

NOTICE OF SPECIAL ELECTION

THE STATE OF TEXAS §
 §
COUNTIES OF HARRISON AND §
UPSHUR §
 §
NEW DIANA INDEPENDENT SCHOOL §
DISTRICT §

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TO THE RESIDENT, QUALIFIED VOTERS OF THE

NEW DIANA INDEPENDENT SCHOOL DISTRICT

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ADDITIONAL INFORMATION REGARDING THE ELECTION HEREINAFTER DESCRIBED CAN BE FOUND AT <http://harrisoncountytexas.org/>, <https://www.countyofupshur.com/>, and <https://www.ndisd.org/>.

TAKE NOTICE that an election will be held in the New Diana Independent School District on November 8, 2022 in accordance with an order duly entered by the Board of Trustees of the New Diana Independent School District on August 22, 2022, which order reads substantially as follows:

**AN ORDER CALLING A SPECIAL ELECTION TO BE HELD BY THE
NEW DIANA INDEPENDENT SCHOOL DISTRICT REGARDING
RATIFYING A VOTER-APPROVAL TAX RATE, MAKING PROVISION
FOR THE CONDUCT OF A JOINT ELECTION, AND RESOLVING
OTHER MATTERS INCIDENT AND RELATED TO SUCH ELECTION**

WHEREAS, the Board of Trustees (the *Board*) of the NEW DIANA INDEPENDENT SCHOOL DISTRICT (the *District*), located in Upshur and Harrison Counties, Texas (individually, the *County* and, together, the *Counties*) has set the District’s tax rate at \$1.099572 per \$100 of taxable assessed valuation, which is a rate that exceeds the District’s voter-approval rate, and therefore the Board is obligated to call an election to ratify such tax rate pursuant to Section 26.08, Texas Tax Code, as hereinafter ordered (the *Election*); and

WHEREAS, the District will contract with the elections administrator (individually, the *Administrator* and, together, the *Administrators*) of each County to conduct all aspects of the Election; and

WHEREAS, the Election will be conducted by each County and held jointly with other political subdivisions for which each County is also conducting their elections (such other political subdivisions, collectively, the *Participants*), as provided pursuant to the provisions of an election agreement and/or a joint election or similar agreement between or among (as applicable) the District, each County, and/or any Participants, entered into in accordance with the provisions of Section 271.002, as amended, Texas Election Code; and

WHEREAS, the Board hereby finds and determines that the actions hereinbefore described are in the best interests of the residents of the District; now, therefore,

BE IT ORDERED BY THE BOARD OF TRUSTEES OF THE NEW DIANA INDEPENDENT SCHOOL DISTRICT THAT:

SECTION 1: The Election shall be held in the NEW DIANA INDEPENDENT SCHOOL DISTRICT on the 8th day of November, 2022 (*Election Day*), which is a uniform election date under the Texas Election Code, as amended, and is 78 or more days from the date of the adoption of this order (the *Order*), for the purpose of submitting the following proposition to the qualified voters of the District:

PROPOSITION A

“Shall the Board of Trustees of the New Diana Independent School District be authorized to levy, pursuant to an order of such Board adopted on August 22, 2022, an ad valorem tax rate of \$1.099572 per \$100 of the taxable assessed valuation of property within the New Diana Independent School District for the current tax year, being a rate that is comprised of a maintenance and operations tax rate of \$0.974600 per \$100 of such taxable assessed valuation (the maximum rate for maintenance and operations for which the District may, if now approved by the District’s electorate at this Election, levy in each year hereafter, being then subject only to annual Board approval) and a debt service tax rate of \$0.124972 per \$100 of such taxable assessed value (an amount that is set annually by the Board), which combined tax rate of \$1.099572 adopted by the Board on August 22, 2022 represents an increase of an additional and approximate \$502,954 to the District in the 2022-2023 school year which is approximately 22.719% higher than the amount collected last year pursuant to Section 26.08, as amended, Texas Tax Code?”

