

RESOLUTION #2020- 24

A RESOLUTION POSTPONING THE CITY OF KINGSVILLE GENERAL AND SPECIAL ELECTIONS FROM MAY 2, 2020 UNTIL NOVEMBER 3, 2020, WHICH IS THE NEXT UNIFORM ELECTION DATE, PURSUANT TO THE GOVERNOR'S PROCLAMATION DATED MARCH 18, 2020.

WHEREAS, the City Commission of the City of Kingsville pursuant to Article V, Section 9 of the Charter of the City of Kingsville, shall conduct, and the results canvassed and announced by the election authorities prescribed by the General Election Laws of the State of Texas, and said General Election Laws shall control in all municipal elections, except as otherwise herein provided; and

WHEREAS, a resolution ordering the General and Special Election to be held on Saturday, May 2, 2020, as prescribed by the General Election Laws of the State of Texas, was approved at the City Commission at a meeting on February 10, 2020 via Resolution #2020-11 for the purpose of electing a Mayor, four City Commissioners, (since all five commission members' terms expire in May 2020) and for Charter Amendments; and

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 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; and,

WHEREAS, the Governor signed a proclamation on March 18, 2020 suspending Sections 41.0052(a) and (b) of the Texas Election 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

WHEREAS, the Proclamation also stated that the authority ordering the election under Section 3.004 of the Texas Election Code is authorized to make the decision to postpone its election in accordance with the March 18, 2020 proclamation; and

WHEREAS, the Proclamation further stated that current office holders will hold over to the extent authorized by Article XVI, Section 17 of the Texas Constitution; and,

WHEREAS, the President declared a disaster due to the virus on March 13, 2020, the Governor declared a disaster due to the virus on March 13, 2020, and the Mayor declared a disaster due to the virus on March 17, 2020; and,

WHEREAS, there is a rapidly changing public health crisis due to the contagious novel coronavirus and the primary concern is the health and safety of voters, election workers, and our local election officials and the City desires to protect them and reduce the spread of the virus.

NOW THEREFORE, BE IT ORDAINED, by the City Commission of the City of Kingsville, Texas that the City is exercising the authority granted to it in the Proclamation from Governor Abbott dated March 18, 2020 that was filed in the Office of the Texas Secretary of State at 10 a.m. on March 18, 2020 to postpone the General and Special Election that was to be held on Saturday, May 2, 2020 for the purpose of electing a Mayor, four City Commissioners, and for Charter Amendments until Tuesday, November 3, 2020, which is the next uniform election date.

BE IT FURTHER ORDAINED that the candidate filings for the May 2, 2020 election will remain valid for the election to be held on November 3, 2020 and that the filing period will not be re-opened for the November election date.

BE IT FURTHER ORDAINED that all ABBMs for voters that are voting by mail due to being over the age of 65 or due to disability will still be valid for the postponed election, and that ABBMs for voters who submitted ABBMs based on expected absence from the county for the May 2020 election would not be valid for the postponed election in November 2020.

BE IT FURTHER ORDAINED that the major relevant dates for the November election include the voter registration deadline (October 5, 2020), the deadline to submit an ABBM (October 23, 2020), and the dates for early voting (October 19, 2020 - October 30, 2020).

BE IT FURTHER ORDAINED that a separate resolution will be considered prior to August 17, 2020 to make any necessary revisions to the City's original order of election.

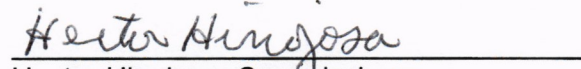
BE IT FURTHER ORDAINED that in accordance with the order of this governing body, the City Secretary Mary Valenzuela posted written notice of the date, place and subject of this meeting, and said notice having been so posted and remaining posted and continuously for at least 72 hours preceding the scheduled time of said meeting.

BE IT FINALLY RESOLVED that this Resolution shall be and become effective on and after adoption.

PASSED AND APPROVED by majority vote of the City Commission of the City of Kingsville, Texas this the 23rd day of March, 2020.


Sam R. Fugate, Mayor

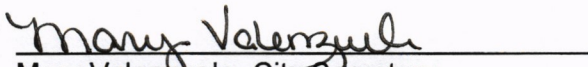

Edna Lopez, Commissioner


Hector Hinojosa, Commissioner


Dianne Leubert, Commissioner


Arturo Pecos, Commissioner

ATTEST:


Mary Valenzuela, City Secretary

APPROVED AS TO FORM:


Courtney Alvarez, City Attorney

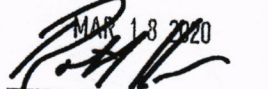


GOVERNOR GREG ABBOTT

March 18, 2020

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

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

MAR 18 2020

Secretary of State

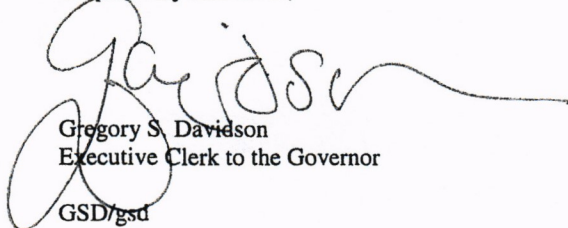
Dear Secretary Hughs:

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

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.

A handwritten signature in cursive script that reads "Greg Abbott".

GREG ABBOTT
Governor of Texas

ATTESTED BY:

A handwritten signature in cursive script that reads "Ruth R. Hughs".

RUTH R. HUGHS
Secretary of State

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

MAR 18 2020