

**CITY OF EL PASO, TEXAS
AGENDA ITEM
DEPARTMENT HEAD'S SUMMARY FORM**

DEPARTMENT: Municipal Clerk

AGENDA DATE: January 31, 2012

CONTACT PERSON NAME AND PHONE NUMBER: Richarda Duffy Momsen
(915) 541-4128

DISTRICT(S) AFFECTED: All

SUBJECT:

APPROVE a resolution / ordinance / lease to do what? **OR AUTHORIZE** the City Manager to do what? Be descriptive of what we want Council to approve. Include \$ amount if applicable.

Approve the Resolution calling for a Special Election.

BACKGROUND / DISCUSSION:

Discussion of the what, why, where, when, and how to enable Council to have reasonably complete description of the contemplated action. This should include attachment of bid tabulation, or ordinance or resolution if appropriate. What are the benefits to the City of this action? What are the citizen concerns?

Discussion and action on a Resolution providing for the 2012 Special Election in the City of El Paso, calling for an election to be held within the City and making provisions for the conduct of the election.

PRIOR COUNCIL ACTION:

Has the Council previously considered this item or a closely related one?

At the January 24, 2012 City Council meeting, the City Council requested staff to prepare two election orders: one to call the Special Election on April 14, 2012 and one to call the Special Election on May 12, 2012. Council also asked staff to be prepared to advise the Council regarding the election process and costs for holding the election on each of these two days. This information will be prepared and will be available for the Council at the Council meeting.

AMOUNT AND SOURCE OF FUNDING:

How will this item be funded? Has the item been budgeted? If so, identify funding source by account numbers and description of account. Does it require a budget transfer?

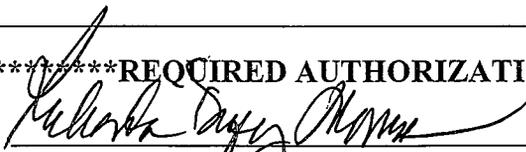
No, the election was not budgeted but is being funded through the General Fund, Non Departmental, Contingency Account

BOARD / COMMISSION ACTION:

Enter appropriate comments or N/A

*****REQUIRED AUTHORIZATION*****

DEPARTMENT HEAD:


(If Department Head Summary Form is initiated by Purchasing, client department should sign also)

Information copy to appropriate Deputy City Manager

REVISED ELECTION ORDER FOR APRIL 14th

Makes revisions to the early voting locations and to the address for the main early voting station and the early voting clerk.

A RESOLUTION CALLING A SPECIAL ELECTION IN THE CITY OF EL PASO FOR THE SUBMISSION OF THE RECALL OF THREE MEMBERS OF THE CITY COUNCIL ON APRIL 14, 2012; AND MAKING PROVISIONS FOR THE CONDUCT OF THE ELECTION.

WHEREAS, in accordance with Section 2.1 of the El Paso City Charter and Ordinance 8066, notices of intent and recall petitions were filed seeking the recall of Mayor John Cook, District #2 Representative Susie Byrd and District #7 Representative Steve Ortega were filed with the City Clerk, and the City Clerk certified the petitions; and

WHEREAS, in accordance with Section 41.0011, Texas Election Code, the City submitted a request to Governor Rick Perry asking that he authorize the City to hold the Special Election on April 14, 2012, in order for the City to obtain the assistance of the El Paso County Elections Administrator with the running of the Special Election; and

WHEREAS, on November 21, 2011, Governor Rick Perry signed a Proclamation authorizing the holding of the Special Election on April 14, 2012, and filed the Proclamation with the Texas Secretary of State, a copy of which is attached hereto as Exhibit B; and

WHEREAS, this resolution to call the Special Election is now brought forward to the City Council as required by law.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That pursuant to the Texas Election Code, as amended, a special election will be held on Saturday, April 14, 2012 in the City of El Paso for the purpose of submitting the recall of the Mayor and the recall of the District #2 and District #7 Representatives to the qualified voters.

2. Official ballots for the election shall be prepared in accordance with the Texas Election Code so as to permit the qualified electors in the City to vote for or against the recall of the Mayor with the ballots to contain such provisions, markings, and language required by law, and with such measure to be expressed substantially as follows:

Ballot Measure

YES () Shall Mayor John F. Cook be recalled from office?
NO ()

3. At the polling places in Districts #2 and #7, the official ballots for the election shall additionally permit the qualified electors in Districts #2 and #7 to vote for or against the recall of their respective District Representative with the ballots to contain such provisions, markings, and language required by law, and with such measure to be expressed substantially as follows in each district, as applicable:

Ballot Measure District #2

YES () Shall District #2 Representative Susie Byrd be recalled from office?
NO ()

Ballot Measure District #7

YES () Shall District #7 Representative Steve Ortega be recalled from office?
NO ()

4. That such election shall be held at the precincts and the polling places designated in Exhibit "A" or such other locations as may be designated prior to the election by the City Council, attached hereto and made a part hereof for all purposes, and said polling places shall open at 7 a.m. and remain open until 7 p.m. on the day of the election.

