

**RESOLUTION NO. R-2020-82**

**A RESOLUTION ORDERING AN ELECTION TO BE HELD IN THE CITY OF TYLER ON THE 3RD DAY OF NOVEMBER, 2020, DUE TO THE POSTPONEMENT OF THE MAY 2<sup>ND</sup>, 2020 ELECTION, FOR THE PURPOSE OF ELECTING A MAYOR AT LARGE AND CITY COUNCIL MEMBERS FOR SINGLE MEMBER DISTRICT NUMBERS 2, 4 AND 6 WITHOUT OTHERWISE ADJUSTING THE TERM OF OFFICE; MAKING PROVISIONS TO CONTRACT WITH THE COUNTY ELECTIONS ADMINISTRATOR TO FURNISH ELECTION SERVICES FOR THE CONDUCT OF A JOINT ELECTION AND RESOLVING OTHER MATTERS INCIDENT AND RELATED TO SUCH ELECTION 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 a 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**, the Governor's March 18, 2020, 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**, the 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 2<sup>nd</sup>, 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 2<sup>nd</sup>, 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 3<sup>rd</sup>, 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, the City of Tyler, Texas is exercising its authority under said proclamation and hereby ORDERS the May 2<sup>nd</sup>, 2020 Election only 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 3<sup>rd</sup>, 2020, without otherwise adjusting the term of office of said Election.

**PART 2:** That an election that would otherwise would have been held on May 2<sup>nd</sup>, 2020, be and the same is hereby ordered to be held within the jurisdiction of the City of Tyler, Texas on the 3<sup>rd</sup> day of November, 2020, pursuant to the laws of the State of Texas and a Proclamation issued by the Governor on March 8<sup>th</sup>, 2020. Such election shall be held for the purpose of electing the Mayor at Large and three Council Members to fill the Places for Single Member District Number 2 (also known as the West District); Single Member District Number 4 (also known as the Northeast District); and Single Member District Number 6 (also known as the South District).

**PART 3:** That the term of office for the election postponed to November 3<sup>rd</sup>, which otherwise would have been held on May 2<sup>nd</sup>, 2020, shall be an unadjusted two-year term beginning May 2<sup>nd</sup>, 2020 and ending on May 2<sup>nd</sup>, 2022, unless sooner removed under the provision of the Charter, or until their successor shall have been elected and qualified.

**PART 4:** That the candidate filings for the May 2<sup>nd</sup>, 2020 election shall remain valid for the election held on November 3<sup>rd</sup>, 2020 and the filing period shall not be re-opened for the November 3<sup>rd</sup>, 2020 election date.

**PART 5:** That the major relevant dates for the November 3<sup>rd</sup>, 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 13, 2020 – October 30, 2020.

**PART 6:** All applications for a ballot by mail (ABBMs) that were filed for the May 2, 2020 election that are marked annual would apply for the November 3, 2020 election. All single use ABBMs that were submitted for reasons of age or disability would still be valid for the November 3, 2020 election. If a single use ABBM was submitted and indicated the reason for voting by mail was due to absence from the county, this ABBM would not be valid as the applicable election date has changed.

**PART 7:** That pursuant to the 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 3<sup>rd</sup>, 2020 election.

**PART 8:** That it is agreed that the City of Tyler and Smith County hold a joint election where common polling places are possible, and that, in accordance with Chapter 271 of the Texas Election Laws, the election herein ordered shall be held as a joint election with Smith County, and a single ballot shall be utilized for the candidates to be voted on at such joint election. The joint election, including early voting, shall be conducted by the County Election Administrator, as set out in a contract with said official, and in accordance with Section 31.091 through 31.100, Contract for Election Services.

**PART 9:** That said election shall be held and conducted in the manner and within the hours prescribed for general elections by the laws of the State of Texas insofar as they may be applicable, and all persons qualified to vote in said City under the laws of this State regulating general elections shall be allowed to vote.

**PART 10:** That all election instructions and ballots shall be printed in both English and Spanish as required by the Texas Election Code Sections 272.002 through 272.011.

**PART 11:** That polling places shall be open between the hours of 7:00 o'clock a.m. and 7:00 o'clock p.m.

**PART 12:** The candidate receiving a majority of the votes cast for their respective office shall be declared elected. If any candidate shall not receive a majority of the votes cast for that position, a run-off election shall be ordered for such office. Candidates for all offices shown above shall be voted for and elected separately.

The Mayor shall be elected at Large. Council Members for Single Member Districts Numbers 2, 4 and 6, shall be filled by a person residing in each district respectively who receives the majority of the votes cast by voters in that district. Only voters living in each district shall vote for that District's Council Member.

