

**CITY OF WHARTON, TEXAS  
ORDINANCE NO. 2026-01**

**AN ORDINANCE ORDERING A CITY OFFICERS ELECTION TO BE HELD AS A JOINT ELECTION WITH WHARTON COUNTY ELECTIONS DEPARTMENT FOR THE PURPOSE OF ELECTING THE POSITIONS OF MAYOR AND COUNCILMEMBERS; PROVIDING FOR THE DATE, TIME, AND PLACE OF THE ELECTION, NOTICE OF THE ELECTION, FILING APPLICATIONS, DRAWING FOR BALLOT POSITIONS, USE OF ACCESSIBLE VOTING SYSTEM, APPOINTMENT OF ELECTION WORKERS, EARLY VOTING, AND MAKING ELECTION RETURNS.**

**BE IT ORDAINED by the City Council of the City of Wharton, Texas:**

"Section 32 of the City Charter provides that regular elections to elect members of the city council shall be held on the first Saturday of May each year. At the regular election in each even-numbered year, the voters shall elect a mayor and three councilmen. At the regular election in each odd-numbered year, the voters shall elect three (3) councilmen. The mayor and councilmen shall serve for terms and numbered places as provided in Article II of this charter. The city council may, by ordinance or resolution, order special elections, fix the dates, give notice, and provide all means for holding such special elections."

**Joint Election**

Wharton County Elections Department will be conducting the duties as described in the Joint Election Agreement.

**Position**

An election shall be held in the City of Wharton, Texas, for the purpose of electing the following officials for the City:

Mayor – At Large  
Councilmember – District No. 2  
Councilmember - District No. 4  
Councilmember at Large - Place No. 6

**Date**

An election shall be held in the City of Wharton, Texas, on **May 2, 2026**.

**Time**

The polls shall open for voting at **7 a.m.** and shall close at **7 p.m.**

**Location**

The election shall be held at:

**LOCATION OF POLLING PLACE (*UBICACIÓN DEL LUGAR DE VOTACIÓN*)**

Wharton Civic Center – Duncan Auditorium  
Wharton County Library – El Campo Branch

1924 N. Fulton St. Wharton, Texas 77488  
200 W. Church. El Campo, Texas 77437

### **Notice of City Officers' Election**

The Mayor shall cause a notice by publication of this election to be published at least once in a newspaper that is published in the City of Wharton, Texas, and that is in the jurisdiction of the City of Wharton, Texas, which publication shall be not earlier than the **30th day** nor later than the **10th day** before election day.

The Mayor shall also give notice of the election by causing a copy of the notice of election to be posted not later than the **21st day** before election day on the bulletin board located at the City Hall, 120 East Caney, Wharton, Texas, and used for posting notices of meetings of the Wharton City Council. The notice shall include the location of the polling place.

### **Eligibility to Vote**

The election shall be held in accordance with the Election Code of the State of Texas. Only qualified resident voters of the City of Wharton, Texas, shall be eligible to vote in the election.

### **Candidate Names**

The City Secretary shall, in accordance with the terms and provisions of the Texas Election Code, order the candidate names to be printed on the ballots for said General Election.

### **Filing**

Candidates must file applications for a place on the ballot with the City Secretary of the City of Wharton, Texas, beginning on **January 14, 2026**, and continuing through **5:00 p.m.** on **February 13, 2026**. A declaration of write-in candidacy must be filed not later than 5:00 P.M. on **February 17, 2026**.

Candidates for City Councilmember must designate the position filed for either Mayor – At Large, Councilmember – District No. 2, Councilmember - District No. 4, or Councilmember at Large - Place No. 6.

### **Drawing for Ballot Positions**

On February 19, 2026, at 10:00 a.m., a drawing will take place in the office of the City Secretary for the purpose of determining the order of the candidates' names as they are to appear on the ballot.

The City Secretary shall post a notice of the date, hour, and place of the drawing and this notice shall remain posted continuously for at least 72 hours immediately preceding the scheduled time of the drawing.

### **Ballots**

Paper ballots shall be used for the purposes of provisional and mail-out for early voting and provisional for election day.

### **Accessible Voting System**

Section 61.012 of the Texas Election Code requires that the City of Wharton must provide at least one accessible voting system in each polling place used in a Texas election on or after January 1, 2006. This system must comply with state and federal laws setting the requirements for voting systems that permit voters with physical disabilities to cast a secret ballot.

The Office of the Texas Secretary of State has certified that the ExpressVote BMD voting machines are an accessible voting system that may legally be used in Texas elections.

Sections 123.032 and 123.035 of the Texas Election Code authorize the acquisition of voting systems by local political subdivisions and further mandate certain minimum requirements for contracts relating to the acquisition of such voting systems. The City of Wharton shall lease or rent from the County of Wharton as authorized by Section 123.032.

The City of Wharton hereby adopts for use in Early Voting and Election Day Voting the ExpressVote BMD voting machines as approved by the Secretary of State to comply with HAVA requirements.