SECTION 2: One or more school election precincts are hereby established for the purpose of holding the Election, and one or more polling places are hereby designated for holding the Election in the school election precincts as identified in Exhibit A to this Order (which is incorporated herein by reference for all purposes). At least 79 days prior to the scheduled Election Day, or as soon thereafter as is reasonably practicable, the President, Board of Trustees, the Superintendent of Schools, or the respective designees thereof, in coordination with the Administrators, will appoint the Presiding Judge, Alternate Presiding Judges, Election Clerks, and all other election officials for the Election, together with any other necessary changes to election practices and procedures and can correct, modify, or change the Exhibits to this Order

based upon the final locations and times agreed upon by the District, the Administrators, and the Participants, if any and as applicable, to the extent permitted by applicable law.

A. The Presiding Judge shall appoint not less than two resident qualified voters of the District to act as clerks in order to properly conduct the Election. To the extent required by the Texas Election Code, as amended, or other applicable law, the appointment of these clerks must 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 Election Day. If the Presiding Judge appointed actually serves, the Alternate Presiding Judge shall serve as one of the clerks. In the absence of the Presiding Judge, the Alternate Presiding Judge shall perform the duties of the Presiding Judge of the election precinct.

B. On Election Day, the polls shall be open as designated on Exhibit A.

Harrison County and Upshur County participate in the Countywide Polling Place Program under Section 43.007, as amended, Texas Election Code, meaning that any District voter registered in the respective County can vote in the Election at any polling place identified in Exhibit A for that County.

C. The main early voting location is designated in Exhibit B to this Order (which is incorporated herein by reference for all purposes). The individual named as the Early Voting Clerk as designated in Exhibit B is hereby appointed as the Early Voting Clerk to conduct such early voting in the Election. The Early Voting Clerk shall appoint the Deputy Early Voting Clerks. This office or place shall remain open to permit early voting on the days and at the times as stated in Exhibit B. Early voting shall commence as provided on Exhibit B and continue through the date set forth on Exhibit B, all as provided by the provisions of the Texas Election Code, as amended.

Additionally, permanent and/or temporary branch offices for early voting by personal appearance may be established and maintained in accordance with the Texas Election Code. In the event such permanent and/or temporary branch locations are established, information regarding the locations, dates, and hours of operation for early voting at these offices shall be determined by the Administrators, as identified in Exhibit B hereto.

An Early Voting Ballot Board is hereby established for the purpose of processing early voting results. Each individual designated in Exhibit B as the Presiding Judge of the Early Voting Ballot Board for the respective County is hereby appointed the Presiding Judge of the Early Voting Ballot Board for such County. Each Presiding Judge shall appoint not less than two resident qualified voters of the District to serve as members of the Early Voting Ballot Board for the respective County.

SECTION 3: Electronic voting machines may be used in holding and conducting the Election on Election Day; provided, however, in the event the use of such electronic voting machines is not practicable, the Election may be conducted on Election Day by the use of paper ballots (except as otherwise provided in this section). Electronic voting machines or paper ballots may be used for early voting by personal appearance (except as otherwise provided in this section). Pursuant to Section 61.012, as amended, Texas Election Code, the District shall

provide at least one accessible voting system in each polling place used in the Election. Such voting system shall comply with Texas and federal laws establishing the requirement for voting systems that permit voters with physical disabilities to cast a secret ballot. Any legally permissible voting method may be used for early voting and Election Day voting by personal appearance. Certain early voting may be conducted by mail.

SECTION 4: The District authorizes each Administrator to utilize a Central Counting Station (individually, the *Station* and, together, the *Stations*) as provided by Section 127.001, *et seq.*, as amended, Texas Election Code. The Administrators, or the designees thereof, are hereby appointed as the Manager of their respective Station, who will establish a written plan for the orderly operation of the Station in accordance with the provisions of the Texas Election Code. The Board hereby authorizes the Administrators, or the designees thereof, to appoint the Presiding Judge of the respective Station, the Tabulation Supervisor, and the Programmer for the respective Station and may appoint Station clerks as needed or desirable. The Administrators will publish (or cause to be published) notice and conduct testing on the automatic tabulation equipment relating to their respective Station and conduct instruction for the officials and clerks for the Station in accordance with the provisions of the Texas Election Code.

