

12:32 pm, Jul 27 2021

RESOLUTION NO. 2021-08

TRACY SMITH, COUNTY CLERK

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CUMBY, TEXAS, ORDERING A GENERAL ELECTION TO BE HELD ON NOVEMBER 2, 2021, FOR THE PURPOSE OF ELECTING THREE (3) CITY COUNCIL MEMBERS; DESIGNATING POLLING PLACES; ORDERING NOTICES OF ELECTION TO BE GIVEN; AUTHORIZING EXECUTION OF ELECTION CONTRACTS; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Cumby ("City"), Texas is a Type "A" general law municipality located in Hopkins County, Texas, created in accordance with the provisions of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, Section 22.003 of the Texas Local Government Code provides that an election for officers of Type "A" general law municipality shall be held annually on an authorized uniform election day; and

WHEREAS, Section 41.001(a)(3) of the Texas Election Code establishes the first Tuesday after the first Monday in November as a uniform election day for the purposes of conducting a general and/or special election; and

WHEREAS, this year, the corresponding uniform election date for a general election is November 2, 2021; and

WHEREAS, Section 3.004(b) of the Texas Election Code provides that the governing body of a municipality shall be the authority to order a general election for electing municipal officers; and

WHEREAS, the City Council of Cumby, Texas ("City Council") is responsible for ordering such an election under the Texas Election Code for offices of the City, and the current terms of the councilmembers holding Place 3, Place 4, and Place 5 are concluding, requiring a general election for those offices for the term of office ending November 2023; and

WHEREAS, it is necessary that the Council order a general election to be held on the 2nd day of November, 2021, 7:00 a.m. to 7:00 p.m., for the purposes of (a) electing citizens to serve on the Council as Aldermen of Place 3, Place 4, and Place 5; and

WHEREAS, the election shall be held as a General Election administered by the Hopkins County Elections Administrator in accordance with the provisions of the Texas Election Code, ordinances of the City of Cumby, and a forthcoming Contract for Election Services with the County of Hopkins; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CUMBY, TEXAS:

SECTION 1.

ELECTION ORDER

A General Election is hereby ordered to be held by the City of Cumby, Texas, on Tuesday, November 2, 2021, for the purposes of electing three citizens to serve on the City Council for terms of two years each for Place 3, Place 4, and Place 5, said terms to end November 2023 by a plurality vote of the registered voters of the City.

Polling locations for the election will be determined in the Contract for Election Services to be entered into with Hopkins County. The polling locations shall be open between the hours of 7:00 a.m. and 7:00 p.m. the date of the election. The election will be conducted in accordance with a Contract for Election Services, by and between the City and Hopkins County, and the Texas Election Code.

SECTION 2. ELECTION NOTICE

The City Secretary is hereby directed to cause notice of said election to be published at least once, not earlier than the 30th day nor later than the 10th day, before election day as provided in Section 4.003(a)(1) of the Texas Election Code; and shall be posted on the bulletin board used for posting notices of the City Council meetings not later than the 21st day before election day. A copy of the published notice that contains the name of the newspaper and the date of publication shall be retained as a record of such notice, and the person posting the notice shall make a record at the time of posting stating the date and place of posting in accordance with Texas Election Code Section 4.005. The City Secretary is also directed to post the election notice on the Internet website of the City of Cumby.

SECTION 3. EARLY VOTING

Early voting by personal appearance by any qualified Hopkins County resident shall be conducted at City Hall, or at any of the other Hopkins County Vote Centers established by the Contract for Election Services. Early voting by personal appearance for the November 2, 2021, election will be conducted by the Hopkins County Elections Administration.

The City Council authorizes and directs the City Secretary to create and update a schedule as necessary to match the early voting schedule adopted by the Hopkins County Elections Administrator, or as may be required by Hopkins County and/or the State of Texas, and to notify the voting public of any such changes thereafter.

SECTION 4. ELECTION DAY POLLING PLACE

On November 2, 2021, Election Day, the polls shall be open to the voters of the precincts within the City of Cumby at any designated Election Day Vote Center location within Hopkins County from 7:00 a.m. to 7:00 p.m., including at:

Cumby City Hall, 100 E. Main Street, Cumby, Texas 75433

A list of other polling places, subject to confirmation by Hopkins County shall be supplemented by any of the other vote centers designated by the Contract for Election Services or by the Elections Administrator. If the locations for voting do not include City Hall, appropriate notice shall be posted at the entrance informing voters of the current polling place location(s).

SECTION 5.**FILING PERIOD**

Candidates for the above offices may file their application beginning at 8:00 a.m. on July 17, 2021 and shall file their applications no later than 5:00 p.m. on August 16, 2021. All candidates for the office to be filled in the election to be held on November 2, 2021, shall file their application to become candidates with the City Secretary of the City of Cumby, Texas on a form as prescribed by the Election Code of the State of Texas.

SECTION 6.**DRAWING**

The order in which the names of the candidates are to be printed on the ballot shall be determined by a drawing conducted in accordance with Section 52.094 of the Texas Election Code.

