11/30/06
Item #40
HV

AN ORDINANCE 2006-11-30-1369

**ESTABLISHING THE FILING PROCEDURES FOR CANDIDATES FOR THE CITY OF SAN ANTONIO MAY 12, 2007 CITY COUNCIL ELECTION AND REPEALING ORDINANCE NO. 100032, PASSED ON NOVEMBER 18, 2004.**

* * * * *

**WHEREAS,** Section 41.001 of the Texas Election Code establishes uniform election dates for municipal City Council elections, and in accordance with this section, the next scheduled municipal election for the City of San Antonio City Council will be conducted on May 12, 2007;

**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 (Sections 143.004 and 143.006) 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,** Section 19 of the Charter requires that candidates filing for office must pay a filing fee of $100.00 or, in lieu therof, a petition with the number of signatures required by Section 143.005 of the Texas Election Code; 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,** Title 15 of the Texas Election Code entitled "Regulating Political Funds and Campaigns" requires keeping of records and filing of Campaign and Expenditure Reports 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 and deadlines; **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.** 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 62nd day before Election day, but not earlier than the 30th day before the date of the filing deadline. The application for candidates for City Council shall be in the form attached hereto and marked as **Attachment I** and must be accompanied by a filing fee of $100.00 or, in lieu thereof, a petition with the requisite number of signatures.

**SECTION 3.** As provided in Section 146.054 of the Texas Electon Code, a declaration of write-in candidacy must be filed not later than 5:00 PM of the fifth day (5th) day after the date an application for a place on the ballot is required to be filed. The declaration for write-in candidacy for City Council shall be in the form attached hereto and marked as **Attachment II** and must be accompanied by a filing fee of $100.00 or, in lieu thereof, a petition with the requisite number of signatures.

**SECTION 4.** The Office of the City Clerk shall receive applications from candidates and the declarations of write-in candidacy during regular office hours, Monday through Friday between th hours of 7:45 AM, and 4:30 PM (except on the date of the filing deadline, which will then be

5:00 PM). An application filed by mail is considered to be filed at the time of its receipt by the apporpriate authority.

**SECTION 5.** The payment of the $100.00 filing fee, required by Section 19 of the Charter, shall be for a designated place on the ballot, shall be deposited in Cost Center 0201010001, Internal Order 202000000010, General Ledger 4401234, entitled "Filing Fee Council," Fund 11, entitled "General Fund," 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 the 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, 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**. As provided in Section 143.005 of the Texas Election Code, the minimum number of signatures that must appear on the petition is the greater of 25 or one half of one 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. 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 Secton 141.067 of the Texas Election Code.

**SECTION 7.** 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 145.001 and 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 62nd day before election day may not withdraw from the election after 5:00 PM of the 53rd 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.

**SECTION 8.** 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 5:00 PM on the 53rd day before election day, in accordance with the Texas Election Code, Section 145.092.

**SECTION 9.** Candidate for Mayor and City Council are required to comply with the requirements of Title 15 of the Texas Election Code entitled "Regulating Political Funds and Campaigns" and Chapter 2, Article VII of the City Code, entitled "Campaign Finance Regulations." In order to obtain and maintain uniformity in the applicaton, 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. Candidates for Mayor and City Council are required to file and undate electronic reports with the Office of the City Clerk.

**SECTION 10.** A Candidate's packet is available for sale in the Office of the City Clerk. The administrative cost for the packet is $10.00. Funds received from the sale of the packets shall be deposited in Cost Center 0201010001, Internal Order 202000000010, General Ledger 4401800, entitled "Other – Sale and Services of Publications," Fund 11, entitled "General Ledger".

**SECTION 11.** In the event any candidate for any place on the ballot fails to received a majority of all votes cast for such place, a run-off election will be held on Tuesday, June 12, 2007 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 (Sections 2.021 through 2.025, Texas Election Code).

**SECTION 12.** The financial allocations in the Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific Cost Centers, WBS Elements, Interal Orders, General Ledger Accounts, and Fund Numbers as necessary to carry out the purpose of this Ordinance.

**SECTION 13.** Ordinance No. 100032 passed on November 18, 2004, is hereby repealed.

**SECTION 14.** This ordinance shall take effect on the 10th day after passage hereof.

**PASSED AND APPROVED**, this the 30th day of November, 2006.

**M A Y O R**

**PHIL HARDBERGER**

**ATTEST:** _____

**City Clerk**

**APPROVED AS TO FORM:** _____

**City Attorney**

Attachment 1

A2-15PM
Prescribed by Secretary of State
Sections 141.031, 143.004, 143.006, Texas Election Code
9/03

**All information is required to be provided unless indicated as optional.** *(Se requiere toda la información, a menos que haya alguna indicación que no es obligatoria.)*