5. That Richarda Duffy Momsen, the City Clerk of the City of El Paso, shall be the clerk for early voting, and Javier Chacon, Elections Administrator, shall be the deputy clerk for early voting for said City election. The Courthouse, 500 E. San Antonio, El Paso, Texas, is hereby designated as the main early voting polling place for such election. In addition, early voting may also occur at such branch early voting polling places as are designated herein or otherwise designated by the El Paso City Clerk and posted at City Hall by the City Clerk. There will be early voting on Saturday, April 7, 2012; however there shall be NO early voting on Sunday,

April 8, 2012. The hours for early voting by personal appearance, including early voting on Saturday, April 7, 2012, shall be authorized for such election as follows:

Early voting at all locations listed below shall be held from Monday, April 2, 2012, through Friday, April 6, 2012 at the hours listed below; on Saturday, April 7, 2012 at the hours listed below*; and from Monday, April 9, 2012 and Tuesday April 10, 2012 at all locations from 7:00 am – 7:00 pm. THERE SHALL BE NO EARLY VOTING ON SUNDAY, APRIL 8, 2012.

<u>Location:</u>	<u>Address:</u>	<u>Hours for April 2 – 7, 2012 only*</u>
a. Bassett Place	6101 Gateway West	9:00 am – 6:00 pm
b. Carolina Recreation Center	563 N. Carolina	9:00 am – 6:00 pm
c. City Hall	#2 Civic Center Plaza	8:00 am – 5:00 pm
d. Dieter Plaza Shopping	1605 George Dieter	9:00 am – 6:00 pm
e. Fiesta Shopping Center	5200 N. Mesa St.	9:00 am – 6:00 pm
f. Pavo Real Recreation Center	9301 Alameda	9:00 am – 6:00 pm
g. Regency of El Paso	221 Bartlett Dr.	9:00 am – 6:00 pm
h. Rushfair Shopping Center	5255 W. B. Transmountain	9:00 am – 6:00 pm
i. Sunrise Shopping Center	8500 Dyer	9:00 am – 6:00 pm
j. Vista Hills Shopping Center	1840 Lee Trevino Dr.	9:00 am – 6:00 pm
k. Zaraplex Center	1700 Zaragoza Rd.	9:00 am – 6:00 pm

The City Clerk is further authorized to make corrections or revisions to the list of early voting stations as set forth above and to all election notices regarding the early voting locations, and the dates and times for such voting.

Applications for voting by mail shall be submitted to the Early Voting Clerk no earlier than February 14, 2012 and no later than the close of business on March 30, 2012, at the following address:

Mr. Javier Chacon
Deputy Early Voting Clerk
500 E. San Antonio, #L115
El Paso, Texas 79901

6. A special canvassing board shall be appointed by the Mayor or by the Council, as provided by law, to count and canvass all early votes and ballots cast at said election.

7. That electronic voting machines shall be used for voting at the regular polling places in such election, and for the casting of early ballots by persons voting early by personal appearance.

8. That such election shall be held in the manner and form prescribed by the laws of the State of Texas, and at such election all qualified voters in the City are authorized to vote.

9. That by approving and signing this resolution, the Mayor officially confirms as his action, all matters recited herein which by law come within his jurisdiction.

10. A substantial copy of this resolution shall serve as proper notice of said election.

11. The City Clerk shall give notice of such election by posting a notice of such election in English and Spanish in the Office of the City Clerk as provided by law and by publishing a copy of said notice in both English and Spanish in a newspaper of the City as required by law.

12. The City Clerk shall deliver notice of this election to the county clerk and voter registrar of El Paso County, as required by law, not later than Tuesday, February 14, 2012.

APPROVED this 31st day of January 2012.

CITY OF EL PASO

John F. Cook
Mayor

ATTEST:

APPROVED AS TO FORM:

Richarda Duffy Momsen
City Clerk

Elaine S. Hengen
Senior Assistant City Attorney

EXHIBIT A

ELECTION PRECINCTS AND POLLING PLACES
Special election for the recall, April 14, 2012

<u>PCT #</u>	<u>POLLING PLACE</u>	<u>ADDRESS</u>
2	Village of Vinton City Hall	436 E. Vinton Rd.
3	Village of Vinton City Hall	436 E. Vinton Rd.
5	Fire Station #2	111 E. Borderland Rd.
6	Tennis West	One Tennis West Ln.
7	Lincoln Middle School	500 Mulberry Ave.
8	Fire Station #15	115 Shorty Ln.
9	Zach White Elementary School	4256 Roxbury Dr.
10	Roberts Elementary School	341 Thorn Ave.
11	Olga Kohlberg Elementary School	1445 Nardo Goodman Dr.
12	Olga Kohlberg Elementary School	1445 Nardo Goodman Dr.
13	Franklin 9 th Grade Center	825 Redd Rd.
14	Tippin Elementary School	6541 Bear Ridge Dr.
15	Fire Station #27	6767 Ojo De Agua Dr.
16	Rosa Guerrero Elementary School	7530 Lakehurst Rd.
17	Franklin High School	900 N. Resler Dr.
18	Monte Vista Retirement Center	1575 Belvidere St.
19	White Acres Good Samaritan Village	7304 Good Samaritan Ct.
20	Polk Elementary School	940 Belvidere St.
21	Peace Lutheran Church	5890 Via Cuesta Dr.
22	Fire Station #22	6500 N. Mesa St.
23	Carlos Rivera Elementary School	6445 Escondido Dr.
24	Western Hills U. M.C. Steward Family Life Ctr #A	524 Thunderbird Dr.
25	Dr. Green Elementary School	5430 Buckley Dr.
26	Putnam Elementary School	6508 Fiesta Dr.
27	Putnam Elementary School	6508 Fiesta Dr.
28	Zach White Elementary School	4256 Roxbury Dr.
29	L. B. J. Elementary School	499 Cabaret Dr.
30	Polly Harris Senior Citizen Center	650 Wallenberg Dr.
31	Polly Harris Senior Citizen Center	650 Wallenberg Dr.
32	Mesita Elementary School	3307 N. Stanton
33	Mesita Elementary School	3307 N. Stanton
34	Mesita Elementary School	3307 N. Stanton
35	El Paso Tennis Club	2510 N. St. Vrain St.
36	Vilas Elementary School	220 Lawton Dr.
37	Father Pinto Complex	1001 S. Ochoa St.
38	Fire Station #3	721 E. Rio Grande Ave.
39	Sun Plaza Housing	1221 E. San Antonio Ave.
40	Lamar Elementary School	1440 E. Cliff Dr.

