

AN ORDINANCE 100032

**ESTABLISHING THE FILING PROCEDURES FOR
CANDIDATES FOR THE CITY OF SAN ANTONIO CITY
COUNCIL AND REPEALING ORDINANCE NO. 96789,
PASSED ON NOVEMBER 21, 2002.**

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WHEREAS, Section 4 of the City of San Antonio City Charter (hereinafter referred to as “the Charter”) provides that each member of the City Council shall be a citizen of Texas, a qualified elector of the City and registered to vote in the City, shall have resided in the City at least one year prior to filing his or her application for election, and must reside in the City during his or her term of office; and

WHEREAS, Section 4 of the Charter further provides that members of the City Council for Place 1 through 10 shall be elected from such districts to be numbered accordingly and each such member shall be elected by a majority vote of the qualified electors voting in said election in the particular district, and further provides that each member from a district shall reside within its boundaries at least six months prior to filing his or her application for election and continuing during his or her term of office, and failure to do so shall render such office vacant; and

WHEREAS, Sections 4 and 9 of the Charter provide that the person elected to the last place on the Council (Place 11) shall serve as and be the Mayor during his or her term of office, may reside anywhere in the City, and shall be elected by a majority of all qualified electors voting in said City election; and

WHEREAS, Section 19 of the Charter and the Texas Election Code (Sections 143.004 and 143.006) require that any qualified person who desires to become a candidate for an office or member of the Council shall file with the City Clerk a sworn application for a designated place on the ballot; and

WHEREAS, the Charter requires that candidates filing for office must pay a filing fee of \$100.00 or, in lieu thereof, a petition with the number of signatures required by Section 143.005 of the Texas Election Code; and

WHEREAS, the Texas Election Code (Sections 146.051 through 146.053) requires that any qualified person who desires to run as a write-in candidate for office in a general municipal election shall file with the City Clerk a declaration of write-in candidacy; and

WHEREAS, Title 15 of the Texas Election Code entitled “Regulating Political Funds and Campaigns” requires keeping of records and filing of Campaign Contribution and Expenditure Reports by candidates for a municipal office with the City Clerk; and

WHEREAS, it is appropriate that the rules and regulations for filing be established to assure orderly conduct to the election and that candidates have a full understanding of the filing procedures and deadlines; **NOW THEREFORE**:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. In accordance with Sections 4 and 9 of the City of San Antonio City Charter, at elections held for members of City Council, there shall be eleven (11) offices designated on the ballot as follows:

Member of Council, Place 1
Member of Council, Place 2
Member of Council, Place 3
Member of Council, Place 4
Member of Council, Place 5
Member of Council, Place 6
Member of Council, Place 7
Member of Council, Place 8
Member of Council, Place 9
Member of Council, Place 10
Member of Council, Place 11 (Mayor)

SECTION 2. As provided in Section 143.007 of the Texas Election Code, an application for a place on the ballot must be filed not later than 5:00 PM of the 62nd day before election day, but not earlier than the 30th day before the date of the filing deadline. The application for candidates for City Council shall be in the form attached hereto and marked as **Attachment I** and must be accompanied by a filing fee of \$100.00 or, in lieu thereof, a petition with the requisite number of signatures.

SECTION 3. As provided in Section 146.054 of the Texas Election Code, a declaration of write-in candidacy must be filed not later than 5:00 PM of the fifth (5th) day after the regular filing deadline. The declaration for write-in candidacy for City Council shall be in the form attached hereto and marked as **Attachment II** and must be accompanied by a filing fee of \$100.00 or, in lieu thereof, a petition with the requisite number of signatures.

SECTION 4. The Office of the City Clerk shall receive the applications from candidates and the declarations of write-in candidacy during regular office hours, Monday through Friday between the hours of 7:45 AM, and 4:30 PM (except on the date of the filing deadline, which will then be 5:00 PM). An application filed by mail is considered to be filed at the time of its receipt by the appropriate authority.

SECTION 5. The payment of the \$100.00 filing fee, required by Section 19 of the City of San Antonio City Charter, shall be for a designated place on the ballot, shall be deposited in cost center 0201010001, Internal Order 20200000008, General Ledger 4401290, entitled "Admin

Fees – General Government,” Fund 11001000, entitled “General Fund,” and shall only be refundable in accordance with the Texas Election Code, Section 141.038, as follows:

(a) A filing fee paid in connection with a candidate’s application for a place on the ballot shall be refunded to the candidate or to candidate’s estate, as appropriate, if before the date of the election for which the application is made:

- (1) the candidate dies;
- (2) the candidate is declared ineligible; or
- (3) the candidate’s application for a place on the ballot is determined not to comply with the requirements as to form, content and procedure that it must satisfy for the candidate’s name to be placed on the ballot.

