

ORDINANCE NO. O-26-04

AN ORDINANCE OF THE CITY OF MARSHALL, TEXAS, ORDERING A SPECIAL ELECTION ON PROPOSED AMENDMENTS TO THE HOME RULE CITY CHARTER OF THE CITY OF MARSHALL TO BE HELD ON SATURDAY, MAY 2, 2026; PROVIDING FOR THE PUBLICATION AND POSTING OF NOTICE; PROPOSING AMENDMENTS TO THE HOME RULE CITY CHARTER OF THE CITY OF MARSHALL; PROVIDING FOR EARLY VOTING AND ELECTION DAY VOTING; PROVIDING FOR PERFORMANCE OF REQUIRED ADMINISTRATIVE DUTIES; MAKING PROVISIONS FOR THE CONDUCT OF SUCH ELECTION; CERTIFYING PROVISION OF REQUIRED ACCESSIBLE VOTING SYSTEMS; AND PROVIDING FOR OTHER MATTERS RELATED TO SUCH ELECTION; PROVIDING FOR FINDINGS OF FACT, ENACTMENT, PUBLICATION, SEVERABILITY, REPEALER, PROPER NOTICE AND MEETING; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Marshall, Harrison County, Texas (the “City”), is a duly constituted home-rule municipality operating under the laws of its Charter and the State and Texas, by and through its duly elected City Council Members; and

WHEREAS, the City Council appointed a Charter Commission to review the City Charter for the purpose of making recommendations to the City Council for appropriate amendments to cause the Charter to be approved by the voters at a Special Election called for such purpose on Saturday, May 2, 2026; and

WHEREAS, the Charter Commission completed its review and provided a report of recommendations to the City Council for appropriate amendments to the City Charter; and

WHEREAS, after due consideration, the City Council desires to conduct a Special Election on proposed amendments to the Charter on the Uniform Election Date of Saturday, May 2, 2026; and

WHEREAS, the City finds that this Ordinance was passed and approved at a meeting of the City Council of the City of Marshall held in strict compliance with the Texas Open Meetings Act at which a quorum of the City Council Members were present and voting; and

WHEREAS, the City Council has determined that all prerequisites to the adoption of this Ordinance have been met.

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

SECTION 1. FINDINGS OF FACT. All of the above recitations are found to be true and correct and are incorporated into the body of this Ordinance.

SECTION 2. CALL FOR SPECIAL ELECTION. The City Council hereby calls a Special Election for proposed amendments to the City Charter on the Uniform Election Date of Saturday, May 2, 2026, in accordance with and pursuant to the provisions and requirements of the laws of the State of Texas.

SECTION 3. PROPOSITIONS. The ballot propositions for the proposed amendments to the Home Rule Charter are as follows:

PROPOSITION A

Shall Section 3.07(b)(4) of the Marshall City Charter be amended to delete the word “regular” from the provision so that a Council member may be removed for failure to attend three (3) consecutive City Council meetings including special called meetings?

PROPOSITION B

Shall Section 3.09 be amended to provide that at the first regular meeting of the Council following the City’s general election, the Council shall elect one of its members to serve a two-year term as Mayor and elect one of its members to serve a two-year term as Mayor Pro Tem of the City instead of one-year terms for each position?

PROPOSITION C

Shall Section 4.05 be amended to eliminate the provision giving Council the ability to abolish or combine departments, including the ability to assign or transfer duties, and clarify that except for any City Council-appointed positions the Administrative Organization shall be under the control of the City Manager?

SECTION 4. ELECTION DAY

Election Officers. The City Council hereby appoints the Harrison County Elections Administrator and the Marshall City Secretary as the Election Day Officers for the City of Marshall.

Election Date. This Special Election shall be held jointly, with participating Harrison County political entities/subdivisions, on Saturday, May 2, 2026.

Precincts and Polling Places. The City hereby accepts the election precincts and polling places designated by the Harrison County Elections Administrator and approved by the Harrison County Commissioners Court for such election. The designated polling places for said Election Day shall be open from 7:00 a.m. until 7:00 p.m. Said locations are listed in **Exhibit “A”** of this Ordinance.