41	Career & Technology Center	1170 Walnut St.
42	Beall Elementary School	320 S. Piedras St.
43	Dr. Nixon Elementary School	11141 Loma Roja Dr.
44	Dr. Nixon Elementary School	11141 Loma Roja Dr.
45	Bradley Elementary School	5330 Sweetwater Dr.
46	Bradley Elementary School	5330 Sweetwater Dr.
47	H. E Charles Middle School	4909 Trojan Dr.
48	Fannin Elementary School	5425 Salem Dr.
49	Desertaire Elementary School	6301 Tiger Eye Dr.
50	Desertaire Elementary School	6301 Tiger Eye Dr.
51	El Paso Korean U.M.C.	4925 Fairbanks Dr.
52	Collins Elementary School	4860 Tropicana Ave.
53	Newman Elementary School	10275 Alcan St.
54	Parkland High School	5932 Quail Ave.
55	Whitaker Elementary School	4700 Rutherford Dr.
56	Dowell Elementary School	5249 Bastille Ave.
57	Fire Station #23	5315 Threadgill Ave.
58	Dolphin Terrace Elementary School	9790 Pickerel Dr.
59	Crosby Elementary School	5411 Wren Ln.
60	Fire Station #16	3828 Hercules Ave.
61	Park Elementary School	3601 Edgar Park R.
62	Nolan Richardson Recreation Center	4435 Maxwell
63	Magoffin Middle School	4931 Hercules Ave.
64	Stanton Elementary School	5414 Hondo Pass Dr.
65	Logan Elementary School	3200 Ellerthorpe Ave.
66	Burnet Elementary School	3700 Thomason Ave.
67	Travis Elementary School	5000 N. Stevens St.
68	Kathy White Housing Complex	2500 Mobile Ave.
69	Grand View Park Senior Citizen Center	3134 Jefferson Ave.
70	Paul Moreno Elementary School	2300 San Diego St.
71	Memorial Park Senior Citizen Center	1800 Byron St.
72	Austin High School	3500 Memphis Ave.
73	Coldwell Intermediate School	4101 Altura Ave.
74	Fire Station #7	3200 Pershing Dr.
75	Cross of Grace Church	4700 Leeds St.
76	Fire Station #13	5415 Trowbridge Dr.
77	Fire Station #13	5415 Trowbridge Dr.
78	Chelsea Plaza Housing	600 Chelsea St.
79	Fire Station #5	4240 Alameda Ave.
80	Burleson Elementary School	4400 Blanco Ave.
81	San Juan Recreation Center	701 N. Glenwood Dr.
82	Hawkins Elementary School	5816 Stephenson Ave.
83	Henderson Middle School	5505 Robert Alva Ave.
84	Clardy Elementary School	5508 Delta St.
85	Fire Station #14	6300 Delta St.
87	Bonham Elementary School	7024 Cielo Vista Dr.

