

**NOTICE OF SPECIAL ELECTION**

THE STATE OF TEXAS §  
COUNTIES OF UPSHUR AND HARRISON §  
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](https://www.ndisd.org).

TAKE NOTICE that an election will be held in the New Diana Independent School District on November 2, 2021, concerning ratifying a voter-approval tax rate in accordance with an order duly entered by the Board of Trustees of the New Diana Independent School District, 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**

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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 \$1.116172 per \$100 of taxable assessed valuation, which is a rate that exceeds the District’s voter-approval rate, excluding the District’s current debt rate under Section 26.08(n)(1)(C), Texas Tax Code, 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 2nd day of November, 2021 (*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

“Ratifying the ad valorem tax rate of \$1.116172 per \$100 valuation in the New Diana Independent School District for the current year, a rate that will result in an increase of 0.2961013365 percent in maintenance and operations tax revenue for the district for the current year as compared to the preceding year, which is an additional \$63,230.71.”

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.

Upshur County participates in the Countywide Polling Place Program under Section 43.007, as amended, Texas Election Code, meaning that any District voter registered in Upshur County can vote in the Election at any polling place identified in Exhibit A for Upshur 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. The individual designated in Exhibit B as the Presiding Judge of the Early Voting Ballot Board is hereby appointed the Presiding Judge of the Early Voting Ballot Board. The Presiding Judge shall appoint not less than two resident qualified voters of the District to serve as members of the Early Voting Ballot Board.

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 \$1.116172 PER \$100 VALUATION IN NEW DIANA INDEPENDENT SCHOOL DISTRICT FOR THE CURRENT YEAR, A RATE THAT WILL RESULT IN AN INCREASE OF 0.2961013365 PERCENT IN MAINTENANCE AND OPERATIONS TAX REVENUE FOR THE DISTRICT FOR THE CURRENT YEAR AS COMPARED TO THE PRECEDING YEAR, WHICH IS AN ADDITIONAL \$63,230.71.”

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. Additionally, a notice of election, including a Spanish translation thereof, shall be posted on the bulletin board used for posting notices of Board meetings not later than 21 days prior to Election Day. During the 21 days prior to Election Day, the District shall, in a prominent manner, maintain such notice on its Internet website.

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.

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

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

## Exhibit A

### ELECTION DAY PRECINCT AND POLLING INFORMATION

Election Day: November 2, 2021

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

Websites: <https://www.harrisoncountytexas.org> & <https://www.countyofupshur.com>.

<b>District Precincts</b>	<b>Harrison County Precincts</b>	<b>Upshur County Precincts</b>	<b>Polling Places*</b>
1	16, 23		Harleton Community Center 4335 Community Street Harleton, Texas 75641
2		2	East Mountain Community Center 103 Municipal Dr. Gilmer, TX 75645
3		3	Glenwood Water Department 6792 FM 726 S. Gilmer, TX 75645
4		4	Ashland Masonic Lodge #1138 10478 St. Hwy 154 Diana, TX 75640
		5	Assembly of God Church 1060 US Hwy 271 N. Gilmer, TX 75644
		6	Walnut Creek Baptist Church 1969 N. Sego Lily Rd. Diana, TX 75640
		7	Ore City Community Center 408 Althea Ore City, TX 75683
		9	Big Sandy ISD #1 Wildcat Dr. Big Sandy, TX 75755
		10	Pritchett Community Center 1092 FM 1404 Big Sandy, TX 75755
		11,16	St. James Baptist Church 2800 W. Commerce Gladewater, TX 75647
		13	Oak Hill Baptist Church 3084 FM 2088 Gilmer, TX 75644
		15	Rosewood Baptist Church 8261 Arrowwood Rd. Gilmer, TX 75644
		17, 20,21	Upshur County Library 702 W. Tyler St. Gilmer, TX 75644

**Exhibit B**

**UPSHUR COUNTY EARLY VOTING LOCATIONS, DATES AND HOURS**

Early voting begins Monday, October 18, 2021 and ends on Friday, October 29, 2021.

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.

**Location**

Upshur County Library  
702 W. Tyler St., Gilmer, TX 75644

**Date**

Monday, October 18, 2021 through Friday, October 22, 2021

**Time**

8:00 a.m. – 5:00 p.m.

**Location**

Upshur County Courthouse  
100 W. Tyler St.  
Gilmer, TX 75644

**Date**

Monday, October 25, 2021

Tuesday, October 26, 2021 through Friday, October 29, 2021

**Time**

7:00 am – 7:00 pm

8:00 am – 5:00 pm

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

**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 22, 2021. Applications should be sent to:

Early Voting Clerk  
Lory Harle, Upshur County Elections Officer  
100 West Tyler St.  
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 for this election shall begin on Monday, October 18, 2021 and end on Friday, October 29, 2021, and the dates and hours designated for early voting by personal appearance shall be as set forth below:

### Locations

Harrison County Elections Office (Main)	415 E. Burleson, Marshall, Texas 75672
Waskom Sub-Courthouse	165 W Texas Ave. Waskom, Texas 75691
Gold Hall Community Center	101 E Elm St. Hallsville, Texas 75650
Harleton Community Center	4335 Community St. Harleton, 75641

### Dates

Monday, October 18, 2021 through Friday, October 29, 2021,  
Thursdays, October 21, 2021 and October 28, 2021  
\*Excluding Saturday, Sundays and State Holidays

### Hours

8:00 a.m. – 5:00 p.m.  
7:00 a.m. – 7:00 p.m.

### Locations

Woodlawn Community Center	199 Oak Lawn Terrace Woodlawn, Texas 75605
Woodland Hills Baptist Church	2105 E Loop 281 Longview, Texas 75605
Harrison County ESD 9	130 FM 451 Elysian Fields, Texas 75642
T.J. Taylor Community Center	15642 FM 134 Karnack, Texas 75661
Wiley College – Pemberton Building	711 Wiley Ave. Marshall, Texas 75670

### Dates

Wednesday, October 27, 2021  
Thursday October 28, 2021  
Friday, October 29, 2021

### Hours

8:00 a.m. – 5:00 p.m.  
7:00 a.m. – 7:00 p.m.  
8:00 a.m. – 5:00 p.m.

### **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 22, 2021. Applications should be sent to:

Early Voting Clerk  
Donald Robinette, Harrison County Clerk  
P.O. Box 8409  
Marshall, TX 75671  
fax: (903) 938-1509  
email: [ballotbymail@co.harrison.tx.us](mailto: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.