

RESOLUTION NO. 578-23

A RESOLUTION OF THE CITY COUNCIL OF THE CITY RICHLAND HILLS, TEXAS, ORDERING A SPECIAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 7, 2023, TO ALLOW THE VOTERS TO CONSIDER VOTING FOR OR AGAINST THE FOLLOWING PROPOSITION: THE LEGAL SALE OF ALL ALCOHOLIC BEVERAGES FOR OFF-PREMISE CONSUMPTION ONLY; AUTHORIZING A JOINT CONTRACT ELECTION AGREEMENT AND CONTRACT FOR ELECTION SERVICES WITH TARRANT COUNTY; AND ESTABLISHING THE DATES AND TIMES FOR EARLY VOTING FOR SUCH ELECTION.

WHEREAS, Chapter 501 of the Texas Election Code and Chapter 251 of the Texas Alcoholic Beverage Code provide for the holding of local option elections; and

WHEREAS, Section 501.032 of the Texas Election Code requires the City to order an election upon receipt of a valid petition containing signatures of at least 35 percent of the registered voters in the political subdivision who voted for governor in the most recent gubernatorial election, which equals 903 signatures; and

WHEREAS, a petition was issued on May 4, 2023 and on July 3, 2023, the City of Richland Hills received a petition meeting the requirements of Chapter 501 of the Texas Election Code and containing approximately 910 valid signatures based on a statistical sample requesting a local option election be held for voters to consider voting for or against “the legal sale of all alcoholic beverages for off-premise consumption only”; and

WHEREAS, all legal prerequisites for the adoption of this resolution have been met, including but not limited to the Election Code, the Alcoholic Beverage Code, the Local Government Code and the Open Meetings Act; and

WHEREAS, the Richland Hills City Council has determined that a contract with Tarrant County Elections Administration for election services and equipment is in the best interest of the City of Richland Hills.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RICHLAND HILLS, TEXAS, THAT:

**SECTION 1.
ELECTION ORDER FOR SPECIAL ELECTION**

The City Council of the City of Richland Hills, Texas, at a regular meeting held this date, does hereby order a special election to be held between the hours of 7:00 a.m. and 7:00 p.m. on Tuesday, November 7, 2023, for the purpose of submitting to the qualified voters of the City of Richland Hills the determination of the following issue:

The legal sale of all alcoholic beverages for off-premise consumption only

"La venta legal de todas bebidas alcohólicas para consumo solamente fuera del establecimiento."

Việc bán hợp pháp tất cả đồ uống có cồn chỉ dành cho tiêu dùng ngoài cơ sở

The ballot shall be prepared so that the voters can vote for or against the above issue.

SECTION 2. JOINT ELECTION ADMINISTRATION CONTRACT

The Mayor is hereby authorized to execute a contract with Tarrant County Elections Administrator for the purpose of having Tarrant 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.

SECTION 3. VOTING EQUIPMENT

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 4. VOTING LOCATIONS

Election day voting locations shall be established as outlined in the election agreement with Tarrant County.

SECTION 5. COMBINED BALLOTS

Combined ballots may be utilized containing all of the offices and propositions to be voted on at each polling place, provided that no voter shall be given a ballot or permitted to vote for any office or proposition on which the voter is ineligible to vote. Returns may be made on forms, which are individual or combined, and the Tarrant County Elections Administrator shall be designated as the custodian of the combined records. The order in which the names of the candidates are to be printed on the ballot shall be determined by a drawing by the City Secretary pursuant to state law. Notice of the time and place for such drawing shall be given in accordance with the Code.

**SECTION 6.
EARLY VOTING CLERK**

Troy Havard, Assistant Tarrant County Elections Administrator, 2700 Premier Street, Fort Worth, Texas, 76111, or his successor, is hereby appointed as Early Voting Clerk and Lindsay Rawlinson, City Secretary, 3200 Diana Drive, Richland Hills, Texas, 76118, shall serve as Deputy Early Voting Clerk. Applications for ballot by mail must be received by 12 noon or close of business, whichever is later, by Friday, October 27, 2023.

Mailing Address:
Tarrant County Elections
Attention: Early Voting Clerk
PO Box 961011
Fort Worth, Texas 76161-0011
www.tarrantcounty.com
817-831-8683
Fax: 817-831-6118
electionsinfo@tarrantcounty.com

**SECTION 7.
EARLY VOTING**

Early voting by personal appearance shall be conducted at the main early voting location at the Tarrant County Elections Center, 2700 Premier Street, Fort Worth, Texas 76111. Branch offices for early voting shall also be established as outlined in the joint election agreement with Tarrant County.

Early voting by personal appearance begins on Monday, October 23, 2023, and ends on Friday, November 3, 2023, during the hours listed below:

October 23 – 27	Monday – Friday	8:00 a.m. – 5:00 p.m.
October 28	Saturday	7:00 a.m. – 7:00 p.m.
October 29	Sunday	11:00 a.m. – 4:00 p.m.
October 30 – November 3	Monday – Friday	7:00 a.m. – 7:00 p.m.

Applications for early voting by mail shall be delivered to the Early Voting Clerk at the address set forth in Section 6 not later than 12 noon or close of business, whichever is later, by Friday, October 27, 2023.

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 Tarrant County.

**SECTION 8.
ELECTION DAY**

All resident, qualified voters, determined by the laws of the State of Texas, the Charter, and ordinances of the City of Richland Hills shall be qualified to vote at such election. For the purpose of said election, the entire City is constituted into one voting precinct. Voting on Election Day, November 7, 2023, shall be conducted between the hours of 7:00 a.m. and 7:00 p.m. The location of the polling places are designated pursuant to the Texas Election Code as those precincts designated by Tarrant County. This election shall be held and conducted in accordance with the aforesaid election agreement, election laws of the Texas Election Code, the Federal Voting Rights Act of 1965, as amended, the Charter of the City of Richland Hills, and as may be required by law. All election materials and proceedings shall be printed in English, Spanish and Vietnamese.

**SECTION 9.
ELECTION RESULTS**

The results of the election shall be certified, canvassed, and returned in the form and manner prescribed by the laws of the State of Texas and the charter and ordinances of the City of Richland Hills.

**SECTION 10.
ELECTION NOTICE**

The notice of the election hereby ordered and called shall be promulgated, published and posted in keeping with the laws of the State of Texas, and the charter and ordinances of the City of Richland Hills.

**SECTION 11.
ELECTION OFFICIALS**

The election judge, alternate election judge, and ballot board will be appointed by the Tarrant County Elections Administrator, as permitted by law. The presiding judge shall appoint elections clerks as may be necessary for the proper conduct of the election. The election judge, or the alternate election judge in the absence of the election judge, and the election clerks shall constitute the Early Voting Ballot Board. The election judge, and alternate election judge, and election clerks shall be qualified voters of the City.

**SECTION 12.
NECESSARY ACTIONS**

The City Manager 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 AND ADOPTED at a regular meeting of the Richland Hills City Council on July 24, 2023, by a vote of _____ ayes, _____ nays, and _____ abstentions.

APPROVED:

THE HONORABLE EDWARD LOPEZ, MAYOR

ATTEST:

LINDSAY RAWLINSON, CITY SECRETARY