

Chapter 42 ELECTIONS ¹¹

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Sec. 42-1. Specific ordinances saved from repeal.

Nothing contained in this Code or in the ordinance adopting this Code shall be construed to repeal or otherwise affect any ordinance calling, canvassing or otherwise pertaining to any specific election.

(Code 1978, § 9-1)

Sec. 42-2. Procedure generally.

All elections pertaining to municipal affairs shall be governed by the election laws of the state. In all city elections, the mayor, city secretary or the city council shall do and perform each act in other elections required to be done and performed respectively by the county judge, the county clerk or the commissioners court. In all city elections the mayor, or if he fails to do so, the city council, shall order the election and give notice. The council shall appoint election judges to hold the election. In general elections for officers, the notice shall be given as provided in V.T.C.A., Election Code § 4.003.

(Code 1978, § 9-2)

Sec. 42-3. Declaration of candidacy.

Any eligible and qualified person may have his name printed upon the official ballot as an independent candidate for the office of mayor or alderman or other elective city office by filing his sworn application with the mayor at least 30 days prior to the election day. The application shall state the specific office or place being sought by the applicant and that the applicant is eligible and qualified under the laws of the state to become a candidate for, and hold the office being sought, if elected. The form of the sworn application shall be substantially as follows:

"To the Mayor of the City of Alpine, Texas, Greetings:

"I, _____, hereby make application to have my name printed on the official ballot as an independent candidate for the office of _____ to be voted upon at the city election to be

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held on the first Saturday in May _____; and I hereby certify that I am qualified to make this application and that I am legally qualified to hold such office, if elected.

"State _____ of _____ Texas
County of _____

_____ being duly sworn, deposes and says that the statements contained in the foregoing application are true.

	(Signed) _____
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"Subscribed and sworn to before me this the ;#rule; day of ;daterule;, _____.

(SEAL)

	_____ Notary Public in and for _____ County, Texas"
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Such sworn application may be accompanied with a petition signed by qualified electors, although such petition is not required.

Such sworn application shall be accompanied with an executed copy of the "Loyalty Affidavit":

"I, _____, of the City of Alpine, County of Brewster, State of Texas, being a candidate for the office of _____, do solemnly swear that I believe in and approve of our present representative form of government, and if elected, I will support and defend our present representative form of government and will resist any effort or movement from any source which seeks to subvert or destroy the same or any part thereof, and I will support and defend the Constitution and Laws of the United States and of the State of Texas.

	_____ Candidate's Signature
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"Sworn to and subscribed before me at _____, Texas, this the ;#rule; day of ;daterule; A.D., _____.

	_____ Notary Public
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(SEAL)

"In and for _____, Texas."

(Code 1978, § 9-3)

Sec. 42-4. Posting of names of candidates.

The names of all the candidates who have filed their sworn applications to have their names printed on the official ballot as candidates shall be posted by the city secretary in a conspicuous place at his office for the inspection of the public for at least ten days before the city secretary orders the ballots to be printed. All objections to the regularity or validity of the application of any persons shall be made within five days after such posting, by written notice filed with the city secretary, setting forth the grounds of objections. In case no such objection is filed within the time prescribed, the regularity or validity of the application of no person whose name is posted, shall be contested. The city secretary shall preserve in his office for a period of two years all applications, notice of objections and other related papers.

(Code 1978, § 9-4)

Sec. 42-5. Entitlement to have name on ballot; withdrawing.

Any person eligible for the office of mayor, alderman or other office, who has filed his sworn application in accordance with the provisions of this chapter shall have his name printed on the official ballots. Any such person may cause his name to be withdrawn at any time before the official ballots are actually printed, by filing in writing with the city secretary a request to that effect over his own signature, duly attested to by a notary public. No name withdrawn shall be printed on the ballots. Not later than 20 days before the city general election the city secretary shall have the official ballots printed.

(Code 1978, § 9-5)

Sec. 42-6. Early voting.

Each qualified voter who desires to cast an early vote and who expects to be eligible to do so shall be entitled to an official ballot and the right to cast such ballot in accordance with the provisions of the state statutes. Application for the early voting ballot shall be made to the city secretary and the voted ballot returned to the city secretary.

(Code 1978, § 9-6)

Sec. 42-7. Judges and clerks.

All municipal elections shall be conducted by one presiding officer or judge for each polling place and not less than two clerks for each polling place, the number of clerks to be determined by the council. Such judges and clerks of elections shall be compensated as provided by the council by ordinance or resolution.

(Code 1978, § 9-7)

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Sec. 42-8. Place.

All elections shall be held at the place prescribed by the council.

(Code 1978, § 9-8)

Sec. 42-9. Posting of election proclamation.

The chief of police shall post a properly executed copy of the election proclamation and notice at a public place in each election precinct that is in the jurisdiction of the city. The notice shall be posted not later than the 21st day before the election day.

(Code 1978, § 9-9)

Sec. 42-10. Notice to elected officers; when to take office.

It shall be the duty of the city secretary to notify all persons elected, and all newly elected officers may enter upon their duties on the fifth day thereafter, Sundays excepted. If any such officer fails to qualify within 30 days after his election, his office shall be deemed vacant, and a new election shall be held to fill the office deemed vacant.

(Code 1978, § 9-10)

FOOTNOTE(S):

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Cross reference— Administration, ch. 2. [\(Back\)](#)

State Law reference— Election dates and hours for voting, V.T.C.A., Election Code § 41.001 et seq.; election precincts, V.T.C.A., Election Code § 42.001 et seq.; polling places, V.T.C.A., Election Code § 43.001 et seq.; candidate for city office, V.T.C.A., Election Code § 143.001 et seq.; write-in candidate in city election, V.T.C.A., Election Code § 146.051 et seq. [\(Back\)](#)