

AN ORDINANCE **9 6 7 8 9**

**ESTABLISHING THE FILING PROCEDURES FOR
CANDIDATES FOR THE CITY OF SAN ANTONIO CITY
COUNCIL AND REPEALING ORDINANCE NO. 92954,
PASSED ON NOVEMBER 30, 2000.**

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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 (Section 143.004) 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 Texas Election Code stipulates that the application for a designated place on the ballot must be filed no later than 5:00 PM of the 45th day before election day, that it may not be filed earlier than the 30th day before the date of the filing deadline (Section 143.007), and that it must be accompanied by 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, which states that where a Charter provides for a petition in connection with a candidate’s application, the minimum number of signatures that must appear on the petition is the greater of 25 or one half of one

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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; 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, the Texas Election Code (Section 146.054) requires that a declaration of write-in candidacy must be filed by 5:00 PM of the fifth (5th) day after the regular filing deadline; and

WHEREAS, Title 15 of the Texas Election Code entitled "Regulating Political Funds and Campaigns" requires keeping of records and filing of Campaign and Expenditure Statements 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; **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 beginning May 1, 1977, 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. The application for candidates for City Council shall be in the form attached hereto and marked as **Attachment I**.

SECTION 3. The declaration for write-in candidacy for City Council shall be in the form attached hereto and marked as **Attachment II**.

SECTION 4. 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**.

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 Index Code 018705, entitled Deposits for Council Candidates, in the General Fund of the City, or such other Fund as identified by the Director of Finance, and shall only be refundable in accordance with the Texas Election Code, Sec. 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 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. As provided in Section 143.007 of the Texas Election Code, an application for a place on the ballot must be filed no later than 5:00 PM of the 45th day before election day. An application may not be filed earlier than the 30th day before the date of the filing deadline. 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. An application filed by mail is considered to be filed at the time of its receipt by the appropriate authority. 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).

SECTION 8. 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 145.091 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 45th day before election day may not withdraw from the election after 5:00 PM of the 36th 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.

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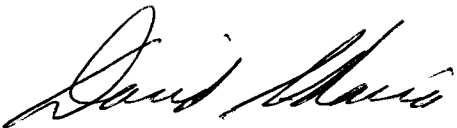
SECTION 9. A write-in candidate may withdraw his or her candidacy by filing a written, signed, and acknowledged withdrawal request with the City Clerk, not later than the 46th day before election day, in accordance with the Texas Election Code, Section 146.0301.

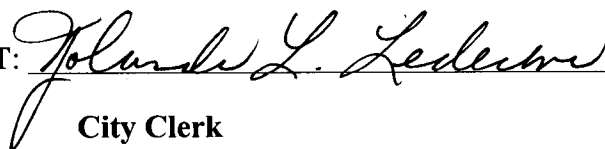
SECTION 10. In the event any candidate for any place on the ballot fails to receive a majority of all votes cast for such a place, a run-off election will be held on Tuesday, May 27, 2003, at which election the two candidates receiving the highest number of votes for any such place in the first election shall be voted for again. (Section 2.025, Texas Election Code).

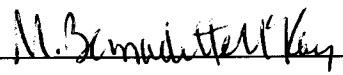
SECTION 11. In order to obtain and maintain uniformity in the application, operation, and interpretation of the election reporting requirements of candidates, the official Campaign Contribution and Expenditure Report for City elections shall be the form issued by the Texas Ethics Commission. A Candidate's packet is available for sale in the Office of the City Clerk. The cost for the packet is \$10.00. Funds received from the sale of the packets will be deposited in Index Code 012849, entitled Reproduction—City Clerk in the General Fund, or such other Fund as identified by the Director of Finance.

SECTION 12. Ordinance No. 92954 passed on November 30, 2000, is hereby repealed. This ordinance shall take effect on the 10th day after passage hereof.

PASSED AND APPROVED, this the 21st day of November, 2002.


MAYOR PRO TEM
for EDWARD D. GARZA

ATTEST: 
City Clerk

APPROVED AS TO FORM: 

for City Attorney