

ORDINANCE NO. 2020-03

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS, ORDERING THAT THE GENERAL ELECTION AND SPECIAL ELECTION SCHEDULED TO BE HELD ON SATURDAY, MAY 2, 2020, BE POSTPONED TO TUESDAY, NOVEMBER 3, 2020; AUTHORIZING ELECTION SERVICES AGREEMENT AND JOINT ELECTION AGREEMENT FOR THE NOVEMBER 3, 2020 ELECTIONS; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on or about March 13, 2020, the Governor of the State 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 in every county in the State of Texas; and

WHEREAS, on or about March 18, 2020, the Governor issued a Proclamation suspending certain sections of the Texas Election Code, among others, to allow political subdivisions of the State that would otherwise hold elections on May 2, 2020, to postpone elections to the next uniform election date, November 3, 2020; and

WHEREAS, on or about January 14, 2020, the City adopted Ordinance No. 2020-01 which, in part, ordered a General Election for Saturday, May 2, 2020, to elect a Mayor and two (2) City Council members to the City Council, Places 2 and 4; and

WHEREAS, on or about February 11, 2020, the City adopted Ordinance No. 2020-02 which, in part, ordered a Special Election for Saturday, May 2, 2020, to fill the vacancy for the unexpired term for City Council member Place 1; and

WHEREAS, it is pursuant to the authority of the Governor's March 13, 2020, disaster declaration and the March 18, 2020, proclamation that this Ordinance is adopted; *i.e.*, to postpone the City of Montgomery General Election and Special Election from Saturday, May 2, 2020, to Tuesday, November 3, 2020.

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

SECTION 1

All of the above findings are hereby found to be true and correct and are hereby incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2

The General Election scheduled for Saturday, May 2, 2020, to elect a Mayor and two (2) City Council members, Places 2 and 4 on the Montgomery City Council and the Special Election scheduled for May 2, 2020, to fill the vacancy for the unexpired term of City Council member Place 1 are hereby postponed until Tuesday, November 3, 2020, pursuant to the authority referenced in the Preamble to this Ordinance, and it is hereby so ordered.

SECTION 3

That the Mayor is authorized to execute the Election Services Agreement and Joint Election Agreement with Montgomery County Elections for the November 3, 2020 City of Montgomery General and Special Elections.

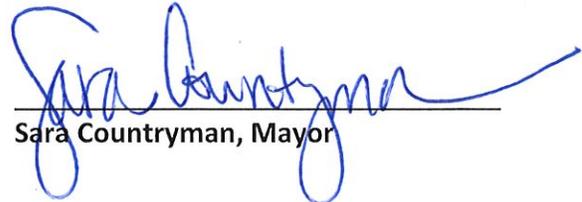
SECTION 4

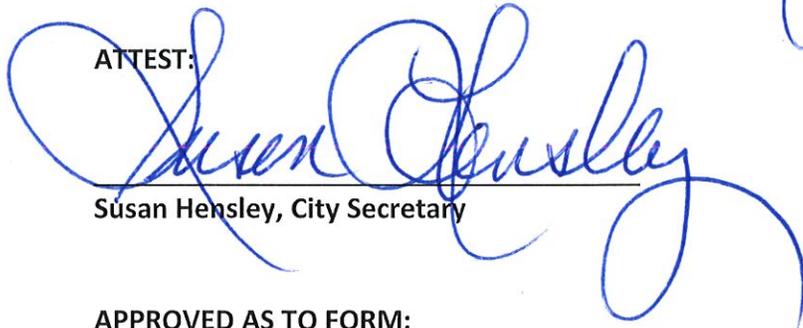
Pursuant to Election Advisory No. 2020-12, issued by the Texas Secretary of State's Office on or about March 18, 2020, this Order also makes the following findings, and incorporates them by reference into this Ordinance: (1) all candidate filings for the May 2, 2020, general and special election shall remain valid for the November 3, 2020, General Election and Special Election; (2) the filing period will not be re-opened for the November 3, 2020, general and special election; (3) all applications for a ballot by mail for voters who are voting by mail due to being over the age of 65 or due to disability will remain valid for the postponed election whereas all applications for a ballot by mail based upon a voter's expected absence from the county will not be valid for the postponed election; and (4) the major relevant dates for the November 3, 2020, general and special elections are as follows: deadline for registration to vote in the November 3, 2020, elections—October 5, 2020; the deadline to submit an application for a ballot by mail—October 23, 2020; and early voting—October 19, 2020, through October 30, 2020.

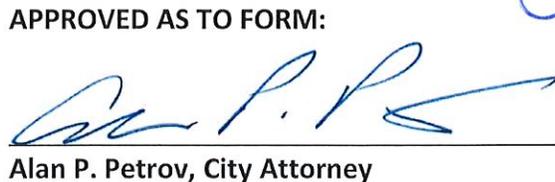
SECTION 5

This Ordinance shall become effective from and after its passage.

PASSED, APPROVED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS, ON THIS 23rd DAY OF MARCH, 2020.


Sara Countryman, Mayor

ATTEST:

Susan Hensley, City Secretary

APPROVED AS TO FORM:

Alan P. Petrov, City Attorney

