



City of El Paso

Special Election to Fill Vacancies in Municipal Court No. 4 and City Council District No. 6

City Attorney's Office





Texas Constitution

- Article XI, Section 11(a) allows a home rule city to provide by Charter or Charter Amendment for a term of office longer than 2 years, but not to exceed 4 years, provided however, that such officers are subject to Article XVI, Section 65(b) of the constitution providing for automatic resignation in certain circumstances.
- Article XVI, Section 65(b) states that if any of the officers shall announce their candidacy, or shall in fact become a candidate, in any General, Special, or Primary Election when the unexpired term of office then held shall exceed one year and 30 days, such announcement of candidacy shall constitute an automatic resignation of the office held.



Texas Constitution

- Article XVI, Section 17 states that all officers within the State shall continue to perform the duties of their offices until their successor shall be duly qualified.
- The Texas Attorney General has found that the “holdover provision” applies to automatic resignations triggered by Article XVI, Section 65 and Article XI, Section 11 of the Texas Constitution. Tex. Atty. Gen. Op. No. DM-377 (1996); Tex. Atty. Gen. Op. No. JC-0318 (2000)
- Article XI, Section 11(c) requires a municipality with terms of office exceeding 2 years to elect all members of the governing body and any vacancies may not be filled by appointment but must be filled by a majority of qualified voters at a special election called for such purpose within 120 days after the vacancy occurs.



Texas Election Code

- If an election is held within the 120 period it does not have to be held on a uniform election date nor does a city need permission from the Governor to hold the election on a non-uniform date. Texas Election Code section 41.004.
- If a municipality misses the opportunity to hold the election within the 120 day period, the election must then be held on the next uniform election date unless the Governor grants permission for a special election. Texas Election Code Section 41.004.
- Next uniform election date is May 10, 2014.
- Section 41.001(d) of the Texas Election Code states that the County Elections administrator is NOT required to furnish election services on May of even numbered years.



El Paso Charter Amendment

- Section 2.3 states that when a special election is required by a provision of this Charter, it will be scheduled for the
 - Next uniform election date or
 - The date of the next election that will be conducted by the County Elections Administrator



Potential Dates

- Next uniform election date: May 10, 2014
 - County is not legally obligated to furnish election services for this election
 - Do not have the machines or staff to hold election
 - County Election Administrator is declining to assist

- July 19, 2014
 - Will need permission from the governor
 - County Election Administrator willing and able to enter into a contract to furnish election services
 - Approximate cost to hold an election is \$180K - \$250K



Potential Dates (Continued)

- November 4, 2014
 - County will be obligated to enter into a contract to furnish election services
 - Will be able to split the costs with other entities holding elections on that date
 - Approximate cost to hold an election is \$130K - \$150K



Questions / Comments



December 6, 2013

Javier Chacon, Election Administrator
El Paso County
500 E. San Antonio, # L115
El Paso, TX 79901

Dear Javier,

I want to thank you for your request to quote on the rental of the following equipment:

EQUIPMENT	QTY.
TSX VOTING UNITS	100
PC CARDS 128MB	200
VOTER ACCESS CARDS	650
HEADPHONES AND KEYPAD	100
PRIVACY FLAPS	100
LAPTOPS	12
ENCODERS	40
ST-120 USB CARD BURNER	15
ACCEPTANCE TEST AND LOGIC AND ACCURACY TEST SERVICE AND CALIBRATION	100

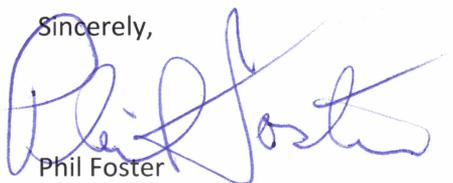
The services that you would need Dominion to provide in addition to the equipment rental includes warehousing the TSX units in a facility provided by Dominion, election coding, Poll Worker Training and support on Election Day.

After discussing equipment availability and the services required with the Dominion technical support group, we do not have 100 or 500 TSX units available during that time period, nor do we have the required staffing available during this time period to successfully provide these units or service. To accomplish a project of this scope would require a minimum lead-time of 6 months' notice.

Thank you for the opportunity and I look forward to working with you in the future.

If you have any questions, please feel free to call me at (510) 610-6405 or email me at phil.foster@dominionvoting.com.

Sincerely,



Phil Foster
Dominion Voting Systems