SECTION 5: The official ballot shall be prepared in accordance with the provisions of the Texas Election Code, as amended, so as to permit voters to vote “FOR” or “AGAINST” the aforesaid proposition which shall appear on the ballot substantially as follows:

PROPOSITION A

“RATIFYING THE AD VALOREM TAX RATE OF \$1.099572 PER \$100 VALUATION IN NEW DIANA INDEPENDENT SCHOOL DISTRICT FOR THE CURRENT YEAR, A RATE THAT WILL RESULT IN AN INCREASE OF 22.719 PERCENT IN MAINTENANCE AND OPERATIONS TAX REVENUE FOR THE DISTRICT FOR THE CURRENT YEAR AS COMPARED TO THE PRECEDING YEAR, WHICH IS AN ADDITIONAL \$502,954.”

SECTION 6: All resident, qualified voters of the District shall be permitted to vote at the Election, and on Election Day, such voters shall vote at the designated polling place. The Election shall be held and conducted in accordance with the provisions of the Texas Election Code, as amended, except as modified by the provisions of the Texas Education Code, as amended, and as may be required by law. To the extent required by law, all election materials and proceedings relating to the Election shall be printed in both English and Spanish.

SECTION 7: Notice of election, including a Spanish translation thereof, shall be published at least one time in a newspaper of general circulation in the District, with such publication occurring not more than 30 days and not less than 10 days before Election Day. Moreover, notice of election, including a Spanish translation thereof, shall be posted (i) in a public place in each election precinct within the District not later than the 21st day before the date of the Election, and (ii) in a prominent location on the District’s internet website not less than 21 days prior to Election Day.

SECTION 8: The Board authorizes the President, Board of Trustees, the Superintendent of Schools, or the respective designee of either of such parties, to negotiate and enter into one or more joint election agreements, election services contracts, and/or similar contracts or agreements with the County, acting by and through the Administrators, and any Participants if desired or if required to comply with applicable law, as permitted and in accordance with the provisions of the Texas Election Code, as amended. In addition, the Board authorizes the President, Board of Trustees, the Superintendent of Schools, or the respective designee of either of such parties to make such technical modifications to this Order that are necessary for compliance with applicable Texas or federal law or to carry out the intent of the Board, as evidenced herein. By incorporating all essential terms necessary for a joint election agreement, this Order is intended to satisfy Section 271.002(d) of the Texas Election Code, as amended, without further action of the Board of Trustees.

SECTION 9: The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Order for all purposes and are adopted as a part of the judgment and findings of the Board.

SECTION 10: All orders and resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Order are hereby repealed to the extent of such conflict, and the provisions of this Order shall be and remain controlling as to the matters ordered herein.

SECTION 11: This Order shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

SECTION 12: It is officially found, determined, and declared that the meeting at which this Order is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Order, was given, all as required by Chapter 551, as amended, Texas Government Code.

SECTION 13: If any provision of this Order or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Order and the application of such provision to other persons and circumstances shall nevertheless be valid, and the Board hereby declares that this Order would have been enacted without such invalid provision.

SECTION 14: This Order shall be in force and effect from and after its final passage, and it is so ordered.

YOU WILL, THEREFORE, take notice of all the matters and facts set out in the foregoing Notice of Election.

//s// Karen Holt, Board Secretary, New Diana Independent School District

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HARRISON COUNTY ELECTION DAY PRECINCT AND POLLING INFORMATION

Election Day: November 8, 2022

Election Day Polling Locations open from 7 a.m. to 7 p.m.

