

RESOLUTION 20-11

A RESOLUTION OF THE CITY OF COLEMAN, TEXAS POSTPONING A SPECIAL ELECTION ON THE QUESTION OF AMENDMENTS TO THE CITY OF COLEMAN'S HOME RULE CHARTER PREVIOUSLY CALLED FOR SATURDAY, MAY 2, 2020 TO NOVEMBER 3, 2020 AS ALLOWED BY PROCLAMATION OF THE GOVERNOR ISSUED ON MARCH 18, 2020.

WHEREAS, the City of Coleman, Texas (the "City") has called a General Election (the "General Election") for the purpose of electing two (2) members of the City Council, Place 1 Councilmember, North Ward and Place 4 Councilmember, South Ward to be held on May 2, 2020; and

WHEREAS, the City has called a Special Election (the "Special Election") on the question of amendments to the City's Home Rule Charter to be held on May 2, 2020; and

WHEREAS, on March 24, 2020 the City Council cancelled the General Election and declared the unopposed candidates for Place 1 Councilmember, North Ward--Tracy Rankin, and Place 4 Councilmember, South Ward--Monte Sides to be elected to office; and

WHEREAS, due to the outbreak of COVID-19, the Governor of the State of Texas issued a declaration of disaster on March 13, 2020; and

WHEREAS, due to the outbreak of COVID-19, the Mayor of the City issued a declaration of disaster on March 19, 2020; and

WHEREAS, the City Council of the City finds it to be in the best interest of the health, safety and welfare of its citizens to postpone the Special Election from May 2, 2020 to November 3, 2020.

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

ARTICLE 1

SECTION 1. The facts and findings set forth in the preamble to this resolution are hereby found to be true and correct.

SECTION 2. The Special Election previously called to be held on May 2, 2020 is hereby postponed to November 3, 2020, pursuant to the authority contained in the proclamation of the Governor of the State of Texas dated March 18, 2020, a true and correct copy of which is attached hereto as Exhibit "A."

SECTION 3. Since the Special Election is only for questions on the amendments to the City’s Home Rule Charter, there are no candidate filings and/or candidate filing period for the Special Election.

SECTION 4. This resolution confirms and orders the following: (a) that all applications for ballot by mail (“ABBMs”) for voters that are voting by mail due to being over the age of 65 or due to disability will still be valid for the postponed Special Election; and (b) that ABBMs for voters who submitted ABBMs based on expected absence from the City would not be valid for the postponed Special Election.


SECTION 5. The deadline to register to vote in the November election is October 5, 2020. All applications for ballot by mail for the November election must be submitted no later than October 23, 2020. Early voting will be conducted October 19 through October 30, 2020.

SECTION 6. The City Secretary is hereby authorized and directed to publish and/or post, in the time and manner prescribed by law, all notices required to be so published and/or posted in connection with the postponing of the Special Election.

DULY PASSED by the Council of the City of Coleman, Texas, this 24th day of March, 2020.



APPROVED:


Tommy Sloan, Mayor

ATTEST:


Karen Langley, City Secretary



GOVERNOR GREG ABBOTT

March 18, 2020

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

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
10:00 AM '20
MAR 18 2020
Ruth R. Hughs
Secretary of State

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

Attachment

POST OFFICE BOX 12428 AUSTIN, TEXAS 78711 512-463-2000 (VOICE) DIAL 7-1-1 FOR RELAY SERVICES

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
10:20 AM O'CLOCK

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.

Handwritten signature of Greg Abbott in cursive script.

GREG ABBOTT
Governor of Texas

ATTESTED BY:

Handwritten signature of Ruth R. Hughs in cursive script.

RUTH R. HUGHS
Secretary of State

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
10:00 AM O'CLOCK

MAR 18 2020