

[CITY LETTERHEAD]
[RETURN ADDRESS]

SAMPLE

[DATE]

Mr. John Tanner
Chief, Voting Section
Civil Rights Division
Room 7254 - NWB
U.S. Department of Justice
950 Pennsylvania Ave., NW
Washington, D.C. 20530

RE: Submission under Section 5, Voting Rights Act, of Resolution
[NAME OR NUMBER OF RESOLUTION OR ORDER] of
City of [NAME OF CITY] Dated [DATE].

Dear Mr. Tanner:

This letter is a submission under Section 5 of the Voting Rights Act (42 U.S.C. § 1973 et seq.) The City of [NAME OF CITY] (“City”) requests preclearance of its acquisition and use of [NAME AND MODEL NUMBER OF VOTING SYSTEM] (“Voting System”) in the City’s elections. The City has ordered the use of the Voting System through an ordinance cited as [NAME OR NUMBER OF RESOLUTION] dated [DATE], (“Resolution”).

The City is providing the following information with respect to the Resolution. This information is provided because it is required by Title 28, Rule Sections 51.27(a)-(p) of the Code of Federal Regulations (28 C.F.R. § 51.27(a)-(p) (2005) (“Rule”). Each piece of information is identified with the subsection of the Rule that requires it.

(a) & (b) A copy of the Resolution is attached to this letter.

(c) The Resolution specifies that the City will use the Voting System for its elections. This Voting System has been certified by the Texas Secretary of State for use in local elections in compliance with state and federal law, including relevant provisions of the Help America Vote Act (42 U.S.C. §§ 1973ee et seq.) that define and mandate the use of accessible voting systems. This the same accessible Voting System that the County of [NAME OF COUNTY] (“County”) uses for its elections.

A copy of the County’s Section 5 preclearance submission letter dated [DATE OF COUNTY SUBMISSION LETTER UNDER SECTION 5] is attached to this letter for your reference. As noted in that letter, the chosen Voting System complies with the Voting Rights Act of 1965 and the Help America Vote Act of 2002. Your office precleared the County’s use of this Voting System on [DATE OF PRECLEARANCE OF COUNTY CHOICE OF VOTING SYSTEM].

The City enacted the Resolution in order to comply with Section 61.012 of the Texas Election Code (Tex. Elec. Code Ann. § 61.012 (Vernon Supp. 2005) (“Code”). This law requires that every polling place used in every election in Texas must provide at least one

Mr. John Tanner
[DATE]
[PAGE __ OF __]

voting station that is accessible to a voter with disabilities, and the voting station must provide a practical and effective means for a voter with disabilities to cast a secret ballot. Section 61.012 of the Code was precleared on November 20, 2003.

Section 61.012 of the Code was enacted by the Texas Legislature consistent with the requirements imposed by the Help America Vote Act of 2002 and made applicable to all Texas political subdivisions. The Resolution is also consistent with the requirements of that federal law.

- (d) The submitting authority is the [NAME OF CITY SECRETARY], City Secretary, as the City's chief election officer. The City Secretary's office may be reached at [MAILING ADDRESS OF CITY SECRETARY].
- (e) Not applicable.
- (f) The City is located in [NAME OF COUNTY] County, State of Texas.
- (g) The authority responsible for the passage of the Resolution was the City Council. The Resolution was enacted as authorized by Section 123.001, Texas Election Code (Tex. Elec. Code Ann. § 123.001 (Vernon 2003)).
- (h) The Resolution was adopted pursuant to the provisions of Sections 61.012, 123.032, and 123.035, Texas Election Code. In particular, Section 61.012 requires the use of accessible voting systems in all polling places used by a political subdivision for its elections, while Sections 123.032 and 123.035 establish the requirements for acquisition of such voting systems.
- (i) The Resolution was enacted by the City Council on [DATE OF ENACTMENT OF RESOLUTION].
- (j) The Resolution takes effect immediately, and applies to all City municipal elections held on or after January 1, 2006.
- (k) The provisions of the Resolution have not been implemented.
- (l) These procedures will affect City voters.
- (m) The Resolution implements the provisions of Section 61.012 of the Code and by extension the federal Help America Vote Act of 2002.
- (n) The Resolution will not affect members of any racial or linguistic minority differently from the way the general public is affected. The Resolution does not have the intent and will not have the effect of diluting the voting strength of any racial or linguistic minority. For further information regarding the effect of the Resolution on minorities, contact:

[NAME, ADDRESS, AND PHONE NUMBER OF ONE OR MORE MEMBERS OF A RACIAL OR LINGUISTIC MINORITY RESIDENT IN THE CITY AND FAMILIAR WITH THE RESOLUTION]

Mr. John Tanner
[DATE]
[PAGE __ OF __]

- (o) There is no past or pending litigation concerning the subject matter of the Resolution.
- (p) The procedure for the adoption of the change is not subject to preclearance.

If you have any questions or need additional information, please contact [CITY SECRETARY]
at [CITY PHONE NUMBER].

Sincerely,

[CITY SECRETARY]
City Secretary
City of [NAME OF CITY]

Enclosures (2):

Resolution of the City of [NAME OF CITY]
Preclearance Submission Letter of [DATE] submitted by [COUNTY] County