ORDINANCE NUMBER 952-2020

AN ORDINANCE OF THE CITY OF DICKINSON, TEXAS EXTENDING THE GENERAL ELECTION PREVIOUSLY CALLED FOR SATURDAY, MAY 2, 2020 TO NOVEMBER 3, 2020 AS ALLOWED BY PROCLAMATION OF THE GOVERNOR ISSUED ON MARCH 18, 2020; THE CALLED ELECTION BEING FOR THE PURPOSE OF ELECTING THE MAYOR AND THREE COUNCILMEMBERS (POSITION NOS. 1, 3, AND 5), AS WELL AS SPECIAL CALLED ELECTIONS TO FILL THE VACANCY FOR POSITION NO. 2 AND TO CONSIDER CHARTER AMENDMENT PROPOSITIONS; PROVIDING DETAILS RELATING TO THE HOLDING OF SUCH ELECTION; PROVIDING FOR SEVERABILITY; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT.

* * * * * *

WHEREAS, the City of Dickinson, Texas (the "City") has called a General Municipal Election and Special Elections to be held on Saturday, May 2, 2020 for the purposes of electing the Mayor and three Councilmembers, Positions 1, and 3, and 5, and Special Elections to fill the vacancy for Position 2 and to consider Charter amendment propositions; and

WHEREAS, due to the outbreak of the COVID-19, the Governor of the State of Texas issued a declaration of disaster on March 13, 2020; and

WHEREAS, the Governor issued a proclamation on March 18, 2020 allowing municipalities in the State to postpone their general and special elections scheduled for May 2, 2020 to November 3, 2020; and

WHEREAS, the City Council of the City approved an ordinance declaring a disaster in the City on March 24, 2020; and

WHEREAS, the City Council of the City finds it to be in the best interest of the health, safety and welfare of its citizens to postpone the City's general and special elections from May 2, 2020 to November 3, 2020;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, THAT:

Section 1. The facts and matters set forth in the preamble to this ordinance are hereby found to be true and correct.

Section 2. The General Municipal and Special Elections previously set by ordinance to be held on May 2, 2020 is hereby postponed to November 3, 2020, pursuant to the authority contained in the proclamation of the Governor of the State of Texas, dated March 18, 2020. A copy of the proclamation is attached hereto as Exhibit "A."

Section 3. The candidate filings for the May 2, 2020 election will remain the same for the November 3, 2020 election. The candidate filing period will not be reopened for the November 3, 2020 election.

Section 4. All applications for ballot by mail filed by voters due to being over the age of 65 or because of disability, will still be valid for the November election. All applications for ballot by mail for expected absence from the County will not be valid for the November election.

Section 5. The deadline to register to vote in the November election is October 5, 2020. All applications for ballot by mail for the November election must be submitted no later than October 23, 2020. Early voting will be conducted October 19 through October 30, 2020.

Section 6. In the event any clause phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Dickinson, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

DULY PASSED, APPROVED, AND ADOPTED on first and final reading this 24th day of March, 2020.

Julie Masters, Mayor
City of Dickinson, Texas

ATTEST:

Alun W. Thomas, City Secretary
City of Dickinson, Texas

APPROVED AS TO FORM AND CONTENT:

David W. Olson, City Attorney
City of Dickinson, Texas

Exhibit A to Ordinance 952-2020

GOVERNOR GREG ABBOTT

March 18, 2020

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
10:00AM O'CLOCK
MAR 18 2020
Secretary of State

The Honorable Ruth R. Hughs
Secretary of State
State Capitol Room 1E.8
Austin, Texas 78701

Dear Secretary Hughs:

Pursuant to his powers as Governor of the State of Texas, Greg Abbott has issued the following:

> A proclamation suspending Sections 41.0052(a) and (b) of the Texas Election Code and Section 49.103 of the Texas Water Code to the extent necessary to allow political subdivisions that would otherwise hold elections on May 2, 2020, to move their general and special elections for 2020 only to the next uniform election date, occurring on November 3, 2020, without otherwise adjusting the term of office, and suspending Sections 31.093 and 42.0621(c) of the Texas Election Code to the extent necessary to require all county election officers, if requested by an affected political subdivision, to enter into a contract to furnish election services with any political subdivision who postponed their election to November 3, 2020, under the authority of this proclamation.

The original of this proclamation is attached to this letter of transmittal.

Respectfully submitted,

Gregory S. Davidson
Executive Clerk to the Governor

GSD/gsd

Attachment

Exhibit A to Ordinance 952-2020

PROCLAMATION

BY THE

Governor of the State of Texas

TO ALL TO WHOM THESE PRESENTS SHALL COME:

WHEREAS, Section 41.001(a)(2) of the Texas Election Code provides that a general or special election in this state shall be held on a uniform election date, and the next uniform election date is occurring on May 2, 2020; and

WHEREAS, Section 49.103 of the Texas Water Code provides that certain districts governed by this provision are required to hold director elections in May of each even-numbered year; and

WHEREAS, Section 41.0052 of the Texas Election Code prescribes a procedure for a political subdivision to change a general election date, but the time for making such a change has expired; and

WHEREAS, Section 31.093 of the Texas Election Code requires a county elections administrator to enter into a contract to furnish election services upon request of a political subdivision; and

WHEREAS, Section 42.0621(c) of the Texas Election Code does not require a political subdivision to enter into a contract with a county or hold a joint election with a county on the November uniform election date; and

WHEREAS, on March 13, 2020, the Governor of Texas certified that the novel coronavirus (COVID-19) poses an imminent threat of disaster and, under the authority vested in the Governor by Section 418.014 of the Texas Government Code, declared a state of disaster for all counties in Texas; and

WHEREAS, pursuant to Section 418.016 of the Texas Government Code, the Governor has the express authority to suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business or the orders or rules of a state agency if strict compliance with the provisions, orders, or rules would in any way prevent, hinder, or delay necessary action in coping with a disaster.

NOW, THEREFORE, I, GREG ABBOTT, Governor of Texas, under the authority vested in me by the Constitution and Laws of the State of Texas, do hereby suspend Sections 41.0052(a) and (b) of the Texas Election Code and Section 49.103 of the Texas Water Code to the extent necessary to allow political subdivisions that would otherwise hold elections on May 2, 2020, to move their general and special elections for 2020 only to the next uniform election date, occurring on November 3, 2020, without otherwise adjusting the term of office. I further suspend Sections 31.093 and 42.0621(c) of the Texas Election Code to the extent necessary to require all county election officers, if requested by an affected political subdivision, to enter into a contract to furnish election services with any political subdivision who postponed their election to November 3, 2020, under the authority of this proclamation.

The authority ordering the election under Section 3.004 of the Texas Election Code is the authority authorized to make the decision to postpone its election in accordance with this proclamation.

Current office holders will hold over to the extent authorized by Article XVI, Section 17 of the Texas Constitution.

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
10:00Am O'CLOCK

MAR 18 2020

IN TESTIMONY WHEREOF, I have hereto signed my name and have officially caused the Seal of State to be affixed at my office in the City of Austin, Texas, this the 18th day of March, 2020.

GREG ABBOTT
Governor of Texas

ATTESTED BY:

RUTH R. HUGHS
Secretary of State

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
10:00AM O'CLOCK

MAR 18 2020