

RESOLUTION NO. R-2020-14

A RESOLUTION ORDERING THE POSTPONEMENT OF THE MAY 2ND, 2020 ELECTION TO ELECT A MAYOR AT LARGE AND CITY COUNCIL MEMBERS FOR SINGLE MEMBER DISTRICTS NUMBERS 2, 4 AND 6; ORDERING THAT SAID ELECTION BE MOVED TO THE NEXT UNIFORM ELECTION DATE ON THE 3RD DAY OF NOVEMBER, 2020, WITHOUT OTHERWISE ADJUSTING THE TERM OF OFFICE; MAKING PROVISIONS TO CONTRACT WITH THE COUNTY ELECTIONS ADMINISTRATOR TO FURNISH ELECTION SERVICES FOR SAID POSTPONED ELECTION AND RESOLVING OTHER MATTERS INCIDENT AND RELATED TO SUCH POSTPONEMENT AND MOVING OF SAID ELECTION; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, Section 41.001(a)(2) of the Texas Election Code provides that a general or special election in Texas 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, on March 18, 2020 the Governor of Texas issued Proclamation authorizing 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, Proclamation suspends 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, Proclamation also suspends 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 said proclamation; and

WHEREAS, Proclamation authorizes the authority ordering the election under Section 3.004 of the Texas Election Code to make the decision to postpone its election in accordance with said proclamation, and permits current office holders to hold over to the extent authorized by Article XVI, Section 17 of the Texas Constitution; and

WHEREAS, the City of Tyler, Texas ordered its May 2nd, 2020 election, and believes it would be in the best interests of the City and its citizens to exercise its authority pursuant to Proclamation to postpone the May 2nd, 2020 Election for a Mayor at large and City Council Members for Single Member Districts Numbers 2, 4 and 6, and to move said election to the next uniform election date on November 3rd, 2020;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS:

PART 1: That pursuant to the March 18, 2020 proclamation issued by the Governor of Texas, Proclamation, the City of Tyler, Texas is exercising its authority under said proclamation and hereby **ORDERS** the May 2nd, 2020 Election for a Mayor at large and City Council Members for Single Member Districts Numbers 2, 4 and 6, be postponed and moved to the next uniform election date on November 3rd, 2020, without otherwise adjusting the term of office.

PART 2: That the candidate filings for the May 2nd, 2020 election shall remain valid for the election held on November 3rd, 2020 and the filing period not be re-opened for the November 3rd, 2020 election date.

PART 3: That all applications 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 still be valid** for the November 3rd, 2020 election, and that ABBM for voters who submitted ABBM based on expected absence from the county during the May 2nd, 2020 election **shall not be valid** for the November 3rd, 2020 election date.

PART 4: That pursuant to Proclamation, the City of Tyler hereby requests to enter into a contract with the Smith County Elections Administrator to furnish election services for the said November 3rd, 2020 election.


PART 5: That the major relevant dates for the November 3rd, 2020 election include the following:

- a. The voter registration deadline - October 5, 2020,
- b. The deadline to submit an ABBM - October 23, 2020, and
- c. The dates for early voting - October 19, 2020 – October 30, 2020.

PART 6: That a copy of this Resolution shall be sufficient notice of said postponement of the May 2nd, 2020 election and of the moving of said election to the next uniform election date on November 3rd, 2020.

PART 7: That this Resolution shall take effect immediately from and after its passage, as indicated below.

PASSED AND APPROVED this 25th day of March, A. D. 2020.




MARTIN MEDINA, MAYOR
OF THE CITY OF TYLER, TEXAS

ATTEST:

APPROVED:



CASSANDRA BRAGER, CITY CLERK



The seal is circular with a dotted border. Inside the border, the words "CITY OF TYLER" are written in an arc at the top, and "TEXAS" is written in an arc at the bottom. In the center, the word "SEAL" is written in large, bold, serif letters. Below "SEAL" are two horizontal lines with a small circle in the center between them.



DEBORAH G. PULLUM,
CITY ATTORNEY