

RESOLUTION NO. 2020-06-01

A RESOLUTION OF THE CITY OF CUMBY, TEXAS, CALLING A GENERAL ELECTION AND ESTABLISHING THE PROCEDURE FOR THE GENERAL ELECTION FOR CITY OFFICERS TO BE HELD ON NOVEMBER 3, 2020 IN THE CITY OF CUMBY, TEXAS; AND PROVIDING FOR OTHER MATTERS RELATING TO THE ELECTION.

WHEREAS, the laws of the State of Texas provide that on November 3, 2020, there shall be a general election for municipal officers; and

WHEREAS, the Texas Election Code is applicable to said election, and in order to comply with said Code, a resolution should be passed calling the election and establishing the procedures to be followed in said election and designating the voting place for said election; and

WHEREAS, the City of Cumby, Texas (the "City") lies within the boundaries of Hopkins County, Texas; and

WHEREAS, the City approves and agrees to conduct the City General Election jointly with other political subdivisions in Hopkins County in accordance with Texas Election Code Chapter 271; and

WHEREAS, the City and other political subdivisions in the area have made provision to contract with the Hopkins County Election Officer to conduct the City's election, pursuant to Chapter 31, Texas Election Code and Chapter 791, Texas Gov't Code.

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

Section 1. General Election Ordered. A general election shall be held on November 3, 2020 to elect the following city officers: One (1) Mayor and two (2) Aldermen, being Place 1 and Place 2, of the City of Cumby, Texas; each to serve a term of two (2) years.

Section 2. Filing Period. Candidates for the above offices may file their application beginning at 8:00 a.m on July 18, 2020 and shall file their applications no later than 5:00 p.m. on August 17, 2020. All candidates for the office to be filled in the election to be held on November 3, 2020, 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 3. 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 4. 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 5. Joint Election. The City agrees to conduct a joint election with the political subdivisions designated by the Elections Officer, provided that such political subdivisions hold an election on November 3, 2020 in all or part of the same territory as the City. The joint election for political subdivisions in Hopkins County will be conducted in accordance with state law, this resolution, and the contract for election services with Hopkins County ("Election Services Contract").

Section 6. 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 7. Election Precinct and Polling Place. The election precincts for the election shall be the election precincts established by Hopkins County, provided that each shall contain and include geographic area that is within the City. Election Day voting shall be conducted at places, times, and locations authorized and required by state law and the Election Officer. The returns for the precincts in Hopkins County will be provided by the precinct, and the Election Officer shall tabulate and provide the election returns for the election. Any polling place may be changed by the Election Officer upon compliance with state and federal law.

Section 8. Election Officer. The Election Officer is appointed to serve as the City's Election Officer, Joint Early Voting Clerk and the Joint Custodian of Records for precincts which may be affected, to conduct the City's election on November 3, 2020. As the City's Election Officer and Early Voting Clerk, the Election Officer shall coordinate, supervise, and conduct all aspects of administering voting in the City's election in compliance with state law and the Election Services Contract.

Section 9. Early Voting. Early voting, both by personal appearance and by mail, will be conducted by the Election Officer in accordance with the Texas Election Code. Early Voting by personal appearance shall be conducted at places, time, and locations authorized and required by state law and the Election Officer. Early voting shall commence on October 19, 2020 and continue through October 30, 2020. Early voting by City residents may be conducted at any Hopkins County early voting location and any location exclusively designated by the Election Officer for City residents.

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. Notice of Election. Notice of the election shall be given by posting a notice containing a substantial copy of this resolution on the bulletin board used for posting notice of meetings of the governing body at the City Hall and at the aforesaid election day polling places not later than the twenty-first (21st) day before the election, and by publishing said Notice of Election at least one time, not earlier than thirty (30) days nor later than ten (10) days prior to said election, in a newspaper of general circulation within the City. The notice that is posted and the notice that is published in a newspaper of general circulation within the City will be written in both English and Spanish.

Section 13. General. The Election Officer shall hold said election in accordance with the Texas Election Code and the Election Services Contract, and only resident qualified voters of said City shall be eligible to vote at said election. Returns of election shall be made known as soon as possible after the closing of the polls; and the election returns shall be canvassed by the City Council not earlier than November 7, 2020 nor later than November 14, 2020.

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

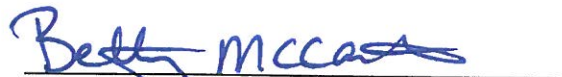
Election Code, the Texas Election Code shall govern and control and the Election Officer shall comply with the Texas Election Code.

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 AND APPROVED THIS 9 DAY OF June, 2020.

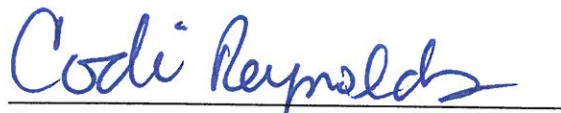

Doug Simmerman, Mayor


Guy Butler, Alderman, Place 3


Betty McCarter, Alderman, Place 4


Julie Morris, Alderman, Place 5

ATTEST:


Codi Reynolds, City Secretary

APPROVED AS TO FORM:


Edgar J. Garrett, Jr., City Attorney



ORDER OF ELECTION FOR THE CITY OF CUMBY, TEXAS

An election is hereby ordered to be held on November 3, 2020, for the purpose of electing one member to each of the following offices – Alderman, Place 1; Alderman, Place 2; and Mayor.

Early voting by personal appearance will be conducted each weekday at:

Hopkins County Tax Office/J.P. Officers (J.P. #2 Courtroom)
128 Jefferson Street
Sulphur Springs, Texas 75482

between the hours as set by the early voting clerk, beginning on October 19, 2020 and ending on October 30, 2020.

Applications for ballot by mail shall be mailed to:

Hopkins County Clerk
Tracy Smith
128 Jefferson St., Ste. C
Sulphur Springs 75482

Applications for ballots by mail must be received no later than the close of business on October 23, 2020.

Issued this the 9 day of June, 2020.


Mayor


Alderman, Place 3


Alderman, Place 3


Alderman, Place 5

