

NOTICE OF VOTER-APPROVAL TAX RATE 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 <https://www.ndisd.org/>, <http://harrisoncountytexas.org/elections/>, and <https://www.countyofupshur.com/page/elections>.

TAKE NOTICE that an election will be held in the New Diana Independent School District on November 7, 2023 in accordance with an order duly entered by the Board of Trustees of the New Diana Independent School District on August 14, 2023, 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 Harrison and Upshur Counties, Texas (individually, the *County* and, together, the *Counties*) has set the District’s tax rate at \$0.8937 per \$100 of taxable assessed valuation, which is a rate that exceeds the District’s voter-approval tax 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 (the *Election Contracts*); 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 7th day of November, 2023 (*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 measure to the qualified voters of the District:

MEASURE 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 14, 2023, an ad valorem tax rate of \$0.8937 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 \$0.7892 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 \$0.1045 per \$100 of such taxable assessed value (an amount that is set annually by the Board), which combined tax rate of \$0.8937 adopted by the Board on August 14, 2023 represents an increase of an additional \$140,793 to the District in the 2023-2024 school year, which is approximately 5.48% higher than the amount collected last year pursuant to section 26.08, as amended, Texas Tax Code?”

SECTION 2: On Election Day, the polls shall be open from 7 a.m. to 7 p.m. at the locations designated by the Elections Officials in accordance with the Election Contracts. The locations of such polling places on Election Day are set forth in **Exhibit A** which is attached hereto and incorporated herein by reference as a part of this Order for all purposes. **Exhibit A** shall be modified to include additional or different Election Day polling places designated by the Elections Officials and to conform to the Election Contracts.

SECTION 3: Early voting shall be administered by each Elections Official. Early voting shall be conducted by personal appearance at the locations and during the period early voting is required or permitted by law on the dates and at the times set forth in **Exhibit B** which is attached hereto and incorporated herein by reference as a part of this Order for all purposes. **Exhibit B** shall

be modified to include additional or different early voting locations designated by the Elections Officials and to conform to the Election Contracts.

SECTION 4: A voting system or systems meeting the standards and requirements of the Texas Election Code, as amended, is hereby adopted and approved for early voting and for election day voting. 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. Pursuant to Section 61.012, as amended, Texas Election Code, the Elections Administrators shall provide at least one accessible voting system in each polling place used in the Election.

SECTION 5: The Elections Officials will appoint the Presiding Judges, Alternate Presiding Judges, Election Clerks, and all other election officials for the Election.

An Early Voting Ballot Board shall be created to process early voting results of the Election and the Presiding Judge of an Early Voting Ballot Board shall be designated by each of the Elections Officials for their respective County. The Presiding Judge shall appoint not less than two resident qualified voters of the District to serve as members of each such Early Voting Ballot Board.

The District shall 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 each 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 authorizes the Election Officials, or the designees thereof, to appoint the Presiding Judge, the Tabulation Supervisor, and the Programmer of their 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, and Texas Tax Code, as amended, so as to permit voters to vote “FOR” or “AGAINST” the aforesaid measure which shall appear on the ballot substantially as follows:

PROPOSITION A

“RATIFYING THE AD VALOREM TAX RATE OF \$0.8937 PER \$100 VALUATION IN NEW DIANA INDEPENDENT SCHOOL DISTRICT FOR THE CURRENT YEAR, A RATE THAT WILL RESULT IN AN INCREASE OF 5.48 PERCENT IN MAINTENANCE AND OPERATIONS TAX REVENUE FOR THE DISTRICT FOR THE CURRENT YEAR AS COMPARED TO THE PRECEDING YEAR, WHICH IS AN ADDITIONAL \$140,793.”

SECTION 6: All resident, qualified voters of the District shall be permitted to vote at the Election.

SECTION 7: Notice of election, including a Spanish translation thereof, shall be provided in accordance with State law.

SECTION 8: The Board authorizes the President, Board of Trustees, the Superintendent of Schools, or his designee, 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// Becky Smith, Secretary, Board of Trustees, New Diana Independent School District

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Exhibit A

HARRISON COUNTY ELECTION DAY POLLING INFORMATION*

Election Day: November 7, 2023

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

Presiding Judges and Alternates: to be determined by the Administrator

*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 below in Harrison County.

| | |
|-------------------------------|-----------------------------------|
| TJ Taylor Community Center | 15642 FM, Karnack TX |
| Waskom Sub Courthouse | 165 W Texas Ave. Waskom TX |
| ESD 9 | 130 FM 451, Elysian Fields TX |
| ETBU | 1 Tiger Drive, Marshall, TX |
| Scottsville Community Center | 135 Green St, Scottsville, TX |
| Gold Hall | 101 E Elm St, Hallsville, TX |
| Woodland Hills Baptist Church | 2105 E Loop 281, Longview TX |
| Harleton Community Center | 4335 Community St, Harleton, TX |
| Woodlawn Community Center | 199 Oak Lawn Terrace, Woodlawn TX |
| Marshall Public Library | 300 S Alamo, Marshall TX |
| Marshall Convention Center | 2501 East End Blvd, Marshall TX |
| St Marks Methodist Church | 1101 Jasper Dr. Marshall TX |
| West Harrison VFD ESD 1 Main | 2656 S Access Road, Longview TX |

Preliminary, subject to change. If any locations are changed, this will be reflected on the Harrison County elections website <http://harrisoncountytexas.org/elections/>