(b) A claim for a refund of a filing fee must be presented to the authority with whom the candidate’s application for a place on the ballot is filed.

(c) A filing fee may not be refunded except as provided by this section.

SECTION 6. The petition, in lieu of the filing fee, for a place on the City general election ballot shall be in the form attached hereto and marked as **Attachment III**. As provided in Section 143.005 of the Texas Election Code, the minimum number of signatures that must appear on the petition is the greater of 25 or one half of one percent of the total vote received in the territory from which the office is elected by all candidates for mayor in the most recent mayoral general election. The petition filed with the application shall be for a designated single place on the ballot and may not be withdrawn. A signature may be withdrawn from a petition as provided by Section 141.067 of the Texas Election Code.

SECTION 7. A filed candidate may withdraw his or her candidacy by filing a written, signed and acknowledged withdrawal request with the City Clerk, in accordance with the Texas Election Code, Sections 145.001 and 145.091 through 145.097. A candidate in an election for which the filing deadline for an application for a place on the ballot is not later than 5:00 PM of the 62nd day before election day may not withdraw from the election after 5:00 PM of the 53rd day before election day. A candidate in a run-off election following a main election may not withdraw from the election after 5:00 PM of the third day after the date of the main election.

SECTION 8. A write-in candidate may withdraw his or her candidacy by filing a written, signed, and acknowledged withdrawal request with the City Clerk, not later than the 46th day before election day, in accordance with the Texas Election Code, Section 146.0301.

SECTION 9. Candidates for Mayor and City Council are required to comply with the requirements of Title 15 of the Texas Election Code entitled “Regulating Political Funds and Campaigns” and Chapter 2, Article VII of the City Code, entitled “Campaign Finance Regulations.” In order to obtain and maintain uniformity in the application, operation, and interpretation of the election reporting requirements of candidates, the official Campaign Contribution and Expenditure Report for City elections shall be the form issued by the Texas

Ethics Commission. Upon implementation of the electronic campaign finance filing system, candidates for Mayor or City Council will file and update electronic reports with the City Clerk's Office.

SECTION 10. A Candidate's packet is available for sale in the Office of the City Clerk. The administrative cost for the packet is \$10.00. Funds received from the sale of the packets shall be deposited in cost center 0201010001, Internal Order 20200000002, General Ledger 440180, entitled "Other – Sale and Services of Publications," Fund 11001000, entitled "General Fund."

SECTION 11. In the event any candidate for any place on the ballot fails to receive a majority of all votes cast for such a place, a run-off election will be held on Tuesday, June 7, 2005, at which election the two candidates receiving the highest number of votes for any such place in the first election shall be voted for again (Sections 2.021 through 2.025, Texas Election Code).

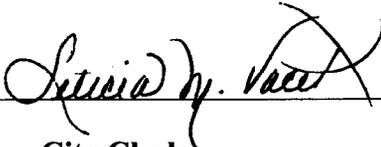
SECTION 12. The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific Cost Centers, WBS Elements, Internal Orders, General Ledger Accounts, and Fund Numbers as necessary to carry out the purpose of this Ordinance.

SECTION 13. Ordinance No. 96789 passed on November 21, 2002, is hereby repealed.

SECTION 14. This ordinance shall take effect on the 10th day after passage hereof.

PASSED AND APPROVED this the 19th day of November, 2004.


MAYOR
EDWARD D. GARZA

ATTEST: 
City Clerk

APPROVED AS TO FORM: 
City Attorney

Agenda Voting Results

Name: 41.

Date: 11/19/04

Time: 12:07:06 AM

Vote Type: Multiple selection

Description: An Ordinance establishing the filing procedures for candidates for the City of San Antonio City Council and repealing Ordinance No. 96789, passed on November 21, 2002. [Presented by Leticia M. Vacek, City Clerk]

Voter	Group	Status	Yes	No	Abstain
ROGER O. FLORES	DISTRICT 1	Not present			
JOEL WILLIAMS	DISTRICT 2		x		
RON H. SEGOVIA	DISTRICT 3	Not present			
RICHARD PEREZ	DISTRICT 4		x		
PATTI RADLE	DISTRICT 5		x		
ENRIQUE M. BARRERA	DISTRICT 6		x		
JULIAN CASTRO	DISTRICT 7		x		
ART A. HALL	DISTRICT 8	Not present			
CARROLL SCHUBERT	DISTRICT 9		x		
CHIP HAASS	DISTRICT_10		x		
MAYOR ED GARZA	MAYOR		x		