

RESOLUTION NO. R-2018-5620

A RESOLUTION OF THE CITY OF ROUND ROCK, TEXAS, ORDERING A SPECIAL LOCAL OPTION ELECTION FOR “THE LEGAL SALE OF ALL ALCOHOLIC BEVERAGES INCLUDING MIXED BEVERAGES” TO BE HELD ON NOVEMBER 6, 2018; DESIGNATING ELECTION PRECINCTS AND POLLING PLACES; PROVIDING FOR EARLY VOTING AND ELECTION DAY VOTING; PROVIDING FOR PERFORMANCE OF REQUIRED ADMINISTRATIVE DUTIES; MAKING PROVISIONS FOR THE CONDUCT OF SUCH ELECTION; CERTIFYING PROVISION OF REQUIRED ACCESSIBLE VOTING SYSTEMS AT EACH POLLING PLACE; AND PROVIDING FOR OTHER MATTERS RELATED TO SUCH ELECTION.

STATE OF TEXAS	§	
	§	
COUNTIES OF TRAVIS	§	KNOW ALL BY THESE PRESENTS:
AND WILLIAMSON	§	
	§	
CITY OF ROUND ROCK	§	

WHEREAS, Chapter 501 of the Texas Election Code and Chapter 251 of the Texas Alcoholic Beverage Code provide for the holding of local option elections; and

WHEREAS, Section 501.032 of the Texas Election Code requires a city to order a local option election upon receipt of a valid petition containing signatures equal to or greater than at least thirty-five percent (35%) of the registered voters in the city who voted for governor in the most recent gubernatorial election; and

WHEREAS, a Petition for Local Option Election was presented to the City Clerk of the City of Round Rock, Texas, on June 12, 2018, and the City Clerk has verified that the Petition exceeds the number of signatures of qualified voters required to request a local option election be held for “the legal sale of all alcoholic beverages including mixed beverages”; and

WHEREAS, Section 501.032 of the Texas Election Code requires the City Council at its next regular session, on or after the 30th day after the petition is filed, to order a Local Option Election to be held on the issue set out in the Petition; and

WHEREAS, pursuant to Section 501.032 of the Texas Election Code, the City Council shall by this Resolution order a Special Local Option Election to be held on a uniform election day, said date being November 6, 2018; Now Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ROUND ROCK, TEXAS, THAT:

I.

Section 1. ELECTION DATE, PRECINCTS AND POLLING PLACES, AND ELECTION JUDGES.

Election Date. An election shall be held between the hours of 7:00 a.m. and 7:00 p.m. on Tuesday, November 6, 2018, in accordance with the attached Order of Election, which Order of Election is labeled as Exhibit “A” attached hereto and incorporated herein by reference for all purposes.

Precincts and Polling Places. For voters in Williamson County, the City hereby designates the election precincts and polling places designated by the Williamson County Elections Administrator and approved by the Williamson County Commissioners Court for Election Day voting, and same are delineated on Exhibit “A-1” attached to the Order of Election and incorporated herein by reference for all purposes.

For voters in Travis County, the City hereby designates the election precincts and polling places designated by the Travis County Elections Administrator and approved by the Travis County Commissioners Court for Election Day voting, and same are delineated on Exhibit “A-2” attached to the Order of Election and incorporated herein by reference for all purposes.

Election Judges. For voters in Williamson County, the Williamson County Elections Administrator is conducting such election for the City pursuant to the terms of a Contract for Election Services. The City Council hereby appoints, for the term of such election, the presiding election judge(s) and alternate election judge(s) as being those designated by the Williamson County Elections Administrator.

For voters in Travis County, the Travis County Clerk is conducting such election for the City pursuant to the terms of a Contract for Election Services. The City Council hereby appoints, for the term of such election, the presiding election judge(s) and alternate election judge(s) as being those designated by the Travis County Clerk.

Section 2. ELECTION CLERKS.

The presiding election judge is hereby authorized to appoint the number of election clerks necessary to assist in the proper conduct of the election, and such election clerks shall be qualified voters of the City of Round Rock, Texas. If the election is conducted by the regularly appointed presiding election judge, then the alternate presiding election judge shall be appointed to serve as one of the clerks. The appointment of such clerks shall include a person fluent in the Spanish language to serve as a clerk to render oral aid in the Spanish language to any voter desiring such aid at the polls on the day of the election.

Section 3. EARLY VOTING.

Early Voting Clerk. For voters in Williamson County, the City Council hereby appoints the Williamson County Elections Administrator as the City of Round Rock Election Officer and Early Voting Clerk. The Early Voting Clerk's mailing address to which applications for ballots by mail may be sent, for voters residing in Williamson County, is as follows:

Early Voting Clerk
Williamson County
Post Office Box 209
Georgetown, TX 78627

For voters in Williamson County, a completed, scanned application for a ballot by mail containing an original signature may be submitted electronically to bbm@wilco.org.