**APPLICATION FOR A PLACE ON THE CITY OF _____ GENERAL ELECTION BALLOT**
*(APLICACION PARA UN LUGAR EN LA BOLETA DE LA CIUDAD DE _____ GENERAL ELECCION)*

TO: City Secretary
*(A: Secretario(a) de la Ciudad)*

I request that my name be placed on the above-named official ballot as a candidate for the office indicated below.
*(Solicito que mi nombre esté puesto en la arriba nombrada boleta como candidato para puesto oficial indicado abajo.)*

| | |
|---|---|
| **OFFICE SOUGHT** *(PUESTO OFICIAL SOLICITADO)*<br>Include any place number or other distinguishing number.<br>*(Incluya cualquier número de lugar u otro número que hace el puesto oficial diferente a otros.)* | **INDICATE FULL OR UNEXPIRED TERM**<br>*(INDIQUE SI EL TERMINO DEL PUESTO OFICIAL ES TERMINO COMPLETO O NO COMPLETADO)* |
| **FULL NAME (First, Middle, Last)**<br>*(NOMBRE COMPLETO) (Nombre de Pila, Segundo Nombre, Apellido)* | **PRINT NAME AS YOU WANT IT TO APPEAR ON THE BALLOT**<br>*(ESCRIBA SU NOMBRE COMO DESEA QUE APAREZCA SOBRE LA BOLETA)* |
| **PERMANENT RESIDENCE ADDRESS Street address and apartment number. If none, describe location of residence (do not include P.O. Box or Rural Rt.)** *(DIRECCION DE RESIDENCIA PERMANENTE: Calle y Número de Departamento: si no tiene, describa la localidad de su residencia. No incluya su caja postal o ruta rural.)*<br>**CITY, STATE** *(CIUDAD), (ESTADO)* **ZIP** *(ZONA POSTAL)* | **MAILING ADDRESS (If different from residence address)**<br>*(DIRECCION POSTAL (Si es diferente a su dirección de residencia))*<br>**CITY, STATE** *(CIUDAD), (ESTADO)* **ZIP** *(ZONA POSTAL)* |
| **OCCUPATION** *(EMPLEO)*<br>**DATE OF BIRTH** *(FECHA DE NACIMIENTO)* | **VOTER REGISTRATION CERTIFICATE NUMBER (if applicable)**<br>*(NUM. DE CERT. DE VOTANTE (si aplicable))* |

| **TELEPHONE NUMBER (Include area code) (Optional)** *(NUMERO DE TELEFONO—Incluya el codigo de la areá) (Facultativo)* | **Length of Continuous Residence as of Date Application Sworn** *(Tiempo en que ha Residido en un Solo Lugar en la Fecha en que Prestó Juramento Sobre la Solicitud)* | | |
|---|---|---|---|
| | **IN STATE** *(EN EL ESTADO)* | **IN CITY** *(EN EL CUIDAD)* | **IN DISTRICT OR PRECINCT** *(EN EL DISTRITO O PRECINTO)* |
| **OFFICE:** *(DE SU OFICINA:)* | | | |
| **HOME:** *(DE SU DOMICILIO:)* | _____ yr(s) _____ mos *(año(s) (mes(es))* | _____ yr(s) _____ mos *(año(s) (mes(es))* | _____ yr(s) _____ mos *(año(s) (mes(es))* |

**Before me, the undersigned authority, on this day personally appeared _____, who being by me here and now duly sworn, upon oath says: "I, _____, of _____ County, Texas, being a candidate for the office of _____, swear that I will support and defend the Constitution and laws of the United States and of the State of Texas. I am a citizen of the United States eligible to hold such office under the Constitution and laws of this state. I have not been declared mentally incompetent as determined by final judgment of a court, nor have I been finally convicted of a felony for which I have not been pardoned or had my full rights of citizenship restored by other official action. I am aware of the nepotism law, Chapter 573, Government Code.**

**If using a nickname as part of your name to appear on the ballot, you are also signing and swearing to the following statements: I further swear that my nickname does not constitute a slogan nor does it indicate a political, economic, social, or religious view or affiliation. I have been commonly known by this nickname for at least three years prior to this election.**

**I further swear that the foregoing statements included in my application are in all things true and correct."**

*(Ante mi, la autoridad, suscrita apareció en persona _____, quien habiendo aquí y ahora prestado juramento debido, bajo juramento dice: "Yo, _____, del condado de _____, Texas, siendo candidato para el puesto oficial de _____solemnemente juro que apoyaré y defenderé la Constitución y las leyes de los Estados Unidos y del Estado de Texas. Soy ciudadano de los Estados Unidos elegible para ocupar tal puesto oficial bajo la Constitución y las leyes de este Estado. No he sido declarado incapacitado de la mente como determinado por la decisión final de una corte, ni he sido probado culpable finalmente de una felonía por la cual no he sido perdonado o por la cual no se me han restituido enteramente mis derechos de ciudadanía por medio de otra acción oficial. Yo tengo conocimiento de la ley sobre el nepotismo según el capítulo 573 de Código Gobierno.*