SECTION 7.**BALLOTS AND PRINTED MATERIALS**

The ballots used for the election shall comply with the Texas Election Code and be on the form provided by the City to the Hopkins County Election Officer (the "Election Officer") for use on the voting devices and ballots used by Hopkins County. The official ballots, together with such other election materials as are required by the Texas Election Code, as amended, shall be printed in both the English and Spanish languages and shall contain such provisions, markings, and language as required by law.

SECTION 8.**CONDUCT OF ELECTION**

The Election Officer and his/her employees and appointees, and the election judges, alternate judges and clerks properly appointed for the election, shall hold and conduct the election in the manner provided by the Election Services Contract and the law governing the holding of general elections by general law cities of the State of Texas.

SECTION 9.**ELECTION ADMINISTRATION**

The city shall contract with the Hopkins County Elections Administration to perform all duties normally performed by the County Clerk in general elections with respect to early voting, election day voting, as well as preparing the official ballots coordinate, supervise, and handle all aspects of administering the election ordered by this Resolution.

SECTION 10.**ELECTION JUDGES AND CLERKS**

The presiding judges, alternate presiding judges, and clerks for the election shall be selected and appointed by Hopkins County and its appointees in compliance with the requirements of state law, and such judges and clerks so selected by Hopkins County and its appointees are hereby designated and appointed by the City Council as the election officers, judges, and clerks, respectively, for the holding of said general election. The presiding judges, alternate presiding judges, and clerks shall perform the functions and duties of their respective positions that are provided by state law. The City Council will further confirm and appoint the election judges and alternate election judges that are appointed by Hopkins County for the election.

SECTION 11.**CITY SECRETARY**

The City Secretary, or designee, is instructed to aid the Election Officer in the acquisition and furnishing of all election supplies and materials necessary to conduct the election as provided by the Election Service Contract. The City Secretary will serve as Regular Early Voting Clerk for the City to receive requests for applications for early voting ballots and forward those applications to the Joint Early Voting Clerk. The City Secretary is further authorized to give or cause to be given notices required for the election and to take such other and further action as is required to conduct the election in compliance with the Texas Election Code; provided that, pursuant to the Election Services Contract between Hopkins County and the City, the Election Officer shall have the duty and be responsible for organizing and conducting the election in compliance with the Texas Election Code; and for providing all services specified to be provided in the Election Services Contract. The Election Officer shall give the notices required by the Texas Election Code to be given for the election not required to be given by the City under the Election Services Contract.

SECTION 12.**GENERAL**

The election ordered by this Resolution shall be held in accordance with the Code and the contract between the City and the Hopkins County Elections Administration. The City shall give notice of said election in accordance with the provisions of the code, and all necessary orders and writs for said election shall be issued by the proper authority. The Mayor is hereby authorized to execute the contract between the City and the Hopkins County Elections Administration, and to execute such other documents related to the election ordered by this Resolution, as may be necessary to the proper conduct thereof.

SECTION 13.**SEVERABILITY**

Should any part, section, subsection, paragraph, sentence, clause, or phrase contained in this Resolution be held to be unconstitutional or of no force and effect, such holding shall not affect the validity of the remaining portions of this Resolution, but in all respects said remaining portions shall be and remain in full force and effect.

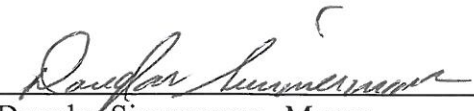
SECTION 14.**EFFECTIVE DATE; ELECTION CODE**


This Resolution shall be in full force and effect from and after its passage on the date shown below; provided that if any term or provision of this Resolution conflicts with, or is inconsistent with, the Texas Election Code, the Texas Election Code shall govern and control and the Election Officer shall comply with the Texas Election Code.

SECTION 15.**OPEN MEETINGS.**


It is official found and determined that the meeting at which this Resolution is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by Chapter 551, Texas Gov't Code.

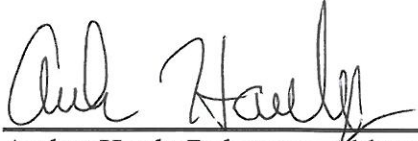
PASSED, APPROVED AND ADOPTED by the City Council of the City of Cumby, Texas, on this the 8th day of June 2021.

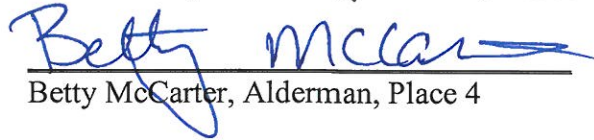

Douglas Simmerman, Mayor


Sheryl Lackey, Alderman, Place 1



Wayne Mobley, Alderman, Place 3


Ryan Horne, Alderman, Place 5


Amber Hardy Roberson, Alderman, Place 2


Betty McCarter, Alderman, Place 4

Attested & Approved as to Form:


Leigh A. Thompson, Attorney