89	Bonham Elementary School	7024 Cielo Vista Dr.
90	Fire Station #20	8301 Edgemere Blvd.
91	Mac Arthur Elementary School	8101 Whitus Dr.
92	Cielo Vista Park Elementary School	9000 Basil Ct.
93	Scotsdale Elementary School	2901 McRae Blvd.
94	Edgemere Elementary School	10300 Edgemere Blvd.
95	Gary del Palacio Recreation Center	3001 Parkwood Dr.
96	Eastpoint Elementary School	2400 Zanzibar St.
97	Fire Station #19	2405 McRae Blvd.
98	Eastwood Heights Elementary School	10530 Janway Dr.
99	Pebble Hills Elementary School	11145 Edgemere Blvd.
100	Pebble Hills Elementary School	11145 Edgemere Blvd.
101	Eastside Senior Center	3200 Fierro Dr.
102	YWCA – East	10712 Sam Snead Dr.
103	Vista Hills Elementary School	10801 La Subida Dr.
104	Fire Station #24	1498 Lomaland Dr.
105	Indian Ridge Middle School	11201 Pebble Hills Blvd.
106	Glen Cove Elementary School	10955 Sam Snead Dr.
107	Hanks High School	2001 Lee Trevino Dr.
108	Tierra Del Sol Elementary School	1832 Tommy Aaron Dr.
109	Desert View Middle School	1641 Billie Marie Dr.
110	Region 19 Head Start Multipurpose Center	11670 Chito Samaniego Dr.
111	Jane Hambric Elementary School	3535 Nolan Richardson Dr.
112	Jane Hambric Elementary School	3535 Nolan Richardson Dr.
113	Bill Sybert Pre K – 8 School	11530 Edgemere Blvd.
114	Bill Sybert Pre K – 8 School	11530 Edgemere Blvd.
115	Hurshel Antwine Elementary School	3830 Rich Beem Blvd.
116	Specialist Raphael Hernando III Middle School	3451 Rich Beam Blvd.
117	Benito Martinez Elementary School	2640 Robert Wynn Dr.
118	Benito Martinez Elementary School	2640 Robert Wynn Dr.
119	Helen Ball Elementary School	1950 Firehouse Dr.
120	O'Shea Keleher Elementary School	1800 Leroy Bonse Dr.
121	Montwood High School	12000 Montwood Dr.
122	Vista Del Sol Elementary School	11851 Vista Del Sol Dr.
123	Myrtle Cooper Elementary School	1515 Rebecca Ann Dr.
124	Sierra Vista Elementary School	1501 Bob Hope Dr.
125	Sierra Vista Elementary School	1501 Bob Hope Dr.
126	Fire Station #35	12230 Spine Spring
128	El Dorado 9 th Grade Center	14400 Pebble Hills Blvd.
129	Lujan Chavez Elementary School	2200 Sun Country
130	Lujan Chavez Elementary School	2200 Sun Country
131	Sierra Vista Elementary School	1501 Bob Hope Dr.
132	Ramona Elementary School	351 Nichols Rd.
133	Del Norte Heights Elementary School	1800 Winslow Rd.
134	Ramona Elementary School	351 Nichols Rd.
135	Ascarate Elementary School	7090 Alameda Ave.

136	Cedar Grove Elementary School	218 Barker Rd.
137	Ranchland Hills Middle School	7615 Yuma Dr.
138	Hacienda Heights Elementary School	7530 Acapulco Ave.
139	Mesa Vista Elementary School	8032 Alamo Ave.
140	Good Samaritan Towers	7750 Lilac Way
141	Fire Station #18	7901 San Jose Rd.
142	Riverside High School	301 Midway Dr.
143	Thomas Manor Elementary School	7900 Jersey St.
144	Loma Terrace Elementary School	8200 Ryland Ct.
145	Loma Terrace Elementary School	8200 Ryland Ct.
146	Marian Manor Elementary School	8300 Forest Haven Ct.
147	Cadwallader Elementary School	7988 Alameda
148	Alicia R. Chacon School	221 Prado Rd.
149	Valley View Middle School	8660 North Loop Dr.
150	Robert F. Kennedy Pre-K Center	9009 Alameda Ave.
151	Capistrano Elementary School	240 Mecca Dr.
152	LaBarron Park Elementary School	920 Burgundy Dr.
153	Lancaster Elementary School	9230 Elgin Dr.
154	LaBarron Park Elementary School	920 Burgundy Dr.
155	Lancaster Elementary School	9230 Elgin Dr.
156	Pavo Real Recreational Center	9301 Alameda Ave.
157	South Loop Elementary School	520 Southside Rd.
174	Bonham Elementary School	7024 Cielo Vista Dr.
175	Scottsdale Elementary School	2901 McRae Blvd.
176	William Herrera Elementary School	350 Coates Dr.
177	White Acres Good Samaritan Village	7304 Good Samaritan Ct.
178	Dolphin Terrace Elementary School	9790 Pickerel Dr.
179	Capistrano Elementary School	240 Mecca Dr.
182	Hurshel Antwine Elementary School	3830 Rich Beem Blvd.
183	Pavo Real Recreational Center	9301 Alameda Ave.

EXHIBIT B



STATE OF TEXAS
OFFICE OF THE GOVERNOR

RICK PERRY
GOVERNOR

November 21, 2011

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
12:22 PM O'CLOCK

The Honorable Coby Shorter, III
Deputy Secretary of State
State Capitol Room 1E.8
Austin, Texas 78701

NOV 21 2011
Coby Shorter, III
Secretary of State

Dear Mr. Secretary:

Pursuant to his powers as Chief Executive Officer of the State of Texas, Governor Rick Perry has issued the following proclamation:

Granting the City of El Paso permission to conduct an election on April 14, 2012, a non-uniform election date, for the purpose of recalling certain elected officials pursuant to the city charter.

The original of this proclamation is attached to this letter of transmittal.

Respectfully submitted,

Gregory S. Davidson
Gregory S. Davidson
Executive Clerk to the Governor

GSD/gsd

Attachment

PROCLAMATION
BY THE
Governor of the State of Texas

TO ALL TO WHOM THESE PRESENTS SHALL COME:

WHEREAS, the City of El Paso has requested that I exercise executive authority to grant an emergency exception to the uniform election date requirements pursuant to Sections 41.001 and 41.0011, Texas Election Code, and to grant a request for a special recall election, pursuant to the city charter; and

WHEREAS, the City of El Paso has certified that the City has approved a petition for a recall election pursuant to the city charter; and

WHEREAS, the next available uniform election date is May 12, 2012, which is now a restricted uniform election date; and

WHEREAS, pursuant to Section 41.001(d), Texas Election Code, the El Paso County Elections Administrator has advised the City that the County will not be able to provide election services for the May 12, 2012 uniform election date; and

