

ORDINANCE No. 0319-2020

AN ORDINANCE OF THE CITY OF MART, 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 THREE COUNCILMEMBERS; PROVIDING DETAILS RELATING TO THE HOLDING OF SUCH ELECTION; PROVIDING FOR SEVERABILITY; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT.

WHEREAS, the City Council of the City of Mart (the "City") has called a General Municipal Election to be held on Saturday, May 2, 2020 for the purposes of electing three councilmembers, 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 of the State of Texas issued a proclamation on March 18, 2020, allowing municipalities in the State to postpone their general elections scheduled for May 2, 2020, to November 3, 2020; and;

WHEREAS, the City Council of the City issued a declaration of disaster in the City on March 19, 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 election from May 2, 2020 to November 3, 2020; is

NOW THEREFORE, be it ordained by the City Council of the City of Mart, Texas:

SECTION 1. FINDINGS OF FACT:

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

SECTION 2. POSTPONEMENT OF ELECTION:

The General Municipal Election previously set by ordinance to be held on May 2, 2020 is hereby postponed until 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. CANDIDATE FILINGS UNCHANGED

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: BALLOTS BY MAIL

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: DEADLINES APPLICABLE TO VOTERS

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 19th through October 30th of 2020.

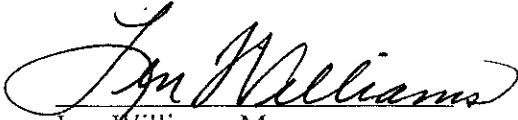
SECTION 6: SEVERABILITY:

If any word, article, phrase, sentence, paragraph, clause or provision of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid, the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision, and to this end the provisions of this Ordinance are declared to be severable.

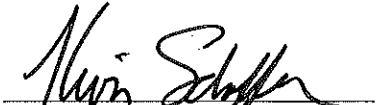
SECTION 7: EFFECTIVE DATE:

This Ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.

PASSED AND APPROVED this 19th day of March, 2020.


Len Williams, Mayor

ATTEST:


Kevin Schaffer, City Secretary

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.

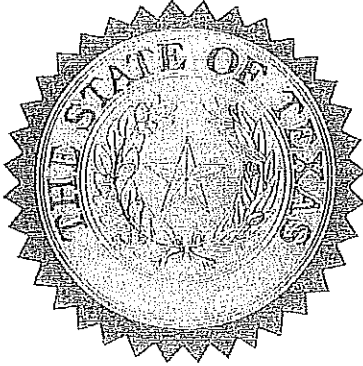
NOW, THEREFORE, I, GREG ABBOTT, Governor of Texas, under the authority vested in me by the Constitution and Laws of the State of Texas, do hereby suspend Sections 41.0052(a) and (b) of the Texas Election Code and Section 49.103 of the Texas Water Code to the extent necessary to allow political subdivisions 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
10:20AM O'GLOCK

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.

Handwritten signature of Greg Abbott in cursive script.

GREG ABBOTT
Governor of Texas

ATTESTED BY:

Handwritten signature of Ruth R. Hughs in cursive script.

RUTH R. HUGHS
Secretary of State

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

MAR 18 2020