

ORDINANCE NO. 024-005

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, CANCELING THE MAY 4, 2024 GENERAL ELECTION FOR THE TOWN OF ADDISON, TEXAS AND DECLARING THREE UNOPPOSED CANDIDATES FOR CITY COUNCILMEMBER POSITIONS AS ELECTED; REQUIRING POSTING OF THIS ORDINANCE AT EACH POLLING PLACE IN ACCORDANCE WITH STATE LAW; REQUIRING THE ISSUANCE OF A CERTIFICATE OF ELECTION TO EACH CANDIDATE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on January 9, 2024, the City Council of the Town of Addison, Texas ordered a General Election be held on May 4, 2024, for the purpose of electing three (3) Councilmembers, each to serve for a regular two (2) year term; and

WHEREAS, pursuant to the Texas Election Code, the deadline for filing applications for a place on the ballot and declaration of write-in candidacy for the City's General Election has expired; and

WHEREAS, Section 2.053, Texas Election Code, authorizes the City Council, by ordinance, to declare each unopposed candidate elected to office and cancel the election; and

WHEREAS, the City Secretary, in accordance with Section 2.052, Texas Election Code, has certified in writing to the City Council that Chris DeFrancisco, Howard Freed, and Darren Gardner are unopposed for election to the Councilmember offices; and

WHEREAS, the City Council hereby finds and determines that said candidates whose names are to appear on the ballot in said election are unopposed, there are no declared write-in candidates, and no propositions to appear on the ballot for said election; and

WHEREAS, under these circumstances, the City Council desires to declare the candidates elected to office and cancel the General Election as authorized by state law.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS:

SECTION 1. That Pursuant to Section 2.053(b), Texas Election Code, the General Election that was previously called for May 4, 2024, for the purpose of electing three (3) Councilmembers each to serve for a regular two (2) year terms, shall not be held and is hereby canceled.

SECTION 2. That in accordance with Section 2.053(a), Texas Election Code, the following unopposed candidates are hereby declared duly elected to the respective office shown and shall be issued a certificate of election no sooner than six (6) days after May 4, 2024:

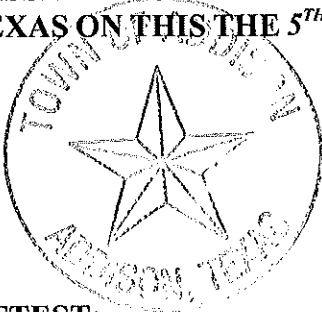
Chris DeFrancisco	Councilmember, for a term of two (2) years;
Howard Freed	Councilmember, for a term of two (2) years; and
Darren Gardner	Councilmember, for a term of two (2) years.

SECTION 3. That the City Secretary hereby is directed to cause a copy of this Ordinance to be posted on Election Day at each polling place that would have been used in the election. The Mayor for the Town of Addison, Texas, is directed to issue a Certificate of Election to each of the above-named Councilmembers, no sooner than six (6) days after May 4, 2024. Each person elected must qualify for the office in the manner provided by the Texas Constitution and laws of the State of Texas.

SECTION 4. That it is declared to be the intent of the City Council that the phrases, clauses, sentences, paragraphs, and section of this ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of the ordinance is declared invalid by the judgment or decree of a court of competent jurisdiction, the invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this ordinance since the City Council would have enacted them without the invalid portion.

SECTION 5. That this ordinance shall take effect immediately from and upon its final passage, as the law in such cases provides.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS ON THIS THE 5TH DAY OF MARCH, 2024.



By: DocuSigned by:
Bruce Arfsten
2CF81DF880514EA...
Bruce Arfsten, Mayor

ATTEST:

DocuSigned by:
Valencia Garcia
BGF0B0F86484442...
Valencia Garcia, Interim City Secretary

APPROVED AS TO FORM:

DocuSigned by:
[Signature]
BCBCE4D8116D41A...
Whitt L. Wyatt, City Attorney

**CERTIFICATION OF UNOPPOSED CANDIDATES FOR OTHER
POLITICAL SUBDIVISIONS (NOT COUNTY) CERTIFICACIÓN DE
CANDIDATOS ÚNICOS
PARA OTRAS SUBDIVISIONES POLITICAS (NO EL CONDADO)**