*Para poder incluir un apodo como parte de su nombre completo en la boleta, Ud.debera firmar la siguiente constancia: Ademas, juro que se me ha conocido por este apodo por mas de tres años. Ademas, juro que el apodo no es un lema politico ni una indicacion de mis creencias o afiliaciones politicas, economicas, sociales, o religiosas.*

*Además juro que las precedentes declaraciones que incluyo en mi solicitud son verdaderas y están correctas en todo sentido.")*

X _____
**SIGNATURE OF CANDIDATE** *(FIRMA DEL CANDIDATO)*

Sworn to and subscribed before me at _____, this the _____ day of _____, 20 _____.
*(Jurado y suscrito ante mí en _____, este día _____ de _____, 20 _____.)*

**SEAL**
***(SELLO)***

_____
**Signature of Officer administering oath** [1]
*(Firma del oficial administrando el juramento)*

_____
**Title of Officer administering oath**
*(Título del oficial administrando el juramento)*

**TO BE COMPLETED BY CITY SECRETARY:**

_____
**Date received** **Signature of City Secretary**

# INSTRUCTIONS

An application to have the name of a candidate placed on the ballot for any election may not be filed earlier than 30 days before the deadline prescribed by this code for filing the application. An application filed before that day is void.

The filing deadline is 5:00 p.m. 62 days prior to the election day.

The candidate **must** sign this statement indicating his awareness of the nepotism law. The nepotism prohibitions of chapter 573, Government Code, are summarized below:

No officer may appoint, or vote for or confirm the appointment or employment of any person related within the second degree by affinity (marriage) or the third degree by consanguinity (blood) to himself, or to any other member of the governing body or court on which he serves when the compensation of that person is to be paid out of public funds or fees of office. However, nothing in the law prevents the appointment, voting for, or confirmation of anyone who has been continuously employed in the office or employment for the following period prior to the election or appointment of the officer or member related to the employee in the prohibited degree: six months, if the officer or member is elected at an election other than the general election for state and county officers.

No candidate may take action to influence an employee of the office to which the candidate is seeking election or an employee or officer of the governmental body to which the candidate is seeking election regarding the appointment or employment of a person related to the candidate in a prohibited degree as noted above. This prohibition does not apply to a candidate's actions with respect to a bona fide class or category of employees or prospective employees.

Examples of relatives within the third degree of consanguinity are as follows:

(1) First degree: parent, child;
(2) Second degree: brother, sister, grandparent, grandchild;
(3) Third degree: great-grandparent, great-grandchild, uncle, aunt, nephew, niece.

These include relatives by blood, half-blood, and legal adoption.

Examples of relatives within the second degree of affinity are as follows:

(1) First degree: spouse, spouse's parent, son-in-law, daughter-in-law;
(2) Second degree: brother's spouse, sister's spouse, spouse's brother, spouse's sister, spouse's grandparent.

Persons related by affinity (marriage) include spouses of relatives by consanguinity, and, if married, the spouse and the spouse's relatives by consanguinity. These examples are not all inclusive.

## *INSTRUCCIONES*

*Una aplicación para que le nombre de un candidato aparezca en la boleta para cualquier elección no deberá registrarse antes de 30 días antes del último día para registrar la aplicación como prescribe este código. Una aplicación registrada antes de ese día se declará inválida.*

*El último día para registrarse el 5:00 p.m. a lo menos 62 días antes del día de la elección.*

*El candidato **deberá** firmar esta declaración indicando que él/ella está enterado(a) de la ley sobre el nepotismo. Lo siguiente es un resumen de las prohibiciones del nepotismo de acuerdo al capítulo 573 de Código Gobierno:*

*Ningún oficial podrá nombrar, o votar por o confirmar el nombramiento o empleo de alguna persona que está emparentada con él dentro del segundo grado por afinidad (matrimonio) o dentro del tercer grado por consanguinidad (sangre), o que está emparentada con cualesquier otro miembro del cuerpo directivo o corte en que él/ella celebra sesión cuando la compensación de esa persona estará pagada con fondos públicos o los honorarios del puesto oficial. Sin embargo, la ley no prohibe el nombramiento, el votar por, o la confirmación de alguna persona que continuadamente ha sido empleado de la oficina o ha sido empleado durante el siguiente plazo antes de la elección o el nombramiento del oficial o miembro que está emparentado con el empleado en el grado prohibido: seis meses, si el oficial o miembro está elegido en una elección otra de la elección general para oficials del estado y del condado.*

*Ningún candidato podrá obrar para influir a un empleado del puesto oficial al cual el candidato desea estar elegido o un empleado o oficial del cuerpo fiscal al cual el candidato desea estar elegido en cuanto al nombramiento o al empleo de una persona que está emparentada con el candidato en un grado prohibido como notado arriba. Esta restricción no se dirige a las acciones de un candidato respecto a una clase o categoría de buena fe de empleados o empleados anticipados.*

