ORDINANCE 2023-01

AN ORDINANCE OF THE TOWN OF SUNNYVALE, TEXAS, ORDERING A GENERAL ELECTION TO BE HELD IN THE TOWN OF SUNNYVALE AT THE NEXT UNIFORM ELECTION DATE ON THE SIXTH DAY OF MAY, 2023, FOR THE PURPOSE OF ELECTING A MAYOR FOR A TWO YEAR TERM AND TOWN COUNCIL PLACES 3 AND 4 EACH FOR A THREE YEAR TERM; DESIGNATING THE DATE FOR A RUNOFF ELECTION, IF NEEDED; DESIGNATING THE PLACE AT WHICH SAID ELECTION IS TO BE HELD, MAKING PROVISIONS FOR THE CONDUCT OF THAT ELECTION AND OTHER PROVISIONS INCIDENT AND RELATING TO THE PURPOSE OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Sunnyvale, Texas (the “City”) is a home rule municipality acting under its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitutional and Chapter 9 of the Texas Local Government Code; and

WHEREAS, Section 3.004 of the Texas Election Code provides that the Town Council shall be the authority to order an election; and

WHEREAS, the Town Council hereby orders an election to be held on May 6, 2023, for the purpose of electing a Mayor and Town Council Places 3 and 4; and

WHEREAS, Chapter 31 of the Texas Election Code authorizes the Town Council to contract for election services with the county election officer; and

WHEREAS, the Town Council is entering into an Election Services Contract with Dallas County on behalf of the Dallas County Elections Administrator.

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

SECTION 1. That an election is hereby ordered to be held on the next uniform election date to be participated in by the qualified voters of the Town of Sunnyvale, Texas, to be held on the 1st Saturday of May, the same being the 6th day of May, 2023, which is not less than seventy-eight days from the date of this Ordinance, between the hours of 7 a.m. and 7 p.m. at the polling place hereafter named for the purpose of electing a Mayor to serve a term of two years and two Council Members Places 3 and 4 to each serve a term of three years.

SECTION 2. That the Town of Sunnyvale election precincts for this election shall consist of the territory located within the corporate limits of the Town, and the polling place at said election shall be as follows, to-wit:

POLLING PLACE
Sunnyvale Town Hall
127 N. Collins Road

SECTION 3. Early voting shall be conducted by the Dallas County Elections Administrator, Michael Scarpello, who is hereby appointed as the Early Voting Clerk, said voting to be conducted by the Office of the Elections Department. The main voting polling place is George L. Allen Sr. Courts Building, Main Lobby, 600 Commerce St., Dallas, Texas 75202. Early voting in the Town of Sunnyvale will be conducted at the Sunnyvale Town Hall, 127 N. Collins Road, Sunnyvale, Texas 75182, and all other locations as designated by the Dallas County Elections Administrator. The required early voting period of said election as well as additional times established by the Town Council are as follows:

April 24 – April 29, 2023 (Monday – Saturday) 8 a.m. to 5 p.m.
April 30, 2023 (Sunday) 12 p.m. to 6 p.m.
May 1 – May 2, 2023 (Monday & Tuesday) 7 a.m. to 7 p.m.

SECTION 4. Should a Runoff Election be required, the date of the Runoff Election is designated to be June 10, 2023. The required early voting period of said election will be determined by Dallas County Elections and established by the Town Council at a later date. All terms, conditions, and provisions established for the May 6, 2023, General City Officers Election shall apply to the Runoff Election.

SECTION 5. All requests for early voting ballots by mail shall be mailed to Michael Scarpello, Joint Election Early Voting Clerk, 1520 Round Table, Dallas, Texas 75247, faxed to (214) 819-6303, or emailed to evapplications@dallascounty.org. Application for ballot by mail must be received not later than the close of business (4:30 p.m.) on April 25, 2023. If applications are faxed or emailed, the original application must be received by the Early Voting Clerk no later than the fourth business day after the Clerk received the faxed or emailed application.

SECTION 6. Persons voting by mail will send their voted ballots to Michael Scarpello, Joint Election Early Voting Clerk, Dallas County Elections Administration, 1520 Round Table Drive, Dallas, Texas 75247.

SECTION 7. That all resident qualified voters of the Town shall be permitted to vote in said election. In addition, the election material enumerated in the Texas Election Code shall be printed in both English, Spanish and Vietnamese for the use at the polling place and for early voting in said election.

SECTION 8. The Office of the Elections Department, Dallas County Elections Administration, 1520 Round Table Drive, Dallas, Texas 75247, is hereby established as the Central Count Station to receive and tabulate votes for said election.

SECTION 9. The election shall be conducted in accordance with the Texas Election Code under the jurisdiction of the Dallas County Elections Administration, pursuant to the Election Services Contract between the Town and Dallas County. In the
event that no election is necessary, the Town Secretary shall notify Dallas County and shall present the Town Council an ordinance or resolution cancelling the election.

SECTION 10. Notice of this election shall be given by publication, as required by law.

SECTION 11. The Mayor and Town Secretary, in consultation with the Town Attorney, are hereby authorized and directed to take any and all actions necessary to comply with the provisions of the Texas Election Code or other applicable law in carrying out and conducting the election, whether or not expressly authorized herein.

SECTION 12. That the terms and provisions of this Ordinance shall be deemed to be severable and that if the validity of any section, subsection, sentence, clause or phrase of this Ordinance shall be declared to be invalid, the same shall not affect the validity of any other section, subsection, sentence, clause or phrase of this Ordinance.

SECTION 13. That this Ordinance shall become effective from and after its passage.

PASSED AND APPROVED BY THE TOWN COUNCIL ON THIS THE 23rd DAY OF JANUARY, 2023.

Saji George, Mayor

ATTEST:

Rachel Ramsey, Town Secretary