



**An ordinance calling a Special Election on February 3, 2024 for Mayor of the City of Victoria.**

**Whereas** due to Mayor Bauknight announcing his intent to run for Texas House of Representatives for District 30, a special election is needed to fill the vacancy in the office of Mayor;

**Whereas** Article XVI, Section 65(b) of the Constitution of Texas states: "If any of the officers named herein shall announce their candidacy, or shall in fact become a candidate, in any General, Special or Primary Election, for any office of profit or trust under the laws of this State or the United States other than the office then held, at any time when the unexpired term of the office then held shall exceed one year and 30 days, such announcement or such candidacy shall constitute an automatic resignation of the office then held, and the vacancy thereby created shall be filled pursuant to law in the same manner as other vacancies for such office are filled;"

**Whereas** Article II, Section 4 of the City Charter states "In the event of a vacancy in an office of City Council, the effective date of which shall be determined in accordance with the provisions of the Texas Election Code, if there are 180 days or more remaining on the term of the vacated office, the City Council shall call a special election to fill such vacancy. If there are fewer than 180 days remaining in the term of the vacant office, the City Council may, by majority vote of the remaining Members of City Council, at its discretion, leave the position vacant, appoint a new Council Member to fill such vacancy or call a special election to fill such vacancy;"

**Whereas** Article XI, Section 11 (c) of the Texas Constitution states "Any vacancy or vacancies occurring on such governing body shall not be filled by appointment but must be filled by majority vote of the qualified voters at a special election called for such purpose within one hundred and twenty (120) days after such vacancy or vacancies occur except that the municipality may provide by charter or charter amendment the procedure for filling a vacancy occurring on its governing body for an unexpired term of 12 months or less."

**Now therefore, be it ordained by the City Council of the City of Victoria, Texas:**

1. In accordance with the laws of the State of Texas and the Charter of the City of Victoria, Texas, it is ordered that a special election in and throughout the City of Victoria, Texas, for the purpose of electing a Mayor on February 3, 2024, which is not less than 45 days after the date of this ordinance.

2. The Victoria County Elections Administrator is hereby appointed administrator and early voting clerk for this election. The Victoria County Elections Administrator will conduct the election, handle the administrative details, and provide the returns of the city election for canvassing by the City Council, all in accordance with the City Charter and the Constitution and the laws of the State of Texas.

3. The use of a direct recording entry voting system for Election Day and early voting in person is hereby authorized. The use of optically scanned paper ballots for early voting by mail is further authorized.

4. Brenda Hanselka is appointed Presiding Judge of the Early Voting Ballot Board for canvassing the early voting ballots for this election.

5. This ordinance is being called on an emergency basis because a city must order its election as soon as practicable after a vacancy occurs according to the Election Code section 201.051. This ordinance shall become effective immediately upon passage by this City Council by a favorable vote of five or more members of the City Council.

Passed, this the 21st day of November, 2023

Ayes: 5

Nays: 0

Abstentions: 0

Approved and adopted, this the 21st day of November, 2023



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Jeff Bauknight  
Mayor of the City of Victoria



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Allison E. Lacey,  
City Attorney



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April Hilbrich,  
City Secretary