*Los ejemplos de parientes dentro del tercer grado de consanguinidad son los siguientes:*

*(1) Primer grado: padre, madre, hijo(a);*
*(2) Segundo grado: hermano(a), abuelo(a), nieto(a) primo(a);*
*(3) Tercer grado: bisabuelo(a), bisnieto(a), tío(a), sobrino(a).*

*Los siguientes incluyen parientes de linaje (sangre), medios hermanos, y adopción legal.*

*Los ejemplos de parientes dentro del segundo grado de afinidad son los siguientes:*

*(1) Primer grado: esposo(a), suegro(a), yerno(a);*
*(2) Segundo grado: cuñado(a), abuelo(a) del esposo o esposa.*

*Las personas que están emparentadas por afinidad (matrimonio) están incluyen los esposos o esposas de parientes que están emparentados por consanguinidad, y, si casados, el esposo o esposa y los parientes del esposo o esposa por consanguinidad. No todos estos ejemplos son inclusivos.*

## FOOTNOTE

[1]All oaths, affidavits, or affirmations made within this State may be administered and a certificate of the fact given by a judge, clerk, or commissioner of any court of record; a notary public; a justice of the peace; and the City Secretary; Secretary of State of Texas.

*NOTA AL PIE DE LA PAGINA*

*[1]Todo juramento, testimonio o afirmación hecho dentro de este Estado se podrá administrar y se podrá dar un certificado del hecho por un juez, escribano, o comisionado de alguna corte de registro; un notario público; un juez de paz; y el Secretario del Estado de Texas.*

A2-11PM, 9/01
Prescribed by Secretary of State
Section 146.054 Texas Election Code, Section 11.056 Education Code,
Section 49.101 Water Code

Attachment II

**All information is required to be provided unless indicated as optional.** *(Se requiere toda la información, a menos que haya alguna indicación que no es obligatoria.)*

## DECLARATION OF WRITE-IN CANDIDACY FOR _____

*(DECLARACION DE SER UN CANDIDATO ELEGIBLE PARA RECIBIR VOTOS POR INSERCION ESCRITA _____)*

TO: Filing Officer
*(A: Oficial encargado)*

I declare that I am a write-in candidate for the office indicated below.
*(Por la presente declaro soy un candidato para recibir votos por inserción escrita para el puesto oficial indicado abajo.)*

**OFFICE SOUGHT** *(PUESTO OFICIAL SOLICITADO)*
Include any place number or other distinguishing number.
*(Incluya cualquier número de lugar u otro número que hace el puesto oficial diferente a otros.)*

**INDICATE FULL OR UNEXPIRED TERM**
*(INDIQUE SI EL TERMINO DEL PUESTO OFICIAL ES TERMINO COMPLETO O NO COMPLETADO)*

**FULL NAME (First, Middle, Last)**
*(NOMBRE COMPLETO) (Nombre de Pila, Segundo Nombre, Apellido)*

**PRINT NAME AS YOU WANT IT TO APPEAR ON THE LIST OF DECLARED WRITE-IN CANDIDATES**
*(ESCRIBA SU NOMBRE COMO DESEA QUE APAREZCA SOBRE LA LISTA DE CANDIDATOS DELARADO PARA INSERCION POR MANO)*

**PERMANENT RESIDENCE ADDRESS Street address and apartment number. If none, describe location of residence (do not include P.O. Box or Rural Rt.)** *(DIRECCION DE RESIDENCIA PERMANENTE: Calle y Número de Departamento: si no tiene, describa la localidad de su residencia. No incluya su caja postal o ruta rural.)*

**CITY, STATE** *(CIUDAD), (ESTADO)* **ZIP** *(ZONA POSTAL)*

**MAILING ADDRESS (If different from residence address)**
*(DIRECCION POSTAL (Si es diferente a su dirección de residencia))*

**CITY, STATE** *(CIUDAD), (ESTADO)* **ZIP** *(ZONA POSTAL)*

**OCCUPATION** *(EMPLEO)*

**DATE OF BIRTH** *(FECHA DE NACIMIENTO)*

**VOTER REGISTRATION CERTIFICATE NUMBER (if applicable)**[1]
*(NUM. DE CERT. DE VOTANTE (si aplicable))*

**TELEPHONE NUMBER (Include area code) (Optional)**
*(NUMERO DE TELEFONO—Incluya el codigo de la areá) (Facultativo)*

**Length of Continuous Residence as of Date Application Sworn**
*(Tiempo en que ha Residido en un Solo Lugar en la Fecha en que Prestó Juramento Sobre la Solicitud)*

| | INSTATE *(EN EL ESTADO)* | POLITICAL SUBDIVISION *(POLITICO SUBDIVISION)* | IN SINGLE-MEMBER DISTRICT (if applicable, or precinct) *(EN EL DISTRITO UNI-MIEMBRO (si aplicable o precinto))* |
|---|---|---|---|
| **OFFICE:** *(DE SU OFICINA:)* | ____ yr(s) ____ mos *(año(s) (mes(es))* | ____ yr(s) ____ mos *(año(s) (mes(es))* | ____ yr(s) ____ mos *(año(s) (mes(es))* |
| **HOME:** *(DE SU DOMICILIO:)* | | | |