For voters in Travis County, the City Council hereby appoints the Travis County Clerk as the City of Round Rock Election Officer and Early Voting Clerk. The Early Voting Clerk's mailing address to which applications for ballots by mail may be sent, for voters residing in Travis County, is as follows:

Early Voting Clerk
Travis County
PO Box 149325
Austin, TX 78714-9325

For voters in Travis County, a completed, scanned application for a ballot by mail containing an original signature may be submitted electronically to ebbm@traviscountytexas.gov.

Applications for ballots by mail must be received not later than 5:00 p.m. on Friday, October 26, 2018.

Dates for Early Voting. Early voting shall commence on Monday, October 22, 2018 and continue through Friday, November 2, 2018, as provided by the Texas Election Code and as shown on attached exhibits.

Places for Early Voting. For voters in Williamson County, early voting shall be conducted by personal appearance and by mail at the early voting polling places and temporary polling places designated by the Williamson County Elections Administrator and approved by the Williamson County Commissioners Court for early voting, and same are delineated on Exhibit "B-1" attached to the Order of Election and incorporated herein by reference for all purposes.

For voters in Travis County, early voting shall be conducted by personal appearance and by mail at the early voting polling places and temporary polling places designated by the Travis County Clerk and approved by the Travis County Commissioners Court for early voting, and

same are delineated on Exhibit “B-2” attached to the Order of Election and incorporated herein by reference for all purposes.

Times for Early Voting. For voters in Williamson County, during the period in which early voting is required or permitted by law, that being October 22, 2018 through November 2, 2018, the hours designated for early voting by personal appearance shall be designated in writing by the Williamson County Elections Administrator, and approved by the Williamson County Commissioners Court.

For voters in Travis County, during the period in which early voting is required or permitted by law, that being October 22, 2018 through November 2, 2018, the hours designated for early voting by personal appearance shall be designated in writing by the Travis County Clerk, and approved by the Travis County Commissioners Court.

Section 4. EARLY VOTING BALLOT BOARD.

For voters in Williamson County, an Early Voting Ballot Board is hereby created to process early voting results, and the City hereby appoints the presiding judge of the Early Voting Ballot Board as appointed by the Williamson County Elections Administrator. Such presiding judge shall appoint not less than two (2) other qualified members to serve on such Board.

For voters in Travis County, an Early Voting Ballot Board is hereby created to process early voting results, and the City hereby appoints the presiding judge of the Early Voting Ballot Board as appointed by the Travis County Clerk. Such presiding judge shall appoint not less than two (2) other qualified members to serve on such Board.

Section 5. CUSTODIAN OF ELECTION RECORDS.

For voters in Williamson County, pursuant to the Texas Election Code and the applicable Contract for Election Services, the Williamson County Elections Administrator shall serve as the custodian of voted ballots, and the City Clerk of Round Rock, Texas shall be appointed as custodian of all other election records.

For voters in Travis County, pursuant to the Texas Election Code and the applicable Contract for Election Services, the Travis County Clerk shall serve as the custodian of voted ballots, and the City Clerk of Round Rock, Texas shall be appointed as custodian of all other election records.

Section 6. VOTERS.

All resident, qualified voters of the City shall be entitled to vote at the election.

Section 7. NOTICE.

Posting. Notice of this election, including a Spanish translation hereof, shall be given by posting the appropriate documentation on the bulletin board used for posting notices of City

Council meetings, and same shall be posted not later than Tuesday, October 16, 2018 and shall remain posted through Election Day.

Publication. Notice of this election, including a Spanish translation hereof, shall be published once in a newspaper of general circulation in the City, the publication to appear not earlier than October 7, 2018 or later than October 26, 2018.

Authorization to City Clerk. The City Clerk is hereby authorized and directed to publish and post the required notices in the manner and for the time periods required by law.

Section 8. VOTING DEVICES.

For voters in Williamson County, pursuant to the Election Code and the applicable Contract for Election Services, the Williamson County Elections Administrator may use electronic voting systems and corresponding voting devices and equipment in conducting the election. The Williamson County Elections Administrator is currently using election systems and software certified by the Texas Secretary of State.

For voters in Travis County, pursuant to the Election Code and the applicable Contract for Election Services, the Travis County Clerk may use electronic voting systems and corresponding voting devices and equipment in conducting the election. The Travis County Clerk is currently using election systems and software certified by the Texas Secretary of State.

The Williamson County Elections Administrator and the Travis County Clerk, respectively, may also utilize a central counting station as provided by Texas Election Code Section 127.000 *et seq.*, as amended.

The City Council of the City of Round Rock, Texas, finds as follows:

Section 61.012, Texas Election Code, requires that at least one accessible voting station must be provided in each polling place used in a Texas election. Such system must comply with state and federal laws setting the requirements for voting systems that (i) fully comply with applicable laws relating to accessible voting systems which make voting accessible for disabled voters; and (ii) provide a practical and effective means for voters with physical disabilities to cast a secret ballot. The Office of the Texas Secretary of State has certified that the DRE - Election Systems and Software iVotronic is an accessible voting system that may legally be used in Texas elections.