Election Judges. The Harrison County Elections Administrator will conduct said election for the City pursuant to the terms of an approved Election Services Contract.

The City Council hereby appoints, for the term of such election, the presiding election judge(s) and alternate election judge(s) as being those designated by the Harrison County Elections Administrator and approved by the Harrison County Commissioners Court.

The Harrison County Elections Administrator is hereby authorized to appoint the number of election clerks necessary to assist in the proper conduct of the election. The appointment of such clerks shall include a person fluent in the Spanish language to serve as a clerk to render oral aid in the Spanish language to any voter desiring such aid at the polls on the day of the election.

SECTION 5. EARLY VOTING

Early Voting Clerk. The City Council hereby appoints the Harrison County Elections Administrator as the Early Voting Clerk for the City of Marshall. The Harrison County Elections Administrator shall appoint the presiding judge(s) for each of said Early Voting and Temporary polling places and is hereby further authorized to appoint additional election clerks (not less than two and not more than six) to assist in conducting said election.

Times for Early Voting. During the period in which early voting is required or permitted by law, that being April 20, 2026 through April 28, 2026, the dates and times designated for early voting by personal appearance shall be designated by the Harrison County Elections Administrator. Said locations, dates, and times for early voting are listed in **Exhibit “A”** of this Ordinance.

Places for Early Voting. Early voting shall be conducted by personal appearance at the early voting polling places designated by the Harrison County Elections Administrator and approved by the Harrison County Commissioners Court. Said locations for early voting are listed in **Exhibit “A”** of this Ordinance.

After the Harrison County Elections Administrator finalizes contracts with all of the potential political entities/subdivisions wanting to participate in the Saturday, May 2, 2026, election a Notice of Election will be posted in English and Spanish by the City Secretary.

Listing the approved early voting locations, dates, and times on the bulletin board used for posting notices of City Council meetings, and same shall be posted not later than the twenty-first (21st) day before the date of the election and shall remain posted through Election Day.

Applications for Ballots by Mail: Applications for ballots by mail must be received, in the office of the Harrison County Elections Administrator, not later than 5:00 p.m. on Monday, April 20, 2026. The Early Voting Clerk’s mailing address to which ballot applications and ballots to be voted by mail may be sent is as follows:

Early Voting Clerk
Harrison County Elections Office
P. O. Box 8409
Marshall, Texas 75671-8409

SECTION 6. EARLY VOTING BALLOT BOARD

An Early Voting Ballot Board is hereby created to process early voting results, and the City hereby appoints the presiding judge of the Early Voting Ballot Board as appointed by the Harrison County Elections Administrator. Such presiding judge shall appoint not less than two (2) other qualified members to serve on such Board.

SECTION 7. CUSTODIAN OF ELECTION RECORDS

Pursuant to the Texas Election Code and the applicable Election Services Contract, the Harrison County Elections Administrator shall be appointed as custodian of voted ballots, and the City Secretary of the City of Marshall will serve as the custodian of all other election records.

SECTION 8. VOTERS

Only resident, qualified voters of the City shall be eligible to vote in the election.

SECTION 9. NOTICE

That notice of the election on the proposed Charter amendments shall be posted on the bulletin board used to post notice of the City Council meetings, be published in a newspaper of general circulation in the City, and must include a substantial copy of the proposed Charter amendments and include an estimate of the anticipated fiscal impact to the City if the proposed amendments are approved at the election. Said notice must be published on the same day in each of two successive weeks, with the first publication occurring no earlier than the thirtieth day and before the fourteenth day before the date of the election. A copy of the published notice that contains the name of the newspaper and the date of publication shall be retained as a record of such notice, and such person posting the notice shall make a record of the time of posting, starting date, and the place of posting.