**Before me, the undersigned authority, on this day personally appeared _____, who being by me here and now duly sworn, upon oath says: "I, _____, of _____ County, Texas, being a candidate for the office of _____, swear that I will support and defend the Constitution and laws of the United States and of the State of Texas. I am a citizen of the United States eligible to hold such office under the Constitution and laws of this state. I have not been declared mentally incompetent as determined by final judgment of a court, nor have I been finally convicted of a felony for which I have not been pardoned or had my full rights of citizenship restored by other official action. I am aware of the nepotism law, Chapter 573, Government Code.**

**If using a nickname as part of your name to appear on the ballot, you are also signing and swearing to the following statements: I further swear that my nickname does not constitute a slogan nor does it indicate a political, economic, social, or religious view or affiliation. I have been commonly known by this nickname for at least three years prior to this election.**

**I further swear that the foregoing statements included in my application are in all things true and correct."**

*(Ante mi, la abajo firmado autoridad, apareció en persona la persona nombrada quien habiendo aquí y ahora prestado juramento debido, bajo juramento dice: "Yo, _____, del condado de _____, Texas, siendo candidato para el puesto oficial de _____ solemnemente juro que apoyaré y defenderé la Constitución y las leyes de los Estados Unidos y del Estado de Texas. Soy ciudadano de los Estados Unidos elegible para ocupar tal puesto oficial bajo la Constitución y las leyes de este Estado. No he sido declarado incapacitado de la mente como determinado por la decisión final de una corte, ni he sido probado culpable finalmente de una felonía por la cual no he sido perdonado o por la cual no se me han restituido enteramente mis derechos de ciudadanía por medio de otra acción oficial. Yo tengo conocimiento de la ley sobre el nepotismo según el capítulo 573 de Código Gobierno.*

*Para poder incluir un apodo como parte de su nombre completo el la papeleta, Ud.debera firmar la siguiente constancia: Ademas, juro que se me ha conocido por este apodo por mas de tres anos. Ademas, juro que el apodo no es un lema politico ni una indicacion de mis creencias o afiliaciones politicas, economicas, sociales, o religiosas.*

*Además juro que las precedentes declaraciones que incluyo en mi solicitud son verdaderas y están correctas en todos sentidos.")*

X _____
**SIGNATURE OF CANDIDATE** *(FIRMA DEL CANDIDATO)*

Sworn to and subscribed before me at _____, this the _____ day of _____, _____.
*(Jurado y suscrito ante mi en _____, este día _____ de _____. _____)*

_____
**Signature of Officer administering oath** [1]
*(Firma del oficial administrando el juramento)*

_____
**Title of Officer administering oath**
*(Título del oficial administrando el juramento)*

**SEAL**
***(SELLO)***

**TO BE COMPLETED BY FILING OFFICER:**

_____
**Date received** **Signature of Filing Officer**

## INSTRUCTIONS

1. The declaration of write-in candidacy is filed with the City Secretary, Secretary of Board of Trustees, or Secretary of Board of Directors for a Water District.
2. The declaration must be received by the filing officer not later than 5:00 p.m. of the 5th day after the date an application for a place on the ballot is required to be filed. Mailing without a delivery by the deadline is not sufficient. The declaration may not be filed earlier than 30 days before the deadline for filing the application. A declaration filed before that day is void.

The candidate **must** sign this statement indicating his awareness of the nepotism law. The nepotism prohibitions of chapter 573, Government Code, are summarized below:

No officer may appoint, or vote for or confirm the appointment or employment of any person related within the second degree by affinity (marriage) or the third degree by consanguinity (blood) to himself, or to any other member of the governing body or court on which he serves when the compensation of that person is to be paid out of public funds or fees of office. However, nothing in the law prevents the appointment, voting for, or confirmation of anyone who has been continuously employed in the office or employment for the following period prior to the election or appointment of the officer or member related to the employee in the prohibited degree: six months, if the officer or member is elected at an election other than the general election for state and county officers.

No candidate may take action to influence an employee of the office to which the candidate is seeking election or an employee or officer of the governmental body to which the candidate is seeking election regarding the appointment or employment of a person related to the candidate in a prohibited degree as noted above. This prohibition does not apply to a candidate's actions with respect to a bona fide class or category of employees or prospective employees.

