

ORDER CALLING FOR A JOINT ELECTION WITH THE COUNTY

File No.: 02-7535

THE STATE OF TEXAS §
COUNTY OF MATAGORDA §
MATAGORDA COUNTY NAVIGATION DISTRICT NUMBER ONE §

WHEREAS, Matagorda County Navigation District Number One (the District or Commission) has converted to a self-liquidating District by Resolution on April 1, 1996; and

WHEREAS, the term of one District Commissioner, Position No. 2, will expire in November, 2018; and

WHEREAS, the District, pursuant to the Texas Water Code annotated Section 63.089(a), has the authority to call an election for one Commissioner position on November 6, 2018; and

WHEREAS, the District, elects to hold the Commissioners’ election jointly with Matagorda County for the general election for national, state and county offices, as provided by Section 63.0895 of the Texas Water Code,

IT IS THEREFORE ORDERED, BY MATAGORDA COUNTY NAVIGATION DISTRICT NUMBER ONE, THAT:

Section 1. Call of Election, Date, and Hours

An at-large election (the Election) for one Commissioner shall be held on Tuesday, November 6, 2018, which is seventy (70) or more days from the date of the adoption of this order (the “Order”), within and throughout the territory of the District § 63.0895(a). The hours during which the polling places are to be open during the Election shall be from 7:00 o’clock a.m. to 7:00 o’clock p.m.

Section 2. Territory of the District, Eligible Electors, and a Plurality of Votes

The territory of the District is defined as that part of Matagorda County that lies west of the Colorado River and south of a boundary that is approximately one mile south of Blessing and two miles south of El Maton, Texas, except for Matagorda Peninsula. All qualified electors (registered voters) residing within the territory of the district shall be entitled to vote in this election. Voters will need appropriate proof of residency and voter registration in Matagorda County and proof of identity at the polls. Each voter shall be entitled to cast one vote for one of the candidates for each position on the ballot. The candidate receiving the most votes for each position (a plurality) shall be elected as Commissioner.

Section 3. Qualifications of Candidates, and Deadline for Filing

Individuals who desire to be a candidate must meet the following qualifications: (1) be a resident of the District, (2) be freehold taxpayer of the District, (3) be qualified elector (registered voter) of the County, and (4) must never have been convicted in any court of law of any felony act.

Desiring candidates must file a written declaration of candidacy during the period starting at 8:00 a.m. on Monday, July 23, 2018, and ending at 5:00 p.m. on Monday, August 20, 2018, which is the 78th day before Election Day.

All declarations and filings must be affirmed before a qualified notary public. All filings must be presented in person to the MCND#1 Port Administration Building in Palacios, Texas.

Section 4. Ballot Positions and Ballot Printing

Candidate positions on the official ballot will be determined, by lot, in the Port Administration office at 9:00 a.m. on Thursday, August 23, 2018, which is the 75th day before Election Day. Immediately thereafter, the Port Director of the District, as the secretary's agent, shall certify in writing for placement on the ballot the name of each candidate for the office of Commissioner. The certifications shall be delivered to the County Election Officer not later than the 60th day before election date. The County Election Officer shall prepare ballots containing all the offices to be voted on at a common polling place. The office of Commissioner shall appear on the ballots after the precinct offices of the County government. § 63.0895(k)

Section 5. Term of Office

Pursuant to Texas Water Code Annotated Section 63.087, the District has established the term of office for an elected Commissioner to be six years. The precinct election returns for the joint election shall be canvassed by the County Commissioners' Court. The County Judge shall promptly deliver the results of the Commissioners' Election to the Commission. The Commission shall issue a certificate of election to a candidate elected to the Officer of Commissioner within seven (7) days of receiving the results of the Commissioners' Election from the County Judge. § 63.0895(p)(q). The newly elected Commissioners will assume office at the next regular Board Meeting and will serve for a term of six years.

Section 6. Voting Precincts, and Polling Places, and Election Officers.

The County Election Officer shall establish the Election Precincts for the Commissioners' Election. The Election Precinct shall be coterminous with County Election Precincts to the extent permitted by District boundaries. The County Commissioners' Court shall designate common polling places in the appropriate County Election Precincts (3A, 3B, and 7) for use in the joint election. The voters of the District may be served by a polling place located outside the boundary of the district if the location can adequately and conveniently serve the affected voters and will facilitate the orderly conduct of the election.

An Election Officer, including a member of the absentee ballot board, appointed to serve in a general election for State and County Officers shall serve in the same office in the Commissioners' Election. A person who is eligible to serve as an election officer in the General Election for State and County Officers is eligible to serve in the same office in the Commissioners' Election. § 63.0895(i) The County Election Officer and Election Officers shall be compensated in accordance with the provisions of the Texas Election Code, the Texas Water Code and other applicable laws. The District shall reimburse the County Election Officer for its proportional share of the total cost associated with the conduct of the election. § 63.0895(s)

Section 7. Conduct of Election

The Election shall be conducted utilizing paper ballots or computer terminal by election officers, including the Presiding Election Judges appointed herein and Alternate Presiding Election Judges or clerks, in accordance with the Texas Water Code, the Texas Election Code and the Constitution and laws of the State of

Texas and the United States of America.

Section 8. Election Information Languages

The Notices and Orders will be printed in the English, Spanish, and Vietnamese languages by MCND#1. The Instructions, Ballots, and other written material pertaining to the Elections will be printed in English and such other languages as the County Election Officer deems necessary and proper.