SECTION 10. VOTING DEVICES

Pursuant to the Election Code and the applicable Election Services Contract, the Harrison County Elections Administrator may use electronic voting systems and corresponding voting devices and equipment in conducting the election. Said election equipment has been certified by the Texas Secretary of State.

The Harrison County Elections Administrator will utilize a central counting station, as provided by Texas Election Code § 127.000 *et seq.*, as amended, on Election Day.

SECTION 11. CONDUCT ACCORDING TO STATUTES

In all substantive respects, the elections shall be conducted in accordance with applicable provisions of the Texas Election Code, any other applicable statutes, and the City of Marshall’s Home Rule Charter.

SECTION 12. ELECTION RESULTS

The Harrison County Elections Administrator shall conduct an unofficial tabulation of results after the closing of the polls on Saturday, May 2, 2026. The official canvass, tabulation and declaration of the results of the elections shall be conducted by the City Council at a regular or special council meeting held in accordance with provisions of the Texas Election Code.

SECTION 13. MANNER OF VOTING. Each Charter amendment submitted must contain only one subject, and the ballot shall be prepared in a manner that the voters may vote “FOR” or “AGAINST” any amendment or amendments without voting “FOR” or “AGAINST” all of said amendments. Each such proposed amendment, if approved by the majority of the qualified voters voting at said election, shall become a part of the Charter of the City of Marshall, Texas.

SECTION 14. PUBLICATION. The City Secretary shall publish this Ordinance on the City’s website, shall publish the adoption of this Ordinance by the City Council in the approved City Council minutes, and in accordance with any state laws.

SECTION 15. SEVERABILITY. The provisions of this Ordinance are severable, and if any sentence, section, or other parts of this Ordinance should be found to be invalid, such invalidity shall not affect the remaining provisions, and the remaining provisions shall continue in full force and effect.

SECTION 16. REPEALER. All ordinances and resolutions and parts thereof in conflict herewith are hereby expressly repealed insofar as they conflict.

SECTION 17. PROPER NOTICE AND MEETING. The City Council hereby finds and declares that written notice of the date, hour, place, and subject of the meeting at which this Ordinance was adopted was posted and that such meeting was open to the public as required by law at all times during which this Ordinance and the subject hereof were discussed, considered, and formerly acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

SECTION 18. EFFECTIVE DATE. This Ordinance shall take effect immediately upon its passage.

[Signatures Follow on Next Page]


PASSED AND APPROVED by the CITY COUNCIL of the CITY OF MARSHALL, TEXAS, on the 12th day of February, 2026, on a vote of 6 AYES; 0 NAYS; and 0 ABSTENTIONS.

CITY OF MARSHALL, TEXAS



Amy Ware, Mayor

ATTEST



Nikki Smith, City Secretary

Proposed To Be Amended

EXHIBIT “A”

EARLY VOTING LOCATIONS

FOR

MARSHALL SPECIAL ELECTION ON CHARTER AMENDMENTS

MAIN EARLY VOTING POLLING PLACE

Harrison County Elections Office
415 E. Burleson St.
Marshall, Texas 75670

<i>Day</i>	<i>Date</i>	<i>Hours of Operation</i>
Monday	April 20, 2026	8:00 a.m. until 5:00 p.m.
Tuesday	April 21, 2026	8:00 a.m. until 5:00 p.m.
Wednesday	April 22, 2026	8:00 a.m. until 5:00 p.m.
Thursday	April 23, 2026	8:00 a.m. until 5:00 p.m.
Friday	April 24, 2026	8:00 a.m. until 5:00 p.m.
Monday	April 27, 2026	7:00 a.m. until 7:00 p.m.
Tuesday	April 28, 2026	7:00 a.m. until 7:00 p.m.

ELECTION DAY VOTING LOCATIONS

**SATURDAY, MAY 2, 2026
7:00 A.M. TO 7:00 P.M.**

FOR

MARSHALL SPECIAL ELECTION ON CHARTER AMENDMENTS

Marshall Convention Center
2501 E. End Blvd. South
Marshall, Texas 75670