

ORDINANCE NO. 20-04

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HELOTES, TEXAS SUSPENDING SECTIONS 41.0052(A) OF THE TEXAS ELECTION CODE TO THE EXTENT NECESSARY TO ALLOW THE CITY OF HELOTES TO MOVE ITS GENERAL ELECTION SCHEDULED FOR SATURDAY, MAY 2, 2020, TO THE NEXT UNIFORM ELECTION DATE ON TUESDAY, NOVEMBER 3, 2020 AT THE REQUEST OF THE SECRETARY OF STATE AND FOR THE SAFETY OF THE VOTERS AND ELECTION OFFICIALS FROM THE COVID-19 VIRUS; PROVIDING THAT THIS CHANGE OF DATE WILL BE FOR ELECTION YEAR 2020 ONLY AND THE TERMS OF EACH OFFICE WILL NOT BE CHANGED AND WILL EXPIRE IN MAY, 2020; AND REQUIRING THE BEXAR COUNTY ELECTIONS DEPARTMENT TO EXTEND THE CURRENT CONTRACT FOR THE MAY 2, 2020 ELECTION AND TO FURNISH SERVICES FOR THE GENERAL ELECTION ON TUESDAY, NOVEMBER 3, 2020, UPON REQUEST OF THE CITY OF HELOTES AND NOTING THAT ANY CHANGE TO THE COST OF THE ELECTION PER ENTITY WILL BE DEBITED OR CREDITED TO THE CITY OF HELOTES.

WHEREAS, Section 22.003 of the Texas Local Government Code and State Law provide that a General Election shall be held annually for the election of City Officers; and

WHEREAS, Section 41.001(a)(2) of the Texas Election Code provides that a general or special election shall be held on a 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, declared a state of disaster for all counties in Texas; and

WHEREAS, on March 18, 2020, the Governor issued a Proclamation suspending Sections 41.0052(a) of the Texas Election Code to the extent necessary to allow all local political subdivisions to move their elections scheduled for Saturday, May 2, 2020 to the next uniform election date occurring on Tuesday, November 3, 2020.

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

SECTION ONE. ORDER OF POSTPONEMENT. The joint general election with Bexar County, Texas scheduled to be held on Saturday, May 2, 2020 for the purpose of electing one (1) Council Member Place 1, one (1) Council Member Place 2 and one (1) Council Member Place 4 with each to serve a term of two (2) years, terminating in May 2022, is hereby ordered to be postponed to the next uniform election date occurring on Tuesday, November 3, 2020.

SECTION TWO. AUTHORIZATION. The Proclamation signed by the Governor of Texas, attached hereto as Exhibit A, hereby authorizes the City to suspend certain provisions of the

Texas Election Code and postpone their Saturday, May 2, 2020 general election to the next uniform election date occurring on Tuesday, November 3, 2020.

SECTION THREE. FILING. Candidate filings for the Saturday, May 2, 2020 general election will remain valid for the next uniform election date occurring on Tuesday, November 3, 2020. The filing period will not re-open for the November 2020 election date.

SECTION FOUR. HOLDOVERS IN PUBLIC OFFICE. Under Article XVI, Sec. 17 of the Texas Constitution, the individuals who currently hold public office that are scheduled to be on the ballot on the May uniform election date will continue to exercise the duties of those offices until they or the new officers take their oaths of office, following the November 2020 election date.

SECTION FIVE. ADMINISTRATION OF ELECTION. Upon the request of the City, the Elections Administrator of Bexar County, Texas shall act as the Contracting Officer and shall appoint election judges, alternate judges, and clerks for the November 2020 election date.

SECTION SIX. APPLICATIONS FOR BALLOT BY MAIL (ABBM). All ABBM for voters that are voting by mail due to being over the age of 65 or due to a disability will still be valid for the postponed election, and voters who submitted ABBM based on an expected absence from the County will not be valid for the postponed election.

SECTION SEVEN. RELEVANT NOVEMBER 2020 ELECTION DATES. The voter registration deadline shall be October 5, 2020; the deadline to submit an ABBM shall be October 23, 2020, and the dates for early voting shall be October 19, 2020 – October 30, 2020.

SECTION EIGHT. CUSTODIAN. The Council appoints the City Secretary as the Custodian of Records (“Custodian”) and agent for the Council to perform the duties related to the conduct and maintenance of records of the Election, as required under the Texas Election Code. During this postponement period, all records shall be securely stored. Additionally, the City Secretary shall present to the governing body a revised Order of Election no later than August 17, 2020. The revisions to the governing body’s original order will include changes to the election date, any changes to the main early voting location, any changes to the early voting dates and hours, and any other necessary changes.

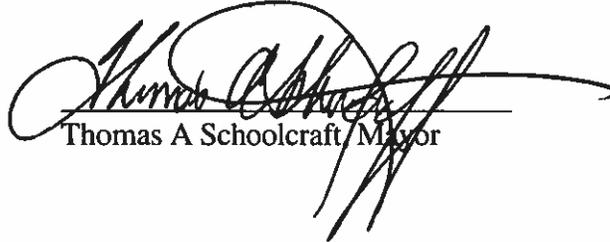
SECTION NINE. PUBLIC NOTICE. The City shall provide notification of the postponement of their Saturday, May 2, 2020 general election to the next uniform election date occurring on Tuesday, November 3, 2020. Notification will be posted on the City digital bulletin board, the City website, social media platforms, and submitted to the Bexar County Elections Department.

SECTION TEN. AUTHORIZATION. By signing this ordinance, the Mayor is authorized, on behalf of the City Council, to order the postponement of the Saturday, May 2, 2020 general election to the next uniform election date occurring on Tuesday, November 3, 2020.

SECTION ELEVEN. SEVERABILITY. Should any part, section, subsection, paragraph, sentence, clause, or phrase contained in this Ordinance be held unconstitutional or of no force and effect, such holding shall not affect the validity of the remaining portion of this Ordinance, but in all respects said remaining portion shall be and remain in full force and effect.

SECTION TWELVE. **EFFECTIVE DATE.** This Ordinance shall be effective immediately upon adoption.

PASSED AND APPROVED this 26th day of March, 2020.

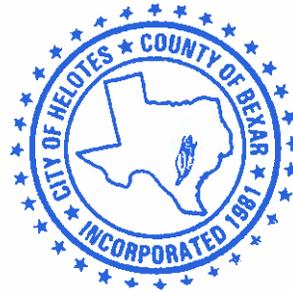


Thomas A Schoolcraft, Mayor

ATTEST:



Celina Perez, City Secretary



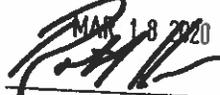


GOVERNOR GREG ABBOTT

March 18, 2020

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

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
10:00 AM '20

MAR 18 2020

Secretary of State

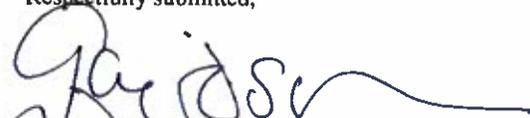
Dear Secretary Hughs:

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
10:00 AM 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.

Handwritten signature of Greg Abbott in black ink.

GREG ABBOTT
Governor of Texas

ATTESTED BY:

Handwritten signature of Ruth R. Hughs in black ink.

RUTH R. HUGHS
Secretary of State

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

MAR 18 2020