Presiding Judges and Alternates: to be determined by the Administrator

| <u>Location</u> | <u>Address</u> |
|--|---|
| ESD 2, STATION 3 | 9091 STATE HWY 154 MARSHALL, TX 75672 |
| ESD 9 - ELYSIAN FIELDS | 130 FM 451 ELYSIAN FIELDS, TX 75642 |
| E.T.B.U. - SPIRITUAL BUILDING | 1 TIGER DRIVE MARSHALL, TX 75670 |
| G.W. CARVER SCHOOL/ ANOINTING GRACE CHURCH | 2302 HOLLAND ST. MARSHALL, TX 75670 |
| GOLD HALL COMMUNITY CENTER | 101 EAST ELM ST. HALLSVILLE, TX 75650 |
| HARLETON COMMUNITY CENTER | 4335 COMMUNITY ST. HARLETON, TX 75651 |
| MARSHALL CONVENTION CENTER | 2501 EAST END BLVD. MARSHALL, TX 75672 |
| MARSHALL PUBLIC LIBRARY | 300 S. ALAMO ST. MARSHALL, TX 75672 |
| SCOTTSVILLE COMMUNITY CENTER | 135 GREEN ST SCOTTSVILLE, TX 75688 |
| SWEET HOME CHURCH OF CHRIST | 5568 FM 968 HALLSVILLE, TX 75650 |
| ST. MARKS METHODIST CHURCH | I IO I JASPER DR. MARSHALL, TX 75672 |
| T. J. TAYLOR COMMUNITY CENTER | 15642 FM 134 KARNACK, TX 75688 |
| TRAILS END COWBOY CHURCH | 1361 FM 450 HALLSVILLE, TX 75650 |
| WASKOM SUB-COURTHOUSE | 165 W. TEXAS WASKOM, TX 75692 |
| WEST HARRISON ESD 1 - MAIN | 2656 S. ACCESS ROAD LONGVIEW, TX 75602 |
| WEST HARRISON ESD 1 - STATION 3 | 19797 FM 499 LONGVIEW, TX 75605 |
| WOODLAND HILLS BAPTIST CHURCH | 2105 E. LOOP 281 LONGVIEW, TX 75601 |
| WOODLAWN COMMUNITY CENTER | 199 OAK LAWN TERRACE WOODLAWN, TX 75670 |

Harrison County participates in the Countywide Polling Place program under Section 43.007, as amended, Texas Election Code. Registered voters in Harrison County will be able to cast their Election Day ballots at any of the Vote Centers identified above in Harrison County.

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Exhibit B

UPSHUR COUNTY EARLY VOTING LOCATIONS, DATES AND HOURS

Early voting begins Monday, October 24, 2022, and ends on Friday, November 4, 2022.

Early Voting Clerk: Lory Harle, 100 West Tyler, Gilmer, Texas 75644 (main location).

Presiding Judge of the Early Voting Ballot Board: to be determined by Lory Harle.

Voters entitled to vote an early ballot by personal appearance may do so at any Early Voting site.

| | Dates | Times |
|----------------------|--------------|--------------|
| October _____, 2022 | | |
| October _____, 2022 | | |
| October _____, 2022 | | |
| November _____, 2022 | | |

The Contracting Election Officer shall designate and arrange for the use of all Early Voting Polling Locations.

Upshur County Elections Office, [address] (main location)

Branch Early Voting Polling Place, Dates, and Times

Polling Place Location

City

Early Voting By Mail

Applications for voting by mail should be received (not post marked) no later than the close of business (5:00 p.m.) on October 28, 2022. Applications should be sent to:

Early Voting Clerk
Lory Harle, Upshur County Elections Officer
100 West Tyler
Gilmer, Texas 75644
fax: 903-843-5492
email: lory.harle@countyofupshur.com.

If an application for ballot by mail is faxed or emailed (or if a federal postcard application is faxed), the applicant must also mail the original application so that the early voting clerk receives the original no later than four days after receiving the emailed or faxed copy.

HARRISON COUNTY EARLY VOTING LOCATIONS, DATES AND HOURS

Early voting begins Monday, October 24, 2022, and ends on Friday, November 4, 2022.

Early Voting Clerk: Donald Robinette, 415 East Burleson Street, Marshall, Texas 75670.

Presiding Judge of the Early Voting Ballot Board: to be determined by Donald Robinette.

Voters entitled to vote an early ballot by personal appearance may do so at any Early Voting site.

Harrison County Elections Office 415 East Burleson, Marshall, Texas 75672 (main location)

| Dates | Times |
|-------------------------------------|-------------------|
| October 24, 2022 – October 28, 2022 | 8:00 am – 5:00 pm |
| October 29, 2022 | 7:00 am – 7:00 pm |
| October 30, 2022 | 1:00 pm – 7:00 pm |
| October 31, 2022 – November 4, 2022 | 7:00 am – 7:00 pm |

The Contracting Election Officer shall designate and arrange for the use of all Early Voting Polling Locations.

