

**ORDINANCE NO. 2020-01-XXX**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, CALLING FOR A SPECIAL ELECTION TO BE HELD ON THE 2ND DAY OF MAY, 2020, IN THE CITY OF MCKINNEY, TEXAS, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY OF MCKINNEY, TEXAS, THE RECALL AND REMOVAL OF A CITY COUNCIL MEMBER; DESIGNATING POLLING PLACES; APPOINTING THE EARLY VOTING CLERK; PROVIDING FOR NOTICE AND PUBLICATION OF THE ELECTION; AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, the City Charter of the City of McKinney, Texas as adopted on December 31, 1959, and amended on November 8, 1971, January 15, 1977, May 7, 1988, May 5, 2001, December 6, 2011, May 10, 2014, and May 4, 2019, requires that a recall election be held to determine whether an elected official shall be removed from or remain in office when a petition seeking such recall is certified to be sufficient for the calling of an election.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, THAT:**

Section 1. Order for a Recall Election

- a.) A special recall election is hereby ordered to be held for the purpose of submitting to the qualified voters of the City of McKinney, Texas whether a member of the McKinney City Council shall be removed from or remain in office.
- b.) A special recall election is hereby ordered to be held on Saturday, May 2, 2020, between the hours of 7:00 a.m. and 7:00 p.m. in accordance with the applicable provisions of the Texas Election Code and the City Charter of McKinney, Texas, as amended.

Section 2. Election Ballot Item

- a.) At the special recall election, the following question shall be submitted to the qualified voters of the City of McKinney, Texas:  
  
"Shall La'Shadion Shemwell be removed from the office of McKinney City Council Member (District 1) by recall?"
- b.) Immediately below such question there shall be printed the following propositions, one above the other, in the order indicated:  
  
"For the recall of La'Shadion Shemwell"  
  
"Against the recall of La'Shadion Shemwell"

Section 3. Early Voting Clerk

The Collin County Elections Administrator Bruce Sherbet, 2010 Redbud Blvd., Suite 102, McKinney, Texas 75069, is hereby appointed Early Election Voting Clerk for the purpose of conducting early voting for the special recall election.

Section 4. Early Voting Schedule

Early voting by personal appearance shall be conducted beginning April 20, 2020 and shall close on April 28, 2020. During the lawful early voting by personal appearance period (April 20 through April 28, except April 26,

2020), the Collin County Elections Administrator shall keep the designated early voting polling places open for early voting at follows:

Monday, April 20, 2020 .....8:00 a.m. to 5:00 p.m.  
Tuesday, April 21, 2020 .....8:00 a.m. to 5:00 p.m.  
Wednesday, April 22, 2020 .....8:00 a.m. to 5:00 p.m.  
Thursday, April 23, 2020 .....8:00 a.m. to 7:00 p.m.  
Friday, April 24, 2020 .....8:00 a.m. to 5:00 p.m.  
Saturday, April 25, 2020 .....8:00 a.m. to 5:00 p.m.  
Sunday, April 26, 2020 ..... no voting  
Monday, April 27, 2020 .....7:00 a.m. to 7:00 p.m.  
Tuesday, April 28, 2020 .....7:00 a.m. to 7:00 p.m.

Section 5. Election Day & Early Voting Polling Places

- a) The polling places are identified in Exhibit "A" attached hereto and incorporated herein by reference as a part hereof for all purposes. The election officers and maximum number of clerks for each polling place shall be determined and appointed in accordance with the provisions of an election services contract to be executed with the Collin County Elections Administrator.
- b) All applications for an Early Voting mail ballot shall be received and processed by the Collin County Elections Department, 2010 Redbud Blvd., Suite 102, McKinney, Texas 75069.

Section 6. Voting Method

The method of voting, the ExpressVote Universal Voting System, EVS 6.0.2.0 consisting of Electionware election management software, ExpressVote ballot marking device, ExpressTouch curbside voting device, DS200 precinct tabulator/scanner, DS450 high speed central scanner, and DS850 high speed central scanner, is hereby adopted for Early Voting in Person, Early Voting by Mail, Election Day Voting and Provisional Voting.

Section 7. Notice of Election

- a)\_The Notice of Election, in accordance with Texas Election Code Section 4.003(a)(1), shall be published at least one (1) time, not earlier than thirty (30) days nor later than ten (10) days before the election day in the McKinney Courier Gazette and Celina Record newspapers.
- b) The Notice of Election, in accordance with Texas Election Code Section 4.003(a)(2), shall be posted on the bulletin board used for posting notices of the meetings of the City Council at least twenty-one (21) days before the election day.

Section 8. Canvass Returns of Election

- a) The official canvass, by the City Council, will be held in accordance with Texas Election Code Section 67.003 between the third (3<sup>rd</sup>) and eleventh (11<sup>th</sup>) day after the election day.
- b) The Notice of the Meeting to Canvass Election Returns will be posted at least seventy-two (72) hours before the scheduled time of the meeting in accordance with Texas Government Code Chapter 551.

Section 10. A copy of this Ordinance will be delivered to the Collin County Election Clerk not later than the 60<sup>th</sup> day before the election day.

Section 11. This Ordinance and all other related documents shall be printed in both English and Spanish in accordance with all legal requirements.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ON THIS 21st DAY OF JANUARY, 2020.

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GEORGE C. FULLER  
Mayor

CORRECTLY ENROLLED:

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EMPRESS DRANE  
City Secretary  
LISA SEWELL  
Deputy City Secretary

DATE: \_\_\_\_\_

APPROVED AS TO FORM:

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MARK S. HOUSER, City Attorney

**EXHIBIT A**

**EARLY VOTING POLLING LOCATIONS**

<b>POLLING PLACE</b>	<b>ADDRESS</b>
Collin County Election Office (Main Early Voting Location)	2010 Redbud Blvd., Suite #102 McKinney, Texas 75069
John & Judy Gay Library	6861 Eldorado Parkway McKinney, Texas 75070
McKinney Fire Station #5	6600 Virginia Parkway McKinney, Texas 75071
Old Settler's Recreation Center	1201 E. Louisiana Street McKinney, Texas 75069
Slaughter Elementary School	2706 Wolford Street McKinney, Texas 75071

\*Qualified voters may vote at any Early Voting locations, including any additional Early Voting locations open under full contract services with the Collin County Elections Administration.

**ELECTION DAY POLLING LOCATIONS**

<b>POLLING PLACE</b>	<b>ADDRESS</b>
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