Section 9. Appointment of Agent

The Commissioners and Secretary of the Board have appointed the Port Director of the District as the Secretary's Agent (Agent). The Port Director will perform the duties of the Secretary related to the conduct and maintenance of records of the Election, as required under the Texas Election Code and the Texas Water Code, during the period beginning three days after the effective date of this Order and ending not earlier than six months after the day of the election. The Port Director is authorized to designate employees or other individuals in the District to perform any or all of the election. The Port Director is authorized to designate employees or other individuals in the District to perform any or all of the various responsibilities of the Board's Agent.

The Agent shall maintain an office open for election duties for at least three (3) hours each day, during regular office hours, on regular business days during the period designated in this section. The Agent shall maintain the documents, records, and other items relating to the election and shall be the Agent designated to receive documents on behalf of the District that are required by the Texas Election Code.

The Agent shall post a notice of the location and hours that the office is open as required by the Texas Election Code.

As required by § 63.0895(h) and (o) of the Texas Water Code, the County Election Officer is the absentee Voting Clerk for the Commissioner's Election. The County Election Officer is also the general custodian of Election Records for the Commissioner's Election. As used in this Order, the term County Election Officer means the Matagorda County Elections Administrator or County Clerk, if no such position exists.

Section 10. Early Voting and Voting By Mail

Early voting by personal appearance shall be conducted at the Main Early Voting Polling Place from 8:00 a.m. until 5:00 p.m., each week day, except for Saturday, Sundays, and official State Holidays from Monday, October 22, 2018 through Friday, November 2, 2018.

The Early Voting Polling places are designated as:

Courtroom – Courthouse Annex
405 Commerce
Palacios, Texas 77465

Bay City Service Center
2105 Avenue M
Bay City, Texas 77414

Ballot applications and ballots voted by mail shall be addressed to the Early Voting Clerk at the designated address. For the use of those voters who are entitled by law to vote early by mail, the Early Voting Clerk shall provide each voter with a Ballot, including the instructions to mark the ballot to indicate the voters' choice for Commissioner.

The Early Voting Clerk for the District and the Clerk's official mailing address for the Election are designated as follows:

Janet Hickl
Matagorda County Clerk
1700 7th Street - Room 202
Bay City, TX 77414-5094

The Early Voting Clerk shall have the authority to designate Deputy Early Voting Clerk as may be necessary to staff the Early Voting Polling Places established under this Order.

The Board of Commissioners hereby appoints Janet Hickl as the Presiding Judge of the Early Voting Ballot Board to count and return early voting ballots to the Commissioner's Agent in accordance with the Election Code. The Presiding Judge shall appoint two or more Election Clerks, and such Judge and Clerks shall constitute the Early Voting Ballot Board, and shall perform the duties set forth for such Board in the Election Code.

Section 11. Delivery of Voted Ballots; Counting; Tabulation; Canvassing of Returns; Declaring Results.

In accordance with the requirements of the Texas Election Code and the Texas Water Code, the Presiding Election Judges for the respective precincts shall deliver ballot boxes and other materials related to the election for their respective precincts to the Board's agent at the Matagorda County Clerk's office in Bay City, Texas 77414, as soon as practical after the close of the polls. The County Clerk's office will tabulate all the votes. The Precinct Election Returns for the Joint Election shall be canvassed by the County Commissioner's Court. The County Judge shall promptly deliver the results of the Commissioner's Election to the MCND No. 1 Administrative Office in Palacios, Texas, 77465, as soon as practical after the tabulation of the votes. The Commission shall issue a Certificate of Election to a candidate elected to the Office of Commissioner within seven (7) days of receiving the results of the Commissioner's Election from the County Judge. § 63.0895(p)(q).

Section 12. Notice of Election

Notice of the Election shall be signed by the Chairman and Secretary of the Commission and shall contain a copy of the Election Order. The notice shall be published once a week for two (2) consecutive weeks, in a newspaper published within the District's territory. The first publication shall be made not later than the 65th day nor earlier than the 70th day before Election Day. § 63.0895(c) Notice of the Election shall also be posted on the bulletin board used by the District to post notices of the Board's meetings, no later than the 65th day before the election.

Section 13. Inconsistent Provision.

All other orders and resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Order, are hereby repealed to the extent of such conflict, and the provision of this Order shall be and remain in controlling as to the matters ordered herein.

Section 14. Governing Law

This order shall be construed and enforced in accordance with the laws of the State of Texas and the

United States of America.

Section 15. Severability.

If any provision of this Order or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Order and the application of such provision to other persons and circumstances shall nevertheless be valid, and the Board hereby declares that this Order would have been enacted without such invalid provision.

Section 16. Notice of Meeting.

The District officially finds, determines, recites and declares that written notice of the date, hour, place and subject of the meeting at which this Order is adopted was posted on a bulletin board located at a place convenient to the public at the District's administrative office for at least seventy-two (72) hours preceding the scheduled time of the meeting; and that such meeting was open to the public as required by law at all times during which this Order and the subject matter thereof was discussed, considered and formally acted upon.

Section 17. Authorization to Execute.

The Chairman of the Commission is authorized to execute and the Secretary of the Board is authorized to attest this Order on behalf of the Board; and the Agent of the Board is authorized to do all other things legal and necessary in connection with the holding and consummation of the Election.

Section 18. Effective Date

This Order is effective immediately upon its passage and approval. A copy of this Order shall be mailed to the County Election Officer not later than the 90th day before Election Day. § 63.0895(a)

PASSED AND APPROVED ON THIS DAY, July 19, 2018, by the Board of Commissioners of Matagorda County Navigation District Number One.


Jimmy E. Neeley, Chairman

ATTEST:


Greg T. Seaman
Secretary