WHEREAS, in order to comply with requirements for accessible voting systems mandated by Section 61.012, Texas Election Code, the El Paso City Council would have to purchase or lease accessible voting equipment; and

WHEREAS, the El Paso County Elections Administrator has stated that his office can only provide these services by contract on the non-uniform election date of Saturday, April 14, 2012; and

WHEREAS, the Texas uniform election dates law is intended to serve the interests of voters by allowing consolidation of elections onto a limited number of uniform dates, but the special circumstances as expressed by the City of El Paso and El Paso County suggest that the interests of voters would be better served in this unique case by permitting an earlier election on a non-uniform date; and

WHEREAS, the Governor of Texas is granted the discretion under Section 41.0011, Election Code, to declare an emergency warranting holding a special election before the appropriate uniform election date;

NOW THEREFORE I, RICK PERRY, GOVERNOR OF TEXAS, under the authority vested in me by the Constitution and Laws of the State of Texas, do hereby declare that the foregoing circumstances constitute an emergency and, accordingly, I grant permission for the City of El Paso to conduct a special election on April 14, 2012, for purposes of the recall election granted pursuant to the City of El Paso's city charter.

I also direct the City of El Paso to seek preclearance from the United States Department of Justice as required by law.

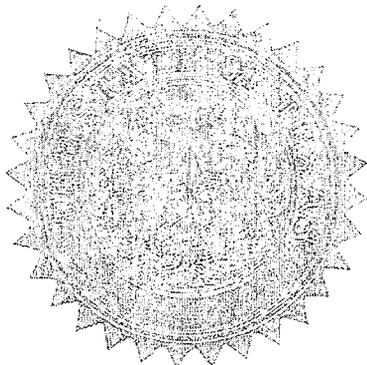
Should the City choose to exercise the City's authority to call an election pursuant to this proclamation, said election may be held on April 14, 2012, in accordance with law.

A copy of this order shall be mailed immediately to the City Council of the City of El Paso.

IN TESTIMONY WHEREOF, I
have hereto signed my name and
have officially caused the Seal of
State to be affixed at my Office in

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
12:22 PM O'CLOCK

NOV 21 2011



the City of Austin, Texas, this the
21st day of November, 2011.

Rick Perry

RICK PERRY
Governor of Texas

ATTESTED BY:

Coby Shorter, III
Coby Shorter, III
Deputy Secretary of State

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
12:22 pm O'CLOCK

NOV 21 2011

REVISED FOR MAY 12th

Makes revisions to the early voting locations and to the address for the main early voting station and the early voting clerk.

A RESOLUTION CALLING A SPECIAL ELECTION IN THE CITY OF EL PASO FOR THE SUBMISSION OF THE RECALL OF THREE MEMBERS OF THE CITY COUNCIL ON MAY 12, 2012; AND MAKING PROVISIONS FOR THE CONDUCT OF THE ELECTION.

WHEREAS, in accordance with Section 2.1 of the El Paso City Charter and Ordinance 8066, notices of intent and recall petitions were filed seeking the recall of Mayor John Cook, District #2 Representative Susie Byrd and District #7 Representative Steve Ortega were filed with the City Clerk, and the City Clerk certified the petitions; and

WHEREAS, this resolution to call the Special Election is now brought forward to the City Council as required by law.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That pursuant to the Texas Election Code, as amended, a special election will be held on Saturday, May 12, 2012 in the City of El Paso for the purpose of submitting the recall of the Mayor and the recall of the District #2 and District #7 Representatives to the qualified voters.

2. Official ballots for the election shall be prepared in accordance with the Texas Election Code so as to permit the qualified electors in the City to vote for or against the recall of the Mayor with the ballots to contain such provisions, markings, and language required by law, and with such measure to be expressed substantially as follows:

Ballot Measure

YES () Shall Mayor John Cook be recalled from office?
NO ()

3. At the polling places in Districts #2 and #7, the official ballots for the election shall additionally permit the qualified electors in Districts #2 and #7 to vote for or against the recall of

their respective District Representative with the ballots to contain such provisions, markings, and language required by law, and with such measure to be expressed substantially as follows in each district, as applicable:

Ballot Measure District #2

- YES () Shall District #2 Representative Susie Byrd be recalled from office?
NO ()

Ballot Measure District #7

- YES () Shall District #7 Representative Steve Ortega be recalled from office?
NO ()

4. That such election shall be held at the precincts and the polling places designated in Exhibit "A" or such other locations as may be designated prior to the election by the City Council, attached hereto and made a part hereof for all purposes, and said polling places shall open at 7 a.m. and remain open until 7 p.m. on the day of the election.

5. That Richarda Duffy Momsen, the City Clerk of the City of El Paso, shall be the clerk for early voting, and Javier Chacon, Election's Administrator, shall be the deputy clerk for early voting for said City election. The Courthouse, 500 E. San Antonio, El Paso, Texas, is hereby designated as the main early voting polling place for such election. In addition, early voting may also occur at such branch early voting polling places as are designated herein or otherwise designated by the El Paso City Clerk and posted at City Hall by the City Clerk. The hours for early voting by personal appearance, including early voting on Saturday, May 5, 2012 and Sunday, May 6, 2012, shall be authorized for such election as follows:

Early voting at all locations listed below shall be held from Monday, April 30, 2012, through Friday, May 4, 2012 at the hours listed below; on Saturday, May 5, 2012 at the hours listed below*; on Sunday, May 6, 2012 at all locations from 12:00 pm – 5:00 pm; and from Monday, May 7, 2012 and Tuesday May 8, 2012 at all locations from 7:00 am – 7:00 pm.

