

ORDINANCE NO. 1223-04-20

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HONDO, TEXAS SUSPENDING SECTIONS 41.0052(A) OF THE TEXAS ELECTION CODE TO THE EXTENT NECESSARY TO ALLOW THE CITY OF HONDO, THAT WOULD OTHERWISE HOLD AN ELECTION ON SATURDAY, MAY 2, 2020, TO MOVE THEIR GENERAL ELECTION AND SPECIAL ELECTION FOR 2020 ONLY, TO THE NEXT UNIFORM ELECTION DATE ON TUESDAY, NOVEMBER 3, 2020; PROVIDING THAT THE TERMS OF OFFICE NOT BE ADJUSTED; AND REQUIRING THE CITY SECRETARY TO ENTER INTO A CONTRACT WITH THE MEDINA COUNTY ELECTIONS DEPARTMENT TO FURNISH SERVICES FOR THE ELECTION ON TUESDAY, NOVEMBER 3, 2020, UPON THE REQUEST OF THE CITY.

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 January 13, 2020, City Council approved Resolution 341-20 calling for a General Election to be held on May 2, 2020; and

WHEREAS, on February 10, 2020, City Council approved Resolution 342-20 calling for a Special Election to be held on May 2, 2020 to amend the City Charter; 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 signed a Proclamation suspending Sections 41.0052(a) of the Texas Election Code to the extent necessary to allow political subdivisions to move their election that would otherwise be held on 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 HONDO, TEXAS THAT:

SECTION ONE. ORDER OF POSTPONEMENT. The joint general election with Medina County, Texas schedule to be held on Saturday, May 2, 2020 for the purpose of electing Councilman Place 3, Councilman Place 4 with each to serve a term of three (3) years, terminating in May 2023, is hereby ordered to be postponed to the next uniform election date occurring on Tuesday, November 3, 2020.

SECTION TWO. ORDER OF POSTPONEMENT. The joint special election with Medina County, Texas schedule to be held on Saturday, May 2, 2020 for the purpose of amending the City Charter is hereby ordered to be postponed to the next uniform election date occurring on Tuesday, November 3, 2020.

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

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

SECTION SEVEN. APPLICATIONS FOR BALLOT BY MAIL (ABBMs). All ABBMs 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 ABBMs based on an expected absence from the County will not be valid for the postponed election.

SECTION EIGHT 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 NINE. CUSTODIAN. The Council appoints the City Secretary as the Custodian of Records (“Custodian”) and agent to 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 City Council’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 TEN. 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 bulletin board, the City website, and submitted to the Medina County Elections Department.

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

PASSED, APPROVED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF HONDO, TEXAS, ON THIS 13TH DAY OF APRIL, 2020.



JAMES W. DANNER, Sr., Mayor

ATTEST:



Miguel Cantu, City Secretary