Examples of relatives within the third degree of consanguinity are as follows:

(1) First degree: parent, child;
(2) Second degree: brother, sister, grandparent, grandchild;
(3) Third degree: great-grandparent, great-grandchild, uncle, aunt, nephew, niece.

These include relatives by blood, half-blood, and legal adoption.

Examples of relatives within the second degree of affinity are as follows:

(1) First degree: spouse, spouse's parent, son-in-law, daughter-in-law;
(2) Second degree: brother's spouse, sister's spouse, spouse's brother, spouse's sister, spouse's grandparent.

Persons related by affinity (marriage) include spouses of relatives by consanguinity, and, if married, the spouse and the spouse's relatives by consanguinity. These examples are not all inclusive.

## *INSTRUCCIONES*

*1. La declaración de un candidato para estar elegible para recibir votos por inserción escrita se registra con el Secretario(a) de la cuidad, Secretario(a) de la Junta de Regentes, o Secretario(a) de la Junta de Directores para undistrito de aguas.*
*2. La declaración que todo candidato está obligado a presentar ante el funcionario quien recibe los avisos de candidatura deberá estar en manos del mismo para las 5:00 p.m. del 5° día después de la fecha límite para la presentacion de los avisos de aquellos candidatos quienes desean aparecer en la papeleta electoral. No es suficiente enviarla sin engregarse el último día para registrarse. La declaración no deberá registrarse antes de 30 días antes del último día para registrar la aplicación. Una declaración registrada antes de ese día se declará inválida.*

*El candidato deberá firmar esta declaración indicando que él/ella está enterado(a) de la ley sobre el nepotismo. Lo siguiente es un resumen de las prohibiciones del nepotismo de acuerdo de capitulo 573 de Código Gobierno:*

*Ningún oficial podrá nombrar, o votar por o confirmar el nombramiento o empleo de alguna persona que está emparentada con él dentro del segundo grado por afinidad (matrimonio) o dentro del tercer grado por consanguinidad (sangre), o que está emparentada con cualesquier otro miembro del cuerpo directivo o corte en que él/ella celebra sesión cuando la compensación de esa persona estará pagada con fondos públicos o los honorarios del puesto oficial. Sin embargo, la ley no prohibe el nombramiento, el votar por, o la confirmación de alguna persona que continuadamente ha sido empleado de la oficina o ha sido empleado durante el siguiente plazo antes de la elección o el nombramiento del oficial o miembro que está emparentado con el empleado en el grado prohibido: seis meses, si el oficial o miembro está elegido en una elección otra de la elección general para oficials del estado y del condado.*

*Ningún candidato podrá obrar para influir a un empleado del puesto oficial al cual el candidato desea estar elegido o un empleado o oficial del cuerpo fiscal al cual el candidato desea estar elegido en cuanto al nombramiento o al empleo de una persona que está emparentada con el candidato en un grado prohibido como notado arriba. Esta restricción no se dirige a las acciones de un candidato respecto a una clase o categoría de buena fe de empleados o empleados anticipados.*

*Los ejemplos de parientes dentro del tercer grado de consanguinidad son los siguientes:*

*(1) Primer grado: padre, madre, hijo(a);*
*(2) Segundo grado: hermano(a), abuelo(a), nieto(a) primo(a);*
*(3) Tercer grado: bisabuelo(a), bisnieto(a), tío(a), sobrino(a).*

*Los siguientes incluyen parientes de linaje (sangre), medios hermanos, y adopción legal.*

*Los ejemplos de parientes dentro del segundo grado de afinidad son los siguientes:*

*(1) Primer grado: esposo(a), suegro(a), yerno(a);*
*(2) Segundo grado: cuñado(a), abuelo(a) del esposo o esposa.*

*Las personas que están emparentadas por afinidad (matrimonio) están incluyen los esposos o esposas de parientes que están emparentados por consanguinidad, y, si casados, el esposo o esposa y los parientes del esposo o esposa por consanguinidad. No todos estos ejemplos son inclusivos.*

## FOOTNOTE

[1]For school board elections, no person may be elected unless he or she is a qualified voter (registered voter) of the school district.

[2]All oaths, affidavits, or affirmations made within this State may be administered and a certificate of the fact given by a judge, clerk, or commissioner of any court of record; a notary public; a justice of the peace; and the Secretary of State of Texas.

