construed as one petition. The circulator of each counterpart shall sign same as herein provided. With each signature the signer shall state his place of residence, giving the street and number or other description sufficient to identify it. Nominating petitions shall be filed with the city secretary not more than ninety nor fewer than thirty days before the election day, and shall be in substantially the following form:

We, the undersigned electors of the City of Ballinger, hereby nominate, ___ _____ ", whose residence is in the City of Ballinger, as a candidate for _____ of the City of Ballinger, and request that his name be printed upon the official ballot for that office in the next general city election; and we individually certify that we are qualified to vote for a candidate for such office.

Name

Address

Date of Signing

(Spaces for twenty-five or more signatures)

Acceptance of Nomination

I am qualified to serve in such office of the City of Ballinger with respect to the qualifications set forth in the charter.

I hereby accept the nomination for such office and agree to serve if elected.

(Signature of Candidate)

Statement of Circulator

The undersigned is the circulator of the foregoing petition containing signatures. Each signature was appended thereto in my presence and is the genuine signature of the person whose name it purports to be.

(Signature of Circulator)

The foregoing petition was filed with the city secretary on the ___ day of _____, 20____.

(City Secretary)

(c) The city secretary shall immediately examine each such petition and notify the candidate and the person, or persons, who filed the petition, or multiple copies or counterparts of petitions, whether it is signed by the required number of qualified voters. If such a petition is found insufficient, the city secretary shall return it, or the multiple copies or counterparts, immediately to the person, or persons, who filed same with a statement certifying wherein the petition is found insufficient. Within the regular time for filing petitions a new petition or amended petition may be filed for the same candidate. The petition of each candidate nominated to be mayor, or to be commissioner one, two, three or four shall be preserved by the city secretary until the expiration of the term of office for which he has been nominated.

(d) In computing the said ninety days, the date of the election shall not be counted; and in computing the said thirty days, the date of filing and the date of the election shall not be counted.

Section 4.02. Official ballot.

The city secretary shall make up the official ballot from the names presented to him. The order in which the names of the candidates for each place shall appear on the ballot shall be determined by lot in a drawing held under the supervision of the city secretary, at which drawing each candidate, or his designated representative, shall have a right to be present. All official ballots shall be printed at least twenty days prior to the date of any general or special election, and absentee voting shall be governed by the general laws of the State of Texas, except as modified by the special election required in subdivision (b) of section 4.03 of this charter.

Section 4.03. Municipal elections.

(a) The general election for the choice of members of the city council as provided in article 3 shall be held each year on the first Tuesday in April. The city council may by resolution order special elections, which shall be held as nearly as practicable according to the provisions of a general election and the provisions of the charter.

The city council shall determine the hours and places for holding all city elections.

(b) The mayor and the commissioners one, two, three and four shall be elected on the first Tuesday in April, 1963. The mayor and the commissioners one and two shall serve for a term of two years and until their respective successors have been elected and qualified, and the commissioners three and four shall serve for a term of one year and until their respective successors have been elected and qualified, after such election. Thereafter, the mayor and the commissioners one and two shall be elected on the first Tuesday in April of each odd-numbered year, and the commissioners three and four shall be elected on the first Tuesday in April of each even-numbered year. If no candidate for the office of mayor or for the offices of either commissioners one, two, three or four shall in any general election receive a majority vote of the total votes cast at such general election, the city council shall at a meeting after the general election order a special election to be held on the third Tuesday in April of the same year, at which only the names of the two candidates who received the highest number of votes shall be printed on the ballot; or if there be a tie requiring more than two names, then the appropriate number shall be printed on the ballot, and such additional elections shall be ordered until a candidate for such office shall have received a majority of the total votes cast at such election. Such additional elections, if any required, shall be ordered by the city council at intervals on Tuesday not exceeding two weeks between such elections.

(c) After having served as a member of the City Council or Mayor, no person shall be eligible to serve as Mayor or City Council of the City of Ballinger if the time served as Mayor or City Council and the time for which such member would again serve as Mayor or City Council should aggregate more than twelve (12) consecutive years, unless at least one (1) year shall lapse since the date such member last served as a member of the City Council or Mayor. (Ord. 2-07-2005, City Council and Mayor term Amended by voters 5-7-2005)

Section 4.04. Regulation of elections.

Except as otherwise provided by this charter, all city elections shall be governed by the applicable provisions of the election code of the State of Texas, as now and hereafter amended.

The city council shall have the power to make such additional regulations as may be necessary. In the event there should be any failure of the general laws or of this charter to provide for some feature of the city elections, then the city council shall have the power to provide for such deficiencies, and no informalities in conducting a city election shall invalidate the same if it be conducted fairly and in substantial compliance with the general laws, where applicable, and with the charter and ordinances of the City of Ballinger.

Section 4.05. Conducting elections and canvassing returns.

(a) The election judges and all other necessary election officials for conducting all elections, either general or special, shall be appointed by the city council.

(b) The election judges shall conduct the elections, determine, record and report the results as provided by the applicable provisions of the election code of the State of Texas, as now or hereafter amended.

(c) Immediately after counting the votes, the presiding election judge shall deliver the official returns of the election to the city secretary. Not more than five days after such election the city council shall meet and canvass the returns and declare the results. The returns of every municipal election shall be recorded in the minutes of the city council.

(d) Immediately after the election results have been declared, the mayor shall deliver certificates of election to the successful candidates. Each person elected to the city council shall take the oath of office prescribed by the Constitution of the State of Texas within two weeks after the date of his election; otherwise the office shall be deemed vacant.