

ORDINANCE NO. 2022-10-XXX ENG

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, CALLING A SPECIAL ELECTION FOR NOVEMBER 8, 2022, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY OF MCKINNEY, TEXAS, ONE (1) LOCAL OPTION ELECTION PROPOSITION TO CONSIDER LEGALIZING THE SALE OF ALL ALCOHOLIC BEVERAGES FOR OFF-PREMISE CONSUMPTION ONLY; DESIGNATING POLLING PLACES; APPOINTING THE EARLY VOTING POLLING PLACE; DESIGNATING THE EARLY VOTING CLERK; AND PROVIDING FOR NOTICE AND PUBLICATION OF THE ELECTION

WHEREAS, pursuant to and consistent with Chapter 501 of the Texas Election Code, the City of McKinney, Texas (“City”), received a petition requesting a local option election be held to consider the legal sale of all alcoholic beverages for off-premise consumption only; and

WHEREAS, pursuant to Sections 501.031 and 501.109 of the Texas Election Code, the City Secretary verified the petition submitted to the City, and determined the petition contained the requisite number of signatures of eligible voters of the City; and

WHEREAS, Section 41.001(a) of the Texas Election Code establishes November 8, 2022 as a uniform election date for the City; and

WHEREAS, Section 3.005(c) of the Texas Election Code requires the City to call the election at least seventy-eight (78) days before the uniform election date; and

WHEREAS, the meeting at which this Ordinance is considered is open to the public as required by law, is a regular meeting of the City Council, and public notice of the time, place, and purpose of said meeting was given as required by Section 551.043 of the Texas Government Code.

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

Section 1. All of the above premises are hereby found to be true and correct and are hereby incorporated into the body of this Ordinance as if fully set forth herein.

Section 2. Order for a Special Election

(a) A special election is hereby called for the purpose of submitting to the qualified voters of the City of McKinney, Texas, whether to legalize the sale of all alcoholic beverages for off-premise consumption only.

(b) A special election is hereby ordered to be held on Tuesday, November 8, 2022, 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 3. Special Election Ballot Item

(a) At the special election, the following issue shall be submitted to the qualified voters of the City of McKinney, Texas, in accordance with Section 501.035 of the Texas Election Code:

CITY OF MCKINNEY, TEXAS, PROPOSITION A

“The legal sale of all alcoholic beverages for off-premise consumption only”

(b) Immediately below such issue there shall be printed the following propositions, one above the other, in the order indicated:

“For

Against”

Section 4. 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 election.

Section 5. Early Voting Schedule

Early voting by personal appearance shall be conducted beginning Monday, October 24, 2022 and shall close on Friday, November 4, 2022. During the lawful early voting by personal appearance period (October 24 through November 4), the Collin County Elections Administrator shall keep the designated early voting polling places open for early voting at follows:

Monday,	October 24, 2022.....	8:00 a.m. to 5:00 p.m.
Tuesday,	October 25, 2022.....	8:00 a.m. to 5:00 p.m.
Wednesday,	October 26, 2022.....	8:00 a.m. to 5:00 p.m.
Thursday,	October 27, 2022.....	8:00 a.m. to 5:00 p.m.
Friday,	October 28, 2022.....	8:00 a.m. to 5:00 p.m.
Saturday,	October 29, 2022.....	7:00 a.m. to 7:00 p.m.
Sunday,	October 30, 2022.....	11:00 a.m. to 5:00 p.m.
Monday,	October 31, 2022.....	7:00 a.m. to 7:00 p.m.
Tuesday,	November 1, 2022.....	7:00 a.m. to 7:00 p.m.
Wednesday,	November 2, 2022.....	7:00 a.m. to 7:00 p.m.
Thursday,	November 3, 2022.....	7:00 a.m. to 7:00 a.m.
Friday,	November 4, 2022.....	7:00 a.m. to 7:00 p.m.

Section 6. 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 7. Voting Method

The method of voting to be used in the special election on Election Day, Tuesday, November 8, 2022, Early Voting in Person, Early Voting by Mail, and Provisional Voting, will be 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, in accordance with the Texas Election Code.

Section 8. 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 9. 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 (3rd) and eleventh (11th) 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 60th 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.

Section 12. This Ordinance shall become effective from and after its passage.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ON THIS THE 15TH DAY OF MARCH 2022.

GEORGE C. FULLER
Mayor

ATTEST:

EMPRESS DRANE
City Secretary
JOSHUA STEVENSON
Deputy City Secretary

DATE: _____

APPROVED AS TO FORM:

MARK S. HOUSER
City Attorney

EXHIBIT A

EARLY VOTING VOTING POLLING LOCATIONS

LOCATION NAME	ADDRESS
Collin County Election Office (Main Early Voting Location)	2010 Redbud Blvd., Suite #102 McKinney, Texas 75069
Library – John & Judy Gay Meeting Room	6861 W Eldorado Parkway McKinney, Texas 75070
McKinney Fire Station #5 Community Room	6600 Virginia Parkway McKinney, Texas 75071
McKinney Fire Station #9 Community Room	4900 Summit View Drive McKinney, Texas 75071
Old Settler’s Recreation Center North Lounge	1201 E Louisiana Street McKinney, Texas 75069

Qualified voters residing in any city election precinct (Precincts a, b, c, d, etc.) may vote at any Early Voting location, including any additional Early Voting location open under full contract services with the Collin County Elections Administration.

ELECTION DAY POLLING LOCATIONS

LOCATION NAME	ADDRESS
Collin County Election Office	2010 Redbud Blvd., Suite #102 McKinney, Texas 75069
Library – John & Judy Gay Meeting Room	6861 W Eldorado Parkway McKinney, Texas 75070
McKinney Fire Station #5 Community Room	6600 Virginia Parkway McKinney, Texas 75071
McKinney Fire Station #9 Community Room	4900 Summit View Drive McKinney, Texas 75071
Old Settler’s Recreation Center North Lounge	1201 E Louisiana Street McKinney, Texas 75069

Qualified voters residing in any city election precinct (Precincts a, b, c, d, etc.) may vote at any Election Day Voting location, including any additional Election Day Voting location open under full contract services with the Collin County Elections Administration.