### *NOTA AL PIE DE LA PAGINA*

*[1]Para elecciones en el districto escolar, ninguna persona puede ser eligido a menos que sea una votante registrada en el distrito escolar.*

*[2]Todo juramento, testimonio o afirmación hecho dentro de este Estado se podrá administrar y se podrá dar un certificado del hecho por un juez, escribano, o comisionado de alguna corte de registro; un notario público; un juez de paz; y el Secretario del Estado de Texas.*

Attachment III

A2-16PM
Prescribed by Secretary of State
Sections 141.063, 142.007, Election Code 9/05

# PETITION FOR A PLACE ON THE CITY GENERAL ELECTION BALLOT

*(PETICIÓN PARA QUE SU NOMBRE ESTE PUESTO EN LA BOLETA DE LA ELECCIÓN GENERAL DE LA CIUDAD)*

Name of Circulator _____ Page ____ of ____

## COMPLETE ALL BLANKS. *(LLENE TODOS LOS ESPACIOS EN BLANCO.)*

**You are hereby requested to place the name indicated below on the ballot for the next general election for the City of _____ for the office indicated.**
*(Por la presente se le solicita que el nombre del individuo indicado abajo esté puesto en la boleta para la próxima elección general de la Ciudad de _____ para el puesto oficial oficial indicado.)*

| **Name** *(Nombre)*[1] | **Address** *(Dirección)* | **Office sought** *(Puesto oficial solicitado)*[2] |
|---|---|---|
| | | |

**Signing the petition of more than one candidate for the same office in the same election is prohibited.** *(Se prohibe firmar la petición de más de un candidato para el mismo puesto oficial en la misma elección.)*

| **Date Signed** *(Fecha de Firma)* | **Signature** *(Firma)* | **Printed Name** *(Nombre en letra de molde)* | **Street Address (City, Texas, Zip)** *(Dirección de Residencia(Ciudad, Tejas, Código Postal)* | **County** *(Condado)* | **Voter Registration Number** [3] *(Núm. de Registro de Votante)* | **Date of Birth** [3] *(Fecha de Nacimiento)* |
|---|---|---|---|---|---|---|
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## AFFIDAVIT OF CIRCULATOR *(DECLARACIÓN JURADA DE LA PERSONA QUE HACE CIRCULAR LA PETICIÓN)*

**STATE OF TEXAS** *(ESTADO DE TEJAS)* **COUNTY OF** *(CONDADO DE)* _____ **BEFORE ME, the undersigned, on this ___ / ___ / ___ (date) personally appeared** *(ANTE MI, el/la suscrito(a), en este (fecha) compareció)* _____, **(name of person who circulated petition -** *(nombre de la persona que hizo circular la petición)* **who being duly sworn, deposes and says: "I called each signer's attention to the above statements and read them to the signer before the signer affixed their signature to the petition. I witnessed the affixing of each signature. The correct date of signing is shown on the petition. I verified each signer's registration status and believe that each signature is the genuine signature of the person whose name is signed and that the corresponding information for each signer is correct."** *(quien, habiendo prestado el juramento correspondiente, declaró y dijo: "Llamé la atención de cada firmante sobre la declaración citada y se la leí antes de que la suscribiera. Atestigüé cada firma, y la fecha correcta de las firmas consta en la petición. Verifiqué la situación de cada firmante en lo concerniente a su inscripción y creo que cada firma es la auténtica de la persona cuyo nombre aparece firmado y que son exactos los datos correspondientes a cada firmante.")* **SWORN TO AND SUBSCRIBED BEFORE ME THIS DATE** *(JURADO Y SUSCRITO ANTE MI, CON ESTA FECHA)*

X_____ X _____ X _____ (SEAL)

**Signature of circulator** *(Firma de la persona que hizo circular la petición)* **Signature of officer administering oath** *(Firma del/de la funcionario(a) que le tomó juramento)* [4] **Title of officer administering oath** *(Título oficial del/de la funcionario(a) que le tomó juramento)*

**INSTRUCTIONS AND FOOTNOTES ON BACK** *(AL DORSO: INSTRUCCIONES Y ANOTACIONES)*

**INSTRUCTIONS (Petition in City Election) (9/05)**

**The petition shall be filed with the same officer with whom an application for a place on the ballot for the office being sought is to be filed and must be filed at the same time as such application.**

**The petition may consist of several parts, and each part may consist of several pages. The statement in the box at the head of the page must appear at the head of each page of signatures. The affidavit at the bottom of the page must accompany each part but is not required for each page of signatures.**

**The person or persons who circulate the petition must be administered the affidavit by the proper officer.**

*INSTRUCCIONES: (Petición para eleccion de la ciudad)*

*Esta petición deberá presentarse ante el mismo oficial a quien se solicite inscripción en la boleta para el puesto que se busca y al mismo tiempo que la solicitud correspondiente.*

*La petición puede estar dividida en diversas secciones y cada sección a su vez puede constar de varias páginas. La declaración que está en el cuadro que encabeza el formulario deberá aparecer al principio de cada hoja que contenga firmas. La declaración jurada que aparece al pie del formulario deberá incluirse con cada sección de la petición; no se exige que aparezca en cada página de firmas.*

*La(s) persona(s) que haga(n) circular la petición deberá(n) firmar la declaración jurada ante el oficial correspondiente.*