<u>Location:</u>	<u>Address:</u>	<u>Hours on April 30–May 5, 2012 only*</u>
a. Bassett Place	6101 Gateway West	9:00 am – 6:00 pm
b. Carolina Recreation Center	563 N. Carolina	9:00 am – 6:00 pm
c. City Hall	#2 Civic Center Plaza	8:00 am – 5:00 pm
d. Dieter Plaza Shopping	1605 George Dieter	9:00 am – 6:00 pm
e. Fiesta Shopping Center	5200 N. Mesa St.	9:00 am – 6:00 pm
f. Pavo Real Recreation Center	9301 Alameda	9:00 am – 6:00 pm
g. Regency of El Paso	221 Bartlett Dr.	9:00 am – 6:00 pm
h. Rushfair Shopping Center	5255 W. B. Transmountain	9:00 am – 6:00 pm
i. Sunrise Shopping Center	8500 Dyer	9:00 am – 6:00 pm
j. Vista Hills Shopping Center	1840 Lee Trevino Dr.	9:00 am – 6:00 pm
k. Zaraplex Center	1700 Zaragoza Rd.	9:00 am – 6:00 pm

The City Clerk is further authorized to make corrections or revisions to the list of early voting stations as set forth above and to all election notices regarding the early voting locations, and the dates and times for such voting.

Applications for voting by mail shall be submitted to the Early Voting Clerk no earlier than March 13, 2012 and no later than the close of business on April 27, 2012, at the following address:

Mr. Javier Chacon
 Deputy Early Voting Clerk
 500 E. San Antonio, #L115
 El Paso, Texas 79901

6. A special canvassing board shall be appointed by the Mayor or by the Council, as provided by law, to count and canvass all early votes and ballots cast at said election.

7. That electronic voting machines shall be used for voting at the regular polling places in such election, and for the casting of early ballots by persons voting early by personal appearance.

8. That such election shall be held in the manner and form prescribed by the laws of the State of Texas, and at such election all qualified voters in the City are authorized to vote.

9. That by approving and signing this resolution, the Mayor officially confirms as his action, all matters recited herein which by law come within his jurisdiction.

10. A substantial copy of this resolution shall serve as proper notice of said election.

11. The City Clerk shall give notice of such election by posting a notice of such election in English and Spanish in the Office of the City Clerk as provided by law and by publishing a copy of said notice in both English and Spanish in a newspaper of the City as required by law.

12. The City Clerk shall deliver notice of this election to the county clerk and voter registrar of El Paso County, as required by law, not later than Tuesday, March 13, 2012.

APPROVED this 31st day of January 2012.

CITY OF EL PASO

John F. Cook
Mayor

ATTEST:

APPROVED AS TO FORM:

Richarda Duffy Momsen
City Clerk

Elaine S. Hengen
Senior Assistant City Attorney

EXHIBIT A

ELECTION PRECINCTS AND POLLING PLACES Special election for the recall, May 12, 2012

<u>PCT #</u>	<u>POLLING PLACE</u>	<u>ADDRESS</u>
2	Village of Vinton City Hall	436 E. Vinton Rd.
3	Village of Vinton City Hall	436 E. Vinton Rd.
5	Fire Station #2	111 E. Borderland Rd.
6	Tennis West	One Tennis West Ln.
7	Lincoln Middle School	500 Mulberry Ave.
8	Fire Station #15	115 Shorty Ln.
9	Zach White Elementary School	4256 Roxbury Dr.
10	Roberts Elementary School	341 Thorn Ave.
11	Olga Kohlberg Elementary School	1445 Nardo Goodman Dr.
12	Olga Kohlberg Elementary School	1445 Nardo Goodman Dr.
13	Franklin 9 th Grade Center	825 Redd Rd.
14	Tippin Elementary School	6541 Bear Ridge Dr.
15	Fire Station #27	6767 Ojo De Agua Dr.
16	Rosa Guerrero Elementary School	7530 Lakehurst Rd.
17	Franklin High School	900 N. Resler Dr.
18	Monte Vista Retirement Center	1575 Belvidere St.
19	White Acres Good Samaritan Village	7304 Good Samaritan Ct.
20	Polk Elementary School	940 Belvidere St.
21	Peace Lutheran Church	5890 Via Cuesta Dr.
22	Fire Station #22	6500 N. Mesa St.
23	Carlos Rivera Elementary School	6445 Escondido Dr.
24	Western Hills U. M.C. Steward Family Life Ctr #A	524 Thunderbird Dr.
25	Dr. Green Elementary School	5430 Buckley Dr.
26	Putnam Elementary School	6508 Fiesta Dr.
27	Putnam Elementary School	6508 Fiesta Dr.
28	Zach White Elementary School	4256 Roxbury Dr.
29	L. B. J. Elementary School	499 Cabaret Dr.
30	Polly Harris Senior Citizen Center	650 Wallenberg Dr.
31	Polly Harris Senior Citizen Center	650 Wallenberg Dr.
32	Mesita Elementary School	3307 N. Stanton
33	Mesita Elementary School	3307 N. Stanton
34	Mesita Elementary School	3307 N. Stanton
35	El Paso Tennis Club	2510 N. St. Vrain St.
36	Vilas Elementary School	220 Lawton Dr.
37	Father Pinto Complex	1001 S. Ochoa St.
38	Fire Station #3	721 E. Rio Grande Ave.
39	Sun Plaza Housing	1221 E. San Antonio Ave.
40	Lamar Elementary School	1440 E. Cliff Dr.

