

RESOLUTION NO. 645

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
COTTONWOOD SHORES, TEXAS, ESTABLISHING A POLICY REGARDING
CANCELLATION OF GENERAL ELECTIONS UPON DECLARATION OF
UNOPPOSED CANDIDATES ELECTED TO OFFICE

THE STATE OF TEXAS
COUNTY OF BURNET
CITY OF COTTONWOOD SHORES, TEXAS

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WHEREAS, Section 2.051(a), Texas Election Code, as amended, applies to general elections for officers of a political subdivision where no candidate's name shall appear on a list of write-in candidates and in which each candidate for office would appear on a ballot unopposed; and

WHEREAS, Section 2.052(a), Texas Election Code, as amended, states that the authority responsible for having the official ballot prepared shall certify in writing that a candidate is unopposed for election to an office if, were the election held, only the votes cast for that candidate in the election for that office may be counted; and

WHEREAS, Section 2.053(a), Texas Election Code, as amended, states that upon receipt of the certification that a candidate is unopposed for election to office, the governing body of the political subdivision, by order or ordinance, may declare each unopposed candidate elected to office; and

WHEREAS, Section 2.053(b), Texas Election Code, as amended, states that if a declaration declaring an unopposed candidate elected to office is made, then the general election shall not be held; and

WHEREAS, Section 5 of the United States Voting Rights Act of 1965 (the "VRA") requires any changes affecting voting to be pre-cleared by the United States Department of Justice (the "DOJ"); and

WHEREAS, the DOJ now deems it necessary to require that a governmental entity preclear any and all cancellations of general elections or, in the alternative, create a policy that cancels all uncontested elections for review by the DOJ under Section 5 of the VRA as a recurrent practice; and

WHEREAS, the City Council of the City of Cottonwood Shores, Texas (the "City") now wishes to establish a policy for cancelling general elections that have been certified as uncontested.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COTTONWOOD SHORES, TEXAS THAT:

Section 1: Pursuant to the provisions of Section 2.051(a) of the Texas Election Code, as amended, a general election shall not be held in the event that only one (1) candidate's name will appear on the ballot for each open position and no candidate's name will be placed on an approved list of write-in candidates for the office of Mayor or Council Member of the City.

Section 2: Pursuant to the provisions of Section 2.052(a) of the Texas Election Code, as amended, if a general election is uncontested, the City Secretary shall certify in writing to the City Council that the candidates to be listed on the ballot for the election are unopposed.

Section 3: Pursuant to the provisions of Section 2.053(a) of the Texas Election Code, as amended, the City Council shall declare unopposed candidates elected to office; and

Section 4: Pursuant to Section 2.053(b) of the Texas Election Code, as amended, the City Council shall declare all uncontested general elections, certified by the City Secretary, canceled.

Section 5: The Mayor, City Secretary and the City's Attorney are hereby authorized and directed to take any action necessary to carry out the provisions of this Resolution.

PASSED, APPROVED AND ADOPTED this the 02 day of February, 2012.

Councilmembers Voting Aye: 5

Councilmembers Voting No: 0

Councilmembers Absent: 0

Attest: [Signature] City Secretary [Signature] Mayor

Recommended: _____
City Manager

Approved as to legal form: [Signature]
City Attorney

