



# CITY OF PRAIRIE VIEW

05.08.2019

RE: Written Notice of Declaration of Ineligibility for office of Councilmember

Mr. Jones:

The Texas Elections Code Chapter 145, Section 145.003(c) provides that a candidate in an election other than the general election for state and county officers may be declared ineligible by the presiding officer of the final canvassing authority for the office sought after the polls close on Election Day and before a certificate of election issued. The Texas Elections Code Chapter 145, Section 145.003(f) provides that a candidate may be declared ineligible only if:

- (1) the information on the candidate's application for a place on the ballot indicates that the candidate is ineligible for the office; or
- (2) facts indicating that the candidate is ineligible are conclusively established by another public record.

Finally, The Texas Elections Code Chapter 145, Section 145.003(g) provides that when presented with an application for a place on the ballot or another public record containing information pertinent to a candidate's eligibility the appropriate authority shall promptly review the record. If the appropriate authority determines that the record establishes ineligibility the appropriate authority shall declare the candidate ineligible.

I was provided a copy of the public record Defendant's Acknowledgements and Stipulation to the Terms of the Harris County District Attorney's Driving while Intoxicated Pretrial Intervention Program in Cause No. 2183260, The State of Texas v. Kendric De Jones (the "Acknowledgments and Stipulation").

The Acknowledgements and Stipulation is dated December 20, 2018. In the Acknowledgements and Stipulation you swear under oath that you resided at 2800 Jeanetta, Apartment 1214, Houston Texas, 77063 at the time you executed the sworn document. On your application for a place on the general ballot for the City of Prairie View (the "Application") you swore under oath that your residence was located at Prairie View 77446 University Sq., Square #117.

The Prairie View Home Rule Charter Article IV, Section 1 provides that a candidate for Councilmember must have resided within the City for at least twelve (12) months prior to his election. The City's regular election for Councilmembers will be held on May 4, 2019. Based on my review of the sworn Application and sworn Acknowledgements and Stipulation I have determined that these documents conclusively establish that you will not have resided within the City for the required 12 months prior to Election Day. As such, pursuant to my obligations as dictated by Texas Elections Code Sections 145.003(g) and (i), I am declaring you ineligible for the office of City Councilmember for the City of Prairie View and providing you this written notice of my declaration of ineligibility.

Sincerely

  
David Allen, Mayor