

RESOLUTION NO. 2021-09-10

FILED FOR RECORD  
HOPKINS COUNTY, TEXAS  
2021 SEP 17 A 11:42

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CUMBY, TEXAS, CALLING FOR A SPECIAL ELECTION TO FILL CITY COUNCIL VACANCIES FOR ALDERMAN, PLACE 1, AND ALDERMAN, PLACE 2, TO BE HELD ON NOVEMBER 2, 2021; AND MAKING PROVISIONS FOR THE CONDUCT OF THE SPECIAL ELECTION; AND AUTHORIZING A CONTRACT WITH HOPKINS COUNTY TO FURNISH ELECTION SERVICES AND EQUIPMENT.**

TRACY SMITH  
CLERK  
DEPUTY

**WHEREAS**, effective June 8, 2021, a vacancy occurred in the City Council of the City of Cumby from office of Alderman, Place 2, Amber Hardy-Roberson

**WHEREAS**, effective August 17, 2021 or within eight days thereafter, a vacancy occurred in the City Council of the City of Cumby upon receipt of written resignation from office of Alderman, Place 1, Sheryl Lackey; and

**WHEREAS**, the Texas Election Code, Section 201.052, provides that a special election to fill a vacancy shall be held on the first authorized uniform election date occurring on or after the 46th day after the election is ordered; and

**WHEREAS**, November 2, 2021, is the first authorized uniform election date occurring on or after the 46th day after the date of this order; and

**WHEREAS**, the City Council has determined that the holding of the special election to fill the unexpired term of City Council Alderman, Place 1 and Alderman, Place 1 on November 2, 2021 is in conformity with applicable laws and is in the best interest of the citizens of Cumby.

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CUMBY THAT:**

**SECTION 1 – VACANCY, ALDERMAN, PLACE 1 & ALDERMAN, PLACE 2**

The City Council of the City of Cumby, Texas, does hereby declare a vacancy in the position of City Council Alderman, Place 1 & Place 2, and orders a special election for the City of Cumby, Texas, to be held on Tuesday, November 2, 2021, for the purpose of electing a City Council Alderman to serve for the unexpired term of Alderman, Place 1 and Alderman, Place 2.

Such election shall be held in the manner and form prescribed by the laws of the State of Texas, and at such election all qualified voters in the City are authorized to vote. The candidate receiving a majority of the votes cast for City Council Alderman, Place 1, and Alderman, Place 2 shall be declared elected to such office.

Such election shall be held at the precincts and the polling places as is customary and designated by the election code or such other locations as may be designated prior to the election by the City Secretary, attached hereto and made a part hereof for all purposes, and said polling places shall open at 7 a.m. and remain open until 7 p.m. on the day of the election.

## **SECTION 2 – ELECTION SERVICES CONTRACT WITH COUNTY**

The Mayor of the City of Cumby is hereby authorized to execute a contract with the Hopkins County Clerk for the purpose of having Hopkins County furnish all or any portion of the election services and equipment needed by the City Secretary to conduct the election. The contract document and election services provided therein shall conform to Chapter 31, Subchapter D, of the Texas Election Code and other applicable statutes and laws.

The election services contract shall provide (a) the type of electronic voting equipment to be used for early voting by personal appearance and on election day, (b) notification and training for election judges and clerks, (c) an estimate and final payment terms for the election services provided, (d) agreements for early voting equipment and voting machine rental, and (e) other procedures to conduct the election.

## **SECTION 3 – EARLY VOTING CLERK**

Tracy Smith, Hopkins County Clerk, 128 Jefferson Street, Suite C, Sulphur Springs, Texas 75482 is hereby appointed as Early Voting Clerk. Applications for ballot by mail must be received no later than the close of business on October 22, 2021, sent to the address listed above in this section.

## **SECTION 4 – EARLY VOTING**

Early voting by personal appearance shall be conducted at the offices of the Hopkins County Clerk, Tracy Smith, 128 Jefferson St., Ste. C, Sulphur Springs 75482. In addition, early voting may also occur at such branch early voting polling places as are designated herein or otherwise designated by the Hopkins County Clerk and posted at City Hall by the City Secretary. The locations and hours for early voting by personal appearance shall be authorized for such election as is customary and designated by the election code.

In addition, mobile voting stations may also be authorized and used for early voting at publicly owned buildings in the City as established by the Hopkins County Clerk. The City Secretary is authorized to make corrections or revisions to the list of these mobile stations, including the respective hours for early voting by personal appearance at these stations, as are established by the Hopkins County Clerk. The City Secretary is further authorized to make corrections or revisions to the list of early voting stations as set forth above, including the respective hours for early voting by personal appearance at these stations, and revise and correct all election notices regarding the early voting locations and the mobile voting stations, and the dates and times for such voting.

For purposes of processing ballots cast in early voting, the election officers for the Early Voting Ballot Board shall be appointed and designated in accordance with the provisions of the election agreement with Hopkins County.

## **SECTION 5 – FILING FOR PLACE ON BALLOT**

Applications for candidacy to the office of City Council Alderman, Place 1 and Alderman, Place 2 shall be made to the City Secretary of the City of Cumby beginning September 15, 2021 and ending on September 23, 2021 at 5 p.m., in manner and form as prescribed by law.

The names of eligible and qualified candidates for such office shall be placed on the ballots for such election by the City Secretary at the time and in the manner prescribed by law.

**SECTION 6 – VOTING MACHINES AND ELECTION RESULTS**

Voting machines used for the conduct of the election, shall be procured, maintained, operated, sealed and the votes therefrom tabulated pursuant to procedures established and authorized by the laws of the State of Texas.

The results of the election shall be certified, canvassed, and returned in the form and manner prescribed by law.

**SECTION 7 – NOTICE OF ELECTION**

The notice of the election hereby ordered and called shall be promulgated, published and posted in keeping with the state and local laws. A substantial copy of this resolution shall serve as proper notice of said election.

The City Secretary shall give notice of such election by posting a notice of such election in English and Spanish in the Office of the City Secretary as provided by law and by publishing a copy of said notice in both English and Spanish in a newspaper in the City as required by law, not later than October 23, 2021.

The City Secretary shall deliver notice of this election to the county clerk and voter registrar of Hopkins County, as required by law.


**SECTION 8 – RUNOFF ELECTION**

Any runoff election required for the election of City Council Alderman, Place 1 and Alderman, Place 2, following the special election of November 2, 2021, shall be held on a date that is permitted by and in accordance with Section 2.025 (a) Election Code of the State of Texas. Such election, if any, shall be called by the City Council. Early voting dates and sites will be identified if such runoff election shall be held.

**SECTION 9 – COMPLIANCE WITH APPLICABLE LAWS**

The Mayor and the City Secretary, in consultation with the City Attorney, are hereby authorized and directed to take any and all actions necessary to comply with the provisions of federal and state law in carrying out and conducting the election, whether or not expressly authorized herein.


APPROVED this 3<sup>rd</sup> day of September, 2021.

  
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Douglas Simmerman, Mayor

**ATTEST:**

  
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Betty Jo Hardman, City Secretary

**APPROVED AS TO FORM:**

  
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Leigh Thompson., City Attorney