

CITY OF SILSBEE, TEXAS

ORDINANCE NO. 20- 05

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SILSBEE, TEXAS ORDERING THE POSTPONEMENT OF THE MUNICIPAL GENERAL ELECTION SCHEDULED TO BE HELD ON MAY 2, 2020 UNTIL THE NOVEMBER 3, 2020 UNIFORM ELECTION DATE

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

WHEREAS, on March 18, 2020, Governor Greg Abbott issued 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

WHEREAS, that Proclamation by the Governor of the State of Texas also suspended 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; and

WHEREAS, 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; and

WHEREAS, Article XVI Section 17 of the Texas Constitution authorizes that current office holders to continue to perform their duties until a successor is duly qualified; and

WHEREAS, the City Council of the City of Silsbee, Texas finds that in order to promote the safety and welfare of its citizens, it is necessary to exercise the authority provided to it by the Proclamation of the Governor of the State of Texas to postpone its May 2, 2020 election;

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Silsbee Texas that:

SECTION 1. The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

SECTION 2. The City of Silsbee, Texas, shall exercise the authority authorized by the Proclamation of the Governor of the State of Texas to postpone its municipal general and special election scheduled for May 2, 2020 until the uniform election date occurring on November 3, 2020.

SECTION 3. All candidate filings for the May 2, 2020 election shall remain valid for the election held on November 3, 2020. The filing period for the May 2, 2020 election shall not be re-opened for the November 3, 2020 election date.

SECTION 4. All application for a ballot by mail (ABBM) for voters that are voting by mail due to being over the age of 65 or due to disability shall be valid for the postponed election. All ABBMs for voters who submitted ABBMs based on expected absence from the county shall not be valid for the postponed election.

SECTION 5. The major relevant dates for the November 3, 2020 election shall be as follows:

- a. Voter registration deadline – October 5, 2020;
- b. Deadline to submit an ABBM – October 23, 2020; and
- c. Dates for early voting – October 19, 2020 through October 30, 2020.

SECTION 6. The City Council of the City of Silsbee, Texas shall reconvene by August 17, 2020 to make any necessary revisions to the City's original order of election.

SECTION 7. All election records generated for the May 2, 2020 election shall be stored and secured during the postponement period using preservation methods similar to the methods used during the preservation period after a regularly scheduled election, including:

- a. Storing returned ballots by mail in locked, sealed ballot boxes;
- b. Securely storing any unused ballots; and
- c. Securely retaining any relevant election records, including candidate applications and ABBMs.


SECTION 8. This Ordinance shall be effective immediately upon passage.

SECTION 9. It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.


SECTION 10. The second reading of this Ordinance was waived by unanimous affirmative vote of the City Council, in accordance with Section 3.11 of the City Charter.

PASSED & APPROVED this, the 30th day of March, 2020, by the City Council of the Silsbee, Texas.


CITY OF SILSBEE:

By: 
Mayor

ATTEST:


City Secretary

APPROVED AS TO FORM ONLY:


City Attorney