**PART 13:** Candidates elected to the City offices stated hereinabove in Part 1 shall hold office as may be provided by the Charter of the City of Tyler, Texas, for a period of two (2) years following their election or until their successor has been duly elected and qualified.

**PART 14:** All requests by candidates to have their names placed upon the respective ballots shall be in writing, shall designate the office filed for shall be signed by the candidate and comply with state law concerning filing time deadlines. In addition to said application, all candidates shall make such other filings as may be required by law.

**PART 15:** The voting places shall be as follows:

## Early Voting Locations

Tuesday, October 13, 2020 - Friday, October 16, 2020	8:00 am – 5:00 pm
Monday, October 19, 2020 – Friday, October 23, 2020	8:00 am – 5:00 pm
Saturday, October 24, 2020	7:00 am – 7:00 pm
Sunday, October 25, 2020	12:00 pm – 5:00 pm
Monday, October 26, 2020 - Friday, October 30, 2020	7:00 am – 7:00 pm

### Main Early Voting Location:

The HUB - Smith County Elections Office  
304 East Ferguson Street  
Tyler, Texas 75702

The Heritage Building  
1900 W Bellwood Rd  
Tyler, Texas 75701

Noonday Community Center  
16662 CR 196  
Tyler, Texas 75703

Whitehouse Municipal Court  
311 E Main St.  
Whitehouse, Texas 75791

### Additional Early Voting Locations:

See exhibit A

Each Presiding Judge shall appoint at least two (2) clerks to serve in his precinct and shall appoint as many additional clerks to so serve, not to exceed seven (7), as they deem necessary for the proper conduct of the election, one of whom shall be the Alternate Presiding Judge in that precinct, which said Presiding Judges and clerks shall be the managers of said election.

If any Presiding Judge is unable to serve at the election, the Alternate Presiding Judge of that precinct shall serve as the Presiding Judge for the election.

**PART 16:** Early voting by personal appearance shall be located at 304 East Ferguson Street, Tyler, Texas. The Elections Administrator is appointed as the early voting clerk for the joint election. The time of early voting shall be as prescribed by law, being

Tuesday, October 13, 2020 - Friday, October 16, 2020	8:00 am – 5:00 pm
Monday, October 19, 2020 – Friday, October 23, 2020	8:00 am – 5:00 pm
Saturday, October 24, 2020	7:00 am – 7:00 pm
Sunday, October 25, 2020	12:00 pm – 5:00 pm
Monday, October 26, 2020 - Friday, October 30, 2020	7:00 am – 7:00 pm

Applications for early voting ballots by mail should be addressed to Karen Nelson, Elections Administrator, 304 E. Ferguson St, Tyler, Texas 75702, in accordance with the provisions of the Texas Election Laws.

For purposes of processing ballots cast in early voting, the following persons are appointed to the early Voting Ballot Board for this joint election:

Maurine Smith  
Arvilla Banks

Presiding Judge  
Alternate Presiding Judge

**PART 17:** The Central Counting Station for the tabulation and counting of ballots for this joint election shall be located at the Smith County Courthouse, Tyler, Texas and the persons hereby appointed to serve as Manager, Tabulation Supervisor and the Presiding Judge at the Central Counting Station are as follows:

Karen Nelson  
Karen Nelson  
Karen Nelson

Manager  
Tabulation Supervisor  
Presiding Judge

The Manager and Presiding Judge of the Central Counting Station may appoint clerks to serve at such Station, as provided by Section 127.006 of the Texas Election Laws.

**PART 18:** A copy of this resolution shall be sufficient notice of said election and the City Councilmembers of the City of Tyler are hereby ordered and directed to give notice of the time and place of said election by causing a true copy of this resolution to be published in some newspaper of general circulation in this City not less than ten (10) days nor more than thirty (30) days before the election.

**PART 19:** That a copy of this Resolution shall be sufficient notice of said postponement of the May 2<sup>nd</sup>, 2020 election and of the moving of said election to the next uniform election date on November 3<sup>rd</sup>, 2020.

**PART 20:** That this Resolution shall take effect immediately from and after its passage, as indicated below.

**PASSED AND APPROVED** this 9th day of September, A. D. 2020.

ATTEST:

*Cassandra Brager*  
CASSANDRA BRAGER, CITY CLERK



*Martin Heines*  
MARTIN HEINES, MAYOR  
OF THE CITY OF TYLER, TEXAS

APPROVED:

*Deborah G. Pullum*  
DEBORAH G. PULLUM,  
CITY ATTORNEY