To: Presiding Officer of Governing Body
Al: Presidente de la entidad gobernante

As the authority responsible for having the official ballot prepared, I hereby certify that the following candidates are unopposed for election to office for the election scheduled to be held on May 4, 2024

Como autoridad a cargo de la preparación de la boleta de votación oficial, por la presente certifico que los siguientes candidatos son candidatos únicos para elección para un cargo en la elección que se llevará a cabo el May 4, 2024

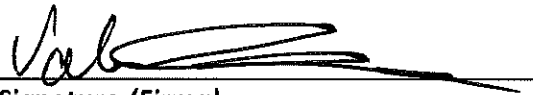
List offices and names of candidates:
Lista de cargos y nombres de los candidatos:

Office(s) *Cargo(s)*

Candidate(s) *Candidato(s)*

City Council
City Council
City Council

Chris DeFrancisco
Howard Freed
Darren Gardner



Signature *(Firma)*

Valencia Garcia

Printed name *(Nombre en letra de molde)*

Interim City Secretary

Title *(Puesto)*

March 5, 2024

Date of signing *(Fecha de firma)*

(Seal) *(sello)*



*See reverse side for instructions
(Instrucciones en el reverso)*

Instructions for certification of unopposed candidates:

The authority responsible for preparing the ballot must certify the unopposed status to the authority responsible for ordering the election. This document is filed with the presiding officer of the political subdivision. The governing body must meet, accept this certification, and issue an order or ordinance declaring the election cancelled and the unopposed candidates elected. To complete the cancellation process, a copy of the order or ordinance canceling the election must be posted on Election Day at each polling place that would have been used in the election. See sample Order of Cancellation and outlines for additional instructions.

An election* may be cancelled if:

- 1) The election is one in which a declaration of write-in candidacy is required; and
- 2) No opposed at-large race is on the ballot* within that election;*and
- 3) Each candidate whose name is to appear on the ballot* is unopposed, with some exceptions;

This means:

- In an all at-large election* (with no single-member districts), if there is one or more opposed at-large races, then all the races go on the ballot within that election.*
- In an election* in which any members of the governing body are elected from single-member districts, an election in a particular district may be cancelled if the candidate is unopposed and the election otherwise meets the above requirements (i.e., there is no at-large opposed race on the ballot).

Note: A general election (for full terms) or a special election (to fill a vacancy in an unexpired term) is considered a *separate election* with a *separate ballot* for purposes of these tests, even if held on the same election date. See our online Cancellation guide for details.

Instrucciones para la certificación de una elección con candidatos únicos:

La autoridad a cargo de preparar la boleta de votación debe certificar los candidatos únicos sin oposición a la autoridad encargada de ordenar la elección. Este documento se debe presentar al presidente de la subdivisión política. La entidad gobernante debe reunirse, aceptar esta certificación y emitir una orden o una ordenanza en la que declara la cancelación de la elección y la elección de los candidatos únicos sin oposición. Para completar el proceso de cancelación, se debe exhibir el Día de la Elección una copia de la orden u ordenanza de cancelación de la elección en todos los sitios de votación que se hubieran utilizado en la elección. Vea el ejemplo Orden de Cancelación y el resumen para más instrucciones.

Una elección* puede ser cancelada si:

- 1) *la elección es una en la que se requiere una declaración de candidatos por escrito en la boleta de votación; y,*
- 2) *no hay oposición para la carrera por acumulación en la boleta* de votación dentro de esa elección* y*
- 3) *Todos los candidatos cuyos nombres deben aparecer en la boleta* de votación no tienen oposición, con unas excepciones;*

Esto significa:

- *En una elección* por acumulación (sin ningún distrito con miembro único), si se encuentra una o más de una carrera por acumulación con oposición, entonces todas las carreras estarán en la boleta dentro de esa elección*.*
- *En una elección* en la que cualquiera de los miembros de la entidad gobernante se eligen de distritos con un solo miembro, se puede cancelar una elección en un distrito específico si hay oposición para el candidato y la elección cumple con los requisitos que anteceden (ej. no hay oposición para la carrera por acumulación en la boleta).*

Nota: *Una elección general (con términos completos) o una elección especial (para llenar una vacante de un término no vencido) es considerada como una elección distinta con una boleta distinta con los propósitos de estas pruebas, aunque se lleven a cabo en la misma fecha electoral. Vea nuestra guía de cancelación en línea para más detalles.*