41	Career & Technology Center	1170 Walnut St.
42	Beall Elementary School	320 S. Piedras St.
43	Dr. Nixon Elementary School	11141 Loma Roja Dr.
44	Dr. Nixon Elementary School	11141 Loma Roja Dr.
45	Bradley Elementary School	5330 Sweetwater Dr.
46	Bradley Elementary School	5330 Sweetwater Dr.
47	H. E Charles Middle School	4909 Trojan Dr.
48	Fannin Elementary School	5425 Salem Dr.
49	Desertaire Elementary School	6301 Tiger Eye Dr.
50	Desertaire Elementary School	6301 Tiger Eye Dr.
51	El Paso Korean U.M.C.	4925 Fairbanks Dr.
52	Collins Elementary School	4860 Tropicana Ave.
53	Newman Elementary School	10275 Alcan St.
54	Parkland High School	5932 Quail Ave.
55	Whitaker Elementary School	4700 Rutherford Dr.
56	Dowell Elementary School	5249 Bastille Ave.
57	Fire Station #23	5315 Threadgill Ave.
58	Dolphin Terrace Elementary School	9790 Pickerel Dr.
59	Crosby Elementary School	5411 Wren Ln.
60	Fire Station #16	3828 Hercules Ave.
61	Park Elementary School	3601 Edgar Park R.
62	Nolan Richardson Recreation Center	4435 Maxwell
63	Magoffin Middle School	4931 Hercules Ave.
64	Stanton Elementary School	5414 Hondo Pass Dr.
65	Logan Elementary School	3200 Ellerthorpe Ave.
66	Burnet Elementary School	3700 Thomason Ave.
67	Travis Elementary School	5000 N. Stevens St.
68	Kathy White Housing Complex	2500 Mobile Ave.
69	Grand View Park Senior Citizen Center	3134 Jefferson Ave.
70	Paul Moreno Elementary School	2300 San Diego St.
71	Memorial Park Senior Citizen Center	1800 Byron St.
72	Austin High School	3500 Memphis Ave.
73	Coldwell Intermediate School	4101 Altura Ave.
74	Fire Station #7	3200 Pershing Dr.
75	Cross of Grace Church	4700 Leeds St.
76	Fire Station #13	5415 Trowbridge Dr.
77	Fire Station #13	5415 Trowbridge Dr.
78	Chelsea Plaza Housing	600 Chelsea St.
79	Fire Station #5	4240 Alameda Ave.
80	Burleson Elementary School	4400 Blanco Ave.
81	San Juan Recreation Center	701 N. Glenwood Dr.
82	Hawkins Elementary School	5816 Stephenson Ave.
83	Henderson Middle School	5505 Robert Alva Ave.
84	Clardy Elementary School	5508 Delta St.
85	Fire Station #14	6300 Delta St.
87	Bonham Elementary School	7024 Cielo Vista Dr.

89	Bonham Elementary School	7024 Cielo Vista Dr.
90	Fire Station #20	8301 Edgemere Blvd.
91	Mac Arthur Elementary School	8101 Whitus Dr.
92	Cielo Vista Park Elementary School	9000 Basil Ct.
93	Scotsdale Elementary School	2901 McRae Blvd.
94	Edgemere Elementary School	10300 Edgemere Blvd.
95	Gary del Palacio Recreation Center	3001 Parkwood Dr.
96	Eastpoint Elementary School	2400 Zanzibar St.
97	Fire Station #19	2405 McRae Blvd.
98	Eastwood Heights Elementary School	10530 Janway Dr.
99	Pebble Hills Elementary School	11145 Edgemere Blvd.
100	Pebble Hills Elementary School	11145 Edgemere Blvd.
101	Eastside Senior Center	3200 Fierro Dr.
102	YWCA – East	10712 Sam Snead Dr.
103	Vista Hills Elementary School	10801 La Subida Dr.
104	Fire Station #24	1498 Lomaland Dr.
105	Indian Ridge Middle School	11201 Pebble Hills Blvd.
106	Glen Cove Elementary School	10955 Sam Snead Dr.
107	Hanks High School	2001 Lee Trevino Dr.
108	Tierra Del Sol Elementary School	1832 Tommy Aaron Dr.
109	Desert View Middle School	1641 Billie Marie Dr.
110	Region 19 Head Start Multipurpose Center	11670 Chito Samaniego Dr.
111	Jane Hambric Elementary School	3535 Nolan Richardson Dr.
112	Jane Hambric Elementary School	3535 Nolan Richardson Dr.
113	Bill Sybert Pre K – 8 School	11530 Edgemere Blvd.
114	Bill Sybert Pre K – 8 School	11530 Edgemere Blvd.
115	Hurshel Antwine Elementary School	3830 Rich Beem Blvd.
116	Specialist Raphael Hernando III Middle School	3451 Rich Beam Blvd.
117	Benito Martinez Elementary School	2640 Robert Wynn Dr.
118	Benito Martinez Elementary School	2640 Robert Wynn Dr.
119	Helen Ball Elementary School	1950 Firehouse Dr.
120	O’Shea Keleher Elementary School	1800 Leroy Bonse Dr.
121	Montwood High School	12000 Montwood Dr.
122	Vista Del Sol Elementary School	11851 Vista Del Sol Dr.
123	Myrtle Cooper Elementary School	1515 Rebecca Ann Dr.
124	Sierra Vista Elementary School	1501 Bob Hope Dr.
125	Sierra Vista Elementary School	1501 Bob Hope Dr.
126	Fire Station #35	12230 Spine Spring
128	El Dorado 9 th Grade Center	14400 Pebble Hills Blvd.
129	Lujan Chavez Elementary School	2200 Sun Country
130	Lujan Chavez Elementary School	2200 Sun Country
131	Sierra Vista Elementary School	1501 Bob Hope Dr.
132	Ramona Elementary School	351 Nichols Rd.
133	Del Norte Heights Elementary School	1800 Winslow Rd.
134	Ramona Elementary School	351 Nichols Rd.
135	Ascarate Elementary School	7090 Alameda Ave.