Sections 123.032 and 123.035, Texas Election Code, authorize the acquisition of voting systems by local political subdivisions and further mandate certain minimum requirements for contracts relating to the acquisition of such voting systems. For voters in Williamson County and for voters in Travis County, as chief elections officer for the City of Round Rock, the Williamson County Elections Administrator and the Travis County Clerk shall provide at least one DRE - Election Systems and Software iVotronic in each polling place at every polling location used to conduct any election. The DRE - Election Systems and Software iVotronic may be acquired by any legal means available to the City of Round Rock, including but not limited to

lease or rental from Williamson County or Travis County or from any other legal source, as authorized or required by Sections 123.032 and 123.035 of the Texas Election Code.

Section 9. CONDUCT ACCORDING TO STATUTES.

In all substantive respects, the election shall be conducted in accordance with applicable provisions of the Texas Election Code, any other applicable statutes, and the City of Round Rock's Home Rule Charter.

Section 10. ELECTION RESULTS.

For voters in Williamson County, the Williamson County Elections Administrator shall conduct an unofficial tabulation of results after the closing of the polls on November 6, 2018.

For voters in Travis County, the Travis County Elections Administrator shall conduct an unofficial tabulation of results after the closing of the polls on November 6, 2018.

The official canvass, tabulation and declaration of the results of the election shall be conducted by the City Council at a regular or special council meeting held in accordance with provisions of the Texas Election Code.

Section 11. MISCELLANEOUS.

The provisions of this Resolution are severable; and in case any one or more of the provisions of this Resolution or the application thereof to any person or circumstance should be held to be invalid, unconstitutional, or ineffective as to any person or circumstance, then the remainder of this Resolution nevertheless shall be valid, and the application of any such invalid provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

Section 12. BALLOT.

The official ballot to be used in the Election shall be prepared in accordance with Sections 501.035 and 501.109 of the Texas Election Code. The ballot shall permit the voter to vote "For" or "Against" the aforementioned proposition and shall be set forth substantially in the following form:

PROPOSITION ____ (Letter to be Determined)

THE LEGAL SALE OF ALL ALCOHOLIC BEVERAGES INCLUDING MIXED BEVERAGES.

() For

() Against

II.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 12th day of July, 2018.

CRAIG MORGAN, Mayor
City of Round Rock, Texas

ATTEST:

SARA L. WHITE, City Clerk

EXHIBIT “A”

**ORDER OF ELECTION
CITY OF ROUND ROCK, TEXAS**

A Special Local Option Election is hereby ordered to be held on Tuesday, November 6, 2018
for:

**“THE LEGAL SALE OF ALL ALCOHOLIC BEVERAGES
INCLUDING MIXED BEVERAGES”**

For voters in Williamson County, election day voting and early voting by personal appearance will be conducted at the locations designated by the Williamson County Elections Administrator and approved by the Williamson County Commissioners Court, all as are delineated on Exhibits “A-1” and “B-1” attached hereto and incorporated herein by reference for all purposes.

For voters in Travis County, election day voting and early voting by personal appearance will be conducted at the locations designated by the Travis County Elections Administrator and approved by the Travis County Commissioners Court, all as are delineated on Exhibits “A-2” and “B-2” attached hereto and incorporated herein by reference for all purposes.

For voters in Williamson County, applications for ballots by mail shall be mailed to:

Williamson County Early Voting Clerk
Post Office Box 209
Georgetown, TX 78627

For voters in Williamson County, a completed, scanned application for a ballot by mail containing an original signature may be submitted electronically to bbm@wilco.org.

For voters in Travis County, applications for ballots by mail shall be mailed to:

Travis County Early Voting Clerk
PO Box 149325
Austin, TX 78714-9325

For voters in Travis County, a completed, scanned application for a ballot by mail containing an original signature may be submitted electronically to ebbm@traviscountytx.gov.

Applications for ballot by mail must be received no later than 5:00 pm on Friday, October 26, 2018.

Issued this 12th day of July 2018.

CRAIG MORGAN, Mayor
City of Round Rock, Texas

EXHIBIT “A-1”

WILLIAMSON COUNTY ELECTION DAY PRECINCTS AND POLLING PLACES

*As of the date the Election Order was issued, Williamson County had not determined the Election Day precincts and polling places. As soon as this information is made available from Williamson County, it will be attached as Exhibit “A-1” to this Election Order.

EXHIBIT “A-2”

TRAVIS COUNTY ELECTION DAY PRECINCTS AND POLLING PLACES

*As of the date the Election Order was issued, Travis County had not determined the Election Day precincts and polling places. As soon as this information is made available from Travis County, it will be attached as Exhibit “A-2” to this Election Order.

EXHIBIT “B-1”

EARLY VOTING LOCATIONS, DATES AND TIMES –
WILLIAMSON COUNTY

*As of the date the Election Order was issued, Williamson County had not determined the Early Voting locations, dates and times. As soon as this information is made available from Williamson County, it will be attached as Exhibit “B-1” to this Election Order.

EXHIBIT “B-2”

EARLY VOTING LOCATIONS, DATES AND TIMES - TRAVIS COUNTY

*As of the date the Election Order was issued, Travis County had not determined the Early Voting locations, dates and times. As soon as this information is made available from Travis County, it will be attached as Exhibit “B-2” to this Election Order.