Ordinance No. 20-741

An ordinance amending ordinance No. 20-264 ordering an election to be held in the City of Denton, Texas, on May 2, 2020 and, if a runoff election is required, on June 13, 2020, for the purpose of electing council members to Places 5 and 6 and electing a mayor to Place 7 of the City Council of the City of Denton, to postpone the date of the election; confirming candidate filings; providing dates for voter registration, applications for a ballot by mail, and early voting; authorizing the city manager to join a petition approved by city council to the governor for an election date prior to November 3, 2020; authorizing the city manager and city secretary to coordinate with the elections administrator of Denton County as necessary; providing a savings clause; providing an open meetings clause; and providing an effective date.

Whereas, on February 4, 2020, the City Council passed Ordinance No. 20-264 which ordered an election for council members to places 5 and 6 and a mayor to place 7 of the City Council; and

Whereas, on March 13, 2020, the Mayor declared a state of emergency related to the COVID-19 pandemic; and

Whereas, on March 17, 2020, the City Council through Ordinance No. 20-721 extended the state of emergency; and

Whereas, on March 18, 2020, Governor Greg Abbott issued a proclamation, attached hereto as Exhibit "A" (the "Proclamation") suspending Section 41.0052(a) and (b) of the Texas Election Code and allowing political subdivisions to move their general and special elections set on May 2, 2020 to the next uniform election date, November 3, 2020, without otherwise adjusting the term of office; and

Whereas, the City Council finds it is in the public health, safety, and interest to postpone the election of council members to places 5 and 6 and mayor to place 7 pursuant to the Proclamation; now, therefore,

The Council of the City of Denton hereby ordains:

Section 1. The findings and recitations contained in the preamble of this Ordinance are true and correct and are hereby incorporated into the body of this Ordinance by reference.

Section 2. Pursuant to the March 18, 2020 Proclamation of Governor Greg Abbott, City of Denton Ordinance No. 20-264 is hereby amended to postpone the date of the ordered election for the purpose of electing council members for Places 5 and 6 and electing a mayor to Place 7 from Saturday, May 2, 2020, to Tuesday, November 3, 2020. In the event a runoff is required, the
runoff election shall be ordered in accordance with law.

SECTION 3. Pursuant to the March 18, 2020 Proclamation of Governor Greg Abbott, the voter registration deadline is October 5, 2020, the deadline to submit an applications for a ballot by mail (ABBM) is October 23, and the dates for early voting are October 19, 2020 through October 30, 2020.

SECTION 4. The candidate filings for the election originally ordered for May 2, 2020 will remain valid for the election held on November 3, 2020 and that filing period will not be re-opened for the November election date.

SECTION 5. All ABBMs due to being over the ages of 65 or due to disability will still be valid for the November 3, 2020 election; ABBMs for voters who submitted ABBMs based on expected absence from the country will not be valid for the November 3, 2020 election.

SECTION 6. The City Manager is authorized to join, on behalf of the City, a petition approved by City Council with other Texas municipalities requesting an election date prior to November 3, 2020. The City reserves the right to further amend to Ordinance 20-264 and this Ordinance with a different date, except that if no further amendment is made by May 31, 2020, the City will cease petitioning for a different date.

SECTION 7. The City Manager and City Secretary are authorized to work with the Elections Administrator of Denton County to confirm the locations, dates, and times for early voting by personal appearance and for any other purpose related to the election.

SECTION 8. All other portions of Ordinance No. 20-264 not specifically amended above shall remain in full force and effect.

SECTION 9. The manner of holding such election and all questions pertaining thereto shall be governed by the election laws of the State of Texas.

SECTION 10. The City Council has found and determined that the meeting at which this Ordinance is considered is open to the public, and that notice thereof was given in accordance with provisions of the Texas open meetings law, as amended by the Governor during a declared state of emergency, and that a quorum of the City Council was present.

SECTION 11. This Ordinance shall become effective immediately upon its passage and approval.

The motion to approve this ordinance was made by **GERARD HUDSPETH** and seconded by **JOHN RYAN**, the ordinance was passed and approved by the following vote ([4 - 3]):
Chris Watts, Mayor: | Aye | Nay | Abstain | Absent |
---|---|---|---|---|
Gerard Hudspeth, District 1: | ✓ | | | |
Keely G. Briggs, District 2: | | ✓ | | |
Jesse Davis, District 3: | ✓ | | | |
John Ryan, District 4: | ✓ | | | |
Deb Armintor, At Large Place 5: | | ✓ | | |
Paul Meltzer, At Large Place 6: | | ✓ | | |

PASSED AND APPROVED this the 20th day of March, 2020.

CHRIS WATTS, MAYOR

ATTEST:

ROSA RIOS, CITY SECRETARY

APPROVED AS TO LEGAL FORM:
AARON LEAL, CITY ATTORNEY

CERTIFICATE

I certify that the above Ordinance was posted on the bulletin board at the City Hall of the City of Denton, Texas, on the 24th of March, 2020 at 5:12 p.m.

Rosa Rios, City Secretary
March 18, 2020

The Honorable Ruth R. Hughs  
Secretary of State  
State Capitol Room 1E.8  
Austin, Texas 78701

Dear Secretary Hughs:

Pursuant to his powers as Governor of the State of Texas, Greg Abbott has issued the following:

A proclamation suspending 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 suspending 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 this proclamation.

The original of this proclamation is attached to this letter of transmittal.

Respectfully submitted,

Gregory S. Davison  
Executive Clerk to the Governor  
GSD/gsd

Attachment

"EXHIBIT A"
PROCLAMATION
BY THE
Governor of the State of Texas

TO ALL TO WHOM THESE PRESENTS SHALL COME:

WHEREAS, Section 41.001(a)(2) of the Texas Election Code provides that a general or special election in this state shall be held on a uniform election date, and the next uniform election date is occurring on May 2, 2020; and

WHEREAS, Section 49.103 of the Texas Water Code provides that certain districts governed by this provision are required to hold director elections in May of each even-numbered year; 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.

NOW, THEREFORE, I, GREG ABBOTT, Governor of Texas, under the authority vested in me by the Constitution and Laws of the State of Texas, do hereby suspend 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. I further suspend 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 this proclamation.

The authority ordering the election under Section 3.004 of the Texas Election Code is the authority authorized to make the decision to postpone its election in accordance with this proclamation.

Current office holders will hold over to the extent authorized by Article XVI, Section 17 of the Texas Constitution.

FILED IN THE OFFICE OF THE SECRETARY OF STATE
1:01:25 AM 03/18/2020
MAR 18 2020
IN TESTIMONY WHEREOF, I have hereto signed my name and have officially caused the Seal of State to be affixed at my office in the City of Austin, Texas, this the 18th day of March, 2020.

GREG ABBOTT
Governor of Texas

ATTESTED BY:

RUTH R. HUGHS
Secretary of State