### **Elections Recording Management Tabulation System**

The City of Wharton shall lease or rent from the County the ERM (Elections Recording Management) systems for tabulation purposes, if needed.

### **Election Officers**

The Wharton County Elections Department (WCED) will be responsible for the appointment of the presiding judge and alternate judge. The following-named persons are appointed officers for the election:

Early Voting Presiding Judge: Bertha Abraham  
Early Voting Alternate Presiding Judge: To Be Determined

Election Day Presiding Judge: Melvin Sands  
Election Day Alternate Judge: To Be Determined

WCED shall arrange the training. WCED is responsible for notifying the election presiding and alternate judges of the eligibility requirements of Subchapter C of Chapter 32 of the Texas Election Code, and will take the necessary steps to ensure that the presiding and alternate judges appointed are eligible to serve. The presiding judge, with the assistance of WCED, will be responsible for determining the eligibility of each appointed clerk hired to assist the judge in conducting the election.

### **Early Voting**

Wharton County Elections Administrator is Marsha Barbee, appointed early voting clerk, and is authorized to appoint other deputies to serve as early voting clerks.

The early voting by personal appearance for the above-designated election shall take place at:

#### **EARLY VOTING LOCATION (*Ubicación de las casillas electorales de votación anticipada*)**

Wharton County Library – El Campo Branch – Mayor's room	200 W. Church, El Campo, Texas 77437
Wharton County Annex D, Classroom 115	315 E. Milam Street Wharton, Texas 77488
Wharton County Library – East Bernard	746 Clubside Drive East Bernard, Texas 77435
Justice of the Peace #3 – Louise	340 N. Main Street – Louise, Texas 77455

Early voting by personal appearance will be conducted at the main location, Annex D, between the hours of **8 a.m. and 5 p.m.**, beginning on **April 20, 2026**, and continuing through **April 24, 2026; Saturday, April 26, 2026, between 8 a.m. and 5:00 p.m.; Monday, April 27, 2026**, and continuing through **Tuesday, April 28, 2026**, between the hours of **7 a.m. and 7 p.m.**

Voters may send ballot applications and mailed ballots to the Wharton County Elections Administrator's office at P.O. Box 390, Wharton, TX 77488, or contact 979-532-0193, email: [marsha.barbee@co.wharton.tx.us](mailto:marsha.barbee@co.wharton.tx.us), or website: <https://www.co.wharton.tx.us/page/wharton.Elections>.

### **Early Voting Ballot Board**

An Early Voting Ballot Board is hereby established for the purpose of early voting results. The Wharton County Elections Administrator shall appoint the Presiding Judge of the Early Voting Ballot Board. The Wharton County Elections Administrator shall act as the Early Voting Ballot Board Clerk.

### **Compensation for Election Officials and Clerks**

The election officials and clerks shall be compensated in the following manner:

The Election Judge for the May 2, 2026, General Election shall be paid \$9.25 per hour. The Election Judge shall also be paid \$25.00 for delivering the precinct records, keys to the ballot box or other election equipment, and unused election supplies after the election.

The Alternate Judge for the May 2, 2026, General Election shall be paid \$8.75 per hour.

The Election Clerk(s) for the May 2, 2026, General Election shall be paid \$8.75 per hour.

### **Writ of Election**

The Wharton County Elections Administrator shall deliver to the above-appointed presiding judge for the election not later than the **15th day** before election day.

### **Returns**

"Section 41 of the City Charter provides that city elections shall be canvassed within one (1) week after the election; however, pursuant to changes in the Texas Election Code, Section 67.003, the local canvass shall convene not earlier than the third day or later than the 11<sup>th</sup> day after the election day." The period for the official canvass shall be from May 5 – 13, 2026. The officers holding the election shall make returns of the results thereof to the Mayor of this City, as required by the Election Code of the State of Texas.

### **Order**

The City Council of the City of Wharton, Texas, shall order the election in accordance with the foregoing provisions.

### **Severability**

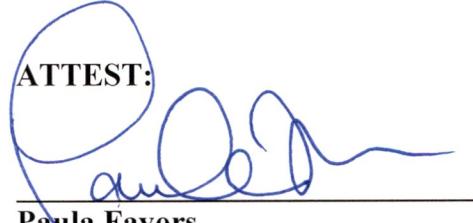
If any court of competent jurisdiction rules that any section, subsection, sentence, clause, phrase, or portion of this ordinance is invalid or unconstitutional, any such portion shall be deemed to be a separate, distinct, and independent provision, and any such ruling shall not affect the validity of the remaining portions hereof.

### **Passage and Approval**

**PASSED AND APPROVED** by the City Council of the City of Wharton, Texas, on this 20th day of January, 2026.

**CITY OF WHARTON, TEXAS**

By: Tim Barker  
Tim Barker  
Mayor

ATTEST:  
  
Paula Favors  
City Secretary

**APPROVED AS:**

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Paul Webb

**Paul Webb**  
**City Attorney**