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UPSHUR COUNTY ELECTION DAY POLLING INFORMATION*

Election Day: November 7, 2023

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

Presiding Judges and Alternates: to be determined by the Administrator

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

| | |
|--------------------------------|---------------------------------------|
| East Mountain Community Center | 103 Municipal Dr. Gilmer, TX 75645 |
| Ashland Masonic Lodge #1138 | 10478 St. Hwy 154 Diana, TX 75640 |
| Assembly of God Church | 1060 US Hwy 271 N. Gilmer, TX 75644 |
| Walnut Creek Baptist Church | 1969 N. Sego Lily Rd. Diana, TX 75640 |
| Ore City Community Center | 408 Althea Ore City, TX 75683 |
| Big Sandy Civic Center | 207 E. Gilmer St. Big Sandy, TX 75755 |
| Pritchett Community Center | 1092 FM 1404 Big Sandy, TX 75755 |
| St. James Baptist Church | 2800 W. Commerce Gladewater, TX 75647 |
| Oak Hill Baptist Church | 3084 FM 2088 Gilmer, TX 75644 |
| Rosewood Baptist Church | 8261 Arrowwood Rd. Gilmer, TX 75644 |
| Upshur County Library | 702 W. Tyler St. Gilmer, TX 75644 |

Preliminary, subject to change. If any locations are changed, this will be reflected on the Upshur County elections website <https://www.countyofupshur.com/page/elections>

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Exhibit B

HARRISON COUNTY EARLY VOTING LOCATIONS, DATES AND HOURS

Early voting begins Monday, October 23, 2023, and ends on Friday, November 3, 2023.

Early Voting Clerk: Donald Robinette

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

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

Monday, October 23, 2023 – Friday, October 27, 2023

Monday, October 30, 2023 – Wednesday, November 1, 2023

Thursday, November 2, 2023 – Friday, November 3, 2023

Times

8:00 a.m. – 5:00 p.m.

8:00 a.m. – 5:00 p.m.

7:00 a.m. – 7:00 p.m.

| | |
|-------------------------------|---------------------------------|
| TJ Taylor Community Center | 15642 FM, Karnack TX |
| Waskom Sub Courthouse | 165 W Texas Ave. Waskom TX |
| GW Carver Community Center | 2402 Holland, Marshall, TX |
| Gold Hall | 101 E Elm St, Hallsville, TX |
| Woodland Hills Baptist Church | 2105 E Loop 281, Longview TX |
| Harleton Community Center | 4335 Community St, Harleton, TX |

Dates

Monday, October 23, 2023 – Friday, October 27, 2023

Monday, October 30, 2023 – Friday, November 3, 2023

Times

8:00 a.m. – 5:00 p.m.

8:00 a.m. – 5:00 p.m.

Preliminary, subject to change. If any locations are changed, this will be reflected on the Harrison County elections website <http://harrisoncountytexas.org/elections/>

Early Voting By Mail

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

Applications for voting by mail should be received no later than the close of business (5:00 p.m.) on Friday, October 27, 2023. 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.

UPSHUR COUNTY EARLY VOTING LOCATIONS, DATES AND HOURS

Early voting begins Monday, October 23, 2023, and ends on Friday, November 3, 2023.

Early Voting Clerk: Lory Harle, 100 West Tyler, Gilmer, Texas 75644.

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

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

| Main Location | |
|----------------------|------------------------------------|
| Gilmer Civic Center | 1218 US Hwy 271 N, Gilmer TX 75644 |

| Dates | Times |
|-------------------------------------|------------------------|
| October 23, 2023 – October 27, 2023 | 8:00 a.m. – 5:00 p.m. |
| October 28, 2023 | 10:00 a.m. – 5:00 p.m. |
| October 30, 2023 – November 1, 2023 | 8:00 a.m. – 5:00 p.m. |
| November 2, 2023 – November 3, 2023 | 7:00 a.m. – 7:00 p.m. |

| Branch Early Voting Locations | |
|--------------------------------------|---|
| New Diana Administration | 1373 US Hwy 259 South, Diana, TX 75640 |
| New Diana ISD High School | 11826 State Hwy 154 East, Diana, TX 75640 |
| New Diana ISD Elementary School | 11150 State Hwy 154 East, Diana, TX 75640 |

| Dates | Times | Location |
|-------------------------------------|-----------------------|---------------------------------|
| October 23, 2023 – October 26, 2023 | 8:00 a.m. – 4:30 p.m. | Administration |
| October 23, 2023 | 5:00 p.m. – 8:00 p.m. | Elementary School |
| October 24, 2023 | 5:00 p.m. – 8:00 p.m. | High School |
| October 26, 2023 | 5:00 p.m. – 8:00 p.m. | High School Stadium/Weight Room |
| October 30, 2023 – November 2, 2023 | 8:00 a.m. – 4:30 p.m. | Administration |
| October 30, 2023 | 5:00 p.m. – 8:00 p.m. | Elementary School |

Preliminary, subject to change. If any locations are changed, this will be reflected on the Upshur County elections website <https://www.countyofupshur.com/page/elections>

Early Voting By Mail

Applications for voting by mail should be received no later than the close of business (5:00 p.m.) on Friday, October 27, 2023. 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.

Early Voting Clerk
Lory Harle, Upshur County Elections Officer
115 Simpson St.
Gilmer, Texas 75644
Fax: 903-843-5492
Email: lory.harle@countyofupshur.com.

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