

RESOLUTION 2020-08R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FREDERICKSBURG, TEXAS, ORDERING THE POSTPONEMENT OF THE MAY 2, 2020 GENERAL ELECTION (FOR THE PURPOSE OF ELECTING A MAYOR AND TWO COUNCILMEMBERS) UNTIL NOVEMBER 3, 2020; EXTENDING THE TERMS OF CURRENT OFFICEHOLDERS UNDER THE HOLDOVER PROVISION OF THE TEXAS CONSTITUTION; AND ORDERING OTHER MATTERS INCIDENT AND RELATED TO SUCH ELECTION.

WHEREAS, on February 3, 2020, the City Council previously ordered a General Election for May 2, 2020 for the purpose of electing a Mayor and two (2) Councilmembers; and

WHEREAS, on February 17, 2020, the City Council previously adopted Resolution 2020-04R to designate Presiding Judges and Alternate Judges for Election Date, Early Ballot Board and Central Council, and to establish and set forth procedures for conducting the election; 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, 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 changes has expired; and

WHEREAS, the Governor of the State of Texas issued a Proclamation on March 18, 2020, suspending Section 41.0052 (a) and (b) of the Texas Election Code to extent necessary to allow political subdivisions that would otherwise hold a general on May 2, 2020, to move their general election for 2020 only to the next uniform election date, occurring on November 3, 2020, and suspending Sections 31.093 and 42.062(c) of the Texas Election Code to the extent necessary to require all county election officers to enter into a contract to furnish elections services or enter into a Joint Election with any political subdivision that postponed its election to November 3, 2020; and

WHEREAS, the City of Fredericksburg will make provisions to enter into a Joint Election with Gillespie County for sharing of polling sites for Precinct 1-4; and

WHEREAS, the candidate filings for the May 2, 2020 General Election will remain valid for the election held on November 3, 2020 and that the filing period will not be re-opened for the November 3, 2020.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FREDERICKSBURG, TEXAS;

Section One – Moving Election Date. The City Council is exercising authority granted by the Governor’s proclamation and is hereby postponing the General Election that would have been held on Saturday, May 2, 2020, to now be held on the next uniform election date, which is Tuesday, November 3, 2020.

Section Two – Effect of Changing Date on application for Ballot by Mail (ABBM). All applications for ballot by mail submitted by voters that are over the age of 65 or disabled will still be valid for the November 3, 2020, election. However, applications for ballot by mail submitted by voters not over the age of 65 or disabled, but based on expected absence from the county, will **not** be valid for November 3, 2020, election. Applications for ballot by mail for the November 3, 2020, election based on expected absence from the county, and new application by person over the age of 65 or disabled, will need to be received by October 23, 2020. Any mail-in ballots already sent out by the early voting clerk that are returned by the voter to the early voting clerk will be valid for the November 3, 2020, election.

Section Three – Effect of Changing Date of Election Deadlines. Updated relevant deadlines and dates for voters for the November 3, 2020, election:

Voter Registration Deadlines:	October 5, 2020
Deadlines to submit an Application for Ballot by Mail:	October 23, 2020
Early Voting Dates:	October 19, 2020 – October 30, 2020

Section Four - Effect of Changing Dates on Order of Election. The City Council will meet before August 17, 2020 to make any necessary revisions to the City’s original Order of the General Election, which was adopted on February 3, 2020. Those revisions may include:

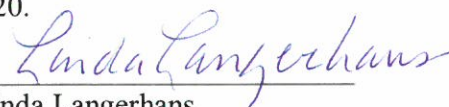
1. Change the date of the election;
2. Any changes in location of the mail early voting location;
3. Any changes to the identity of the early voting clerk and their contract information; or
4. Any changes to the identity of the Presiding Judges and Alternate Judges; or
5. Any changes to early voting branch locations

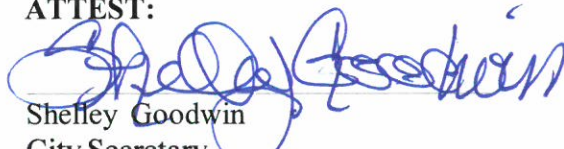
Section Five – Candidate Filings. The City of Fredericksburg candidate filings for the May 2, 2020 election will remain valid for the election held on the November 3, 2020, and the filing period will not be re-opened for the November 3, 2020 Election date.

Section Six – Inconsistent Provisions. All orders, ordinances, and resolution, or parts thereof, which are in conflict or inconsistent with any provisions of this Resolution are hereby repealed to the extent of such conflict, and the provisions of the Resolution shall be and remain controlling as to the matters ordered herein.

Effective Date. This resolution shall be effective upon its adoption.

PASSED AND APPROVED this 6th day of April, 2020.


Linda Langerhans
Mayor

ATTEST:

Shelley Goodwin
City Secretary