Branch Early Voting Polling Place, Dates, and Times

| | | | |
|---|--|--|---|
| ESD 9, ELYSIAN FIELDS 130 FM 451 ELYSIAN FIELDS, TX 75642 | 10/24/22 - 10/28/22 10/31/22 - 11/2/22 11/3/22 - 11/4/22 | Monday - Friday Monday - Wednesday Thursday - Friday | 8:00 am - 5:00 pm 8:00 am - 5:00 pm 7:00 am - 7:00 pm |
| G.W. CARVER SCHOOL/ ANOINTING GRACE CHURCH 2302 HOLLAND ST. MARSHALL, TX 75670 | 10/24/22 - 10/28/22 10/31/22 - 11/2/22 11/3/22 - 11/4/22 | Monday - Friday Monday - Wednesday Thursday - Friday | 8:00 am - 5:00 pm 8:00 am - 5:00 pm 7:00 am - 7:00 pm |
| GOLD HALL COMMUNITY CENTER 101 EAST ELM ST. HALLSVILLE, TX 75650 | 10/24/22 - 10/28/22 10/31/22 - 11/2/22 11/3/22 - 11/4/22 | Monday - Friday Monday - Wednesday Thursday - Friday | 8:00 am - 5:00 pm 8:00 am - 5:00 pm 7:00 am - 7:00 pm |
| HARLETON COMMUNITY CENTER 4335 COMMUNITY ST. HARLETON, TX 75651 | 10/24/22 - 10/28/22 10/31/22 - 11/2/22 11/3/22 - 11/4/22 | Monday - Friday Monday - Wednesday Thursday - Friday | 8:00 am - 5:00 pm 8:00 am - 5:00 pm 7:00 am - 7:00 pm |
| SCOTTSVILLE COMMUNITY CENTER 135 GREEN ST. SCOTTSVILLE , TX 75688 | 10/24/22 - 10/28/22 10/31/22 - 11/2/22 11/3/22 - 11/4/22 | Monday - Friday Monday - Wednesday Thursday - Friday | 8:00 am - 5:00 pm 8:00 am - 5:00 pm 7:00 am - 7:00 pm |

| | | | |
|---|---------------------|--------------------|-------------------|
| T. J. TAYLOR COMMUNITY CENTER 15642 FM 134 KARNACK, TX 75661 | 10/24/22 - 10/28/22 | Monday - Friday | 8:00 am - 5:00 pm |
| | 10/31/22 - 11/2/22 | Monday - Wednesday | 8:00 am - 5:00 pm |
| | 11/3/22 - 11/4/22 | Thursday - Friday | 7:00 am - 7:00 pm |
| WASKOM SUB-COURTHOUSE 165 W. TEXAS WASKOM, TX 75692 | 10/24/22 - 10/28/22 | Monday - Friday | 8:00 am - 5:00 pm |
| | 10/31/22 - 11/2/22 | Monday - Wednesday | 8:00 am - 5:00 pm |
| | 11/3/22 - 11/4/22 | Thursday - Friday | 7:00 am - 7:00 pm |
| WOODLAWN COMMUNITY CENTER 199 OAK LAWN TERRACE WOODLAWN, TX 75670 | 10/24/22 - 10/28/22 | Monday - Friday | 8:00 am - 5:00 pm |
| | 10/31/22 - 11/2/22 | Monday - Wednesday | 8:00 am - 5:00 pm |
| | 11/3/22 - 11/4/22 | Thursday - Friday | 7:00 am - 7:00 pm |
| WOODLAND HILLS BAPTIST CHURCH 2105 E. LOOP 281 LONGVIEW, TX 75601 | 10/24/22 - 10/28/22 | Monday - Friday | 8:00 am - 5:00 pm |
| | 10/31/22 - 11/2/22 | Monday - Wednesday | 8:00 am - 5:00 pm |
| | 11/3/22 - 11/4/22 | Thursday - Friday | 7:00 am - 7:00 pm |

Early Voting By Mail

Applications for voting by mail should be received (not post marked) no later than the close of business (5:00 p.m.) on October 28, 2022. Applications should be sent to:

Early Voting Clerk
Donald Robinette, Harrison County Elections Officer
P.O. Box 8409
Marshall, Texas 75671
fax: 903-938-1509
email: ballotbymail@co.harrison.tx.us

If an application for ballot by mail is faxed or emailed (or if a federal postcard application is faxed), the applicant must also mail the original application so that the early voting clerk receives the original no later than four days after receiving the emailed or faxed copy.