136	Cedar Grove Elementary School	218 Barker Rd.
137	Ranchland Hills Middle School	7615 Yuma Dr.
138	Hacienda Heights Elementary School	7530 Acapulco Ave.
139	Mesa Vista Elementary School	8032 Alamo Ave.
140	Good Samaritan Towers	7750 Lilac Way
141	Fire Station #18	7901 San Jose Rd.
142	Riverside High School	301 Midway Dr.
143	Thomas Manor Elementary School	7900 Jersey St.
144	Loma Terrace Elementary School	8200 Ryland Ct.
145	Loma Terrace Elementary School	8200 Ryland Ct.
146	Marian Manor Elementary School	8300 Forest Haven Ct.
147	Cadwallader Elementary School	7988 Alameda
148	Alicia R. Chacon School	221 Prado Rd.
149	Valley View Middle School	8660 North Loop Dr.
150	Robert F. Kennedy Pre-K Center	9009 Alameda Ave.
151	Capistrano Elementary School	240 Mecca Dr.
152	LaBarron Park Elementary School	920 Burgundy Dr.
153	Lancaster Elementary School	9230 Elgin Dr.
154	LaBarron Park Elementary School	920 Burgundy Dr.
155	Lancaster Elementary School	9230 Elgin Dr.
156	Pavo Real Recreational Center	9301 Alameda Ave.
157	South Loop Elementary School	520 Southside Rd.
174	Bonham Elementary School	7024 Cielo Vista Dr.
175	Scottsdale Elementary School	2901 McRae Blvd.
176	William Herrera Elementary School	350 Coates Dr.
177	White Acres Good Samaritan Village	7304 Good Samaritan Ct.
178	Dolphin Terrace Elementary School	9790 Pickerel Dr.
179	Capistrano Elementary School	240 Mecca Dr.
182	Hurshel Antwine Elementary School	3830 Rich Beem Blvd.
183	Pavo Real Recreational Center	9301 Alameda Ave.



2012 Recall Election





JANUARY 24, 2012

City Council Directives

- **Do more research and come back to council with more facts regarding:**
- **The options for calling the election**
- **The costs associated with each option**
- **The legal pros and cons with regard to each option**
- **Keep all options open so council can make a well informed decision**



Actions taken by City Staff to Comply With Council Directives

- **City Attorney's Office and Municipal Clerk have consulted with election experts**

Bruce Sherbet is the former Dallas County Elections Administrator and had served Dallas County for 24 years prior to leaving office in 2011.

The Austin law firm of Ray & Wood has represented local governments in Texas for over 20 years. The firm's two partners are Randall Buck Wood and Doug W. Ray, and both are experienced election law practitioners. Prior to forming the firm, Mr. Wood enforced the state's election laws while serving as the Director of the Elections Division of the Secretary of State's Office. Mr. Ray handles litigation involving disputed elections and the Voting Rights Act.



- **Purchasing Staff** has been researching the possibility of securing 550 – 650 voting machines
- Meetings and phone calls with County Elections Administrator, County Judge, County Attorney and her staff to examine all options



Options for the Election as They Exist on January 31, 2012

- **April 14, 2012 – Special Election Date**
- **May 12, 2012 - Uniform Election Date**



Problems With Proceeding With April 14, 2012

- **As of today the Texas Primary is still scheduled for April 3, 2012**
- **If the primary date is not changed the County Elections Administrator cannot assist us by conducting our election**
- **City staff lacks the resources and expertise to conduct a election**
- **Uncertainty regarding Department of Justice preclearance**
- **The County Elections Administrator is only able to conduct our April 14, 2012 Special Election if the Primary is changed to any time after mid May.**



May 12, 2012 – Uniform Election Date

If the Texas Primary is changed to April, 10th or 17th the Elections Administrator can conduct our election on May 12, 2012.



Recommendations:

- Approve the order calling the election on April 14, 2012 to preserve the option in the event the court orders a change in the Texas primary that allows for the election to proceed with the assistance of the County Elections Administrator
- Approve the expenditures necessary for the City to proceed with the election on our own in the event the Texas Primary is split or changed to a date which make it impossible for the County Elections Administrator to conduct our election
- Leave open the option of re-scheduling the election to May 12, 2012 in the event that option becomes viable.



Questions Comments