**FOOTNOTES**

**[1] Insert candidate's name**

**[2] Insert office title, including any place number or other distinguishing number**

**[3] Either the voter registration certificate number <u>or</u> the date of birth is required.**

**[4] All oaths, affidavits, or affirmations made within this State may be administered and a certificate of the fact given by a judge, clerk, or commissioner of any court of record; a notary public; a justice of the peace; the Secretary of State of Texas.**

*ANOTACIONES*

*[1] Indicar el nombre del candidato*

*[2] Indicar el cargo oficial e incluir el número de su lugar en la boleta o cualquier otro número distintivo*

*[3] Su número de certificado de registro de votante <u>o</u> su fecha de nacimiento es necesario.*

*[4] Todo juramento, declaración jurada o protesta de decir verdad que se preste dentro de este Estado, puede ejecutarse y certificarse ante jueces, oficiales o comisionados de cualquier tribunal competente, así como ante notarios públicos, jueces de paz o el Secretario de Estado de Tejas.*

## MEETING OF THE CITY COUNCIL

| | |
|---|---|
| | ALAMODOME |
| | ASSET MANAGEMENT |
| | AVIATION |
| | CITY ATTORNEY |
| | MUNICIPAL COURT |
| | REAL ESTATE |
| | REAL ESTATE (WOOD) |
| | RISK MANAGEMENT |
| | CITY MANAGER |
| | SPECIAL PROJECTS |
| | CODE COMPLIANCE |
| | COMMERCIAL RECORDER |
| | COMMUNITY INITIATIVES |
| | CONVENTION AND VISITORS BUREAU |
| | CONVENTION CENTER EXPANSION OFFICE |
| | CONVENTION FACILITIES |
| | CONTRACT SERVICES |
| | COUNCIL OFFICES |
| | CULTURAL AFFAIRS |
| | CUSTOMER SERVICE/311 SYSTEM |
| | DEVELOPMENT SERVICES |
| | HOUSE NUMBERING |
| | LAND DEVELOPMENT SERVICES |
| | TRAFFIC & DRAINAGE PLAN REVIEW |
| | ECONOMIC DEVELOPMENT |
| | ENVIRONMENTAL SERVICES |
| | SOLID WASTE |
| | EXTERNAL RELATIONS |
| | PUBLIC INFORMATION OFFICE |
| | FINANCE - DIRECTOR |
| | FINANCE – ASSESSOR |
| | FINANCE – CONTROLLER |
| | FINANCE – GRANTS |
| | FINANCE – TREASURY |
| | |
| | FIRE DEPARTMENT |
| | HOUSING AND COMMUNITY DEVELOPMENT |
| | HUMAN RESOURCES (PERSONNEL) |
| | INFORMATION SERVICES |
| | INTERNAL REVIEW |
| | INTERNATIONAL AFFAIRS |
| | LIBRARY |
| | MANAGEMENT & BUDGET (OFFICE OF) OMB |
| | MAYOR'S OFFICE |
| | METROPOLITAN HEALTH DISTRICT |
| | MUNICIPAL CODE CORPORATION |
| | MUNICIPAL COURT |
| | NEIGHBORHOOD ACTION |
| | PARKS AND RECREATION |
| | MARKET SQUARE |
| | YOUTH INITIATIVES |
| | PLANNING DEPARTMENT –NEIGHBORHOOD PLNG; URBAN DESIGN/HISTORIC PRESERVATION |
| | DISABILITY ACCESS OFFICE |
| | POLICE DEPARTMENT |
| | GROUND TRANSPORTATION |
| | PUBLIC UTILITIES |
| | PUBLIC WORKS DIRECTOR |
| | CAPITAL PROJECTS |
| | CENTRAL MAPPING |
| | ENGINEERING |
| | PARKING DIVISION |
| | REAL ESTATE DIVISION |
| | TRAFFIC ENGINEERING |
| | PURCHASING AND GENERAL SERVICES |
| | SAN ANTONIO WATER SYSTEMS (SAWS) |
| | VIA |

**AGENDA ITEM NUMBER:** 40

**DATE:** NOV 30 2006

**MOTION/SECOND:**

**ORDINANCE NUMBER:** 2006-11-30-1369

**RESOLUTION NUMBER:**

**ZONING CASE NUMBER:**

**TRAVEL AUTHORIZATION:**

| NAME | ROLL | AYE | NAY |
|---|---|---|---|
| ROGER O. FLORES District 1 | | | |
| SHEILA D. MCNEIL District 2 | | | |
| ROLAND GUTIERREZ District 3 | | | |
| RICHARD PEREZ District 4 | | | |
| PATTI RADLE District 5 | | | |
| DELICIA HERRERA District 6 | | | |
| ELENA GUAJARDO District 7 | | | |
| ART A. HALL District 8 | | | |
| KEVIN A. WOLFF District 9 | | | |
| CHRISTOPER "CHIP" HAASS District 10 | | | |
| PHIL HARDBERGER Mayor | | | |

CONSENT AGENDA